

SELECTION AND MEMBER SERVICES COMMITTEE

Wednesday, 4th September, 2013

10.00 am

Wantsum Room, Sessions House, County Hall,
Maidstone





SELECTION AND MEMBER SERVICES COMMITTEE

AGENDA

**Wednesday, 4 September 2013, at
10.00 am
in the Wantsum Room, Sessions
House, County Hall, Maidstone**

Ask for: **Andrew Tait**

Telephone: **01622 694342**

Membership (9)

Conservative (5): Mrs A D Allen (Chairman), Mr P B Carter, Mr G Cooke,
Mr M C Dance and Mr B J Sweetland

UKIP (2) Mr R A Latchford, OBE and Mr B E MacDowall

Labour (1) Ms A Harrison

Liberal Democrat (1): Mrs T Dean

UNRESTRICTED ITEMS

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

1. Membership: To note the appointment of Mr R Latchford to the Committee in place of Mr C P D Hoare
2. Substitutes
3. Declarations of Interests by Members in items on the Agenda for this meeting.
4. Minutes - 9 July 2013 (Pages 1 - 6)
5. Audio and Visual recordings of County Council meetings (Pages 7 - 22)
6. Changes to the Constitution - The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (Pages 23 - 54)
7. Committee minutes submitted to County Council meetings (Pages 55 - 56)

8. Member Development (Pages 57 - 66)
9. Update on appointments to Outside Bodies (Pages 67 - 70)

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

Tuesday, 27 August 2013

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

SELECTION AND MEMBER SERVICES COMMITTEE

MINUTES of a meeting of the Selection and Member Services Committee held in the Cabinet Room, Sessions House, County Hall, Maidstone on Tuesday, 9 July 2013.

PRESENT: Mrs A D Allen (Chairman), Mr P B Carter, Mr G Cooke, Mrs T Dean, Ms A Harrison, Mr R A Latchford, OBE (Substitute for Mr C P D Hoare), Mrs P A V Stockell (Substitute) (Substitute for Mr M C Dance) and Mr B J Sweetland

IN ATTENDANCE: Mr A Wood (Corporate Director of Finance and Procurement), Mr G Wild (Director of Governance and Law), Mr P Sass (Head of Democratic Services) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

18. Minutes - 5 June 2013

(Item 3)

RESOLVED that the Minutes of the meeting held on 5 June 2013 are correctly recorded and that they be signed by the Chairman.

19. Members' Travel Expenses

(Item 4)

(1) The Director of Governance and Law advised the Committee that elected Members had a specific legal exemption which enabled them to corporately discuss and determine Allowances.

(2) The Corporate Director of Finance and Procurement advised the Committee that Option 2 in the report would be acceptable to Her Majesty's Revenue and Customs (HMRC). He agreed to seek written confirmation of this advice from HMRC.

(3) Pursuant to Committee Procedure Rule 2.26 (4) the Committee agreed to record the way in which all Members cast their vote in respect of recommending Option 2 as its preferred Option to the Remuneration Panel.

(4) Accordingly, the Chairman then put the proposition to the vote:

For (7)

Mrs A D Allen, Mr P B Carter, Mr G Cooke, Ms A Harrison, Mr R Latchford, Mrs P A V Stockell, Mr B J Sweetland.

Against (0)

Abstain (1)

Mrs T Dean

Carried

(5) The Committee also agreed that the necessary deductions for tax and National Insurance Contributions (NICs) would take effect from 1 July 2013.

(6) RESOLVED that:-

- (a) the necessary deductions for tax and NICs from Members' travel claims be made with effect from 1 July 2013;
- (b) the Corporate Director of Finance and Procurement be requested to seek written confirmation from HMRC that it would consider Option 2 in the report to be acceptable; and
- (c) subject to HMRC giving no view to the contrary, the Remuneration Panel be requested to consider the Options set out in the report in the light of the Committee's preference for Option 2.

20. Member Allowances and Expenses 2012/13

(Item 5)

RESOLVED that: -

- (a) the report be noted; and
- (b) approval be given to the publication of the Members' allowances and expenses for 2012/13 as detailed in Appendix A to the report and as required by the Local Authorities (Members' Allowances) (England) Regulations 2003.

21. Committee Membership

(Item 6)

RESOLVED that:-

- (a) the following Committee appointments be recommended to the County Council:-
 - (i) Governance and Audit Committee: Mr Martin Whybrow;
 - (ii) Planning Applications Committee: Mr Peter Harman; and
 - (iii) Regulation Committee: Mr Peter Harman; and
- (b) the appointment of Mr Martin Whybrow to the Environment, Highways and Waste Cabinet Committee be noted.

22. Appointments to Outside Bodies

(Item 7)

(1) The Committee delegated the filling of those vacancies that remained following consideration of this item to the Head of Democratic Services in

consultation with the Cabinet Portfolio Holder for Corporate and Democratic Services and the Chairman of the Committee.

(2) The Committee agreed the nominations set out in Appendices 1 and 2 of the report with the following amendments:-

- (a) Alliance (formerly Coalfield Communities Campaign): Mrs E D Rowbotham appointed instead of Mr G Lymer;
- (b) Dungeness Local Community Liaison Council: Mr D Baker appointed;
- (c) Powell Cotton Museum Trust: Mr R A Latchford appointed; and
- (d) Royal School for Deaf Children: Mr W Scobie appointed instead of Mr M J Northey.

(3) In confirming the appointment of Mr L B Ridings, the Committee agreed that, in the light of The Duke of York's Royal Military School becoming an academy, future nominations the School would be delegated to the Governor Appointments Panel.

(4) In respect of Appendix 5 to the report, the Committee agreed to cease to make appointments to Dorton House School and the Kent History Project. It also requested that the Head of Democratic Services investigate the need for appointments to be made to the Ashford Grammar School Endowment Fund; Collis Green Millennium Trust; the Lady Joanna Thornhill School Foundation; and Lady Margaret Boswell's CE Educational Charity. All other nominations set out in that Appendix were confirmed.

(5) RESOLVED that:-

- (a) the appointments and nominations of representatives of the County Council be made as set out in the Appendix to these Minutes;
- (b) the Head of Democratic Services be given delegated powers in consultation with the Cabinet Portfolio Holder for Corporate and Democratic Services to fill the remaining vacancies in Appendices 1 and 2 of the report; and
- (c) The Head of Democratic Services be requested to investigate the need for appointments to be made to those Outside Bodies set out in (4) above.

23. Member Development *(Item 8)*

RESOLVED that the report be noted.

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APPENDIX
(Paragraph 22 of the Minutes refers)

Outside Body

Action for Communities in Rural Kent (ACRK) Community Halls Committee
ACRK Community Rail Partnership Steering Group

ACRK Management Committee
Alliance

Cranbrook School

Gatwick Airport Consultative Committee
High Weald AONB JAC
Hugh and Montague Leney Awards Trust
Kent Association of Local Councils
Kent Big Society Investment Panel

Kent County Playing Fields Association
Kent County Staff and Social Club
Kent International Airport Consultative Committee
Kent Music Board of Directors

Kent People's Trust
LGA Coastal Issues Special Interest Group
LGA County Councils Network

LGA General Assembly

LGA Public Transport Consortium
LGA Rural Commission
LGA Urban Commission
Margate Renewal Partnership
Museum of Kent Life Trust
Rochester Airport Consultative Committee
Rochester Bridge Trust

Southern Regional Flood and Coastal Committee

South East Employers

Vinters Valley Park Trust
Visit Kent Board
Yalding Educational Trust

Appointee

Mr M J Northey
Mr M A C Balfour
Mr A D Crowther
Mr C Simkins
Mr S C Manion
Mrs E D Rowbotham
Mr A J King
Mr A Cooper
Mr M A C Balfour
Mr P J Oakford
Mr S C Manion
Mrs P A V Stockell
Mr P M Hill
Mr M A Wickham
Mr R A Latchford
Mr M A Wickham
Mr G Cooke
Mr R A Marsh
Mrs S V Hohler
Mr L B Ridings
Mr T Gates
Mr M J Harrison
Mr P B Carter
Mr J D Simmonds
Mr P B Carter (11 votes)
Mr J D Simmonds
Mr D L Brazier
Mrs P A V Stockell (1 vote)
Mr P B Carter (12 votes)
Mr S Holden
Mr D L Brazier
Mr R A Marsh
Mr P J Homewood (to May 2015)
Mr B J Sweetland (to May 2017)
Mr A H T Bowles
Mr M J Harrison
Mr M C Dance
Mrs P A V Stockell
Mr G Cooke
Mr M C Dance
Mrs P A V Stockell

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From: Gary Cooke, Cabinet Member, Corporate and Democratic Services
Peter Sass, Head of Democratic Services

To: Selection and Member Services Committee – 4 September 2013

Subject: Audio and visual recordings of County Council meetings

Classification: Unrestricted

Summary:

This report invites the Committee to consider recommending a revision to the Constitution to clarify the County Council's approach to audio or visual recordings made by members of the public or media organisations in light of recent guidance published by the Department for Communities and Local Government (DCLG). The Committee is also invited to extend the webcasting of formal meetings.

1. Recording of Meetings by public or media organisations

(1) The Constitution¹ makes provision for audio and visual recordings at meetings, as follows:

“(1) No audio or visual recording shall be made at meetings except for the official recording made by the Clerk or recordings agreed by the Chairman to be made by a media organisation.

(2) Recordings of Council proceedings will be made available by the Clerk to any member who requests them.”

(2) DCLG has recently published non-statutory guidance entitled “Your council's cabinet – going to its meetings, seeing how it works”², which contains the following under the heading “Can I film the meeting”:

“Council meetings are public meetings. Elected representatives and council officers acting in the public sphere should expect to be held to account for their comments and votes in such meetings. The rules require councils to provide reasonable facilities for any member of the public to report on meetings. Councils should thus allow the filming of councillors and officers at meetings that are open to the public.

The Data Protection Act does not prohibit such overt filming of public meetings. Councils may reasonably ask for the filming to be undertaken

¹ Procedure Rule 2.2 of Appendix 4 Part 2.

²

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/207528/Your_councils_cabinet_-_going_to_its_meetings_seeing_how_it_works.pdf

in such a way that it is not disruptive or distracting to the good order and conduct of the meeting. As a courtesy, attendees should be informed at the start of the meeting that it is being filmed; we recommend that those wanting to film liaise with council staff before the start of the meeting.

The council should consider adopting a policy on the filming of members of the public speaking at a meeting, such as allowing those who actively object to being filmed not to be filmed, without undermining the broader transparency of the meeting.

Similarly under the new rules there can be social media reporting of meetings. Thus bloggers, tweeters, Facebook and YouTube users, and individuals with their own website, should be able to report meetings. You should ask your council for details of the facilities they are providing for citizen journalists.”

