

SELECTION AND MEMBER SERVICES COMMITTEE

Wednesday, 27th November, 2013

10.00 am

Wantsum Room, Sessions House, County Hall,
Maidstone





SELECTION AND MEMBER SERVICES COMMITTEE

AGENDA

**Wednesday, 27 November 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. Substitutes
2. Declarations of Interests by Members in items on the Agenda for this meeting.
3. Minutes - 4 September 2013 (Pages 5 - 8)
4. Dates of meetings in 2014
Monday, 27 January 2014
Thursday, 6 March 2014
Friday, 25 April 2014
Thursday, 26 June 2014
Wednesday, 8 October 2014
Thursday, 20 November 2014

All meetings at 2.30 pm

5. Transformation Programme and Member Development (Pages 9 - 12)
6. Committee membership (Pages 13 - 20)
7. Review of Policies and Procedures in relation to the reimbursement of Business Expenses (Pages 21 - 24)
8. The Leader's Oral report to the County Council (Pages 25 - 26)
9. Webcasting Protocol and extension of webcasting to other meetings (Pages 27 - 32)
10. Proposed amendment to the Terms of Reference of the Health and Wellbeing Board to allow the co-option of Members (Pages 33 - 40)
11. John Wallis Church of England Academy (Pages 41 - 42)

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, 19 November 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.

KENT COUNTY COUNCIL

SELECTION AND MEMBER SERVICES COMMITTEE

MINUTES of a meeting of the Selection and Member Services Committee held in the Wantsum Room, Sessions House, County Hall, Maidstone on Wednesday, 4 September 2013.

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

IN ATTENDANCE: Mr G Wild (Director of Governance and Law), Ms D Fitch (Democratic Services Manager (Council)), Mrs L Whitaker (Principal Democratic Services Officer), Mr P D Wickenden (Democratic Services Transition Manager) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS**24. Membership**

(Item 1)

(1) The Committee noted the appointment of Mr R A Latchford in place of Mr C P D Hoare.

25. Minutes - 9 July 2013

(Item 4)

RESOLVED that the Minutes of the meeting held on 9 July 2013 are correctly recorded and that they be signed by the Chairman.

26. Audio and Visual recordings of County Council meetings

(Item 5)

(1) The Cabinet Member for Corporate and Democratic Services tabled paragraph 3 (3) of the report which read:

“However, if such a facility was introduced, it would result in unfairness, as members of the public attending a formal meeting are not afforded the same opportunities to interrupt a meeting with a comment or question and it is not recommended that KCC uses these facilities at the current time.”

(2) The Committee considered whether to webcast all the bodies set out in Appendix B of the report.

(3) The Committee agreed that it would be inappropriate to broadcast meetings of the Corporate Parenting Panel due to the sensitive nature of its business and because there was no legal requirement for this Panel to be open to the public.

(4) The Committee discussed the reasons why it would not be appropriate to webcast meetings of the Regulation Committee and its Sub-Committees.

(5) The Committee discussed the principle of webcasting meetings of the Planning Applications Committee should be published. It stressed that, in the light of the strong objections of that Committee's Chairman, no action should be taken to commence webcasting until a protocol had been produced in full consultation with him and the Head of Planning Applications Group to address as many of these concerns as possible.

(6) Pursuant to Committee Procedure Rule 2.26 (1), Mrs T Dean asked that her opposition to the decision to exclude Regulation Committee and its sub-committees from the extension of webcasting be recorded.

(7) Pursuant to Committee Procedure Rule 2.26 (1), Ms A Harrison asked that her opposition to the decision taken in principle to webcast Planning Applications Committee be recorded.

(8) RESOLVED that:-

- (a) the proposed amendments to the Constitution set out in paragraph 1.4 of the report (in relation to the recording of meetings by the public and media organisations) be recommended to the County Council for approval;
- (b) in principle, all formal meetings which are open to the public should be webcast;
- (c) pursuant to (b) above, the webcasting of meetings be extended to all the Committees set out in Appendix B of the report with the following exceptions;
 - (i) the Corporate Parenting Panel;
 - (ii) Regulation Committee (together with its Member Panels and Mental Health Guardianship Sub-Committee); and
 - (iii) the Planning Applications Committee pending the provisions set out in (d) below;
- (d) the Head of Democratic Services be given responsibility for drafting a protocol for webcasting, including specific measures to address the issues related to webcasting the Planning Applications Committee (to be produced in consultation with the Chairman of the Planning Applications Committee and the Head of Planning Applications Group) and that this draft protocol be submitted to a future meeting of the Committee for approval.

27. Changes to the Constitution - The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

(Item 6)

(1) The Director of Governance and Law advised the Committee that the definition of officer decisions set out in paragraph 4.12 needed further detailed consideration. He therefore recommended that consideration of the “recording of Decisions by Officers” section of the report should be deferred to the next meeting. This was agreed.

(2) The Committee agreed to note the recommendations rather than to endorse them.

(3) RESOLVED that, with the exception of the “recording of Decisions by Officers” section of the report, the changes to the Constitution proposed in the report be noted and referred to the County Council for its consideration.

28. Committee minutes submitted to County Council meetings

(Item 7)

(1) On being put to the vote, the recommendations in the report were agreed by 6 votes to 3.

(2) RESOLVED that the County Council be requested to agree to:-

(a) amend paragraphs 1.10 and 1.23 of Appendix 4 Part 1 of the Constitution to remove the requirement for the Minutes 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) 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 of the Constitution accordingly.

29. Member Development

(Item 8)

(1) In agreeing the recommendations, the Committee agreed to delegate the decision on how the Member Development Steering Group would be constituted to the Head of Democratic Services in consultation with the Cabinet Portfolio Holder for Corporate and Democratic Services.

