



Summons to and  
Agenda for a the  
Annual Meeting on  
**Thursday, 23rd May,  
2013**  
at **10.00 am**





DEMOCRATIC SERVICES  
SESSIONS HOUSE  
MAIDSTONE

Tuesday, 14 May 2013

To: All Members of the County Council

Please attend the meeting of the County Council in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 23 May 2013 at **10.00 am** to deal with the following business. **The meeting is scheduled to end by 4.30 pm.**

### **Webcasting Notice**

Please note: this meeting may be filmed for 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 the meeting 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.

### **A G E N D A**

1. Election of Chairman
2. Election of Vice Chairman
3. Apologies for Absence
4. Declarations of Disclosable Pecuniary Interests or Other Significant Interests
5. The Returning Officer to submit the returns of persons elected to be County Councillors until 2017 **(Pages 1 - 8)**
6. Minutes of the meeting held on 28 March 2013 and, if in order, to be approved as a correct record **(Pages 9 - 20)**
7. Chairman's Announcements
8. Election of Leader
9. Appointment of the Leader of the Opposition

10. Questions **(Pages 21 - 38)**
11. Report by Leader of the Council (Oral)
12. Proportionality and Appointments to Committees and other bodies **(Pages 39 - 50)**
13. Convention of Member:Officer Relations **(Pages 51 - 62)**
14. Report of the Member Remuneration Panel **(Pages 63 - 74)**
15. Proposed Changes to Financial Regulations **(Pages 75 - 114)**
16. Annual Review of the Code of Corporate Governance **(Pages 115 - 118)**
17. Minutes for Approval **(Pages 119 - 126)**  
Governance and Audit Committee – 11 April 2013
18. Minutes for Information **(Pages 127 - 136)**  
Planning Applications Committee – 10 April 2013  
Superannuation Fund Committee – 22 March 2013



Peter Sass  
Head of Democratic Services  
01622 694002

## COUNTY COUNCIL

### ELECTION OF COUNTY COUNCILLORS

To the Head of Democratic Services of Kent County Council

I, **GEOFF WILD**, County Returning Officer for the County of Kent, **DO HEREBY RETURN** the attached list of names as the persons being duly elected as County Councillors for the various Electoral Divisions at the election held on 2 May 2013.

Dated this 10th day of May 2013

Signed:



**COUNTY RETURNING OFFICER**

Sessions House  
County Hall  
Maidstone  
Kent ME14 1XQ

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# Electing Your County Council

## Return of Candidates Elected

### Date of Election – 2 May 2013

| <b>ASHFORD</b>      |                   |         |  |                             |
|---------------------|-------------------|---------|--|-----------------------------|
| Electoral Division  | Candidate Elected |         | Candidate's Address                                      | Description                 |
| Ashford Central     | Wedgbury          | Jim     | 27 Primrose Drive, Park Farm, Kingsnorth, Kent, TN23 3NP | Conservative                |
| Ashford East        | Koowaree          | George  | 28 Tadworth Road, Ashford, TN24 9LA                      | Liberal Democrat            |
| Ashford Rural East  | Wickham           | Andrew  | Pevington Farm, Egerton Road, Pluckley, TN27 0PF         | Conservative                |
| Ashford Rural South | Angell            | Mike    | Magpie House, Magpie Hall Road, Stubbs Cross, TN26 1HF   | Conservative                |
| Ashford Rural West  | Simkins           | Charlie | Barlings, Stone Hill Road, Egerton, Ashford, TN27 9DU    | Conservative                |
| Ashford South       | Smyth             | Derek   | 269 Canterbury Road, Kennington, Ashford, TN24 9QW       | Labour & Co-operative Party |
| Tenterden           | Hill, OBE         | Mike    | Milician House, Woodchurch Road, Tenterden, TN30 7AD     | Conservative                |