Amendment to the Constitution

(3) Although this guidance is primarily about meetings of the Council’s Executive (Cabinet), it would seem appropriate to have a consistent approach and to apply this in the same way to the public parts of all formal Council and Committee meetings. In order to manage expectations it would be helpful to have clarity within the Constitution of the rules around the recording of meetings by the public or media organisations.

(4) If the Committee is minded to recommend an amendment to Procedure Rule 2.2 of Appendix 4 Part 2 of the Constitution, some suggested wording is set out below for consideration. It should be emphasised that in all cases the Chairman will make the final decision in relation to the recording of the meeting by the public or media organisations. The effective operation of the meeting is paramount and there should be safeguards to avoid any disruptions.

“(1) While a meeting is open to the public, any person attending the meeting for the purpose of reporting the proceedings in any publicly available medium, including making audio or visual recordings, will be afforded reasonable facilities for so doing, subject to:

- (a) the Chairman's decision, which shall be final
- (b) prior notification to the Clerk
- (c) recordings not being made covertly
- (d) recordings not being disruptive or distracting to the good conduct of the meeting
- (e) attendees being advised at the start of the meeting that it is being recorded
- (f) reasonable objections from those not wishing to be recorded

(2) Official recordings of council proceedings will be made available by the Clerk to any Member who requests them.”

2. Extension of the Webcasting of Meetings

(1) The council currently webcasts the majority of its formal meetings (a list of these is attached at **Appendix A**) and has done so since 2007. Following the guidance referred to above, it is considered timely to extend this to other formal meetings of the Council. A list of formal meetings which are not currently webcast is attached at **Appendix B**. It should be emphasised that only the part of the meeting which is open to the press and public would be webcast. If the majority of the substantive business of the Committee was held in exempt session then a view could be taken to not webcast that particular meeting.

(2) The views of the Chairmen and lead officers for these non webcast meetings have been sought (attached as **Appendix C**). There is agreement in principle with the Committee Chairmen that the following meetings should be webcast.

- Electoral and Boundary Review Committee
- Governor Appointments Panel
- Governance and Audit Trading Sub Group
- Property Sub-Committee (although the majority of the business is likely to be held in exempt session and therefore not webcast)
- Selection and Member Services Committee
- Standards Committee

Quasi-judicial Committees

(3) This Committee has discussed on at least two occasions whether the Planning Applications and Regulation Committees should be webcast. On 4 July 2008 this Committee expressed its support for them to be webcast, subject to the usual safeguards about disclosing exempt or confidential information. However, in January 2009, following representations by the chairmen of each of these committees and consideration of the views expressed by officers it was decided to defer consideration of the webcasting of these committees and review it within a period of no longer than two years; the review to incorporate (amongst other matters) the views of the two committees themselves, developments in training for quasi judicial committee members and any advances in the technology available. This review is now overdue.

(4) Although the content of these two committee meetings is varied and could be of interest to the wider public, reservations have been expressed by the Chairmen of these committees. The detailed comments of the relevant Chairmen and Officers are included in **Appendix C**. However, the key comments are as follows:

- the potential for business misalignment through imbalanced (stifled or unduly skewed or extended) debate;
- undermining the County Council’s jurisdiction by jeopardising (amongst other procedures) impending court proceedings on planning enforcement cases;

- risks to personal safety and security for officers tasked with reporting and recommending on contentious cases.

Planning Applications Committee

(5) A number of other local authorities do webcast their Planning Committee meetings and the viewing figures show that there is an interest from the public in viewing these meetings. For example, Cheshire West & Chester Council (a unitary authority) has been webcasting its Planning Committee meetings since 2011 and has broadcast around 50 meetings with over 52,000 views. Its Planning and Strategic Planning Committees are consistently its most popular webcasts, regularly exceeding 600 live views and on occasion topping 1,000.

(6) It is acknowledged, however, that the type of planning applications considered by a unitary authority may generate more public interest than those considered by the County Council. Surrey County Council webcasts its Planning and Regulatory Committees, it has broadcast 7 meetings this year with a total of 1310 views, an average of 187 viewings per meeting. Lancashire County Council also webcasts its Development Control Committee, it has had 5451 viewings of 10 meetings between July 2012 and July 2013, an average of 545 viewings per meeting. East Sussex County Council has broadcast 5 meetings of its Planning Committee between February and July 2013 with an average of 15 viewings per meeting. West Sussex and Hampshire County Councils only webcast their County Council meetings due to resource issues. Essex County Council do not have a webcasting facility.

(7) This Committee is invited to consider whether the Planning Applications Committee, which is a Committee that considers the majority of its business in public session, should be webcast in the future. If this principle is accepted, a constructive way forward may be to produce a protocol for webcasting which can have specific sections to address the concerns about the effective working of the Committee.

Regulation Committee

(8) The nature of the business conducted by the Regulation Committee is slightly different from the Planning Applications Committee in that exempt items crop up more frequently, although it should be noted that the number of exempt items does not normally exceed the number of public items. If this Committee accepts that the principle that the open part of the Regulation Committee should be webcast then the protocol referred to in paragraph 2(7) above would be worded to ensure the safeguarding of enforcement officers and the efficient operation of the Committee. The protocol would be drafted in consultation with the Chairmen and lead officers for the Planning Applications and Regulation Committees and could be brought back to this Committee for final approval or delegated to the Head of Democratic Services in consultation with Members.

Resource implications of webcasting additional meetings.

(9) The current webcasting contract with Public-i costs £16,866 a year and contains provision for webcasting up to 250 hours of meetings. KCC currently webcasts approximately 200 hours of meetings per year. If it was decided to

webcast additional meetings there is a possibility that the number of contracted hours would be exceeded. Public-i would charge an additional £85 for every hour over our contracted hours but it would be possible to purchase additional blocks of webcasting hours at £1,875 per annum for each 50 hour block. There is no specific provision in the budget for Democratic Services to increase the cost of webcasting; however, it is considered that these fairly small sums could be accommodated without other services to Members being affected adversely.

(10) Currently, the majority of the webcasts are supported by the Business Support Officer in the Democratic Services Unit. However, the option of automating the webcasting of meetings by having camera-activated microphones is being explored. The possibility of using other officers to operate the webcast is also being explored as this exposure to meetings would be an ideal development opportunity for apprentices and other junior officers.

(11) One other issue that the Committee will need to be aware of in relation to webcasting is that the only rooms in Sessions House with fixed cameras for webcasting are the Council Chamber and the Darent Room. Any webcast meetings would need to be held in these rooms or use made of the mobile camera which could be used in the Swale Rooms, Waterton Lee and Pendragon Rooms. However, it is not currently possible to webcast live from these rooms but to record the meeting and to upload the webcast onto the web after the meeting has ended. The size of the Wantsum Room would make it difficult to use it for webcasting.

3. Greater public interaction at meetings by the use of social media

(1) During the previous Council, consideration was given to enabling greater interaction from the public during the public parts of certain formal meetings via social media, i.e. some form of facility for the public to email or tweet questions while a meeting was taking place, but no formal decision was made by Members. Given the DCLG guidance and the review of webcasting outlined in this report, it is considered appropriate to ask the Committee to re-consider its position on the use of these facilities.

(2) The Committee is advised that the webcast system has a facility called "Cover it Live", which would allow the integration of a message board on the Council's website to allow viewers to ask questions or make comments whilst meetings are taking place, by sending an email or tweet. This would enable interaction during the meeting for the public via social media. This facility is provided by Public-I at no additional cost. Such a system would enable the sort of public interaction with the democratic process that some Members wish to see introduced by KCC by utilisation of the functionality within existing IT systems and would be the most cost effective way of achieving these aims.

4 Recommendations: The Committee is invited consider:
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(a) recommending to the County Council the amendment to the Constitution proposed in paragraph 1.4 of this report in relation to the recording of meetings by the public and media organisations;

(b) extending the webcasting of meetings of the bodies listed in paragraph
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2(2) and also the Planning Applications and Regulation Committees.

(c) delegating to the Head of Democratic Services responsibility for drafting a protocol for webcasting meetings, to include specific means of addressing the issues related to webcasting the Planning Applications and Regulation Committees (this to be produced in consultation with the Chairmen and lead officers) and that the protocol be submitted to this Committee for approval;

Contact:
Peter Sass
Head of Democratic Services
peter.sass@kent.gov.uk
Ext 4002

Background documents

[*Your council's cabinet – going to its meetings, seeing how it works:*](#) Department for Communities and Local Government, June 2013.

Meetings currently webcast

County Council
Cabinet
Communities Cabinet Committee
Economic Development Cabinet Committee
Education Cabinet Committee
Environment Highways & Waste Cabinet Committee
Governance and Audit Committee
Health and Wellbeing Board
Health Overview and Scrutiny Committee
Kent & Medway NHS Joint Overview and Scrutiny Committee
Kent & Medway Police & Crime Panel
Policy & Resources Cabinet Committee
Scrutiny Committee
Social Care & Public Health Cabinet Committee

Meetings not currently webcast

Meeting	Legal requirement for meeting to be open to the press and public, except for Exempt items
Corporate Parenting Panel	No
Electoral & Boundary Committee	Yes
Governance & Audit Trading Standards Sub Group	Yes
Governor Appointments Panel	Yes
Kent Flood Risk Management Committee	Yes
Personnel Committee	Yes
Planning Applications Committee	Yes
Property Sub Committee	Yes
Regulation Committee	Yes
Regulation Committee Member Panel	Yes
Regulation Committee Mental Health Guardianship Sub Committee	Yes
Selection & Member Services Committee	Yes
Standards Committee	Yes
Superannuation Fund Committee	Yes

Views/Comments from the Chairmen and lead officers

Meeting	Legal requirement for meeting to be open to the press and public, except for Exempt items	Lead Officer	Chairman
Corporate Parenting Panel	No	Not opposed to the meeting being webcast but feels that there should be some potential for part 2 of the meeting to be private (for the rare occasions that this may be required)	Agrees to open part of meeting being webcast
Electoral & Boundary Committee	Yes		I do not think we have any alternative but to allow video / filming of our meetings. The Electoral and Boundary Committee is no different to any other committee and in my view can be video / filmed. Obviously from time to time the committee does consider exempt items and filming then would not be appropriate.
Governance & Audit Trading Standards Sub Group	No		I was under the impression that G&A meetings were webcast anyway and I don't see any real problems with what is proposed.
Governor Appointment Panel	No		The GAP is a "niche" meeting that deals with the occasional proposed

Meeting	Legal requirement for meeting to be open to the press and public, except for Exempt items	Lead Officer	Chairman
			<p>appointment to a governing body that would contravene the published guidelines, which are centred on the relationships between governors, schools and their employees. Very occasionally the panel might be asked to consider removing a governor, although I can recall this happening only once while I have been chair.</p> <p>I was not aware that GAP is a public meeting.</p> <p>Meetings seldom last longer than 20/30 minutes. I would have no objection to the Panel's proceedings being webcast, although as no member of the public has ever attended that I can recall, the online audience is unlikely to be large."</p>
Kent Flood Risk Management Committee	Yes	This is of course a decision for Elected Members experience at Maidstone Borough Council suggests that regulatory committees, akin to KCC's Flood Risk Management	

Meeting	Legal requirement for meeting to be open to the press and public, except for Exempt items	Lead Officer	Chairman
		<p>Committee, have attracted some public interest and have been especially effective in engaging parish councils and residents associations. This has had the result of increasing awareness of largely unsung but important council functions.</p> <p>This proposal chimes with Member debate at the last meeting where incorporation of minutes into full County Council papers was recommended.</p> <p>In relation to safeguards, this should be taken care of under provisions of Part II guidance. `3</p>	
Personnel Committee	Yes		Agrees in principle but suggests that the Personnel Committee be asked their views.

