

STANDARDS COMMITTEE

Wednesday, 7th March, 2012

10.00 am

**Wantsum Room, Sessions House, County Hall,
Maidstone**



AGENDA



STANDARDS COMMITTEE

Wednesday 7 March 2012 at 10.00 am
Wantsum Room, Sessions House, County Hall,
Maidstone

Ask for: **Peter Sass**
Telephone: **01622 694002**

Tea/Coffee will be available 15 minutes before the start of the meeting in the meeting room

Membership

Miss R MacCrone (Chairman), Mr L Christie, Mr D S Daley, Mr K A Ferrin, MBE,
Mrs N Ahmed and Mr P Gammon, MBE

UNRESTRICTED ITEMS

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

- 1 Substitutes/apologies
- 2 Declarations of Interest
- 3 Minutes of the meeting held on 17 November 2011 (Pages 1 - 4)
- 4 Localism Act 2011 - Changes To Standards Regime (Pages 5 – 16)
- 5 Member Role Descriptions and New Governance Arrangements for Kent County Council (Pages 17 - 24)
- 6 Any other urgent business
- 7 Date of Next Meeting

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
(01622) 694002

Tuesday, 28 February 2012

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.

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KENT COUNTY COUNCIL

STANDARDS COMMITTEE

MINUTES of a meeting of the Standards Committee held in the Bewl Room, Sessions House, County Hall Maidstone on Thursday, 17 November 2011.

PRESENT: Mr P Gammon, MBE (Chairman), Mrs N Ahmed, Mr L Christie, Mr D S Daley, Mr J F London (Substitute for Mr K A Ferrin, MBE), Mrs N Ahmed and Mr P Gammon, MBE

ALSO PRESENT: Mr G Cowan, Mr A J King, MBE and Mr T Prater (on behalf of Mrs T Dean)

IN ATTENDANCE: Mr G Wild (Director of Governance and Law), Mr P Sass, Head of Democratic Services

UNRESTRICTED ITEMS

30. Substitutes/apologies

(Item 1)

Apologies were received from Roberta MacCrone and John London was a substitute for Keith Ferrin.

31. Election of Chairman

(Item)

Resolved: that, in the absence of the Chairman, Mr Gammon be elected Chairman for this meeting only.

32. Declarations of Interest

(Item 2)

There were no declarations of interest made by Members of the Committee.

33. Minutes of the meeting held on 5 October 2011

(Item 3)

Resolved: that the minutes of the previous meeting held on 5 October 2011 be approved as a correct record and signed by the Chairman.

34. The Localism Bill - proposed changes to the Standards regime

(Item 4)

(1) At its previous meeting, the Committee had agreed to have a discussion with Group Leaders about the future shape of the ethical standards regime on the basis that the proposals currently contained in the Localism Bill would be enacted as drafted.

(2) Mr Alex King was present for Mr Carter. Mr Prater was present for Mrs Dean. Mr Cowan had given his apologies for the meeting, but Mr Christie gave the views of the Labour Group.

(3) The Committee noted that, following the third reading of the Bill in the House of Lords on 27 October, it was likely that local authorities would have to adopt a Code of Conduct based on the seven Nolan Principles of public life and to include provisions on the registration and disclosure of pecuniary and other interests. The amendments also included a provision that local authorities must appoint at least one independent person whose views must be sought and taken into account before the authority came to a decision following an investigation that a Member had breached the Code. It was noted that these amendments were accepted by the House of Lords and that, with the exception of the abolition of the Standards Board for England and the sanctions available to local authorities in relation to breaches of the Code, the existing regime was likely to remain almost intact.

(4) During discussion, the following points were made:

- It was suggested that KCC, the Police and Fire Authorities might be able to share a single Standards Committee, as the business across the existing Committees varied so much
- Whilst the final legislation was awaited, there was a strong chance that any independent Members required in the future could not have been serving co-opted members in the previous 5 years, which might preclude existing Members from serving on any new Standards Committee
- The role of any independent Members in the future was an important aspect in terms of whether their views on complaints were merely advisory, or if they have a right to vote on whether a Member had breached the Code of Conduct and any sanction that might follow
- The idea of a County-wide Standards Committee was also floated, although some Members thought that the District Councils would not support such a move
- There was agreement round the table that any changes to the current regime must support and reinforce the integrity of Members and that the perception of the public about the way in which the County Council policed itself was very important
- There was support for a single Code of Conduct for all Councils in Kent, but that the sovereignty of individual Councils should not be affected

(5) The Committee concluded that the next step was for the Head of Democratic Services to prepare a further paper, which would form the basis of consultation with the political groups before coming to the Standards Committee and then the full Council in the New Year. The paper would have to reflect the final shape of the legislation, although the Committee noted that it was highly likely to include the retention of a Code of Conduct and a body with a similar role to the existing standards committee with advice and support from at least one independent person.