(2) RESOLVED that:-

(a) the outcome of the mid term review against the Member development Charter Plus Standard be noted;

(b) the cross-party Member Development Steering Group be re-established, with its composition being determined by the Head of

Democratic Services in consultation with the Cabinet Portfolio Holder for Corporate and Democratic Services;

- (c) the proposed Member Development Policy Statement be recommended to the County Council for approval; and
- (d) a report on the events and Member Development opportunities to enable Members to respond to the challenges of the Transformation Programme be submitted to the next meeting of the Committee

30. Update on appointments to Outside Bodies

(Item 9)

(1) In respect of the Appendix to the report, the Committee noted that Dr M R Eddy had been appointed to the LGA Urban Commission instead of the LGA Rural Commission; that Mrs P A V Stockell had been appointed to serve on the LGA Rural Commission instead of the LGA Rural Commission; and that Mr D Baker had now been appointed to fill the vacancy on the Southern Regional Flood and Coastal Committee.

(2) In the light of requests received from Members of the Committee, the Chairman agreed to hold further discussions with the minority Groups to see whether any further amendments could be made to the list set out in the Appendix to the report.

(3) RESOLVED that subject to (1) and (2) above the appointments to Outside Bodies set out in the Appendix to the report be noted together with the amended representation to the University of Kent Council.

By: Gary Cooke, Cabinet Member for Corporate and Democratic Services
Andrew Bowles, Chairman of the Member Development Steering Group

To: Selection and Member Services Committee – 27 November 2013

Subject: Transformation Plan and Member Development

Summary: This report informs the Committee of the views of the Member Development Steering Group on the opportunities for members to support them in contributing to the Transformation Plan

1. Introduction

- (1) At the last meeting of the Committee, a commitment was made to report back on the options and opportunities for Member development in contributing and taking forward the Transformation Plan (for which there will be more detail from the Leader at the December meeting of the Council).
- (2) The Member Development Steering Group, which the County Council agreed to re-constitute on 19 September, met on 27 October 2013 to consider the options.

2. Views of the Member Development Steering Group

- (1) The Steering Group discussed the key components and knowledge an elected Member should have/will require to contribute to the Transformation Plan:
 - Understanding what commissioning is.
 - Understanding the various models of service delivery.
 - What are the outcomes to be achieved and the drivers for those outcomes.
 - Developing a more mature approach to risk.
 - Understanding the importance of contract management.
 - Managing conflict and conflict resolution.
 - Negotiation skills.
 - Managing expectations.
 - Chairing difficult public meetings.
 - Influencing, listening and persuasion skills.
 - Control and accountability; “I have been elected to represent my community. What does this mean in terms of accountability and control; through the range of service models?”
 - Culture change.
 - Effective consultation.
 - Using plain English to convey a message which the public will understand.

- Media relations.
- (2) Having agreed the key components for elected Members, the Steering Group considered the options for delivery, which included arranging briefings for Members, together with bespoke training events or a series of days when this whole programme could be delivered.
 - (3) The Steering Group agreed that the most appropriate model of delivery would be a number of days when these core elements could be delivered to Members through a range of teaching methods. A suggested programme for the day is attached as an **Appendix**. There would be places for 20 delegates on each day, including any colleagues who wished to attend from other local authorities across Kent. The dates proposed are:

Wednesday 29 January 2014
Thursday 30 January 2014
Wednesday 26 February 2014
Thursday 27 February 2014
Tuesday 25 March 2014

- (4) This overview training event would be supplemented by bespoke events on individual topics which support the Transformation Plan.
- (5) As an initial step it was felt useful if all members of the Council could be invited to a briefing to be provided by John Burr, Director of Transformation.

3. RECOMMENDATION

- (6) The Committee is asked to endorse the programme to support Members in taking forward the County Council Transformation Plan.

**Outline programme for supporting elected Members and the
Transformation Plan**

8.45am – Coffee and Registration

9.00am - Welcome

9.15am – 10.45am - Understanding commissioning and the commissioning role

10.45am to 11am - Coffee

11.15am -12.30pm

- Understanding the various service delivery models
- What are the outcomes to be achieved.
- Developing a mature approach to risk
- Understanding the importance of contract management
- Control and Accountability in these various service delivery models

12.30 – 1.30pm Lunch

1.30 – 4pm Putting the learning from the morning into practice. During the afternoon sessions, through role play and observation, there will be an opportunity to learn and practice the following skills:

- Chairmanship
- Managing expectations
- Managing Conflict and conflict resolution
- Listening skills
- Influence and persuasion skills
- Effective consultation
- Presentation in plain English
- Dealing with the media

This page is intentionally left blank

To: Selection and Member Services Committee – 27
November 2013

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

Subject: Committee Membership

Classification: Unrestricted

Summary:

This report invites Members to note the revised committee proportionality calculations following the establishment of the Independents Group on the County Council. It also makes recommendations for revisions to the proportionality of Regulation Committee Member Panels and Transport Appeal Panels.

1. Introduction

1.1 The Independents political group was established on 19 September 2013 consisting of two Members. In accordance with the provisions of the Local Government and Housing Act 1989 this Group is entitled to proportional membership within the County Council's committee structure.

1.2 The Independents Group is entitled to three places on the Council's committees. The two Members of this Group have already had this number of committee seats allocated to them. The only differences, therefore, are that the Group now holds them by entitlement and that it can also decide to substitute whenever it becomes necessary to do so.