Meeting	Legal requirement for meeting to be open to the press and public, except for Exempt items	Lead Officer	Chairman
Planning Applications Committee	Yes	Response to form additional appendix if required	<p>I am totally opposed to the web casting of the Planning Applications Committee meeting. I do not allow the filming of the meeting at anytime even when it has been requested by the media. I have allowed filming to place before the meeting commences to allow some background for a news item over a controversial issue. I have allowed the recording and filming of a public meeting held to hear the views regarding a Planning Application. No decisions are taken at these public meetings and apart from the Local Members the Members of my Committee do not voice any opinions. I am concerned that as a quasi judicial committee we should not have filmed evidence of the meeting. I believe it could inhibit debate and any filming could be used as evidence for or against a Member or an Officer at any subsequent public enquiry. Members whilst trained in Planning matters are not experts but are there as "knowledgeable laymen". I am also concerned that individuals and particularly Officers</p>

Meeting	Legal requirement for meeting to be open to the press and public, except for Exempt items	Lead Officer	Chairman
			<p>handling controversial applications can be more easily identified from such web footage and be linked to their comments on an application thus possibly endangering the safety of the individual. This is particularly relevant where Officers are dealing with applications concerning enforcement issues.</p> <p>My Committee and Chairman of the Regulation Committee have strongly resisted the filming previously but if the decision is to web cast meetings of my Committee then I consider a Solicitor and a Member of the Communications team should be present throughout the meeting to give advice when required.</p>
Property Sub Committee	Yes	In principle I don't have a problem with webcasting the non exempt parts of the meeting	I agree BUT we will have to be much more rigorous in determining what items are exempt
Regulation Committee	Yes	Response to form additional appendix if required	I feel just as the Chairman of the Planning Committee about the filming of the Regulatory Committee, we fought long and hard for this not to happen and nothing new has taken place with the work that my committee in particular

Meeting	Legal requirement for meeting to be open to the press and public, except for Exempt items	Lead Officer	Chairman
			<p>undertakes. We made it quite clear that along with very delicate cases undertaken by our officers (and the enforcement) the last thing that they or we needed was to have all this info broadcast to the world before some serious enforcement etc was undertaken.</p> <p>As the Chairman of this committee I feel it is my duty to support the Planning Cttee Chairman in his objection the mere thought of filming my committee.</p>
Regulation Committee Member Panel	No		
Regulation Committee Mental Health Guardianship Sub Committee	Yes		
Selection & Member Services Committee	Yes		Agrees to the meeting being webcast
Standards Committee	Yes		Agrees to public parts of the meeting being webcast
Superannuation Fund Committee	Yes	There will always be a substantial amount of the business of this committee which is commercially sensitive and therefore exempt. The	<p>The more I think about it the more it seems impractical and costly. We spend only a limited amount of time not in confidential.</p> <p>I am all for openness</p>

Meeting	Legal requirement for meeting to be open to the press and public, except for Exempt items	Lead Officer	Chairman
		<p>meetings are highly pressured as it is and we need to remember that the key issue here is how we manage £4bn of assets, pensions issues for 400 employers and the pensions of 100,000 scheme members. I think the webcasting of this meeting would not help the committee achieve these objectives and it would be a complete waste of time and public money.</p>	

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From: **Gary Cooke, Cabinet Member for Corporate and Democratic Services**
Geoff Wild, Director of Governance and Law

To: **Selection and Member Services Committee**
4 September 2013

Subject: **CONSTITUTIONAL AMENDMENTS TO REFLECT THE LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012**

Classification: **Unrestricted**

Future Pathway of Paper: County Council 19 September 2013.

Summary:

The purpose of this report is to appraise the Council of the impact of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (“the Regulations”) and to seek authority to amend the Constitution to reflect the provisions of the Regulations.

Recommendation:

That the Selection and Member Services Committee endorse the changes to the Constitution as detailed in the report and recommend their adoption by Council.

1. Introduction

- 1.1 Public access to Council and committee meetings, agendas, reports and background papers is provided for by the Local Government Act 1972 (as amended in 1985). When Executive Arrangements were required to be implemented under the Local Government Act 2000, similar provision was made for Executive meetings and decisions in the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000. This also introduced the concepts of the Forward Plan, as a means to advertise future decisions of the Executive and introduced and defined Key Decisions. The Council’s Constitution reflects these requirements.
- 1.2 Further regulations were issued in September 2012 to amend the provisions in the 1972 and 2000 Acts and revoking the 2000 Regulations. The 2012 Regulations were not the subject of any consultation with local authorities. Instead, the Department of Communities and Local Government (DCLG) conducted what it described as a “short, focused informal soundings exercise with partners”. One such partner was the Local Government Association, which responded that the changes

proposed by the Regulations were unnecessary.

- 1.3 The key differences introduced by the 2012 Regulations are described below. It is important to bear in mind that they relate only to Executive functions. Other non-executive, 'council-side' functions (relating to planning, employment, licensing and decisions taken by Council) are unaffected by these requirements.

2. Financial Implications

- 2.1 There are no financial implications to the constitutional changes as outlined in the report.

3. Bold Steps for Kent and Policy Framework

- 3.1 Maintaining and updating the Constitution, particularly in relation to Executive decision making, allows the Council to conduct business in a lawful, open and transparent manner. In particular, adherence to the access to information procedure rules 'puts the citizen in control' and encourages democratic participation.

4. Detail

Changes to be made to the Constitution as a result of the Regulations:

Key Decisions

- 4.1 Previously, a Key Decision (defined by the Council as any decision involving expenditure/savings of more than £1,000,000 or significantly affecting one or more electoral divisions) could only be taken after notice of it was included in the Forward Plan published at least 14 days in advance of the decision being taken (subject to urgency exceptions).
- 4.2 The Regulations effectively abolished the Forward Plan but broadened the requirement for the Council to publish information relating to proposed decisions to be taken by both Members and officers.
- 4.3 The Forthcoming Executive Decisions (FED) list has replaced the Forward Plan and is produced and published fortnightly. Except in cases of urgency, a Key Decision cannot be taken until at least 28 days clear notice has expired from publication of the proposed decision within the FED. This document must include the following:
- the subject matter of the decision
 - the name(s) of the decision maker(s)
 - the date of the decision
 - a list of documents submitted to the decision maker(s) for consideration in relation to the matter

Meetings to be held in Private

- 4.4 Previously, the public could be excluded from meetings when

“confidential” or “exempt” (e.g. commercially sensitive) information was likely to be disclosed. That capacity is retained but the Regulations prescribe additional requirements to be fulfilled before a meeting can move into closed session. Those requirements are:

- At least 28 clear days before the meeting, a notice must be published at the Council’s offices and on the Council’s web-site giving notice of the intention to hold the meeting, or part of the meeting, in private. This notice is published as part of the FED.
- At least 5 clear working days before the meeting, the Council must publish another similar notice, including a statement of:
 - the reasons for the meeting being held in private
 - any representations received requiring the meeting to be held in public and
 - the Council’s response to such representations

4.5 There is provision for occasions where this is not possible and the urgency procedure has been updated and included within the changed document to reflect the requirements of the provision.

Recording of Decisions by Officers

4.6 The Regulations extend the requirement to record all “Executive Decisions” made by Cabinet or Cabinet Members to those made by officers (previously reserved only for Key Decisions taken by officers, which are not permitted at KCC).

4.7 The term “Executive Decision” is defined extremely broadly and is not restricted by the Regulations, such that it arguably encompasses all decisions made by officers other than those relating to non-Executive functions such as planning, licensing and employment.

4.8 Under the Regulations, whenever an officer takes any Executive Decision they must produce a written statement including:

- a record of the decision and the date it was made
- the reasons for the decision
- details of any alternative options considered and rejected
- a record of any conflict of interest declared by any Executive Member consulted
- in respect of any declared conflict of interest, a note of dispensation granted by the Head of Paid Service

A record of the decision must be published on the Council’s website.

4.9 This Council and other local authorities have made vigorous representations to the Secretary of State and the DCLG in order that the Regulations might be constrained or at least clarified to prevent the bureaucratically burdensome task of recording the many officer decisions taken each day. In response to the concerns expressed, DCLG indicated that the Regulations should not apply to “operational

decisions” taken by officers. That view is not supported by the wording of the Regulations, nor is it supported in any of the commentaries which have been issued on the Regulations. Counsel instructed by the Association of Council Secretaries and Solicitors advised that the term “Executive Decision” does cover operational decisions, although it is unlikely to be interpreted to apply to purely administrative tasks (for example, ordering paper clips).

- 4.10 To require officers to make records of all their operational decisions and to publish those decisions on the Council’s website would be enormously inefficient, expensive and unproductive. It is likely that if the Council had to publish a record of all “operational decisions” for Executive functions it would entail publishing particulars in relation to many hundreds of routine decisions per month.
- 4.11 Therefore it is proposed that an alternative way be created. Although not consistent with the wording of the Regulations and therefore potentially open to legal challenge, it is deemed to be the only realistic and practical way of conforming to the intention of the Regulations and the DCLG Guidance, and reflects practice in other local authorities.
- 4.12 It is proposed that the recording of officer decisions be defined as follows:
- “A record must be made of decisions taken by an officer under the Executive Scheme of Delegation to Officers in the following circumstances:
- (a) A management decision regarding the day-to-day running of the Council, where the financial implications for the Council are between £100,000 and £999,999 (officers should ensure that they act within the financial limits agreed by Council and included at Appendix 5 of the Constitution)
 - (b) A decision taken to implement a specific Cabinet or Cabinet Member decision, where the financial implications for the council are above £100,000

Members’ Right to Access to Documents

- 4.13 The Regulations include a right for Members to access documents containing material to be transacted at a public meeting from 5 clear working days before the meeting and includes all reports which relate to the agenda for a meeting or to a decision to be taken. There is also a general right of access to any document which “contains material relating to any business to be transacted at a private meeting” or to decisions made by individuals (Members or officers) under Executive Arrangements. The documents are required to be available no later than 24 hours after the decision is taken.