(6) Resolved: that the Head of Democratic Services be requested to proceed on the basis outlined above.

35. Bribery Act Policy (Item 5)

(1) The Committee noted that the County Council was being asked to adopt a policy on Bribery, following the introduction of the Bribery Act 2010, which came into force on 1 July 2011. The proposed adoption of the policy involved a number of consequential amendments to the Constitution, one of which was a reference to it in the Code of Conduct for Members. The Committee was asked to make comments on the draft Bribery Act policy and to agree to reference being made to it in the Code of Conduct, as detailed in Appendix 2 of the report, once the Policy had been formally adopted by the County Council.

(2) Resolved: that the County Council be recommended to amend the Code of Conduct for Members by the addition of a new paragraph 6 (4) in the General Obligations section, as follows:

“must comply with the Council’s Bribery Act Policy, which applies to you, officers and any other person or organisation with whom you are dealing”.

36. Standards Committee Work Programme *(Item 6)*

The Committee noted its future work programme and the Chairman stated that the Committee might need to meet sooner than 7 March 2012.

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By: Geoff Wild, Director of Governance and Law
To: Standards Committee – 7 March 2012-03-01
Subject: Localism Act 2011 – Changes to Standards Regime
Classification: Unrestricted

FOR DECISION

SUMMARY

This report advises the Committee of:

1. the provisions relating to the Standards regime contained in the Localism Act 2011;
2. the changes which the Council will need to make to its Standards arrangements as a result; and
3. options for making these changes.

The Committee is invited to make comments on these options for further consideration by both officers and Members, with a view to submitting a report containing final proposals in early May, so that they can be adopted by the Council at its annual meeting on 17 May.

Background

1. The Government's Localism Bill completed its passage through Parliament and received Royal Assent as the Localism Act 2011 on 15 November 2011. Following Government amendments made during the Bill's passage through the House of Lords, the Standards provisions in the Act are significantly different to those contained in the original Bill. Specifically, all local authorities will now be required to:
 - (a) adopt a Code of Conduct for Members (with considerable discretion about what it contains)
 - (b) establish a procedure for dealing with complaints that Members have breached the Code and
 - (c) appoint one or more 'Independent Persons' to assist with the consideration of complaints.
2. The Act will require the Council to make major changes to its Standards arrangements, and the Government has recently indicated that the date for implementation of these changes will be 1 July 2012. This report sets out the changes that will be required and, where possible, options for making those changes. The Committee is invited to make comments on the options and the

Committee's views will be developed by Officers and Members to draft final proposals for consideration by the Committee in late April/early May, prior to being reported to the Council on 17 May for determination. Once adopted, it is proposed that there would be a concentrated period of training and briefing for Members on the new arrangements and the revised code before they come into operation on 1 July 2012.

Requirements of the New Standards Regime under the Localism Act 2011

Duty to Promote and Maintain High Standards of Conduct

3. The Council will remain under a statutory duty to promote and maintain high standards of conduct by its Members. It is proposed that in order to comply with this duty, the Council will:
 - (a) Adopt a new Code of Member Conduct
 - (b) Set up and maintain arrangements for the receipt and investigation of complaints
 - (c) Continue with its Member Development Programme
 - (d) Continue to provide officer Support to Members and the decision-making process
 - (e) Continue with the existing system of Members' Annual Reports

Code of Conduct for Members

4. The current Model Code of Conduct and Ten General Principles will be repealed, and Members will no longer have to give an undertaking on appointment to the Council to comply with the Code of Conduct. Instead, the Council will be required to adopt a new Code (or revise its existing Code) to govern the conduct of its Members (but only when they are acting in their capacity as Members). The new Code must, when viewed as a whole, be consistent with the following seven principles:
 - (a) Selflessness
 - (b) Integrity
 - (c) Objectivity
 - (d) Accountability
 - (e) Openness
 - (f) Honesty
 - (g) Leadership
5. The Ten General Principles in the existing Code also included "personal judgement", "respect for others", "duty to uphold the law" and "stewardship (of the Council's resources)". Given that these will no longer automatically apply, the Committee's views are sought as to whether they should be included in the new Code at the Council's discretion.