1.3 The table below sets out how the revised committee structure looks following the creation of the Independents Group.

Committee	Conservative	UKIP	Labour	Liberal Democrat	Independents	Total
Scrutiny Committee +5	6	2	2	1	0	11
Health Overview and Scrutiny Committee +4	7	3	2	1	0	13
Governance and Audit Committee	8	3	2	1	1	15
Electoral & Boundary Review Committee	5	2	1	1	0	9
Personnel Committee	5	2	1	1	0	9

Planning Applications Committee	10	4	3	1	1	19
Regulation Committee	9	3	4	0	1	17
Selection and Member Services Committee	5	2	1	1	0	9
Corporate Parenting Panel +4@	5	2	1	1	0	9
Superannuation Fund Committee +3# (1/1/1)	5	2	1	1	0	9
Kent Flood Risk Management Committee	4	1	1	1	0	7
Standards Committee	4	1	1	1	0	7
TOTAL	73	27	20	11	3	134
Proportionate Share of Total	72 71.78	27 27.12	21 20.74	11 11.16	3 3.10	134
Difference to Proportionate share	+1	0	-1	0	0	0

1.4 The Committee may wish to consider inviting a member of the Independents Group to its meetings. If so, it is proposed to send a hard copy of the papers to Mr Whybrow (the Independents Group Leader) together with advice that he may wish to attend the meetings on specific items in accordance with the provisions of the Constitution.

2. Regulation Committee Member Panels and Transport Appeal Panels

2.1 The County Council agreed the current allocation of committee places at its meeting on 23 May 2013. The proportionality calculations required the Liberal Democrats to give up 1 seat on a committee to the Labour Group. The Liberal Democrat Group chose to give up its place on the Regulation Committee.

2.2 The report to the 23 May County Council meeting was prepared before the Liberal Democrat Group's decision to vacate the Regulation Committee seat was known. The same report contained a sub-committee table, which allocated seven seats on Regulation Committee Member Panels and Transport Appeal Panels (4 Conservative, 1 UKIP, 1 Labour and 1 Liberal Democrat). This table was not amended and was agreed by the County Council.

2.3 The position in respect of Regulation Committee Member Panels needs to be amended because the Constitution only allows for Members of

the main committee to sit on its Member Panels. There is consequently no provision for a Liberal Democrat Member to sit on the Panels. Following consultation with the Chairman of the Regulation Committee, it is suggested that the composition of the Regulation Committee Member Panels should be amended so that it consists of 5 Members (3 Conservative, 1 UKIP and 1 Labour).

2.4 There is no constitutional reason to change the proportionality arrangements in respect of Transport Appeal Panels as there is no requirement for these Panel Members to be Members of the main Committee. The Committee Chairman has, however, indicated that experience has shown that a Panel of seven is not appropriate for considering appeals made personally by parents. It is therefore proposed that these Panels should be reduced to five Members. The composition would be three Conservatives and two others drawn from the UKIP, Labour and Liberal Democrat Groups. The Head of Democratic Services would have the responsibility for ensuring that the Opposition membership of these Panels is roughly proportionate to their overall total of seats. This can be monitored through the regular four-monthly reports on Transport Appeals to the Regulation Committee.

2.5 The County Council on 23 May 2013 also made provision for Mr Harman and Mr Whybrow to sit as individuals on a Regulation Committee Panel if one of the other four groups agreed to give up a place. A consequential amendment to the Constitution needs to be made and it is proposed that the facility formerly extended to them as individuals is now offered to the Independents Group.

2.6 The consequential amendments to the Constitution are set out in **Appendix 1**.

3 Recommendation

The Committee is invited to:

- 1) note the revised proportionality calculations following the creation of the Independents group; and
- 2) agree the proposed changes to the composition of the Regulation Committee Member Panels and Transport Appeal Panels as set out in section 2 of this report.

Contact:

Peter Sass, Head of Democratic Services

Ext 4002

peter.sass@kent.gov.uk

Background Documents (None)

AMENDMENTS TO THE CONSTITUTION

**Appendix 2 Part 2:
Functions delegated by the Council to Committees**

4. Planning Applications Committee

19 Members

Conservative: 10; UKIP: 4; Labour: 3; Liberal Democrat: 1; Independents: 1

Deleted: Swanscombe and Greenhithe Residents' Association

This committee is responsible for the determination of planning applications and related matters in relation to the control of development under the Town and Country Planning Act 1990 and related statutory instruments and may exercise any of the powers of the County Council in Part A of the schedule to Appendix 2 Part 3 of the Constitution.

5. Regulation Committee

17 Members

Conservative: 9; UKIP: 3; Labour: 4; Independents: 1

Deleted: Swanscombe and Greenhithe Residents' Association

Deleted: n

This committee is responsible for the Council's functions in relation to the enforcement of the control of development under the Town and Country Planning Act 1990 and related statutory instruments and may exercise any of the powers of the County Council in Part A of the schedule to Appendix 2 Part 3 of the Constitution. The committee also considers:

(a) appeals against refusal to approve premises for the solemnisation of marriages (or the attachment of a condition to such an approval)

(b) all Commons Registration functions under Part 1 of the Commons Act 2006 and the Commons Registration (England) Regulations 2008

(c) the creation, stopping up, diversion of any footpath or bridleway or restricted byway or the reclassification of any public path where substantive objection has been raised or a political party or the Local Member requests

(The Council agreed on 20 September 2001 that functions (a)-(c) could be delegated to sub-committees. These consist of 5 Members – 3 Conservative, 1 UKIP and 1 Labour. A Member of the Independents Group may sit on these Sub-Committees if one of these Groups gives up its entitlement.)

(d) reports of Kent County Council's work with the Environment Agency

(e) appeals by pupils and parents against school-related decisions that are not considered by an external appeal committee, including transport, education awards and religious education. Such appeals to be dealt with by ad hoc sub-committees of Members (Panels) chaired by and including at least one member of the Regulation Committee. All Panel members must have received appropriate training before taking up their positions. These sub-committees consist of 5 Members – 3 Conservative and 2 other Members drawn from the UKIP, Labour and Liberal Democrat Groups. A Member of the Independents Group may sit on these Sub-Committees if one of these Groups gives up its entitlement.

(f) The making, variation or revocation of Gating Orders under the Highways Act 1980 (Gating Orders) (England) Regulations 2006.

(The Council agreed on 19 June 2008 that function (f) could be delegated to sub-committees. These consist of 5 Members – 3 Conservative, 1 UKIP and 1 Labour. A Member of the Independents Group may sit on these Sub-Committees if one of these Groups gives up its entitlement.)