Reporting Meetings

- 4.14 Under the previous regulations, “reasonable facilities for journalists” were required to be provided. The 2012 Regulations now provide that

“any person attending the meeting for the purpose of reporting the proceedings is, so far as practicable, to be afforded reasonable facilities for taking their report”

- 4.15 The Council is currently assessing its webcasting and filming policies to reflect the regulations and the more recent guidance from the DCLG on the matter [“Your council’s cabinet – going to its meetings, seeing how it works”](#), in respect of which a separate report will be submitted to this Committee for decision.

Alternative Options Considered

- 4.16 That the Regulations be applied to all officer decisions, including those of an administrative nature. This was not considered to be viable in terms of the time and resources required.
- 4.17 To not implement the recording of officer decisions was considered but would expose the council to a high risk of legal challenge.

5. Further changes to be made to the Constitution

- 5.1 Amending Appendix 4 Parts 6 and 7 of the Constitution to reflect the Regulations was an opportunity to assess other areas of the Access to Information Procedure Rules and Decision Making Procedure Rules that were not currently providing sufficiently rigorous guidance for Members, officer and the public. As a result further proposed changes are listed below:

Call-in

- 5.2 The call-in requirement at present is not clear and does not provide sufficient guidance for Members as to when and why a call-in might be used. New wording and criteria are suggested to address this.
- 5.3 In addition, and in line with other County Councils in England, under the new paragraph a call-in must be requested by at least two Members not of the same political group. Members will still have the right to require consideration of any matter not exempted, such as planning decisions, as part of the Scrutiny Committee agenda.

Local Procedures for Urgency

- 5.4 It is proposed that the procedures for urgency be updated to reflect current legislation and that as such only the Scrutiny Chairman and Senior Manager be required to agree that a decision should be taken as urgent.
- 5.5 However in order that the council continue to promote inclusive decision making it will continue to be a requirement of the urgency procedure that the Group Spokesmen of Scrutiny Committee and the Chairman and Group Spokesmen of the relevant Cabinet Committee be consulted and their views recorded on the Record of Decision

- 5.6 Furthermore, it is proposed that in addition to those Members already required to be consulted, officers now be required to seek the views of Local Members affected and their views also be recorded on the Record of Decision.

Decision making Flow Chart

- 5.7 A decision-making flow chart has been created as a step by step guide for decision makers, Members, officers and the public and it is suggested that this be included in the Constitution as an annex to Appendix 4 part 6.

Minor amendments

- 5.8 Some further minor amendments have also been made to Parts 6 and 7 of Appendix 4 which are not material to the democratic processes at the Council, for example deletions where new requirements have superseded the need for the inclusion of a particular rule.

6. Conclusions

- 6.1 The changes detailed in this report are required to reflect current legislative requirements and to strengthen the Constitution and decision making procedures at the Council. In addition they will simplify a sometimes complicated process, allowing officers to understand more clearly their governance responsibilities and therefore reducing the need for unnecessary and/or urgent Member decisions to be taken.
- 6.2 The document will be more accessible to elected Members and members of the public, thereby helping to achieve the continued drive toward openness, transparency and accountability at the heart of Kent County Council's democratic processes.

Recommendation:

That the Selection and Member Services Committee endorse the changes to the Constitution as detailed in the report and recommend their adoption by Council.

7. Background Documents

7.1 None

8. Contact details

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Appendix 4 Part 6: Access to Information Procedure Rules

The Council has Executive and Non-Executive responsibilities. Those which are Executive are the responsibility of the Leader and Cabinet and can be delegated to an individual Cabinet Member or to officers as appropriate. Those which are Non-Executive are the responsibility of Full Council, some of which can be delegated to Committees or Officers.

Forthcoming Executive Decisions list

- 6.1 Each fortnight the Head of Democratic Services will make available, at County Hall and on the Council's website, a list of Forthcoming Executive Decisions to be taken by either the Cabinet, Cabinet Portfolio Holder or officers. Each type of decision has different requirements for publication, procedure and recording.

Cabinet or Cabinet Member Key Decision

- 6.2 Some of the executive decisions that elected Members take will also be 'key' decisions. Key Decisions are defined in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. In accordance with the statutory definition and Government guidance, Key Decisions are executive decisions that are likely to:
- (a) result in savings or expenditure which is significant having regard to the budget for the service or function (currently defined by the Council as in excess of £1,000,000); or
 - (b) be significant in terms of its effects on a significant proportion of the community living or working within two or more electoral divisions.
- 6.3 Decisions which should be regarded as Key Decisions because they are likely to have a "significant" effect on the Council's services to the community include:
- (a) Adoption or significant amendment of major new strategies or frameworks not included in the Policy Framework.
 - (b) Decisions that involve significant service developments, significant service reductions, or significant changes in the way that services are delivered, whether County-wide or in a particular locality.
- 6.4 All Key Decisions will be made by the Leader, the Cabinet or a Cabinet Member. Actions taken by officers to implement a Key Decision, even where they would normally satisfy one or both of the tests in 6.3, will

not require further Member approval, provided it is in accordance with the Executive Scheme of Delegation to Officers (Appendix 2 Part 4).

- 6.5 Officers should inform Democratic Services at the earliest opportunity of any future decision, Key or otherwise, in order that it can be included on the Forthcoming Executive Decisions (FED) list.
- 6.6 The FED must contain the following information:
- (a) Whether or not the matter is a Key Decision;
 - (b) The matter in respect of which the decision is to be made;
 - (c) Where the decision maker is an individual, that individual's name, position and, where the decision maker is a decision-making body, its name;
 - (d) The date on which, or the period within which, the decision is to be made;
 - (e) A list of the documents the decision maker is likely to consider;
 - (f) The address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
 - (g) What other documents may be submitted to the decision maker;
 - (h) The procedure for requesting details of document;
 - (i) Whether the public are likely to be excluded from the meeting at which the matter is to be discussed, or whether papers relating to the matter may be excluded from publication;
 - (j) Any expected legal, financial, equality, property or Human Resources implications;
 - (k) Any consultation planned or undertaken, including the Cabinet Committee meeting at which the matter will be considered;
 - (l) Details of how the decision relates to Bold Steps for Kent
- 6.7 The Monitoring Officer is responsible for advising, where necessary, on the interpretation of the statutory definition of Key Decisions and whether the likely decision will fall within it.
- 6.8 The FED shall not contain any information which is exempt or confidential as defined in these Access to Information Procedure Rules, nor any details of the advice of a political adviser or assistant.

- 6.9 A Key Decision must appear on the FED for at least 28 consecutive days before it can be taken.
- 6.10 If a Key Decision needs to be taken but has not been included in the current FED for 28 days, it may only be taken where:
- (a) the Head of Democratic Services has informed the Chairman and Group Spokesmen of the Scrutiny Committee or, where the Chairman of the Scrutiny Committee is unavailable, has written to each member of the Scrutiny Committee, informing them of the decision to be taken;
 - (b) the Head of Democratic Services has informed any Local Members affected of the intention to take the decision.
 - (c) the Head of Democratic Services has made available at County Hall for inspection by the public, and published on the Council's website, the decision to be taken;
 - (d) five clear working days have elapsed following the day on which the notice was published.
- 6.11 All Key Decisions should be considered by the relevant Cabinet Committee before being taken. Where a Key Decision needs to be urgently taken before the Cabinet Committee meets, it can only be taken where the relevant Cabinet Committee Chairman, Group Spokesmen and affected Local Members have been given notice in writing by the Head of Democratic Services, that the decision is to be taken and where the 6.10 (c) and (d) have also been conformed to.
- 6.12 As soon as reasonably practical after the Head of Democratic Services has complied with paragraph 6.10 a notice setting out the reasons why compliance with 6.9 is impracticable must be made available at County Hall and on the Council's website.
- 6.13 When a Key Decision needs to be taken and it is so urgent that it is not practical to comply with the measures set out in 6.10 or 6.11, it may only be taken where:
- (a) the Chairman of the Scrutiny Committee has agreed that the decision cannot reasonably be deferred
 - (b) the Group Spokesmen of the Scrutiny Committee, the Chairman and Group Spokesmen of the relevant Cabinet Committee and Local Members affected, have been given written notice by the Head of Democratic Services that the decision is to be taken.
- 6.14 If the Scrutiny Committee considers that a decision taken should have been treated as a Key Decision but was not, it may require the Leader to report to the Council within a specified reasonable time details of the

decision, the reasons for it, who made it and why it was not considered to be a Key Decision.

Other Cabinet or Cabinet Member Decisions

- 6.15 Decisions that do not qualify as Key Decisions but which nonetheless are significant enough to be determined at Member level should also be included in the FED, and should include the same information as listed at 6.6 above. Where possible, these decisions should also be listed for 28 days before being taken.
- 6.16 These decisions should be considered by the relevant Cabinet Committee before being taken. Where a decision needs to be taken before the Cabinet Committee meets, the decision can only be taken where:
- (a) A Cabinet Committee has agreed at a previous meeting that the decision need not be considered; and
 - (b) the relevant Cabinet Committee Chairman and Group Spokesmen have been given notice in writing from the Head of Democratic Services, that the decision is to be taken; and
 - (c) The Scrutiny Committee Chairman and Group Spokesmen have been given notice in writing from the Head of Democratic Services that the decision is to be taken;
- in addition
- (d) Decisions must be made available by the Head of Democratic Services, at County Hall for inspection by the public, and published on the Council's website, for five clear working days before they may be taken.
- 6.17 A report must be submitted to the next available meeting of the relevant Cabinet Committee to provide information on the decision and the need for expedience.

Officer Delegated Executive Decision

- 6.18 The Executive Scheme of Delegation to Officers (Appendix 2 part 4 of the Constitution) allows officers to take:
- (a) Decisions which do not qualify as 'Key' under the legal definitions described above and which are not considered to be significant enough to be determined at Member level, such as day-to day running of the council, where the financial implications for the council are under £1,000,000 (Officers should ensure that they act within the financial limits agreed by Council and included at Appendix 5 of the Constitution); and

- (b) Actions to implement specific decisions already taken at Member level;

6.19 In addition, responsibilities and delegated authorities to specific officers are set out in Appendix 5 of the Constitution, including the Property Management Protocol which sets out delegated authorities specific to the Director of Property.