| <b>CANTERBURY</b>          |                   |          |   |                  |
|----------------------------|-------------------|----------|---|------------------|
| Electoral Division         | Candidate Elected |          | Candidate's Address   | Description      |
| Canterbury City North East | Gibbens           | Graham   | "Lychgate", The Terrace, Canterbury, CT2 7AJ                        | Conservative     |
| Canterbury City South West | Vye               | Martin   | The Dacha, Patribourne Road, Bridge, Canterbury, CT4 5BL            | Liberal Democrat |
| Canterbury South East      | Northey           | Michael  | 82 Barton Road, Canterbury, CT1 1YH                                 | Conservative     |
| Canterbury West            | Simmonds          | John     | 43 Downs Avenue, Whitstable, CT5 1RR                                | Conservative     |
| Herne & Sturry             | Marsh             | Alan     | Swale Reach House, Wraik Hill, Whitstable, CT5 3BY                  | Conservative     |
| Herne Bay                  | Bond              | Nicholas | 119B Whitstable Road, Canterbury, Kent, CT2 8EF                     | UKIP             |
| Herne Bay                  | McDowall          | Brian    | 9 Greenhill Gardens, Herne Bay, Kent CT6 8NU                        | UKIP             |
| Whitstable                 | Dance             | Mark     | "Santa Christina" 76 St Mary's Grove, Seasalter, Whistable, CT5 4AB | Conservative     |
| Whitstable                 | Harrison          | Mike     | 4 Tower Hill, Whitstable CT5 2BW                                    | Conservative     |

# Electing Your County Council

## Return of Candidates Elected

### Date of Election – 2 May 2013

| <b>DARTFORD</b>         |                   |           |   |   |
|-------------------------|-------------------|-----------|---|---|
| Electoral Division      | Candidate Elected |           | Candidate's Address                                 | Description                                   |
| Dartford East           | Cole              | Penny Mrs | New Blossom, Woodland Avenue, Hartley, DA3 7DB      | Conservative                                  |
| Dartford North East     | Maddison          | Tom       | "Grindleford", Church Walk, Dartford, DA2 7EL       | Labour & Co-operative Party                   |
| Dartford Rural          | Kite              | Jeremy    | Sherwood, New Barn Road, Longfield, DA3 7LG         | Conservative                                  |
| Dartford West           | Ozog              | Jan (Mr)  | 51 Dartford Road, Dartford, DA1 3EG                 | Conservative                                  |
| Swanscombe & Greenhithe | Harman            | Peter     | Walmer, Ingress Park, Greenhithe, DA9 9NP           | Swanscombe & Greenhithe Residents Association |
| Wilmington              | Allen             | Ann (Mrs) | 43 Leyton Cross Road, Wilmington, Dartford, DA2 7AW | Conservative                                  |

| <b>DOVER</b>       |                   |              |   |              |
|--------------------|-------------------|--------------|---|--------------|
| Electoral Division | Candidate Elected |              | Candidate's Address   | Description  |
| Deal               | Eddy              | Mike (Dr)    | St Helena, 28 St Richards Road, Deal, CT14 9JR                | Labour       |
| Deal               | Rowbotham         | Eileen (Mrs) | Vale Cottage, Northbourne Road, Great Mongeham, Deal CT14 0LD | Labour       |
| Dover North        | Manion            | Steve        | The Dell, 206 Mongeham Road, Deal, CT14 9LP                   | Conservative |
| Dover Town         | Brivio            | Pam          | 78 Priory Hill, Dover, CT17 0AD                               | Labour       |
| Dover Town         | Cowan             | Gordon       | 13 Danes Court, Dover, CT16 2QE                               | Labour       |
| Dover West         | Lymer             | Geoff        | Lone Barn Farm, Alkham, Canterbury, CT15 7BT                  | Conservative |
| Sandwich           | Ridings           | Leyland      | 3 Strand Street, Sandwich, CT13 9DZ                           | Conservative |



**Electing Your County Council**  
**Return of Candidates Elected**  
**Date of Election – 2 May 2013**

| <b>GRAVESHAM</b>            |                   |                       |  |              |
|-----------------------------|-------------------|-----------------------|--|--------------|
| Electoral Division          | Candidate Elected |                       | Candidate's Address  | Description  |
| Gravesham East              | Cribbon           | Jane (Ms)             | 2 Hillside Terrace, Shrubbery Road, Windmill Hill, Gravesend, DA12 1JY | Labour       |
| Gravesham East              | Caller            | Colin                 | 4 Kenia Walk, Gravesend, DA12 4HN                                      | Labour       |
| Gravesham Rural             | Sweetland         | Bryan                 | 52 Downs Road, Istead Rise DA13 9HG                                    | Conservative |
| Northfleet & Gravesham West | Thandi            | Narinderjit Singh(Mr) | 29 Brook Road, Northfleet, DA11 8RQ                                    | Labour       |
| Northfleet & Gravesham West | Howes             | Sue (Mrs)             | 7 Everest Close, Northfleet, DA11 8JU                                  | Labour       |