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

(The Council agreed on 13 May 2010 that function (g) could be delegated to a sub-committee (the Mental Health Guardianship Sub-Committee) of at least three Members, one of whom should be a member of the Regulation Committee and the others to be members of the Social Care and Public Health Cabinet Committee (who must not also be members of an NHS Foundation Trust). The decision to discharge must be agreed by at least three Members or where there are more Members on the sub-committee by a majority of the Panel)

Corporate Governance Committees

1. Governance and Audit Committee

15 Members

Conservative: 8; UKIP: 3; Labour: 2; Liberal Democrat: 1; Independents: 1

Deleted: Swanscombe and Greenhithe Residents' Association

The purpose of this Committee is to:

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

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

- (a) Risk Management and Internal Control systems are in place that are adequate for purpose and effectively and efficiently operated.
- (b) The Council's Corporate Governance framework meets recommended best practice, is embedded across the whole Council and is operating throughout the year with no significant lapses.
- (c) The Council's Internal Audit function is independent of the activities it audits, is effective, has sufficient experience and expertise and the scope of the work to be carried out is appropriate.
- (d) The appointment and remuneration of External Auditors is approved in accordance with relevant legislation and guidance, and the function is independent and objective.
- (e) The External Audit process is effective, taking into account relevant professional and regulatory requirements, and is undertaken in liaison with Internal Audit.

(f) The Council's financial statements (including the Pension Fund Accounts) comply with relevant legislation and guidance and the associated financial reporting processes are effective.

(g) Any public statements in relation to the Council's financial performance are accurate and the financial judgements contained within those statements are sound.

(h) Accounting policies are appropriately applied across the Council.

(i) The Council has a robust counter-fraud culture backed by well designed and implemented controls and procedures which define the roles of management and Internal Audit.

(j) The Council monitors the implementation of the Bribery Act Policy to ensure that it is followed at all times.

Appendix 2 Part 4 Leader and Cabinet

Cabinet Committees

(24) (2) The membership, terms of reference and number of Cabinet Committees will be determined by the Leader, as specified in 6(1) above. The current membership is as follows:

(a) Communities: 14 Members - Conservative 8; UKIP 3; Labour 2; Liberal Democrat 1

(b) Economic Development: 13 Members - Conservative 8; UKIP 2; Labour 2; Liberal Democrat 1

(c) Education: 13 Members - Conservative 8; UKIP 2; Labour 2; Liberal Democrat 1

(d) Environment Highways & Waste: 13 Members - Conservative 7; UKIP 2; Labour 2; Liberal Democrat 1; ~~Independents 1~~

Deleted: Green

(e) Policy and Resources: 14 Members - Conservative 8; UKIP 3; Labour 2; Liberal Democrat 1

(f) Social Care and Public Health: Conservative 8; UKIP 2; Labour 2; Liberal Democrat 1

This page is intentionally left blank

By Gary Cooke, Cabinet Member for Corporate and Democratic Services
John Simmonds, Deputy Leader and Cabinet Member for Finance and Procurement
Peter Sass, Head of Democratic Services

To: Selection and Member Services Committee – 27 November 2013

Subject: Review of Policies and Procedures in Relation to the Reimbursement of Business Expenses

Summary: To consider the findings and recommendations following a recent follow-up review by Kent Audit in relation to the re-imbursement of business expenses for elected Members.

1. Introduction

- (1) The 2012/13 Internal Audit Annual Plan included a follow-up of the recommendations made in the Members' Expenses Audit and investigations into officer expenses claims.
- (2) The follow-up review identified a number of previous recommendations that had not been fully implemented; a small number of additional controls that were not operating effectively; and made suggestions to clarify the wording of relevant parts of the Constitution and other written procedures.

2. Key Findings Affecting Members' Expenses

Previous Recommendations requiring implementation

- (1) The following areas have been identified:
 - (a) The Constitution and Members' Area on KNet should be updated to reflect that:
 - (i) Members appointed to outside bodies to represent the Council should claim expenses directly from that body where there is a provision to do so;
 - (ii) There is a requirement for mileage claims to be supported with VAT fuel receipts for the expenses claimed; and
 - (iii) Members are only entitled to claim Dependent Carers' Allowances for expenses they incur and are liable to pay.
 - (b) The Members' Area on KNet should include guidance on completing expenses claims online. For example, it should include advice about:
 - (i) using postal codes between the start point and the end point of each journey,

- (ii) providing a VAT fuel receipt if the receipt box is ticked,
 - (iii) if the journey relates to an appointment to an outside body where the Member is acting as the County Council's representative that outside body should pay expenses.
- (2) The review also suggested that the following reference to Dependents' Carers' Allowance in the Members' Allowances Scheme would benefit from clarification as it is open to misinterpretation (proposed amendment in **bold italics**):

*"Members **who incur expenses themselves in respect of** care responsibilities **for** dependent children under 16 or dependent adults certified by a doctor or social worker as needing attendance will be reimbursed, on production of valid receipts, for actual payments to a carer while the Member is on Council duties, up to a maximum of £10 per hour for each dependent child or adult. Money paid to a member of the claimant Members' household will not be reimbursed."*

- (3) For the avoidance of doubt, it is also suggested that an additional sentence is added to this amended paragraph:

"In the case of an allowance for the care of a dependent relative, the relative must normally reside with the councillor, be dependent on the councillor and require constant care."

If the Committee is minded to agree to this additional paragraph, the views and approval of the Member Remuneration Panel will be sought, prior to a report being made to the County Council to amend this particular part of the Members' Allowances Scheme.