Meetings

6.20 The following Procedure Rules 6.21-6.31 apply to all meetings of the Council, Cabinet Committees, Joint Committees, Ordinary and Corporate Governance Committees and meetings of the Cabinet

Notice of meetings and access to agenda and reports

6.21 The Head of Democratic Services will give notice of the time and place of a public meeting at least five clear working days before the meeting by displaying a notice at County Hall and publishing it on the Council's website. Shorter notice shall only be given in exceptional circumstances.

6.22 The Head of Democratic Services will also make available for public inspection at County Hall and on the Council's website a copy of the agenda and every report to be considered by a committee, five clear working days before the meeting takes place.

6.23 There may be excluded from publication the whole, or any part, of a report which relates only to matters during which the meeting is likely to be held in private.

6.24 Any document that is required to be available for inspection by the public must be available for at least five clear days before the meeting, except that:

- (a) Where the meeting is convened at shorter notice, a copy of the agenda and associated reports must be available for inspection when the meeting is convened; and

- (b) Where an item which would be available for inspection by the public is added to the agenda, copies of the revised agenda and any report relating to the item for consideration at the meeting, must be available for inspection by the public when the item is added to the agenda.

6.25 Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by virtue of a Court Order.

6.26 Where the whole or any part of a report for a public meeting, or as part of a Cabinet Member Decision, is not available for inspection by the public:

- (a) every copy of the whole report or of the part of the report, as the case may be, must be marked “not for publication”; and
- (b) there must be stated on every copy of the whole or the part of the report:
 - (i) that it contains confidential information; or
 - (ii) by reference to the descriptions in Schedule 12A to the 1972 Act, the description of exempt information by virtue of which the decision-making body discharging the executive function are likely to exclude the public during the item to which the report relates

6.27 The descriptions of exempt information are as follows:

- (a) Information relating to any individual.
- (b) Information which is likely to reveal the identity of an individual.
- (c) Information relating to the financial or business affairs of any particular person (including the authority holding that information), unless it is required that the information be registered under the Companies, Friendly Societies, Industrial and Provident Societies, Building Societies or Charities Acts.
- (d) Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority of a Minister of the Crown and employees of, or office holders under, the authority.
- (e) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- (f) Information which reveals that the authority proposes:
 - (i) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (ii) to make an order or direction under any enactment.
- (g) Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

- 6.28 Information which falls within (a)-(g) above is exempt information if and so long, as in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 6.29 Except during any part of a meeting during which the public are excluded, the relevant local authority must make available for the use of members of the public present at the meeting a reasonable number of copies of the agenda and of the reports for the meeting.

Admission of the Public to meetings

- 6.30 Members of the public and the media may attend all meetings, subject only to the exceptions set out below:

Where:

- (a) it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item, confidential or exempt information would be disclosed to them; or
- (b) a lawful power is used to exclude a member or members of the public in order to maintain orderly conduct or prevent misbehaviour at a meeting.

- 6.31 The public may only be excluded under 6.30(a) for the part or parts of the meeting during which it is likely that confidential information or exempt information will be disclosed.

Publication of Records of Decisions by Cabinet, Cabinet Members and Officers

- 6.32 A record must be made of every decision of the Cabinet, or a Cabinet Member. In certain circumstances a record must also be made of decisions taken by an officer under the Executive Scheme of Delegations to Officers. These circumstances are:
- (a) A management decision regarding the day-to-day running of the council, where the financial implications for the council are between £100,000 and £999,999 (officers should ensure that they act within the financial limits agreed by Council and included at Appendix 5 of the Constitution)
 - (b) A decision or action taken to implement a specific Cabinet or Cabinet Member decision where the financial implications for the council are above £100,000
- 6.33 Those decisions purely administrative in nature and only remotely connected with an executive function need not normally be recorded

but officers should consider in all cases the level of public interest that might exist for the information and the context within which the decision is being taken.

- 6.34 The Record of Decision must contain:
- (a) a record of the decision
 - (b) the date that the decision was made
 - (c) a record of the reasons for the decision
 - (d) details of any alternative options considered and rejected by the decision maker
 - (e) a record of any conflict of interest declared by the decision maker or any executive member who is consulted by the body, member or officer which also relates to the decision
 - (f) in respect of any declared conflict of interest, a note of dispensation granted by the relevant local authority's head of paid service.
- 6.35 In addition the record should contain:
- (a) Any comments received when the matter was considered at Cabinet Committee
 - (b) Comments received from affected local members, where applicable
 - (c) Comments received from Members consulted as part of the urgency procedures, where applicable
- 6.36 The Record of Decision should be a public document, with any exempt information being contained within an exempt report to the decision maker.
- 6.37 The Head of Democratic Services will, as soon as reasonably practicable, make available the Record of Decision and any reports considered by the decision maker for inspection at County Hall and on the Council's website, except where information is considered to be exempt from publication or confidential.
- 6.38 Where the Record of Decision or report contains a list of background papers other relevant documents, at least one copy of each, unless exempt or confidential, will also be made available on the Council's website and at County Hall for inspection. Background papers are those documents which:

- (a) disclose any facts or matters on which the report, or an important part of the report, is based and
- (b) which have been relied on to a material extent in preparing the report

6.39 All Members will be informed in writing that the decision has been taken.

Access to minutes and records of decisions

6.40 The Head of Democratic Services will retain and make available for public inspection on the Council's website for six years after a meeting, or the taking of a decision, copies of the following:

- (a) the minutes of the meeting and/or records of decisions taken, excluding those which disclose exempt or confidential information
- (b) a summary of any proceedings not open to the public
- (c) the agenda
- (d) reports relating to items when the meeting was open to the public

Supply of copies

6.41 Following a request by any person or on behalf of a newspaper, and on payment by them of a reasonable charge to meet postage, copying or other necessary charge for transmission, the Council will supply copies of any agendas, reports, minutes and records of decisions which are open to public inspection

Additional rights of access to documents for elected members

6.42 Members have statutory rights to inspect and be provided with copies of most documents held by officers, the Leader or the Cabinet. They also have a right at common law to inspect documents that contain information they need to know for the discharge of their duties as Members of the Council. These rights will be interpreted and applied in accordance with a presumption in favour of openness.

6.43 In addition material in the possession or under the control of the executive of the local authority; and which contains material relating to:

- (a) Any business transacted at a private meeting;

(b) Any decision made by an individual Member in accordance with executive arrangements; or

(c) Any decision made by an officer in accordance with executive arrangements;

must be available for inspection by any Member within 24 hours of the conclusion of the meeting or the decision being made, as the case may be.

6.44 Paragraphs 6.42 and 6.43 do not require a document to be available for inspection where the Head of Democratic Services agrees that:

(a) it discloses exempt information, unless that exemption has been justified under paragraphs 3 or 6 of Schedule 12A of the Local Government Act 1972 (6.27 (c) and (f) above), (except to the extent that the information relates to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract); or

(b) compliance with 6.42 would involve the disclosure of advice provided by a political adviser or assistant, those paragraphs will not apply to that document or part of the document.

6.45 The rights conferred by 6.42 and 6.43 are in addition to any other rights that a Member may have.

Additional rights of access to documents for members of the Scrutiny Committee

6.46 A member of the Scrutiny Committee is further entitled to any document which is described in 6.42 and 6.43 above and also those documents which are exempt for reasons other than paragraphs 3 or 6 of Schedule 12A of the Local Government Act 1972 (6.27 (c) and (f) above).

6.47 Where a member of an overview and scrutiny committee requests a document, the executive must provide that document as soon as reasonably practicable and in any case no later than 10 clear days after the executive receives the request.

6.48 However, no member of an overview and scrutiny committee is entitled to a copy of a document or any part of a document containing:

(a) exempt or confidential information, unless that information is relevant to:

(i) an action or decision that that member is reviewing or scrutinising; or

(ii) any review contained in any programme of work of such a committee or sub-committee of such a committee; or

(b) advice provided by a political adviser or assistant.

6.49 Where the executive determines that a member of an overview and scrutiny committee is not entitled to a copy of a document or part of any such document for a reason set out in paragraph (1) or (3), it must provide the overview and scrutiny committee with a written statement setting out its reasons for that decision.

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Appendix 4 Part 7: Decision Making Procedure Rules

The Council approves the Budget and the Policy Framework as set out in Appendix 3 (non-Executive decisions). Once a budget or a policy strategy within the Policy Framework is in place, it is the responsibility of the Leader to take action to ensure its implementation (Executive decisions).

Process for approving or amending a Policy Framework document

- 7.1 The process for approving or amending a policy or strategy within the Policy Framework is:
- (a) The Leader will ensure a timetable is published for the adoption or change of any policy or strategy that forms part of the Policy Framework, and arrangements for consultation on those proposals.
 - (b) The relevant Cabinet Committee will consider and make comments on the draft document before it is further considered by Cabinet and finally approved by Council
 - (c) Having considered any report by the Cabinet Committee, the Leader, Cabinet or Cabinet Member shall agree proposals for submission to the Council. The submission shall state how any recommendations from the relevant Cabinet Committee have been taken into account.
 - (d) A Cabinet Committee in considering a submission may:
 - (i) endorse the proposals as submitted
 - (ii) make recommendations for amending proposals to the Leader or relevant Cabinet Member
 - (e) The Council will consider proposals for those plans and strategies that require its approval under the Policy Framework and any proposals referred to it by a Cabinet Committee and may:
 - (i) Adopt them
 - (ii) Amend them
 - (iii) Refer them back to the Leader for further consideration
 - (iv) Substitute its own proposals in their place.
 - (f) In considering the matter, the Council shall have before it the report from the Leader, Cabinet or Cabinet Member, which incorporates any views of the relevant Cabinet Committee, including any minority views expressed in that Committee's debate.