6. The new Code must also include provisions in respect of the registration and disclosure of “pecuniary interests” (which will be defined in Regulations to be made under the Act) and other interests (see paragraph 17, below).
7. The Council will have discretion as to what it includes within its new Code, provided that it is consistent with the seven principles and covers interests. The possibility exists, of course, for different authorities to adopt Codes containing widely different discretionary provisions, which will create problems for Members who serve on more than one local authority. This problem is particularly relevant for KCC because many of its Members are twin, triple or even quadruple hatted, being also members of district/borough councils, Town/Parish Councils and/or the Fire Authority. It is expected that, once the Regulations defining pecuniary interests are issued, a model Code will be issued by one of the national local government organisations and will be discussed and agreed amongst the Kent authorities, to ensure that, so far as possible, a consistent and uniform approach is adopted. At this stage, therefore, the Committee is invited to support the development of a Kent-wide Code of Conduct, for the reasons stated above, and note that further work will be done on this important aspect between now and the next meeting of the Committee.

Standards Committee

8. The Act repeals the requirement for English authorities to have a statutory Standards Committee. The Council will therefore need to abolish its existing Standards Committee with effect from 30 June 2012. The Committee’s Terms of Reference are attached as **Appendix 1**. While the Act transfers some of these (e.g. interest dispensations, politically-restricted post exemptions, etc) elsewhere, the Council will need to decide how to deal with the day-to-day functions relating to promoting and maintaining high standards of conduct (advice and training, Code of Conduct, procedure for dealing with complaints against Members) and the Committee’s additional role of reviewing Members’ Annual Reports each year. There are various options for doing this as set out below:
 - (a) Keep the existing Standards Committee, with its existing composition, as an advisory committee under section 102(4) of the Local Government Act 1972. However, the usefulness of an advisory committee would be limited as it would not be able to take decisions about the handling of any complaints that may arise. In addition, it is likely that the Council would expect in future to receive its independent advice on Standards issues from the one or more ‘Independent Persons’ that the Localism Act requires it to appoint.
 - (b) Re-establish the Standards Committee as an Ordinary Committee of the Council. This would mean that its Members would all be drawn exclusively from the Members of the Council on the basis of political proportionality, unless the Council decided to disapply proportionality. The Independent Person(s) could be co-opted onto the Committee but would not have any voting powers.

- (c) Add these functions to the Terms of Reference of an existing Committee of the Council (the Governance and Audit Committee appears to offer the best fit), with the Independent Person(s) invited to attend meetings for discussion of any standards-related items
 - (d) Leave these functions to be dealt with by the full Council.
9. In considering which of the above options is most suitable, it is worth recalling that the workload of the Standards Committee over the last few years has been mixed and unpredictable. The Council received and dealt with a variety of formal complaints about the conduct of Members when the rules on local determination were introduced in May 2008, but since then, the Committee's workload has been relatively light, straightforward and manageable. The Committee has been clear in its recent Annual Reports to the Council that the general level of Member Conduct within the Council is very good and that KCC's Standards Committee is not as busy as at some other councils.

Arrangements for Dealing with Misconduct Complaints

10. The Act abolishes the current local determination regime. Instead, the Council will be required to have in place arrangements under which allegations that Members (and co-opted Members with voting rights) have breached the Code of Conduct can be investigated and decisions on those allegations taken. This means that the arrangements must set out in some detail the process for dealing with complaints of misconduct and the actions that may be taken against a Member who is found to have failed to comply with the Code.
11. Because there will no longer be any statutory powers under which the Standards Committee or Monitoring Officer can deal with complaints, the Council will need to delegate appropriate powers to the relevant Committee and/or the Monitoring Officer, including decisions on whether to investigate a complaint, how to manage and investigate them, how to deal with "breach" and "no breach" decisions, and actions/sanctions available where a breach is found.
12. The Act abolishes existing sanctions under the local determination regime and does not give the Council any new powers to impose sanctions, such as suspension or imposing a requirement on Members to undergo training or make an apology. Thus, where a failure to comply with the new Code of Conduct is found, the range of actions which the Council can take is limited to what was available before the Standards regime introduced by the Local Government Act 2000 took effect. In practice, this might include the following:
- (a) Formally reporting the findings to full Council (naming and shaming);
 - (b) Recommending to the Leader of the Member's Group (or in the case of ungrouped Members, recommending to the Council or the Committees concerned) that they be removed from any or all of the Committees on which they serve;
 - (c) Removing the Member from any or all of their appointments to outside bodies;