Recommendation on Approvers

- (4) The review also recommended that approvers should be reminded that they are responsible for ensuring that claims are legitimate and reasonable. Claims must not be approved for payment unless they comply with the Council's policies. Claims must be made on the appropriate claim form, which should include sufficient detail (including a post code for each part of the journey), be signed and dated by the claimant and supported by evidence, e.g. receipts.
- (5) The online claim form is being amended to include a statement from the claimant Member that the claim is correct and does not contain any misleading or fraudulent information.
- (6) Since the end of October, the majority of Members have been completing their claims for travel expenses online. No signatures are required by the claimant Member or the officer authorising the claim online. Staff in the Democratic Services Team who receive the Members' expense claims via email will check that if the box is ticked for a VAT fuel receipt the receipt is available. If the receipt is required by more than one organisation it is acceptable for a copy to be submitted as long as the authoriser has seen the original receipt.
- (9) Responsibility for the accuracy and appropriateness of expense claims rests with the Member concerned. It is not for Democratic Services staff to routinely question whether a journey for example is taxable or non taxable. However, in accordance with good governance, Democratic

Services staff will undertake a 10% spot check of Member travel claims submitted each month.

(10) If following the spot check there are ways in which an individual Member's claim can be improved or made clearer, Democratic Services staff will highlight this to the Member concerned.

(11) In the event that an error is identified in a claim, Democratic Services staff will refer the claim back to the Member for clarification.

Logs for County Car Use

(12) The purpose of County Car journeys will be detailed on the driver log and the booking spreadsheet in order to be able to demonstrate compliance with the County Car Policy before each journey is made.

3. Recommendations

The Committee is recommended to agree:

- (a) that guidance relating to the completion of the online expense claim form will be made available in the KNet Member area;
- (b) that following consultation with the Member Remuneration Panel the description relating to Dependent Carers Allowance in the Members' Allowance Scheme be amended as detailed in paragraphs 2(2) and 2(3) above;
- (c) that the online expenses claim form be amended to include a statement that the claim is made in good faith and does not include and misleading or fraudulent information; and
- (d) that the purpose of the journey made in a County Car is entered in the log before the journey is made.

Paul Wickenden

Democratic Services Manager (Members)

31 October 2013

paul.wickenden@kent.gov.uk

This page is intentionally left blank

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

To: Selection and Member Services Committee – 27 November 2013

Subject: The Leader's Oral Report to the County Council

Summary: The Committee is invited to consider changing the Constitution in relation to the Leader's oral report to the County Council, as a consequence of the Council now having four Opposition Groups.

1. Introduction

1. (1) The Council's Constitution (Paragraph 1.19 of Appendix 4 Part 1) includes provision for the Leader to make an oral report to the County Council on key issues arising since the last meeting. The Leader may speak for up to ten minutes; other political group leaders may speak for up to seven minutes each; following which the Leader may respond for a further five minutes.

(2) The above procedure was drafted at a time when there were two Opposition Groups on the Council; therefore the total amount of time that the item could take at County Council meetings was 29 minutes. Now that the Council has four Opposition Groups, it is considered that the Leader's oral report could start to dominate the proceedings of the County Council in a way that was not intended when the procedure was drafted. If the Constitution was not altered, the total amount of time that could be taken for the Leader's oral report with four Opposition Group Leaders speaking would be 43 minutes, almost the same amount of time allocated in the Constitution to debate a petition containing 10,000 or more signatures or a Motion for Time Limited Debate.

2. Proposed alteration to the Constitution

(1) Accordingly, it is considered appropriate to invite the Committee to review and amend paragraph 1.19 of Appendix 4 Part 1 of the Constitution.

(2) One option to reduce the total amount of time for the Leader's oral report would be to restrict the number of speeches from other group leaders to two: the Leader of the Opposition and the Leader of the second largest Opposition Group. An alternative would be to alter the total amount of time that the four other Group Leaders have to make their speeches, which is more proportionate to the size of the groups they represent.

(3) In addition, it is proposed that the time allowed for the Leader to respond to the other Group Leaders' speeches should be increased from five to six minutes, to ensure that there is sufficient time to respond to the points made.

(4) It is recommended that with effect from the next meeting of the County Council in December 2013, paragraph 1.19(5) of Appendix 4 Part 1 be amended as follows:

“The Leader’s report shall not exceed ten minutes; his reply shall not exceed six minutes. The Leader of the Opposition may speak for up to six minutes; the Leader of the second largest Opposition Group may speak for up to five minutes; the Leader of the third largest Opposition Group may speak for up to four minutes; and the Leader of the fourth largest Opposition Group may speak for up to three minutes.”

4. Recommendation:

The Committee is invited to approve a change to paragraph 1.19(5) of Appendix 4 Part 1 of the Constitution in relation to the Leader’s oral report as set out in paragraph 2(1) above.

Contact:
Peter Sass
Head of Democratic Services
peter.sass@kent.gov.uk
(01622) 694002

Background Papers: None

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

To: Selection and Member Services Committee – 27 November 2013

Subject: Webcasting Protocol and extension of webcasting to other meetings

Classification: Unrestricted

Summary: This report sets out a proposal for the phased roll out of webcasting to other meetings that are open to the public but which are not currently webcast and also contains a draft protocol for the webcasting of formal KCC Council and Committee meetings.

1. Extension of the Webcasting of Meetings

(1) At the meeting of this Committee on 4 September 2013 it was agreed in principle that all formal meetings that are open to the public should be webcast with the exception of Corporate Parenting Panel and the Regulation Committee (together with its Member Panels and Mental Health Guardianship Sub-Committee).

(2) It was also agreed that the Head of Democratic Services would draft a protocol for webcasting, including specific measures to address the issues related to webcasting the Planning Applications Committee (to be produced in consultation with the Chairman of the Planning Applications Committee and the Head of Planning Applications Group) and that this draft protocol be submitted to this Committee for approval.

2. Phased approach to the extending webcasting to additional meetings

(1) In order to be able to assess fully the resources necessary to webcast additional meetings, including the implications for the number of webcast hours included in the current contract; the possible need to purchase new equipment for meeting rooms other than the Council Chamber and the Darent Room; and to build confidence in the process for the webcasting of those meetings that are not currently webcast, it is suggested that there should be a phased approach to extending webcasting.