| <b>MAIDSTONE</b>      |                   |               |  |                  |
|-----------------------|-------------------|---------------|--|------------------|
| Electoral Division    | Candidate Elected |               | Candidate's Address  | Description      |
| Maidstone Central     | Daley             | Dan           | "Romney" 9 Frinstead Walk, Allington, Maidstone ME16 0NN                                 | Liberal Democrat |
| Maidstone Central     | Bird              | Rob           | Parsonage Farmhouse, Hampstead Lane, Yalding, ME18 6HG                                   | Liberal Democrat |
| Maidstone North East  | Chittenden        | Ian           | 2 Blakeney Close, Maidstone, ME14 4QF  | Liberal Democrat |
| Maidstone Rural East  | Whittle           | Jenny (Mrs)   | The Cottage, Sutton Street, Bearsted, ME14 4HP   | Conservative     |
| Maidstone Rural North | Carter            | Paul          | Langley Park House, Sutton Road, Langley, Maidstone, ME17 3NQ                            | Conservative     |
| Maidstone Rural South | Hotson            | Eric          | White Willows, High Street, Staplehurst, TN12 0BL  | Conservative     |
| Maidstone Rural West  | Stockell          | Paulina (Mrs) | Farthing Green Barn, Farthing Green, New Barn Road, Hawkenbury, nr Staplehurst, TN12 0EE | Conservative     |
| Maidstone South       | Clark             | Brian         | 83 Boughton Lane, Maidstone, ME15 9QP  | Liberal Democrat |
| Maidstone South East  | Cooke             | Gary          | 9 Camomile Drive, Weaving, Maidstone, ME14 5FL   | Conservative     |

# Electing Your County Council

## Return of Candidates Elected

### Date of Election – 2 May 2013

| <b>SEVENOAKS</b>   |                   |          |  |              |
|--------------------|-------------------|----------|--|--------------|
| Electoral Division | Candidate Elected |          | Candidate's Address  | Description  |
| Darent Valley      | Gough             | Roger    | Treetops, East Hill Road, Knatts Valley, Sevenoaks, TN15 6YB | Conservative |
| Sevenoaks Central  | Crabtree          | Margaret | Oak End, 17 Knole Road, Sevenoaks, TN13 3XH                  | Conservative |
| Sevenoaks East     | Chard             | Nick     | 42 High Street, Sevenoaks, TN13 1JG                          | Conservative |
| Sevenoaks N East   | Brazier           | David    | 56 Lambardes, New AshGreen, Longfield, DA3 8JE               | Conservative |
| Sevenoaks South    | Pearman           | Clive    | Wicken Cottage, Mill Hill, Edenbridge, TN8 5DB               | Conservative |
| Sevenoaks West     | Parry             | Richard  | Highfield House, Burntwood Road, Sevenoaks, TN13 1PT         | Conservative |
| Swanley            | Brookbank         | Robert   | 43 Inglewood, The Spinney, Swanley, BR8 7YE                  | Conservative |

| <b>SHEPWAY</b>        |                   |        |   |              |
|-----------------------|-------------------|--------|---|--------------|
| Electoral Division    | Candidate Elected |        | Candidate's Address                                     | Description  |
| Elham Valley          | Carey             | Susan  | North House, 116a North Road, Hythe, CT21 5DY           | Conservative |
| Folkestone North East | McKenna           | Frank  | 52B Broadmead Road, Folkestone, CT19 5AP                | UKIP         |
| Folkestone South      | Neaves            | Bob    | 1 Valestone Close, Seabrook, Hythe, CT21 5SW            | UKIP         |
| Folkestone West       | Birkby            | Hod    | 2 Court Place, Castle Hill Avenue, Folkestone, CT20 2QZ | UKIP         |
| Hythe                 | Whybrow           | Martin | St Catherine, Cliff Road, Hythe, CT21 5XW               | Green        |
| Romney Marsh          | Baker             | David  | 57 Queens Road, Littlestone, TN28 8LS                   | UKIP         |