- (d) Instructing the Monitoring Officer to arrange training for the Member;
 - (e) Restricting the Member's access to Council resources (e.g. internet) or excluding the Member from the Council's premises, except as necessary to attend formal Council or Committee meetings.
13. There is no requirement to put in place any appeals mechanism against decisions on complaints, either for complainants or the Member who is the subject of the complaint.

Independent Person(s)

14. The "arrangements" must include provision for the appointment by the Council of at least one Independent Person (IP), whose views:
- (a) Must be sought, and taken into account, before the Council makes a decision on an allegation that it has decided to investigate;
 - (b) May be sought by the Council in other circumstances;
 - (c) May be sought by a Member of the Council who is the subject of an allegation.
15. The IP cannot be, or have been within the previous five years, a Member, co-opted Member or officer of the Council, nor can they be a relative or close friend of any existing Member, co-opted Member or officer. The definition of 'co-opted Member' in the Act appears to preclude the existing independent members of the Council's Standards Committee from appointment as one of its IPs. It would therefore be sensible for the Council to treat the existing independent members of its Standards Committee as ineligible for appointment as an IP. Fortunately, the Act does not prevent existing independent members of an authority's Standards Committee from being appointed as an IP by another authority, and it is to be hoped that this will ensure that the expertise in standards issues built up over the last decade or so by independent members of Standards Committees is not completely lost to local government.
16. The Act gives discretion to local authorities to appoint more than one IP, and to pay them allowances and expenses, but provides that each IP must be consulted before any decision is taken on a complaint which has been investigated. There would, therefore, appear to be little advantage for the Council to appoint more than one IP, although it may be sensible to retain one or more candidates as reserve IPs who can be appointed at short notice, without the need for re-advertisement, in case the IP stands down or is unavailable for any reason. As it is clear that this particular aspect of the Act will not alter and is not subject to further regulations, it is proposed that officers be instructed to commence the recruitment process for the IPs and delegate authority to the Head of Democratic Services to place the necessary advertisements, in consultation with the Deputy Leader and the Chairman of the Standards Committee. Before doing so, however, the Committee is invited to advise on a request from the Kent and Medway Fire and Rescue Authority (KMFRA) to jointly-appoint and share IPs between the two authorities.

Interests

17. The Act abolishes personal and prejudicial interests. Instead, Regulations will define “Disclosable Pecuniary Interests” (DPIs). The Monitoring Officer is required to maintain a Register of Interests (both DPIs and ‘discretionary interests’ – other interests, registration and disclosure of which the authority chooses to include in its Code of Conduct), which must be available for public inspection and available on the authority’s website (as is the Council’s existing Register). At present, it is not known how DPIs will be defined, but they are expected to be broadly similar to the current prejudicial interests. The Act extends the requirement for registration to cover not just the Member’s own interests, but also (if the Member is aware of the interest) those of their spouse or civil partner, or someone living with the Member in a similar capacity.
18. Members must register all DPIs within 28 days of their election or appointment. Failure to register DPIs is made a criminal offence, but would not prevent the Member from acting as a Member. Failure to register discretionary interests would not be a criminal offence, although it would, of course, be a failure to comply with the Code.
19. There is no longer a continuing requirement for a Member to keep their DPI registration up to date, except on re-election or re-appointment. Thus, Council Members will only be legally obliged to update their DPI registration once every four years. However, the Committee’s views are sought on whether it would be sensible for the Council’s Code of Conduct to require Members to update their DPI registrations as and when changes occurred. In addition, all KCC Members are currently invited to review and update their existing register of interests every 12 months and, again, the Committee’s views are sought as to whether this should continue under the new arrangements. In any case, Members will be required to register a previously-unregistered DPI if they have to disclose it at a meeting they attend because it relates to a matter discussed there. Whenever Members give notification of additional DPIs, the Monitoring Officer has to ensure that they are entered onto the Register of Interests.
20. If a Member has a DPI in any matter considered at a meeting at which that Member is present, and the Member is aware of that interest, they must disclose the interest to the meeting. It is not clear whether the Member needs to explain the nature of the interest, and the Committee’s views are sought as to whether this should be covered by the new Code. This requirement applies to Council and committee meetings, but not explicitly to other informal meetings, although again, the Committee’s views are sought as to whether this should be covered by the new Code.
21. The Act states that Members do not need to disclose a DPI at a meeting if they have already registered it, or even just sent off a request to the Monitoring Officer to register it (a “pending notification”). This would mean that other Members, officers, and members of the public attending the meeting would not know about the interest unless they had checked the Register of Interests prior to the meeting. This might be considered as a potential loophole in the legislation and the Committee’s views are sought as to whether the new Code