(2) Accordingly, it is proposed that the following additional meetings be webcast with effect from 1 January 2014:

- Electoral and Boundary Review Committee
- Kent Flood Risk Management Committee

- Selection and Member Services Committee
- Governance and Audit Trading Activities Sub Group

(3) The existing webcasting contract is due to be reviewed in early 2015 and it is suggested that this would be the most appropriate time to next review the Council's approach to webcasting and to give this Committee an opportunity to discuss the benefits or otherwise of this non-statutory service prior to instructing officers whether to re-tender the existing contract and, if so, on what basis and for which formal meetings. In the meantime, the Head of Democratic Services will begin to benchmark KCC's webcasting arrangements with those in a number of other Councils in preparation for the review by this Committee in just over 12 months' time.

3. Protocol for Webcasting

(1) The attached protocol (**Appendix 1**) has been drafted to clarify the process for webcasting.

(2) At the last meeting of this Committee it was agreed that this protocol would contain provisions to address the specific concerns of Members and Officers in relation to the webcasting of Planning Applications Committee. However, since the last Committee meeting, discussions have taken place between the Cabinet Member for Corporate and Democratic Services, the Chairman of the Planning Applications Committee and relevant officers and it is now proposed to defer consideration of the extension of webcasting to the Planning Applications Committee until the review referred to in paragraph 2(3) above.

(3) The Committee is invited to comment on and approve the proposed protocol, which will be applied to all webcast meetings.

4. Recommendations: The Committee is recommended to:

- (a) approve the draft webcasting protocol (**Appendix 1**), which will be applied to all Meetings that are webcast;
- (b) agree a phased approach to extending webcasting to Committees open to the public with the first phase starting on 1 January 2014 consisting of those, Committees listed in paragraph 2(2); and
- (c) consider the extension of webcasting to other formal meetings open to the press and public as part of the review of the webcasting contract in early 2015.

Contact:
 Peter Sass
 Head of Democratic Services
peter.sass@kent.gov.uk
 Tel: (01622) 694002

Kent County Council - Webcasting Protocol

Introduction

1. The Council has agreed that certain meetings should be the subject of live web transmission ('webcasting'), or recorded for subsequent transmission. Fixed cameras are located within the Council Chamber and the Darent Room for this purpose. There is a mobile unit for use in other locations.
2. The main purpose of webcasting is to aid transparency, governance and accountability by giving members of the public, elected Members, officers and other interested parties the opportunity to view meetings without having to attend the meeting in person and for the Council to have an official audio and visual record of its decision-making process.
3. This protocol has been produced to assist the conduct of webcast meetings and to ensure that in doing so the Council is compliant with its obligations under the Data Protection Act 1998 and the Human Rights Act 1998. Accordingly, the following will apply to all meetings to be webcast by the Council.

Notice and signage

4. Advance notice of an intention to webcast a meeting will be given on the [Council's website](#) and on the front sheet of each relevant Committee agenda.
5. Notices (which may be adapted for each meeting) will be displayed at the meeting venue and will be worded to include the following statements:

Webcasting Notice

Please note: this meeting may be filmed for the live or subsequent broadcast via the Council's internet site – at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.

By entering into this room you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If you do not wish to have your image captured then you should make the Clerk of the meeting aware.

6. Information that meetings are to be filmed will also be communicated to members of the public who are invited to participate in meetings, for example petitioners, speakers and applicants. This will be provided by email, telephone or letter as appropriate.
7. Any member of the public who has concerns about being webcast should contact the Head of Democratic Services in advance of the meeting or the Democratic Services Officer at the meeting.

Conduct of the meeting

8. The Chairman of the meeting will announce at the start of the meeting that it is being webcast.

9. The Chairman of the meeting has the discretion to request the termination or suspension of the webcast if in their opinion continuing to webcast would prejudice the proper running of the meeting.

10. Factors influencing the Chairman's decision in paragraph 8 would include:

- (i) Public disturbance or other suspension of the meeting;
- (ii) A motion to exclude the press and public being carried;
- (iii) Officer advice that the continued filming of the meeting might infringe the rights of an individual or adversely affect the Council's position in current or future negotiations;
- (iv) Officer advice that a defamatory statement has been made;
- (v) Any other reason moved and seconded and supported by the Council/Committee or Sub-Committee.

11. There is a presumption that Members and officers give their consent to be filmed and for their images to be webcast, unless a specific request is made to the Head of Democratic Services for an exception to be made in advance of the meeting. The Head of Democratic Services will take a view on a case by case basis.

12. If the Head of Democratic Services agrees to a request that a Member or officer will not be identified but what they are saying will be broadcast, then the camera will go to a wide shot of the chamber, or focus on the Chairman and the Member or officer's name will not appear on the webcast. If the Head of Democratic Services agrees to the request that the Member or officer will not be webcast at all then the webcast will be turned off while they speak and no recording will be made.

Meeting in private session - cessation of Webcasting

13. No exempt or confidential agenda items shall be webcast. The Democratic Services Officer for the meeting will ensure that webcasting of the meeting has ceased and will confirm this to the Chairman of the meeting before any discussion of exempt or confidential matters is commenced.

Archived material

14. Subject to paragraph 15 below, all archived webcasts will be available to view on the Council's website for a period of 12 months Council meetings are recorded onto DVD, which will be stored in accordance with the Council's records management procedures.

15. Archived webcasts or parts of webcasts shall only be removed from the Council's website if the Monitoring Officer considers that it is necessary because all or part of the content of the webcast is, or is likely to be, in breach of any statutory provision or common law doctrine, for example Data Protection and Human Rights legislation or provisions relating to confidential or exempt information. A record of the reasons for this removal will be kept for a period of 12 months after the broadcast and may be available on request.