# Electing Your County Council

## Return of Candidates Elected

### Date of Election – 2 May 2013

| <b>SWALE</b>       |                   |             |   |              |
|--------------------|-------------------|-------------|---|--------------|
| Electoral Division | Candidate Elected |             | Candidate's Address   | Description  |
| Faversham          | Gates             | Tom         | Abbey Green House, 62A Abbey Street, Faversham, ME13 7BN              | Conservative |
| Sheerness          | Harrison          | Angela (Ms) | 169 St Georges Avenue, Sheerness, ME12 1DS                            | Labour       |
| Sheppey            | Crowther          | Adrian      | Yondar-Anelise, 25 The Leas, Minster-on-Sea, Isle of Sheppey ME12 2NL | UKIP         |
| Swale Central      | Burgess           | Lee (Mr)    | 4 School View, Tunstall, Sittingbourne, ME9 8DX                       | UKIP         |
| Swale Central      | Truelove          | Roger       | 54 Berkeley Court, Sittingbourne, ME10 1UP                            | Labour       |
| Swale East         | Bowles            | Andrew      | Lambert Leese, 4 Selling Court, Selling, Faversham, ME13 9RJ          | Conservative |
| Swale West         | Baldock           | Mike        | 8 Wisers Lane, Borden, Sittingbourne, ME10 1YN                        | UKIP         |

| <b>THANET</b>                      |                   |           |   |             |
|------------------------------------|-------------------|-----------|---|-------------|
| Electoral Division                 | Candidate Elected |           | Candidate's Address   | Description |
| Birchington & Villages             | Latchford         | Roger OBE | 10 Seaview Road, Birchington, CT7 9LB                             | UKIP        |
| Broadstairs & Sir Moses Montefiore | Terry             | Alan      | 54 Botony Road, Broadstairs, CT10 3SF                             | UKIP        |
| Broadstairs & Sir Moses Montefiore | Wiltshire         | Zita      | 76 Stanley Road, Broadstairs, CT10 1BN                            | UKIP        |
| Margate & Cliftonville             | Elenor            | Mo        | 30 Ramsgate Road, Margate. CT9 5RU                                | UKIP        |
| Margate & Cliftonville             | Scobie            | William   | 45 Cornwall Gardens, Margate, CT9 2JQ                             | Labour      |
| Margate West                       | Elenor            | Jeffrey   | 30 Ramsgate Road, Margate. CT9 5RU                                | UKIP        |
| Ramsgate                           | Heale             | Martyn    | Flat 4 Balmoral Mansions, 27 Albion Street, Broadstairs, CT10 1LU | UKIP        |
| Ramsgate                           | Shonk             | Trevor    | 18 Cannon Road, Ramsgate, CT11 9SG                                | UKIP        |

**Electing Your County Council**  
**Return of Candidates Elected**  
**Date of Election – 2 May 2013**

| <b>TONBRIDGE &amp; MALLING BOROUGH</b> |                   |             |   |                  |
|--|-------------------|-------------|---|------------------|
| Electoral Division                     | Candidate Elected |             | Candidate's Address   | Description      |
| Malling Central                        | Dean              | Trudy       | 49 Offham Road, West Malling, ME19 6RB                                | Liberal Democrat |
| Malling North                          | Hohler            | Sarah (Mrs) | Mingram Oast, Plaxdale Green Road, Stansted, Sevenoaks, TN15 7PG      | Conservative     |
| Malling Rural East                     | Balfour           | Matthew     | St Piran House, Teston Road, Offham, West Malling, ME19 5PD           | Conservative     |
| Malling Rural N East                   | Homewood          | Peter       | Morningside, 33 Old Chatham Road, Blue Bell Hill, Aylesford, ME20 7EZ | Conservative     |
| Malling West                           | Dagger            | Valerie     | Martins, Reed Lane, Shipbourne, Tonbridge, TN11 9RR                   | Conservative     |
| Tonbridge                              | Long              | Richard     | 12 Stacey Road, Tonbridge, TN10 3AR                                   | Conservative     |
| Tonbridge                              | Smith             | Chris       | 43 Knowsley Way, Hildenborough, Tonbridge, TN11 9LQ                   | Conservative     |

| <b>TUNBRIDGE WELLS BOROUGH</b> |                   |             |  |              |
|--------------------------------|-------------------|-------------|--|--------------|
| Electoral Division             | Candidate Elected |             | Candidate's Address  | Description  |
| Cranbrook                      | Holden            | Seán        | Godwin House, Tenterden Road, Cranbrook, TN17 3PA                    | Conservative |
| Tunbridge Wells East           | Hoare             | Christopher | 38 St James Road, Tunbridge Wells, TN1 2JZ                           | UKIP         |
| Tunbridge Wells North          | Oakford           | Peter       | Topsy Turvy, Pennington Road, Southborough, Tunbridge Wells, TN4 0SX | Conservative |
| Tunbridge Wells Rural          | King, MBE         | Alex        | Philpotts Gate, Slip Mill Road, Hawkhurst, TN18 4JT                  | Conservative |
| Tunbridge Wells South          | Scholes           | James       | 14 Claremont Gardens, Tunbridge Wells, TN2 5DD                       | Conservative |
| Tunbridge Wells West           | Davies            | John        | Tile Hatch, Bishops Down Park Road, Tunbridge Wells, TN4 8XS         | Conservative |

## KENT COUNTY COUNCIL

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MINUTES of a meeting of the Kent County Council held in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 28 March 2013.