should require Members to disclose any DPI (whether previously registered or not) at a meeting.

22. If a Member attending a meeting has a DPI in any matter to be discussed at that meeting, they must not participate in any discussion of, or vote on, the matter. To do so would be a criminal offence. The Act does not require the Member to leave the room while the matter is being considered, but the Committee's views are sought as to whether the new Code and Standing Orders should provide for this.

Sensitive Interests

23. The Act effectively re-enacts the existing provisions on Sensitive Interests. Thus, where a Member is concerned that disclosure of the details of an interest (whether a DPI or a discretionary interest) at a meeting or in the Register of Interests would lead the Member, or a person connected with them, being subject to violence or intimidation, that Member may request the Monitoring Officer to agree that the interest is a 'Sensitive Interest'. If the Monitoring Officer agrees, then the detail of the interest can be excluded from the published Register of Interests, and the Member merely has to disclose the existence of the interest, rather than the detail of it, at meetings where the matter to which the interest relates is being discussed.

Dispensations

24. The Act significantly changes the provisions on dispensations from the legal requirements relating to interests. First, the power to grant dispensations will be transferred from the Standards Committee to the Council itself, which can then delegate dispensation decisions to a committee or to the Monitoring Officer. Second, the grounds for the granting of dispensations will be changed to the following:
 - (a) Where so many Members of the decision-making body have DPIs in a matter that it would "impede the transaction of the business" (i.e. the meeting would be inquorate)
 - (b) Where, without a dispensation, the representation of different political bodies on the body transacting the business would be so upset as to alter the likely outcome of any vote on the matter
 - (c) Where it is considered that granting the dispensation is in the interests of persons living in the authority's area
 - (d) Where it is considered otherwise appropriate to grant a dispensation
25. Any grant of a dispensation must specify how long it is to remain in effect, up to a maximum of four years.

Next Steps

26. The Committee is invited to give its views on:

- (a) the principle of adopting a new Code of Conduct
- (b) the future of the Standards Committee
- (c) arrangements for considering Standards issues after 30 June 2012
- (d) the arrangements for recruiting the Independent Person(s), as detailed in the recommendations (see paragraph 29)

27. At its meeting on 17 May 2012, it is proposed that the Council will be asked to:

- (a) appoint the Independent Person(s)
- (b) adopt a new Code of Conduct
- (c) agree the formal procedures for dealing with misconduct complaints
- (d) agree the formal procedures for granting dispensations

It would be helpful if the Standards Committee could hold a further meeting in late April or early May so that it can advise the Council on proposals for a new Code and for the new procedures, by which time the Regulations on DPIs are expected to be published.

RECOMMENDATIONS:

28. The Committee is requested to:

- (a) consider the contents of the report and comment as appropriate on the proposed changes to its Standards arrangements as follows:
 - (i) the proposals in paragraph 3 of the report in relation to the ongoing compliance with the statutory duty to promote and maintain high standards of conduct by Members;
 - (ii) Whether the general principles of conduct in public life that will no longer automatically apply to Members under the new arrangements, as described in paragraph 5 of the report, should be included in the new Code of Conduct;
 - (iii) Whether to support proposals for the development of a Kent-wide Code of Conduct, for the reasons outlined in paragraph 7 of the report;
 - (iv) Comment upon the most appropriate option for the future of the Standards Committee's functions, as described in paragraphs 8 and 9 of the report;
 - (v) Comment upon the number of Independent Persons KCC should appoint, as described in paragraph 16 of the report;