Process for developing the Budget

- 7.2 The process for proposing the Budget, Council Tax level, Capital Programme and Borrowing Policy is:
- (a) the Leader will publish to all Council Members each year a review of the issues relating to the Budget for the next financial year;
 - (b) The Cabinet Committees will consider matters within the published review of issues relating to the Budget for the next financial year which fall within their remit and make recommendations to the Leader;
 - (c) the Leader will publish a draft Budget no later than three weeks before the Budget meeting of the Council;
 - (d) the Leader will ensure external consultation is carried out;
 - (e) the Cabinet Committees and the Scrutiny Committee may consider the draft Budget, question the Leader and such Members of the Cabinet and officers as it wishes, and comment to the Cabinet;
 - (f) as part of each Cabinet Committee's consideration of the draft Budget, it should assess whether adequate resources have been allocated to take account of the endorsed recommendations of its own Select Committees. If it does not believe that these recommendations have been correctly taken into account, then it should recommend to the Leader and Council appropriate changes to the draft Budget;
 - (g) the Leader will consider any report from the Cabinet Committees, including any minority views, before reporting to Cabinet and making a final recommendation to the Council. He will also report to Council on how he has taken into account any recommendations from the Scrutiny Committee.
 - (h) The Council will consider the Leader's proposals and may:
 - (i) adopt them
 - (ii) amend them
 - (iii) refer them back to the Leader for further consideration
 - (iv) substitute its own proposals in their place.
 - (i) In considering the matter, the Council shall have before it the report from the Leader or the Cabinet, any reports from the Cabinet Committees and Scrutiny Committee and a report of any minority views expressed in those Committees' debates.
- 7.3 For both approving or amending a Policy Framework document or developing the Budget the following shall apply:
- (a) The Council's decision will be published to the Leader and on the Council's website and made available for inspection at County Hall no later than three working days after the Council meeting. The notice of decision shall be dated and shall state that either:

- (i) the decision shall be effective immediately (if the Council accepts the proposals without amendment or if the Leader has consented to any amendments during or following the debate);
or
- (ii) (if the proposals are not accepted without amendments to which the Leader has consented) the Council's decision will become effective on the expiry of five clear working days after the publication of the notice of decision, unless the Leader objects to it in that period.

(b) The Leader may object to the decision of the Council by giving written notice to that effect to the relevant Senior Manager and the Monitoring Officer prior to the date upon which the decision is to be effective. The written notification must state the reasons for the objection together with any changes proposed by the Leader and the reasons for those changes. The proposals will then be reconsidered by the Council at a meeting to be held on the sixth clear working day after the original meeting. The Council shall at that second meeting make its final decision on the matter on the basis of a simple majority. The decision shall be published and shall take effect immediately

7.4 Following the adoption of the Council's budget and the documents which make up the Policy Framework, responsibility lies with the Cabinet and individual Cabinet Members to take Executive decisions to implement them.

Decisions at variance from the Budget, Policy Framework or Resource Management Rules

7.5 The Leader, the Cabinet, its committees, Cabinet Members and any officers, Joint Committees or bodies discharging Executive functions under joint arrangements may only take decisions which are in accordance with:

- (a) the Budget and Policy Framework
- (b) any specification by the Council on the permissible extent of variance from the Budget or Policy Framework
- (c) the provisions of the Resource Management Responsibilities Statement (Appendix 5) and other Resource Management Rules, including Financial Regulations and procedures
- (d) the provisions of the other Resource Management Rule

7.6 If the Leader, the Cabinet, an individual Cabinet Member or an officer discharging executive functions want to make a decision that they consider might be contrary to the Budget and Policy Framework, they must take advice from the Monitoring Officer (in the case of the Policy Framework) and/or Chief Finance Officer (in the case of the Budget) as to whether the decision they want to make would be contrary to or not wholly in accordance with the Policy framework or the Budget.

7.7 If, following consultation with the individual or body proposing to take the decision and the relevant Senior Officer, the advice of either of Monitoring Officer or Chief Finance Officer is that the decision would not be in line with

the existing Budget and/or Policy Framework, then the proposed decision must be referred by the Leader or Cabinet to the Council, unless the decision is a matter of urgency, in which case the provisions in 7.8-7.11 below (urgent decisions at variance to the Budget and Policy Framework) will apply.

- 7.8 The procedure to be followed is as follows:
- (a) If the decision is one that would otherwise be taken by an officer it must instead be referred to the Leader or Cabinet;
 - (b) The Leader or Cabinet will refer the matter with a recommendation to the Council to decide;
 - (c) The matter will be considered at the next meeting of the Council when the Council may:
 - (i) agree the decision be taken
 - (ii) amend the Budget or Policy Framework to reflect the decision
 - (iii) reject the proposed decision
 - (iv) ask the Leader to reconsider the matter
 - (d) In the event of a decision being referred back to the Leader or Cabinet by the Council, the Leader or Cabinet must reconsider the matter on the basis of a report setting out the comments expressed and confirm, rescind or amend the decision in the light of those comments. The reconsidered decision will be reported back to the full Council for further consideration. The decision taken by the full Council will be final.
- 7.9 A decision will not take effect until the process set out in sub-paragraphs (a)-(d) above has been completed.

Urgent Decisions At Variance to the Budget and Policy Framework

- 7.10 If a decision at variance to the Budget and Policy Framework has to be taken for reasons of urgency before the procedures set out above would otherwise be completed, it may be taken provided that the Chairman and Group Spokesmen on the Scrutiny Committee have been consulted and the following procedure is followed:
- (a) The Chairman of the Scrutiny Committee or, if that person is unable to act, the Chairman of the Council or, in their absence, the Vice-Chairman, agrees that the decision needs to be made as a matter of urgency
 - (b) The relevant Corporate Director or Senior Manager agrees that the decision cannot reasonably be deferred
 - (c) The individual or body by whom the decision is made must submit, as soon as reasonably practical after the decision has been made, a

report to the full Council giving details of:

- (i) the decision;
 - (ii) the reasons why it was urgent;
 - (iii) the reasons for the decision;
- (d) If agreement is not obtained as in (a) above, the matter must be referred to the full Council for decision.

Interim Changes to the Policy Framework

7.11 Amendments, modifications or variations to any plan or strategy which form part of the Policy Framework can be made by the Leader, Cabinet or Cabinet Members in the following circumstances:

- (a) where such a change is necessary for giving effect to requirements by the Secretary of State or a Minister of the Crown in relation to a plan or strategy submitted for his approval;
- or
- (b) where the full Council, when approving or adopting the plan or strategy, has authorised the Leader, Cabinet or Cabinet Members to make such changes

Decisions in accordance with the Budget and Policy Framework

7.12 Decisions taken in accordance with, and in order to implement, the Budget and Policy Framework by the Leader, Cabinet, Cabinet Members or officers are called Executive Decisions and are subject to certain statutory and local procedure rules set out in Appendix 4 part 6 of the Constitution. All decisions taken by the Executive or an individual with delegated authority, on behalf of the Executive have a statutory requirement to be open to Scrutiny. At Kent County Council decisions are also shared with Cabinet Committees at the proposal stage.

Cabinet Committee process

7.13 The relevant Cabinet Committee should consider all Executive decisions relevant to its terms of reference before they are taken, unless a decision is urgent and the relevant procedures for urgency set out in rules 6.10 – 6.13 or 6.16 have been complied with, or where the Cabinet Committee has determined that it need not consider a matter about which a decision is forthcoming.

Scrutiny Committee process

Call-in criteria

7.14 Any two Members of the Council from more than one political group may give notice to the Head of Democratic Services within five clear working days following the publication of a decision taken by the Cabinet or a Cabinet Member of their wish to call-in the decision.

- 7.15 Members are able to call-in a decision for one or more of the following reasons
- (a) The decision is not in line with the Council's Policy Framework
 - (b) The decision is not in accordance with the Council's Budget
 - (c) The decision was not taken in accordance with the principles of decision-making set out in Article 12 of the Constitution
 - (d) The decision was not taken in accordance with the statutory and local arrangements set out in Appendix 4 Parts 6 & 7
- 7.16 The reasons justifying the call-in of a decision shall be clearly set out. Should the reasons for call-in be considered by the Head of Democratic Services to be clear, correct and in line with 7.14-7.15 above, the decision taker will be notified.
- 7.17 The Scrutiny Committee will consider the call-in at a meeting that will take place within ten working days of the decision to call the matter in.
- 7.18 A Member who called-in a decision may participate in the debate of that call-in by the Scrutiny Committee, irrespective of whether they are a Member of the Scrutiny Committee.

Scrutiny Committee meeting process

- 7.19 When considering an Executive decision that has been called-in the Scrutiny Committee can:
- (a) Make no comments
 - (b) Express comments but not require reconsideration of the decision
 - (c) Require implementation of the decision to be postponed pending reconsideration of the matter in the light of the Committee's comments by whoever took the decision
- or
- (d) If the decision is deemed to be contrary to the Policy Framework or Budget, require implementation of the decision to be postponed pending consideration of the matter by the full Council.
- 7.20 If the Scrutiny Committee refers a decision to the full Council, it shall be considered at the next meeting of the Council when the Council may either:
- (a) Agree the decision be implemented
 - (b) Express comments but not require reconsideration of the decision
- or
- (c) Require implementation of the decision to be postponed pending reconsideration by the Cabinet of the matter, taking into account the

Council's comments.

When considering any other matter:

7.21 The Chairman and Group Spokesmen on the Scrutiny Committee shall agree

(a) which matters the Committee is to scrutinise, including

(i) Any matter that is relevant to the functions of the committee referred to it by any member of the Council, with the exclusion of:

- A local crime and disorder matter within the meaning of section 19 of the Police and Justice Act 2006 (which should be dealt with by the Crime and Disorder Committee)
- Any matter relating to a planning decision
- Any matter relating to a licensing decision
- Any matter relating to a person in respect of which that person has a right of recourse to a review or right of appeal conferred by or under any enactment
- Any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the Scrutiny Committee or at a meeting of a sub-committee of that committee.

(ii) However, an allegation that a function for which the authority is responsible has not been discharged, or that discharge has failed or is failing on a systemic basis, does not count as an excluded matter, even if the allegation relates to a planning decision, a licensing decision, or a matter relating to a person in respect of which that person has a right of recourse to a review or right of appeal conferred by or under any enactment.

(b) The amount of time to be allowed for questioning and debate on each of these items

(c) Which Members of the Cabinet and officers it requires to attend and answer questions

(d) Which other witnesses it will ask to attend

7.22 The Scrutiny Committee will meet, question Cabinet Members and officers, debate the issues identified by the Chairman and Group Spokesmen and resolve by a majority vote to either:

(a) Make no comments

(b) Express comments but not require reconsideration of the decision

(c) Require implementation of the decision to be postponed pending reconsideration of the matter in the light of the Committee's comments by whoever took the decision
or

- (d) Require implementation of the decision to be postponed pending consideration of the matter by the full Council.
- 7.23 If the Scrutiny Committee refers a decision to the full Council, it shall be considered at the next meeting of the Council when the Council may either:
- (a) Agree the decision be implemented
 - (b) Express comments but not require reconsideration of the decision
or
 - (c) Require implementation of the decision to be postponed pending reconsideration by the Cabinet of the matter, taking into account the Council's comments.
- 7.24 In the event of a decision being referred back for reconsideration by either the decision maker or the full Council, the Cabinet shall first reconsider it on the basis of a report setting out the comments expressed and confirm, rescind or amend the decision in the light of those comments. A written statement of that reconsidered decision will be published and sent to all Members of the Council.
- 7.25 If the Scrutiny Committee requires implementation of a decision that has been called-in to be postponed or refers it to Council, it may not be implemented until the processes set out in paragraphs 7.23 and 7.24 above have been completed.
- 7.26 Nothing in the above rules prevents a member of the Scrutiny Committee from exercising their legal right to propose discussion of any decision taken by the Leader, the Cabinet or a Cabinet Member. The agenda for the meeting of the Scrutiny Committee shall include an item for this purpose.