PRESENT:

Mr R E King (Chairman)  
Mr E E C Hotson (Vice-Chairman)

Mrs A D Allen, Mr M J Angell, Mr R W Bayford, Mr R H Bird, Mr A H T Bowles, Mr D L Brazier, Mr R E Brookbank, Mr R B Burgess, Ms S J Carey, Mr P B Carter, Mr N J D Chard, Mr A R Chell, Mr L Christie, Mrs P T Cole, Mr N J Collor, Mr G Cooke, Mr B R Cope, Mr G Cowan, Mr H J Craske, Mr A D Crowther, Mr J M Cubitt, Mrs V J Dagger, Mr D S Daley, Mr M C Dance, Mr J Davies, Mr R W Gough, Mr M J Harrison, Mr W A Hayton, Mr C Hibberd, Mr P M Hill, OBE, Mr D A Hirst, Ms A Hohler, Mrs S V Hohler, Mr P J Homewood, Mr M J Jarvis, Mr A J King, MBE, Mr J D Kirby, Mr S J G Koowaree, Mr P W A Lake, Mr R J Lees, Mr J F London, Mr R L H Long, TD, Mr S C Manion, Mr R F Manning, Mr R A Marsh, Mr M J Northey, Mr J M Ozog, Mr R J Parry, Mr R A Pascoe, Mr T Prater, Mr K H Pugh, Mr L B Ridings, MBE, Mrs J A Rook, Mr A Sandhu, MBE, Mr J E Scholes, Mr J D Simmonds, Mr C P Smith, Mr K Smith, Mrs P A V Stockell, Mr B J Sweetland, Mr R Tolputt, Mrs E M Tweed, Mr M J Vye, Mrs C J Waters, Mr J N Wedgbury, Mr M J Whiting, Mrs J Whittle, Mr M A Wickham and Mr A T Willicombe

IN ATTENDANCE: Geoff Wild (Director of Governance and Law) and Peter Sass (Head of Democratic Services)

### UNRESTRICTED ITEMS

#### 7. Apologies for Absence

The Director of Governance and Law reported apologies for absence from the following Members:

Roy Bullock  
Chris Capon  
Ian Chittenden  
Trudy Dean  
Keith Ferrin  
Graham Gibbens  
Jeremy Kite  
James Tansley

#### 8. Declarations of Disclosable Pecuniary Interest or Other Significant Interest

(1) Mr Angell declared an interest in Item 7 Delivering Better Healthcare for Kent as his partner was a member of the Shadow Healthwatch Board.

(2) Mr Wedgbury declared an interest in Item 12 (Motion for Time Limited Debate) as a serving firefighter and a branch official for the Fire Brigade Union.

(3) Mr Cowan declared an interest as a foster carer with his wife in any item on the agenda that this might relate to.

(4) Mr Daley declared an interest in Item 12 (Motion for Time Limited Debate) as a Member of the Kent Fire and Rescue Authority.

(5) Mr Koowaree declared an interest in Item 12 (Motion for Time Limited Debate) as a Member of the Kent and Medway Fire Authority. He also declared an interest as he had a great grandchild in care in any item on the agenda that this might relate to.

(6) Mrs Stockell declared an interest in Item 12 (Motion for Time Limited Debate) as a Member of the Kent Fire and Rescue Authority.

**9. Minutes of the meeting held on 14 February 2013 and, if in order, to be approved as a correct record**

RESOLVED that the minutes of the meeting held on Thursday 14 February 2013 be approved as a correct record and signed by the Chairman.

**10. Chairman's Announcements**

(1) The Chairman started his announcements by thanking those Members who had attended his charity film evening on Tuesday 26 March 2013. He was pleased to be able to announce that over £600 had been raised for the two charities he supported.