- (vi) Whether Members should be required under the new Code of Conduct to advise the Monitoring Officer of any changes to their Register of Interests within 28 days of being aware of the change and whether all Members should be requested to update their Register of Interests every 12 months, as described in paragraph 19 of the report;
 - (vii) Whether, under the new Code of Conduct Members should be required to disclose any pecuniary interests (whether previously registered or not) at formal and informal meetings; and
 - (viii) Whether, under the new Code of Conduct Members should be required to explain the nature of any pecuniary interest when it is disclosed at formal and informal meetings, as described in paragraph 20 of the report;
 - (ix) Whether, under the new Code of Conduct Members should be required to leave the meeting room while a matter is being considered in which they have declared a pecuniary interest
- (b) Subject to the Committee's views on recommendation (a)(v) above, delegate authority to the Head of Democratic Services to commence the recruitment process for the Independent Person(s), in consultation with the Deputy Leader and the Chairman of the Standards Committee, on the basis of it being a shared appointment between KCC and the Kent and Medway Fire and Rescue Authority (KMFRA)

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Terms of Reference of the Standards Committee

6 Members

Conservative: 1; Labour: 1; Liberal Democrat: 1; independent: 3.

The Chairman is appointed by the Council from among the independent Members. This committee has responsibility for:

- (a) promoting and maintaining high standards of conduct by Members, (including any co-opted Members and church and parent governor education representatives)
- (b) assisting Members through advice and training to observe the Members' Code of Conduct set out in Appendix 6 to the Constitution
- (c) monitoring the operation of the Members' Code of Conduct and advising the Council on its operation and revision
- (d) granting dispensations to Members from requirements relating to interests set out in the Members' Code of Conduct
- (e) seeking to resolve any concerns about a Member's conduct by mutual agreement to reduce the need for a complaint to be referred to the Standards Committee
- (f) Receiving complaints that a Member is alleged to have breached the Code of Conduct and deciding whether the matter merits investigation; taking appropriate action as defined in the Standards Committee (England) Regulations 2008; and reviewing decisions to take no action on a particular complaint if so requested by the complainant
- (g) dealing with any reports from a case tribunal or interim case tribunal of the Standards Board, and any report on a matter which is referred by an Ethical Standards Officer to the Monitoring Officer
- (h) censuring, suspending or partially suspending a Member or former Member in accordance with the provisions of the Local Government Act 2000.

Independent Members of the Standards Committee are recommended to the Council for appointment by a panel of three people (not Members of the Council) appointed by the Selection & Member Services Committee.

The Procedure Rules applying to Committee meetings also apply to meetings of the Standards Committee.

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From: Paul Carter – Leader of the Council
Geoff Wild – Director of Governance & Law

To: Standards Committee – 7 March 2012

Subject: Member Role Descriptions and New Governance Arrangements for Kent County Council

Summary: This report invites the Independent Remuneration Panel and Standards Committee to consider a new Role Description for the Chairman of the Cabinet Committees and amended Role Descriptions for the Leader, Deputy Leader and Cabinet Members

Unrestricted

Introduction

1. (1) At its meeting on 15 December 2011, the Council agreed to implement new governance arrangements from 1 April 2012 designed to:

- (a) streamline the committee infrastructure
- (b) make the decision making process more robust and accessible
- (c) support Cabinet Members to make more effective decisions and
- (d) provide non-executive Members with the opportunity to shape the County Council's policies and major decisions
- (e) have a cost neutral impact on the Members' Allowances Scheme

(2) The County Council also agreed at this meeting to the deletion of the Managing Director post.

Impact of the Proposed New Governance Arrangements on the Role of the Leader, Deputy Leader and Cabinet Members

2. (1) The significant new aspect to the governance arrangements is the introduction of six new Cabinet Committees, which embrace all the executive functions of the County Council

(2) To reflect these new arrangements and the consequential changes to Member roles for the Leader, Deputy Leader and Cabinet Members, some suggested changes have been made to the Member role descriptions contained within the Council's Constitution.

(3) Proposed amendments to the Role Descriptions for the Leader, Deputy Leader and Cabinet Members are attached at **Appendix 1** for the Panel and Committee's consideration.

Proposed Job Descriptions for Chairmen of Cabinet Committees

3. **Appendix 1** also includes a proposed Role Description for the post of Cabinet Committee Chairman.

Recommendation

4. The Independent Remuneration Panel and Standards Committee are asked to consider these proposed changes to Member Role Descriptions and make any recommendations to the Selection and Member Services Committee on 14 March and County Council on 29 March 2012.