Decisions by Officers and Council Committees

- 7.27 The Scrutiny Committee may resolve (or the Chairman and Group Spokesmen may agree) to consider any decision taken by an officer, or by a Committee exercising functions delegated to it by the Council. It (or they) may request, but not require, that implementation of any such decision be postponed. The agenda for each meeting of the Scrutiny Committee shall include an item for this purpose. Following such consideration, the Scrutiny Committee may:
- (i) Comment to the relevant Senior Manager
 - (ii) Report to the Council
 - (iii) Refer any issues arising from its debate for consideration by a Cabinet Committee, Cabinet Member or the Cabinet

Decision Making Procedure Rules – Virement

Revenue

- 7.28 Transfers between revenue budget headings can take place as follows, provided they do not involve new policy or policy change and do not involve an increasing commitment in future years that cannot be contained within

existing approved budget allocations:

(a) Virement within a portfolio for which a Cabinet Member is responsible:

- (i) Up to £200,000: the relevant Senior Manager in consultation with the relevant Cabinet Member and the Chief Finance Officer;
- (ii) Between £200,000 and £1m: the relevant Cabinet Member in accordance with the decision making Procedure Rules and after consultation with the Cabinet Member for Finance;
- (iii) Above £1m: the Leader or Cabinet in accordance with the decision making Procedure Rules.

(b) Virement between portfolios:

- (i) Up to £200,000: the relevant Senior Managers in consultation with the relevant Cabinet Members and the Chief Finance Officer;
- (ii) Between £200,000 and £1m: the relevant Cabinet Members in accordance with the decision making Procedure Rules and after consultation with the Cabinet Member for Finance;
- (iii) Above £1m: the Leader or Cabinet in accordance with the decision making Procedure Rules.

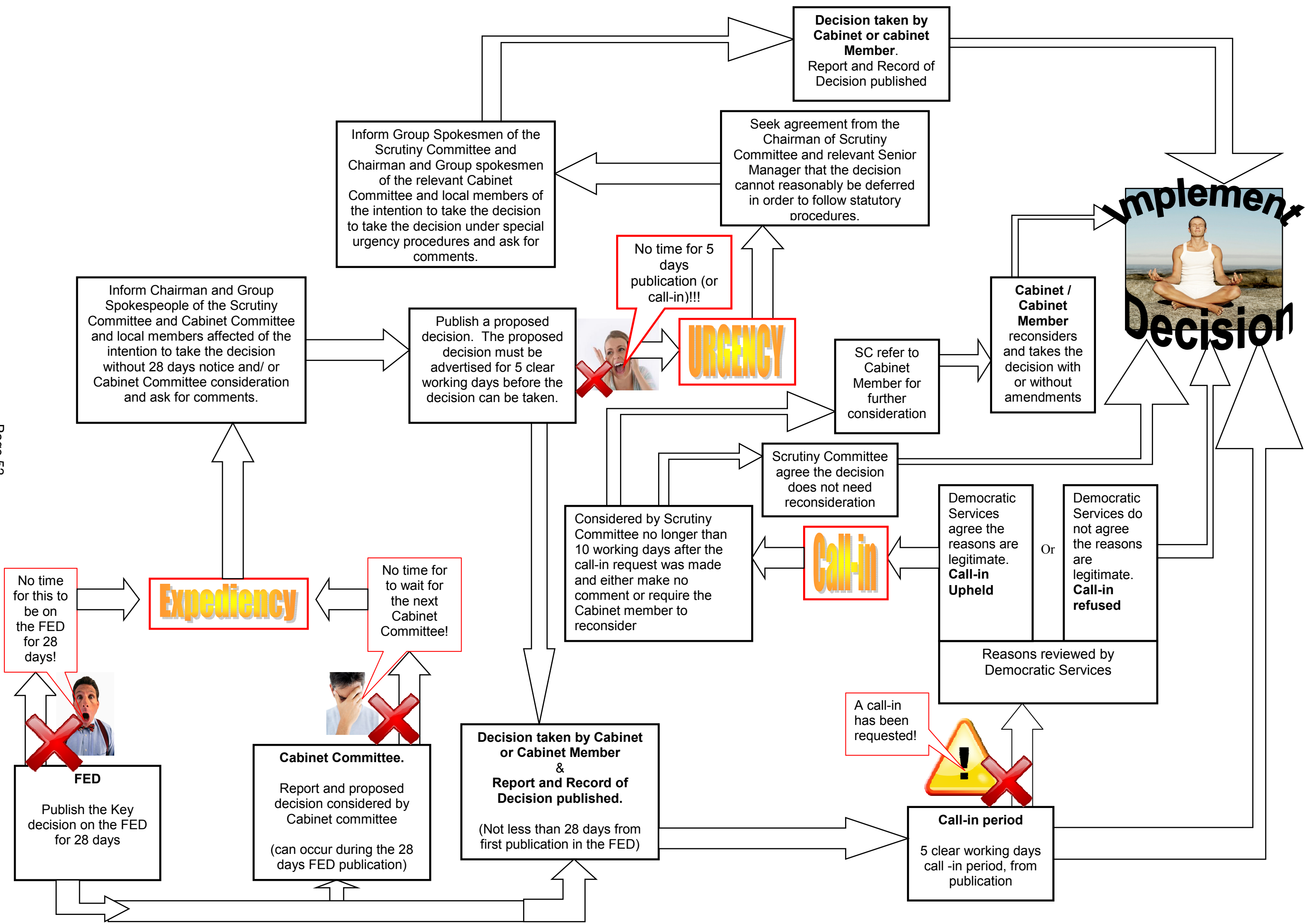
Capital

7.29 Resources may be vired from one capital project or heading to another as follows, provided that such transfers do not result in an overall increased commitment of capital resources and do not involve new policy or policy change:

- (a) Up to £50,000: the relevant Senior Manager;
- (b) Between £50,000 and £200,000: the relevant Senior Manager in consultation with the relevant Cabinet Member and the Chief Finance Officer;
- (c) Between £200,000 and £1m: the relevant Cabinet Member in consultation with the Cabinet Member for Finance;
and
- (d) Above £1m - the Leader or Cabinet.

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Start



No time for this to be on the FED for 28 days!



Expediency



No time for to wait for the next Cabinet Committee!

Decision taken by Cabinet or Cabinet Member & Report and Record of Decision published.
(Not less than 28 days from first publication in the FED)



No time for 5 days publication (or call-in)!!!

URGENCY

Call-in

A call-in has been requested!



Call-in period
5 clear working days call-in period, from publication

Democratic Services agree the reasons are legitimate. Call-in Upheld
Or
Democratic Services do not agree the reasons are legitimate. Call-in refused
Reasons reviewed by Democratic Services

Scrutiny Committee agree the decision does not need reconsideration

SC refer to Cabinet Member for further consideration

Cabinet / Cabinet Member reconsiders and takes the decision with or without amendments

Implement Decision



Inform Group Spokesmen of the Scrutiny Committee and Chairman and Group spokesmen of the relevant Cabinet Committee and local members of the intention to take the decision under special urgency procedures and ask for comments.

Inform Chairman and Group Spokespeople of the Scrutiny Committee and Cabinet Committee and local members affected of the intention to take the decision without 28 days notice and/ or Cabinet Committee consideration and ask for comments.

Publish a proposed decision. The proposed decision must be advertised for 5 clear working days before the decision can be taken.

Seek agreement from the Chairman of Scrutiny Committee and relevant Senior Manager that the decision cannot reasonably be deferred in order to follow statutory procedures.

Decision taken by Cabinet or cabinet Member.
Report and Record of Decision published

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To: Selection and Member Services Committee – 4 September 2013

From: Gary Cooke, Cabinet Member, Corporate and Democratic Services
Peter Sass, Head of Democratic Services

Subject: Committee minutes submitted to County Council meetings

Classification: Unrestricted

Summary:

This report invites the Committee to consider varying the current practise of submitting certain committee minutes to the County Council for information.

1. The Constitution¹ currently provides for the minutes of the Governance & Audit, Planning Applications and Regulation Committees to be included in the agenda for ordinary meetings of the County Council. The minutes for the Planning Applications and Regulation Committees are submitted for information only. A debate on the Governance & Audit Committee minutes not exceeding 15 minutes is permitted.

2. In addition to the three committees listed above, it has been the practise in recent years for the minutes of the Superannuation Fund Committee to be reported to the County Council for information, although the Constitution does not provide for this.

3. It is unclear why the minutes of these committees are the only ones that are submitted to County Council and there is no obvious reason for doing so, especially given the fact that since 2007 all committee minutes have been published online prior to the next meeting, often several weeks before the next County Council meeting is held.

4. This practice is now seen as an historic anomaly, especially in relation to those minutes submitted for information only, as there are numerous other committees that do not submit their minutes for information but it could be argued have a much more direct impact on the business of the County Council meeting.

4. As an alternative, it would be more appropriate for a link to the published minutes to be included in the Members' Information Bulletin emailed out to Members on a weekly basis. Members are also able to set up an email alert for specific committees, which would send them an email as soon as these minutes are published. This would mean that these minutes would be drawn to Members attention in a more timely way than waiting until the next meeting of the County Council. Also if these minutes were no longer submitted to County Council there

¹ Appendix 4 Part 1: Rules applying to Council Meetings, Paragraphs 1.10 and 1.23

would also be a reduction in printing costs and more time available at Council meetings for debate.

5. Accordingly, the Committee is asked to agree that, in light of the ability to access the minutes of all committees online as soon as they are published rather than waiting until the next meeting of the County Council, it is no longer necessary to submit any committee minutes to the meetings of County Council for information or debate.

6. **Recommendation:** That the Committee requests that the County Council:

(a) agrees to amend paragraphs 1.10 and 1.23 of Appendix 4 Part 1 to remove the requirement for the minutes of the meetings of the Planning Applications and Regulation Committees to be submitted for information and to cease the practice of the Superannuation Fund Committee Minutes being submitted to the County Council for information; and

(b) agrees to remove the requirement for minutes of the Governance and Audit Committee to be submitted to County Council and the provision for a debate and to amend paragraphs 1.10 and 1.23 of Appendix 4 Part 1 accordingly..

Contact:
Peter Sass
Head of Democratic Services
peter.sass@kent.gov.uk
Ext 4002

Background documents

None

By: Gary Cooke, Cabinet Member for Corporate and Democratic Services

To: Selection and Member Services Committee – 4 September 2013

Subject: Member Development

Summary: This report informs the Committee of the mid term review by the South East Employers Organisation since the County Council was awarded the Member Development Charter Plus in September 2011. It invites the Committee to re-establish a Member Development Steering Group and recommend a refreshed Member Development Policy Statement to the County Council for adoption.