(a) Mundanya Regional Council delegation

(2) The Chairman informed Members that a group of teachers and education officials from Mundanya in the Bursa district of the Marmaris region of Turkey would be joining them at lunch. The delegation would be meeting during the morning with KCC officers who specialised in the reduction of absenteeism and truancy in school.

(b) Death of Peter Wood

(3) The Chairman announced that it was with regret that he had to inform Members of the death of Peter Wood, former Leader of Ashford Borough Council, who died on Friday 1 March 2013.

(4) The Chairman stated that Mr Wood had only recently temporarily stepped down from his position as Leader of the Council after undergoing a serious operation. He had only been ill for a short time and his death had come as a shock to many. He stated that he had attended the funeral representing the County Council and that the church had been packed.

(5) The Chairman proposed to send a letter recording the Council's sympathy and condolences to Mr Wood's family in their sad bereavement.

(6) RESOLVED unanimously that this Council desires to record the sense of loss it feels on the sad passing of Mr Wood and extends to his family and friends our heartfelt sympathy to them in their sad bereavement.

(c) Kent Invicta Award

(7) The Chairman announced that, later in the morning, it would give him great pleasure to present the 2013 Kent Invicta Award to John Surtees, former double world champion in Formula One Motorcars and 500cc Motorcycles and founder of the Henry Surtees Foundation.

(d) Receipt of a Petition from Mr Peter Lake

(8) The Chairman stated that he had agreed to accept a petition during the meeting from Mr Lake. The petition related to road safety issues in the Four Elms part of Mr Lake's division. The Chairman asked Mr Lake to present the petition which he then in turn presented to Mr Sweetland as the relevant Cabinet Member and asked him to ensure that it was investigated and responded to in accordance with the Council's petition scheme.

## 11. Questions

Under Procedure Rule 1.17 (4), 7 questions were asked and replies given.

## 12. Report by Leader of the Council (Oral)

(1) The Leader stated that, as the 'big event' approached in five weeks, he was sure no one would be surprised if he reflected on four highly successful years for Kent County Council led by the Conservative team at County Hall.

(2) He said that they had been four challenging years that had necessitated enormous change but that the Council had taken on the challenge doing what they did best - innovating and modernising in the pursuit of continuously improved customer focused services for the residents of Kent. These changes had been undertaken while still maintaining highly valued non-statutory services such as the Freedom Pass, concessionary travel, Community wardens and the Kent School Games. Also of significant importance in these difficult economic times was supporting the Kent economy and Kent jobs through the very able Economic Development team.

(3) He stated that the Corporate team has supported the organisation to deliver better quality for less through excellent financial controls and budget management; Personnel had managed sensitively substantial staff reductions; Procurement had delivered many millions of pounds of savings and the Property function had maintained and supported a complex array of property assets as well as a complex capital programme and delivered substantial capital receipts.

(4) The Leader stated that in Education, the Council had taken on the Coalition Government's change agenda and, in some cases, taken on the Government. He stated that a mixed economy of different shades of schools had been achieved whilst thankfully, keeping a community of schools working together to drive up standards and improve life outcomes for all the young people of the county. Allied to this the

Leader emphasised the phenomenal success of the apprenticeship programme 'Kent Jobs for Kent Young People'.

(5) In Adult Social Care, against rising demand, prevention and personalisation had been at the fore and the Leader stated that the future is bright as the Council worked with CCGs and GPs to deliver integrated community health. He stated that he would touch on this more later on in the morning.

(6) The Leader said that one could not and should not brush over the devastating shock of the critical OFSTED report on Children's Services. He stated that big lessons had been learnt, the Council had turned it around and were back on track - strong organisations recovered quickly and this is what had happened in this situation.

(7) Moving onto Communities the Leader stated that here again the pace of change had been rapid. He then turned to Highways and Waste, stating that they had a first class track record, literally reducing waste and minimising cost of disposal. On roads maintenance he stated that he had no doubt that the 'find and fix' teams would steam through the major challenge that the harsh winter had delivered.

(8) He said that the Council's record on economic development was the envy of the South East of England, the Council had supported Kent business and its component sectors to grow in difficult economic times including tourism, construction and emerging technologies such as the creative industries and green technology as well as bio science and pharmaceutical.

(9) The Leader gave a role call of things the administration had helped to bring into the county including £50m of Regional Growth Fund for East Kent and the Thames gateway; Enterprise Zone status; £20m for the flood defences at Discovery Park and Sandwich town; Growing Places £20m coming in to Kent ( £6.5 already secured and additional £13.5m agreed in principle); 'pinch point' funding for North Farm in Tunbridge Wells £4.5m as well as significant capital receipts from joint ventures at Kings Hill. He also mentioned broadband investment; the A21; Retrofit - £12m of energy saving measures for 1,400 homes in Kent and finally the recently announced 'Marsh Million' in partner.