Paul Wickenden
Democratic Services Transition Manager
Ext 4486
paul.wickenden@kent.gov.uk

MEMBER ROLE DESCRIPTIONS

LEADER OF THE COUNCIL

Responsible to: Kent County Council

Role Purpose: to take full responsibility for all the functions of the County Council which the Council does not reserve for itself (as required by legislation), appointing a Cabinet and providing overall leadership and direction to the Council.

Main Duties and Responsibilities

1. To manage and lead the work of the Cabinet and to chair meetings of the Cabinet.
2. To lead the Cabinet in decision making and make executive decisions that are not exercised by other Cabinet Members or officers.
3. To work closely with Cabinet Members to ensure the development of effective Council policies and the delivery of high quality services (reflecting the principles of Best Value) to local people.
4. To be the focus for leading the Kent community.
5. To represent the Council at national and local level, on outside bodies or in partnership with other agencies.
6. To lead the Cabinet's work in:
 - providing strategic direction to the Council by identifying a vision, corporate objectives and priorities for services;
 - providing a lead on the development of corporate policies and strategies;
 - using the Council's objectives and priorities to drive the development of services and budget process;
 - seeing continuous improvement by establishing the appropriate culture within the Council and associated systems;
 - monitoring performance;
 - ensuring probity and financial monitoring;
 - keeping under review the organisation and management processes of the Council, including the democratic structures; and
 - developing, in consultation and partnership with others, a strategy for providing the social, economic and environmental well-being of the County of Kent.
7. To act as the principal spokesperson for the Council:
 - promoting its work and acting as its principal political spokesperson;
 - participating in consultation;
 - listening to, and taking account of, the views of organisations, the public and businesses; and

- representing the Council at all appropriate levels.
8. To consult with and be accountable to non-executive Members.
 9. To appear before, and respond to reports of, Scrutiny bodies.
 10. To monitor the effectiveness of service delivery and the appropriateness of policy across the County and account for the efficient and effective delivery of services and functions within Council policies and budgets.
 11. To lead and direct the Cabinet Members in working closely with the Corporate Management Team and Senior Managers of every function aligned to their portfolios in relation to the strategic vision and direction of the Council, the management roles of officers and the development and effective delivery of policy issues.
 12. To work closely with Cabinet Committees in enabling them to contribute to policy development and decision making

DEPUTY LEADER OF THE COUNCIL

Responsible to: The Leader of the Council

Role Purpose: To deputise for the Leader as required and to be the Council's main representative and spokesman on the delegated area of responsibility.

Main Duties and Responsibilities

1. To participate in the Cabinet in respect of all areas of work, including making certain individual executive decisions within the areas of responsibility.
2. To act as the Spokesman and advocate for the Council in respect of the delegated area of responsibility and on a wider basis as the Leader may require or in his absence.
3. To lead the development of the Council's Policy Framework within the area of responsibility and make recommendations to the Cabinet.
4. To provide guidance to the Cabinet on the management and implementation of functions in relation to activities within the area of responsibility.
5. To give guidance to the Cabinet on budget priorities within the areas of responsibility.
6. To ensure the delivery of policy through officers and monitor performance against agreed objectives within the defined area of responsibility.
7. To assist the Leader in keeping under review the organisation and management processes of the Council; including the governance structures.
8. To appear before, and respond to reports of, Overview and Scrutiny bodies.

9. To lead the process of continuous improvement and responsiveness of Council services within the areas of responsibility.
10. To ensure that activities within their areas of responsibility take proper account of the Council's vision, core values and guiding principles.
11. To represent the Council at national and local level, on outside bodies or in partnership with other agencies.
12. To work closely with the Corporate Management Team and Senior Managers of every function to ensure that operationally the Council is providing an effective service to the residents of Kent.
13. To work closely with Cabinet Committees in enabling them to contribute to policy development and decision making.

CABINET MEMBER

Responsible to the Leader of the Council

Role Purpose: To undertake portfolio responsibilities as delegated by the Leader and be the Council's main representative and spokesman on their delegate areas of responsibility, determining the defined area of activity for Deputy Cabinet Members (if allocated) as appropriate.