16. The Council expects the relevant Committee Chairman and the Monitoring Officer to ensure that all formal Council meetings are conducted lawfully. Therefore, the Council anticipates that the need to exercise the power set out above will only occur on an exceptional basis.

17. The actual webcasts and archived material and copyright therein remain the property of the County Council.

18 Any elected Member who is concerned about any webcast should raise their concerns with the Head of Democratic Services.

This page is intentionally left blank

To: Selection and Member Services Committee – 27
November 2013

From: Roger Gough, Cabinet Member, Education, Learning and
Skills
Geoff Wild, Director of Governance and Law

Subject: Proposed amendments to the Terms of Reference of the
Health and Wellbeing Board to allow the co-option of
members

Classification: Unrestricted

Summary:

This report asks the Selection and Member Services Committee to amend the terms of reference of the Health and Wellbeing Board (HWB) to enable it to co-opt non-voting members.

1. Background

1.1 At its meeting on 20 November 2013, the HWB will consider asking the Selection and Member Services Committee to amend the terms of reference for HWB to enable the co-option of non-voting members. This report is written on the basis that the HWB will resolve to ask this Committee to amend the terms of reference. The relevant minute from the meeting of the HWB will be circulated to members of this Committee before its meeting on 27 November 2013.

2. Financial Implications

2.1 There are no financial implications arising from the co-option of members.

3. Bold Steps for Kent and Policy Framework

3.1 The HWB is a board of commissioners charged with encouraging integrated working with partners in Kent and works with existing partnerships to ensure the most appropriate mechanism is used to deliver service improvement in health, social care and in reducing health inequalities. It therefore contributes to the following priorities:

- Improve how we procure and commission services
- Empower social service users through increased use of personal budgets.

4. Equalities Implications

4.1 There are no direct equalities implications arising from the co-option of members to the HWB as every proposal for a co-option would be considered on its own merits.

5. Legal Implications

5.1 Section 194 of the Health and Social Care Act 2012 specifies that each upper tier local authority must establish a HWB Board for its area. The legislation and regulations have been drafted with the deliberate intention of allowing flexibility for local authorities and their partners to set up and run health and wellbeing boards that suit local circumstances

5.2 The County Council formally established the HWB with effect from 1 April 2013 at its meeting on 28 March 2013.

5.3 The membership of HWB board was agreed as

- The Leader of Kent County Council or his nominee*
- Corporate Director for Families and Social Services*
- Director of Public Health*
- Cabinet Member for Adult Social Care & Public Health
- Cabinet Member for Business Strategy, Performance and Health Reform (now updated to Cabinet Member for Education and Health Reform)
- Cabinet Member for Specialist Children's Services
- Clinical Commissioning Group representation: up to a maximum of two representatives from each consortium (e.g. Chair of CCG Board and Accountable Officer)*
- A representative of the Local HealthWatch*
- A representative of the NHS Commissioning Board Local Area Team*
- Three elected Members representing the District/Borough/City Councils (nominated through the Kent Council Leaders.

* denotes statutory member of the HWB.

5.4 In addition to identifying the statutory membership of HWBs the Health and Social Care Act 2012 allows for the appointment of "*such other persons or representatives as the local authority thinks appropriate*".

5.5 This provision is not specifically included in the terms of reference of the Kent HWB.

6. Proposed Amendment to the Terms of Reference of the HWB

6.1 The HWB has, on several occasions, invited an individual with expert knowledge to contribute to its meetings and attend related events. The HWB believes this person could make a valuable contribution to the work of the board particularly in relation to the integration of health and social care services and would like to co-opt him to the board. Before any co-option could take place an amendment is required to the HWB's terms of reference.

6.2 The Selection and Member Services Committee is asked to consider an amendment to enable the co-option of this individual and to enable the HWB to co-opt any other persons who can contribute to its work in the future.

6.3 It is proposed that the following sentences be added to the paragraph on membership in the terms of reference for the HWB set out in Appendix 2 Part 5 of the Constitution.

Any other persons or representatives as the HWB considers appropriate may be co-opted with the agreement of the Board. Such co-optees will be non-voting members of the Board and their membership will be reviewed annually by the Board.

6.4 A copy of the proposed revised terms of reference is at **Appendix 1** to the report.

7. Conclusion

7.1 In order to enable the co-option of non-voting members to the HWB an amendment is required to its terms of reference.

7.2 The Health and Social Care Act 2012 allows for the appointment of "such other persons or representatives as the authority sees fit".

7.3 The HWB considers that the ability to co-opt would contribute to the achievement of its objectives.

8. Recommendation

8.1 That the terms of reference of the HWB be amended to enable the co-option of non-voting members by adding the following sentences to the paragraph on membership in the terms of reference for the HWB set out in Appendix 2 Part 5 of the Constitution.

Any other persons or representatives as the HWB considers appropriate may be co-opted with the agreement of the Board. Such co-optees will be non-voting members of the Board and their membership will be reviewed annually by the Board.

Contact:
Ann Hunter
Principal Democratic Services Officer
ann.hunter@kent.gov.uk
(01622) 694703

Background Documents

- Health and Social Care Act 2012
- Report to Selection and Member Services on 14 March 2013
“Establishing the Kent HWB”
- Report to County Council on 28 March 2013 Developing Better Health
Care for Kent
- Report to HWB on 20 November 2013 – Co-option of members to the
HWB Board

Governance Arrangements for the Kent Health and Wellbeing Board

Role

The Kent Health and Wellbeing Board (HWB) leads and advises on work to improve the health and wellbeing of the people of Kent through joined up commissioning across the NHS, social care, public health and other services (that the HWB agrees are directly related to health and wellbeing) in order to:

- secure better health and wellbeing outcomes in Kent
- reduce health inequalities and
- ensure better quality of care for all patients and care users

The HWB has a primary responsibility to make sure that health care services paid for by public monies are provided in a cost-effective manner.