(10) Looking forward to the future the Leader stated that all the indications were that the financial 'pain' would continue and the belt would need to be tightened still further. He said that he could only hope that the electorate would clearly recognise that a competent, experienced Conservative team that believed in core Conservative values and had a strong track record was needed if the authority was to continue to maintain low levels of council tax and highly valued services that support Kent families and the Kent economy, namely providing Kent jobs for Kent people.

(11) In Mrs Dean's absence Mr Vye stood to respond to the Leader's report. Mr Vye stated that, looking back over the past four years, he remembered great aspirations being voiced by the leadership to be a big council for a big Kent. He recalled talk of a unitary authority uniting all the local government services across the county and branching out into various commercial enterprises and very much operating as a business orientated authority. He suspected the recent pay offs to senior officers would not have been tolerated in the boardroom of a private company but he did not



plan to criticise the present administration for everything they had done as many things had been done very well.

(12) He stated that sadly the focus had been lost from those major services that did not make the headlines unless things went wrong. Because the focus had been lost he said, we were all aware of the painful results. The Leader had already referred to the inadequate judgements by Ofsted on the safeguarding and adoption services, the youth offending services; education was near the bottom of national league tables in certain key aspects and the numbers had been seriously wrong in terms of the number of school places required. He stated that this was in no way a criticism of those who had been brought in to address these situations, he did indeed applaud their efforts.

(13) He spoke about a conference he had attended recently where best practice in local government services for children and young people, family services had been showcased. He stated that he had been filled with envy and regret that the services in places such as Walsall and Southend which were receiving glowing responses from Ofsted could not be showcased in Kent – yet. The Leader had said things were back on track and Mr Vye stated that the Council had the responsibility and the capacity to make a huge difference to the lives of the people of Kent but that for this to happen the next administration – whatever it may be – had to do a whole lot better.

(14) Mr Cowan started his response to the Leader's speech by bringing up what he termed the chaos during the recent snow, the 'wrong kind of snow'. He said that the Highways department should be praised when they do a good job, as they had on previous occasions, but that in this instance heads should roll.

(15) The Chairman stated that he was not convinced Mr Cowan was responding to the Leader's speech but Mr Cowan assured him that he was talking about services.

(16) He continued by saying to those Members who were not standing again well done for all their hard work and commitment to the people of Kent. Mr Cowan stated that he was deeply sorry at losing a man who had brought great political knowledge and humour to life at County Hall in Mr Christie and he was sure other Members would agree that Council meetings would not be the same in the future without him. Mr Cowan stated that, whatever happened on 2 May, he was sure that the numbers on his side of the Chamber would rise significantly.

(17) Mr Cowan then moved on to what he called the end of term report, the past four years. He spoke about the reorganisation of the Council and the removal of the Chief Executive and the subsequent installation of a Managing Director at a cost over some 17 months in the region of £800k in pay-offs and salaries. He said that it was an absolute disgrace the way the Council were spending millions of tax payers money and the public did not like or understand what was happening.

(18) Next Mr Cowan turned to the transformation of youth services and what Mr Carter had said were better quality services. These transformations had included the withdrawal of £1.094million over the last three years.

(19) Mr Hill had stated that the County Council would have a first class youth service with the new transformation of the youth services. Mr Cowan said that there were areas across the county of Kent that had proposed that their purpose built youth

centres used seven days a week and now these same services were run once a week from the back of a van. He stated that this was a disgrace and a kick in the teeth to Kent's youth and asked how this could be a better service.

(20) Mr Cowan spoke of the proposed switching off of street lights, £150k, due to begin this summer and plans for part night lighting. He listed several other cuts to budgets including cuts to Kent and Medway Safety Camera Partnership, cancellation of transport schemes, cuts to discretionary school transport costs for pupils choosing to attend selective or church schools which were not their nearest school.

(21) He stated that the administration claimed to speak for the people of Kent but had shown nothing but contempt for their views over the past few years. The first example of this, Mr Cowan stated, was the closure of the last nine remaining KCC residential care homes despite the fact that the response to the consultation was over 20,000 opposing and less than 500 supporting the closures. Mr Cowan stated that the end result was that not one recommendation had been altered. So much he said for of consultations: youth centres, same proposals, same outcome; Walmer Science College, same proposals, same outcome. He stated that the administration may claim to listen but they certainly did not hear.