Main Duties and Responsibilities

1. To participate in the Cabinet in respect of all areas of work, including making certain individual executive decisions within the defined area of responsibility and contributing to debate and strategic decision-making as part of the Cabinet as a whole.
2. To act as the spokesman and advocate for the Council in respect of the area of responsibility.
3. To lead the development of the Council's policy framework within the defined area of responsibility and make recommendations to the Cabinet as appropriate.
4. To provide guidance to the Cabinet on the management and implementation of functions in relation to activities within the defined area of responsibility.
5. To give guidance to the Cabinet on budget priorities within the defined area of responsibility.
6. To ensure the delivery of policy through officers and monitor performance against agreed objectives within the defined area of responsibility.
7. To assist the Leader in keeping under review the organisation and management processes of the Council; including the governance structures.

8. To work constructively and in an open and transparent way with backbench and Opposition Members, and Officers to ensure that the process of overview and scrutiny is appropriate, effective and proportionate
9. To appear before, and respond to reports of, Scrutiny bodies.
10. To lead the process of continuous improvement and responsiveness of Council services within the defined area of responsibility.
11. To ensure that activities within the defined area of responsibility take proper account of the Council's vision, core values and guiding principles.
12. To represent the Council at national and local level, on outside bodies or in partnership with other agencies.
13. To work closely with the Corporate Management Team and Senior Managers of every function aligned to their portfolio to ensure that operationally the Council is providing an effective service to the residents of Kent.
14. To work closely with Cabinet Committees in enabling them to contribute to policy development and decision making.

DEPUTY CABINET MEMBER

Responsible to: The Cabinet Member

Role Purpose: To support the work of their Cabinet Member and to be the Council's member champion for their areas of special responsibility.

Main Duties and Responsibilities

1. To support the Cabinet Member in respect of all activities connected with the area of special responsibility.
2. To act as the Member champion and spokesman for the area of special responsibility both within and outside the Council.
3. To support the Cabinet Member in the development of the Council's policy framework within the area of special responsibility and make recommendations to the Cabinet Member on the making of executive decisions.
4. To support the Cabinet Member in monitoring the management and implementation of functions in relation to activities within the area of special responsibility.
5. To give guidance to their Cabinet Member on budget priorities within the area of responsibility.
6. To ensure the delivery of policy through officers and monitor performance against agreed objectives within the defined area of responsibility.
7. To assist the Leader in keeping under review the organisation and management processes of the Council; including the governance structures.

8. To work constructively and in an open and transparent way with backbench and Opposition Members, and Officers to ensure that the process of overview and scrutiny is appropriate, effective and proportionate
9. To appear before, and assist the Cabinet Member to respond to reports of Overview and Scrutiny bodies.
10. To support the Cabinet Member in driving forward the process of continuous improvement and responsiveness of Council services within the area of special responsibility.
11. To ensure that activities within their areas of responsibility take proper account of the Council's vision, core values and guiding principles.
12. To represent the Council at national and local level, on outside bodies or in partnership with other agencies, as agreed with the Cabinet Member.
13. To support the Cabinet Member in working closely with the Corporate Management Team and Senior Managers of every function aligned to their portfolio to ensure that operationally the Council is providing an effective service to the residents of Kent.
14. To assist the Leader and Cabinet Member to work closely with Cabinet Committees in enabling them to contribute to policy development and decision making.

CHAIRMAN OF A CABINET COMMITTEE

Responsible to Kent County Council

Role Purpose:

1. To lead the effective consideration of Cabinet Member decisions
2. To facilitate the Committee to endorse or make recommendations to the Cabinet Member prior to a decision being taken
3. To consider and make comment to the Cabinet and Cabinet Member on the development of County Council policy
4. To review the performance of the Council in relation to its policy objectives and performance targets.

Main Duties and Responsibilities

1. To ensure that the work of the Cabinet Committee is at all times conducted in a positive manner and in the interests of the Council and the people of Kent.
2. To work constructively and in an open and transparent way with the Cabinet Members and Officers
3. To assist the Council and Cabinet in the development of the Policy Framework and Budget by an in-depth analysis of policy issues in the areas for which they have responsibility

4. To encourage and enhance community participation in the development of policy options in the areas for which they have responsibility
5. To support the work of the Cabinet Committee in ensuring the effective operation of the Committee in their areas for which they have responsibility which will:
 - examine and review proposed decisions to be made by Cabinet Members for the areas in which they have responsibility
 - Question Cabinet Members and senior officers for the areas in which the Committee has responsibility, regarding their decisions and performance, whether generally or in comparison with service plans and targets.