1. Introduction

The County Council was the first County Council in England to be awarded the Member Development Charter Plus for its commitment to Member Development in September 2011. This Charter is awarded for a three year period.

2. Member Development Charter Plus – Mid Term Review

(1) The South East Employers (SEE) organisation undertook a mid term review on Thursday 8 August of the progress made by the County Council to the Charter Plus Standard. In addition to myself, the former Chairman of the Member Development Steering Group Mr Andrew Bowles and Paul Wickenden, Democratic Services Manager (Members) were interviewed.

(2) The interviewees drew attention to the very successful Member induction programme following the election, the creation of a Member area on KNet and the e induction programme. The Team spoke about an on-going Member Development programme reflecting the Transformation programme and the anticipated need to change the Member profile. They acknowledged the ongoing process of members participating in the Personal Development Plan and 360 degree profile processes

(3) The outcome of the mid term review was communicated to the County Council by SEE's Development Director on 9 August in the following terms:-

"I am pleased to confirm that the Council continues to meet the standard of the Charter Plus and a full re- assessment will be required in September 2014 with a re-commitment due in April 2014.

Following the elections and the successful new member induction programme I would like to suggest the following actions:

- *The Member Development Group (MDG) to schedule a series of meetings, agree terms of reference and determine its work programme*
- *The MDG to identify the key development priorities to support members to achieve the Transformation programme and a development programme to be put together to respond accordingly*
- *New role profiles to be developed to reflect the changing role of the councillor*
- *Personal Development Plans (PDPs) to be offered to all Members with a target of 70% take up and completion*
- *The MDG to consider the future approach to 360 degree feedback to support development.*

Congratulations on your continuing progress.”

3. Member Development Policy Statement and Member Development Steering Group

(1) Attached as **Appendix 1** is a copy of the Member Development Policy Statement. This has been amended to reflect the way forward for the County Council in line with the recommendations from SEE. With four political Groups and two independent members it is important that there is a strong commitment to Member development. The Committee is invited to comment on the revised Member Development Policy Statement and recommend it to the County Council on 19 September 2013 for adoption.

(2) The Committee is also asked to consider the re-establishment of a Member Development Steering Group who will oversee the day to day development and operational activity periodically reporting progress to this Committee. The former Member Development Steering Group was chaired by Andrew Bowles as a Deputy Cabinet Member to the Cabinet Member which had the remit for Members’ Services. Other Members included the Leaders of the Liberal Democrat Group, the Leader of the Labour Group, the Chairman of this Committee, the independent member and a range of other members who were passionate about Member development. The establishment of a Steering Group is not subject to the proportionality rules.

(3) The Committee’s views are sought on the re-establishment of a Member Development Steering Group and its proposed membership.

4. Transformation Programme

(1) As the Cabinet Member with responsibility for Members’ Services and Learning and Development the priority is to ensure that the ongoing member development activity is equipping us as elected members to support the communities we represent whilst delivering the Transformation Programme.

(2) The County Council will consider a paper on the Transformation Programme at its meeting on 19 September. I propose to bring a paper to the

next meeting of this committee to set out a programme of events and development opportunities for the elected members in response to the Transformation programme.

5. Recommendations

The Committee is asked to:

- (a) note the outcome of the mid term review against the Member Development Charter Plus standard;
- (b) re-establish a cross party Member Development Steering Group;
- (c) consider and recommend the Member Development Policy Statement to the County Council for adoption; and
- (d) agree that a report on the events and Member development opportunities for members to respond to the challenges of the Transformation Programme be submitted to the next meeting of this Committee

Paul D Wickenden
Democratic Services Manager (Members)
Tel: 01622 694486
E Mail: paul.wickenden@kent.gov.uk

13 August 2013

Background Documents: none

Appendix 1

KENT COUNTY COUNCIL
ELECTED MEMBER DEVELOPMENT
POLICY STATEMENT



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INTRODUCTION

This Policy Statement is a key part of our commitment to providing development opportunities for Elected Members to enable them to effectively fulfil their role/s, now and in the future.

The Council has attained the South East Charter Plus for Elected Member Development and is fully committed to the principles of the Charter.

The Member Development Steering Group is committed to working with elected Members and partners to enshrine the principles of the Member Development Charter Plus.

PRINCIPLES/STANDARDS

The Council is committed to:

- Developing elected Members to assist them fulfil their responsibilities to the local community, provide clear leadership and contribute to the achievement of the Council's aims and objectives.
- Equality of opportunity and access to training and development for all Members.
- Assessment for Members through an annual review of activity and ongoing development needs analysis.
- Ensuring adequate resources are available to meet Members' knowledge, training and development requirements.
- Working in partnership with other local authorities and other organisations in the development and delivery of training for Members where appropriate.
- Using varied and innovative methods of delivering training and development that make the best use of technology and meet the personal needs of Members.
- Defining general and specific mandatory training and development requirements relating to the role/s of Members.
- Evaluating the impact and added value of training and development activity at an individual and organisational level.

PURPOSE OF ELECTED MEMBER DEVELOPMENT

The purpose of elected Member Development is to ensure Members have the knowledge, skills and behaviours they need to effectively undertake their role.

We will achieve this through a programme that:

- Develops Members' knowledge and awareness of local and national issues and legislation
- Develops Members' skills and behaviours across a range of areas including personal development; leadership, political and communication skills and ICT
- Provides opportunities to network with each other, other local authorities and partners
- Provides internal and external mentoring support

INDUCTION

A comprehensive induction will be provided for all Members following County Council elections and by-elections. The programme will be developed in conjunction with the Member Development Steering Group and include:

- Knowledge based learning
- Skill based learning
- E learning
- Community issues including leadership, planning and public engagement
- Regulatory functions
- Scrutiny
- Dedicated half day member briefings

Both Member and Officer Mentors will be provided to support all County Councillors who have been elected for the first time.

MANAGEMENT

Each political group will nominate Members to act as 'Member development' champions for the group and serve on the Member Development Steering Group. The Council will nominate officers as members of the Member Development Steering Group

Reporting to the Selection and Member Services Committee the Member Development Steering Group will have responsibility for approving the annual development programme and providing a steer for future requirements (see Annex 1 for full Terms of Reference).

EVALUATION

All training and development events for members will be evaluated through individual feedback, achievement of planned outcomes and the overall contribution to the achievement of the council's aims and objectives.

The completion by Members of Personal Development Plans and the 360 degree feedback process will inform the preparation of the Member Development Programme and Briefing programmes.

Regular reports will be presented to the Member Development Steering Group to enable the information to inform future planning of programmes and events. An annual report will be presented to County Council.

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Member Development Steering Group

Terms of Reference

1. To champion and promote the development of Members
2. To regularly review the Member Training and Development Strategy to ensure its relevance.
3. To agree the Members' training and development plan annually including induction programmes in appropriate years.
4. To monitor and evaluate the development programme for Members on an annual basis.
5. To support and encourage Members in maintaining the Member Development Charter Plus
6. To report to the Council annually on progress of Member development.

By: Gary Cooke, Cabinet Member for Corporate and Democratic Services
Peter Sass, Head of Democratic Services

To: Selection and Member Services Committee – 4 September 2013

Subject: Update on appointments to Outside Bodies

Summary: To inform the Committee of appointments to Outside Bodies made since the last meeting.

1. Introduction

1. (1) The Committee made various appointments to Outside Bodies at its meeting on 9 July 2013. These are set out at Minute 22.

(2) The Committee also agreed to delegate outstanding appointments to the Head of Democratic Services in consultation with the Chairman and the Group Whips. The list of such appointments is set out in the **Appendix** to this report.

2. University of Kent Court

(1) The University of Kent has advised that it has changed its constitution so that the appointments by Kent County Council to its Council now consist of the Leader and Chairman of the County Council. Mr John Simmonds is also a Member of the University's Council in his capacity as Chairman of the University of Kent Court. Although this appointment derived from an original nomination by KCC, it is not transferable to any other Member. Discussions are taking place with the University and I will report any further developments to the Committee.

3. Adoption Panels

(1) The County Council agreed at its meeting on 23 May 2013 to reduce the number of Adoption Panels from 6 to 4 (East, North, South and West). Each Panel will have a minimum of 1 and a maximum of 2 KCC Members serving as a permanent Panel Member. No Member may serve on a Panel in their own Area. Any other Member wishing to sit on a Panel will be included in a central list from which substitutes can be drawn.

(2) The respective Groups have been asked for nominations, and I will report further on the appointments and composition of the four Panels to the next meeting of this Committee.

4. Recommendations

The Committee is asked to note the appointments to Outside Bodies set out in the Appendix to this report, together with the amended representation to the University of Kent Council.

Contact:
Peter Sass
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Ext 4002

APPENDIX
(Appointments made by the Head of Democratic Services)

Outside Body

Aylesham and District Community Workshop Trust
Bensted Charity

Biggin Hill Airport Consultative Committee
Dover Roman Painted Homes
Dungeness Local Community Liaison Council
Gabriel Richards Charity
Headcorn Aerodrome Consultative Committee
Lydd Airport Consultative Committee
LGA County Councils Network

LGA General Assembly
LGA Public Transport Consortium
LGA Rural Commission
LGA Urban Commission
Maidstone Town Centre Management Company

Powell Cotton Museum Trust
Red Hill Trust
Rochester Airport Consultative Committee
Romney Marsh Visitor Centre
Royal School for Deaf Children (John Townsend Trust)
Sandwich and Pegwell Bay National Nature Reserve Steering Group
South Ashford Initiative
Southern Regional Flood and Coastal Committee

Swale District Advisory Board
Swale Rural Forum
The Duke of York's Royal Military School
University of Kent Court and Council

Appointee

Mr S C Manion
Mr A H T Bowles
Mr T Gates
Mr R J Parry
Mr G Cowan
Mr D Baker
Mr M J Vye
Mr R A Marsh
Ms S J Carey
Mr R A Latchford
Dr M R Eddy
Mr G Cowan
Dr M R Eddy
Dr M R Eddy
Mrs P A V Stockell
Mrs P A V Stockell
Vacancy
Mr R A Latchford
Mrs P A V Stockell
Mr R A Marsh
Mr D Baker
Ms P Brivio

Mr L B Ridings
Mr J N Wedgbury
Vacancy (UKIP)
Dr M R Eddy (Observer)
Mr M J Vye (Observer)
Mr T Gates
Mr T Gates
Mr L B Ridings
Mr P B Carter (tbc)
Mr EEC Hotson (tbc)
Mr J D Simmonds (**Council**)

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