The HWB also aims to increase the role of elected representatives in health and provide a key forum for public accountability for NHS, public health, social care and other commissioned services that relate to people's health and wellbeing.

Terms of Reference:

The HWB:

1. Commissions and endorses the Kent Joint Strategic Needs Assessment (JSNA), subject to final approval by relevant partners, if required.
2. Commissions and endorses the Kent Joint Health and Wellbeing Strategy (JHWS) to meet the needs identified in the JSNA, subject to final approval by relevant partners, if required.
3. Commissions and endorses the Kent Pharmaceutical Needs Assessment, subject to final approval by relevant partners, if required.
4. Reviews the commissioning plans for healthcare, social care (adults and children's services) and public health to ensure that they have due regard to the JSNA and JHWS, and to take appropriate action if it considers that they do not.
5. Has oversight of the activity of its sub committees (Clinical Commissioning Group level Health and Wellbeing Boards), focussing on their role in developing integrated local commissioning strategies and plans.
6. Works alongside the Health Overview and Scrutiny Committee (HOSC) to ensure that substantial variations in service provision by health care providers are appropriately scrutinised. The HWB itself will be subject to scrutiny by the HOSC.
7. Considers the totality of the resources in Kent for health and wellbeing and considers how and where investment in health improvement and prevention services could improve the overall health and wellbeing of Kent's residents.
8. Discharges its duty to encourage integrated working with relevant partners within Kent, which includes:
 - endorsing and securing joint arrangements, including integrated commissioning where agreed and appropriate;
 - use of pooled budgets for joint commissioning (s75);

- the development of appropriate partnership agreements for service integration, including the associated financial protocols and monitoring arrangements;
 - making full use of the powers identified in all relevant NHS and local government legislation.
9. Works with existing partnership arrangements, e.g. children's commissioning, safeguarding and community safety, to ensure that the most appropriate mechanism is used to deliver service improvement in health, care and health inequalities.
 10. Considers and advises Care Quality Commission CQC and NHS Commissioning Board; monitors providers in health and social care with regard to service reconfiguration.
 11. Works with the HOSC and/or provides advice (as and when requested) to the County Council on service reconfigurations that may be subject to referral to the Secretary of State on resolution by the full County Council.
 12. Is the focal point for joint working in Kent on the wider determinants of health and wellbeing, such as housing, leisure facilities and accessibility, in order to enhance service integration.
 13. Reports to the full County Council on an annual basis on its activity and progress against the milestones set out in the Key Deliverables Plan.
 14. Develops and implements a communication and engagement strategy for the work of the HWB; outlining how the work of the HWB will:
 - reflect stakeholders' views
 - discharge its specific consultation and engagement duties
 - work closely with Local HealthWatch.
 15. Represents Kent in relation to health and wellbeing issues in local areas as well as nationally and internationally.
 16. May delegate those of its functions it considers appropriate to another committee established by one or more of the principal councils in Kent to carry out specified functions on its behalf for a specified period of time (subject to prior agreement and meeting the HWB's agreed criteria).

Membership

The Chairman is elected by the HWB.

1. Kent County Council:

- The Leader of Kent County Council and/or their nominee*
- Executive Director for Families and Social Care*
- Director of Public Health*
- Cabinet Member for Adult Social Care & Public Health
- Cabinet Member for Business Strategy, Performance and Health Reform
- Cabinet Member for Specialist Children's Services

2. Clinical Commissioning Group: up to a maximum of two representatives from each consortium*
3. A representative of the local HealthWatch* organisation for the area of the local authority.
4. A representative of the NHS Commissioning Board Local Area Team.*
5. Three elected Members representing the Kent District/Borough/City councils (nominated through the Kent Council Leaders).
6. *Any other persons or representatives as the HWB considers appropriate may be co-opted with the agreement of the Board. Such co-optees will be non-voting members of the Board and their membership will be reviewed annually by the Board*

*denotes statutory member.

This page is intentionally left blank

To: Selection and Member Services Committee – 27
November 2013

From: Roger Gough, Cabinet Member, Education, Learning and
Skills
Patrick Leeson, Corporate Director, Education, Learning
and Skills

Subject: John Wallis Church of England Academy

Classification: Unrestricted

Summary:

This report invites the Committee to appoint Mr Derek Smyth as its representative on the Governing Body of the John Wallis Church of England Academy in place of Mr Richard King, and on to the Academy's Trust Board as a Trustee.

1. Introduction

1.1 The John Wallis Church of England Academy is a coeducational all-through state school with academy status in Ashford. It opened as a secondary academy on 1 September 2010, when it replaced Ashford Christ Church CE High School. On 1 September 2012 it incorporated the primary school provision previously provided by Linden Grove Primary School, thus becoming an academy for pupils aged 3 to 19 year olds.

1.2 The School is sponsored by the Diocese of Canterbury, Benenden School, Canterbury Christ Church University and Kent County Council. It specialises in Mathematics and Computing and is named after Ashford-born mathematician and clergyman, John Wallis.

2. Kent County Council as Sponsor of the Academy

2.1 The Memorandum and Articles of the Academy Trust provides for KCC to appoint a trustee, and two governors. The County Council has until recently been represented on both the Trust and the Governing Body by Mr Richard King, its former Chairman. Therefore, it needs to appoint a representative to the Trust and the Governing Body who can help carry forward the aim it shares with the School and the other sponsors; namely, a deep commitment to improving the life chances of the young people in the community, by working together with other local schools and business partners to help realise these aspirations and develop opportunities for all.

2.2 Following consultation with the School I would like to nominate the Local Member, Mr Derek Smyth to fill this important vacancy.

3 Recommendations: The Committee is invited to appoint Mr Derek Smyth as Kent County Council's representative on the Trust and the Governing Body of the John Wallis Church of England Academy.

Contact:
David Adams
Area Education Officer
david.adams@kent.gov.uk
01233 898559

Background documents (None)