(22) The Leader in his response to Mr Vye and Mr Cowan said that he was not aware that he had ever been engaged in any conversations about unitary status for the county. He stated that with twelve very strong district leaders in Kent he felt it would be a very unwise thing to start to talk about or talk up. He stated that he had, in his leadership, done all that he could to work closely with all the borough and district leaders and that he was of the strong belief that Kent should retain its current boundaries and to avoid any division in the county to work in partnership for the benefit of the people of Kent.

(23) He accepted that in Education progress had slowed down for a short period of time but had very quickly got back on track again and if you read some of the recent Ofsted inspection reports over the last six to nine months they were showing a trajectory of improvement. He also reminded people that the Council had achieved its goal of not having any schools categorised as a failing school at one point. Everybody had said it could not be done but they had been proved wrong.

(24) The Leader stated that Mr Cowan had got his dates mixed up about the snowfall. The Leader said that generally the Council's snow clearance team did a stunning job all the way through the winter. He stated that the Council could not be blamed for any deficiencies in the Highways Agency's network.

(25) He stated that the weather the county had had, especially in the east of the county, had been phenomenal. He said that when you got wind that blew snow drifts that were in many cases up to ten or twelve feet high you had to expect some disruption while the snow ploughs and gritters moved it and then some hours later moved it again when it had been blown back. He publically thanked the teams that had been out there through the winter.

(26) He stated that, as far as running the organisation without a Chief Executive, he thought it was working exceptionally well. In mid February he had celebrated the fact that the Council was now going into profit from the money that was paid to run without a Chief Executive and were now into profit making savings of some £350,000

a year with all the on costs and staff support to that post. He thanked the Senior Management Team and particularly David Cockburn as the Head of Paid Services for organising such a very good, positive Senior Management Team. The Leader stated that he had always felt passionately that the Council should have the very best people in the top of the organisation and that was the pursuit that had been ongoing. He stated that the Council could not be blamed for complex Personnel arrangements that needed changing by central government so that some of these large payments do not have to be made. He also reminded people that independent advice had been sought in relation to all the severance packages when senior people had moved on.

(27) He then turned what he termed the drivel that had been published in the press, lead by the Tax Payers Alliance, talking about the number of people in an organisation that spends over £2billion a year, KCC now had 23 people earning over £100,000, a reduction from 30. He asked what about all the secondary headteachers, the GPs and other public servants who all earned over £100,000. He thought it was incredible, he stated, that an organisation the size and scale of KCC could run its business with a Senior Management Team taking on serious responsibility, recruiting the very best into Kent and do it with a number as low as 23 having taken over the last four years £1million out of the management cost.

(28) RESOLVED that the Leader's report be noted.

### **13. Developing Better Healthcare for Kent**

(1) The Chairman announced that he had agreed that a short DVD was shown after Mr Gough's introduction but before the debate on this item. It was a DVD on health reform that has been produced by our Communications and Engagement team and can be viewed at <http://bit.ly/10kYhF7>

(2) Following the debate the Chairman put to the vote the report's recommendations, when the voting was as follows:

For (64)

Mrs A Allen, Mr M Angell, Mr R Bayford, Mr R Bird, Mr A Bowles, Mr D Brazier, Mr R Brookbank, Mr R Burgess, Miss S Carey, Mr P Carter, Mr N Chard, Mr A Chell, Mrs P Cole, Mr N Collor, Mr G Cooke, Mr B Cope, Mr H Craske, Mr A Crowther, Mr J Cubitt, Mr D Daley, Mr M Dance, Mr R Gough, Mr M Harrison, Mr W Hayton, Mr C Hibberd, Mr M Hill, Mr D Hirst, Ms A Hohler, Mrs S Hohler, Mr P Homewood, Mr E Hotson, Mr M Jarvis, Mr A King, Mr J Kirby, Mr G Koowaree, Mr P Lake, Mr R Lees, Mr S Manion, Mr R Manning, Mr A Marsh, Mr M Northey, Mr J Ozog, Mr R Parry, Mr R Pascoe, Mr T Prater, Mr K Pugh, Mr L Ridings, Mrs J Rook, Mr A Sandhu, Mr J Scholes, Mr J Simmonds, Mr C Smith, Mr K Smith, Mrs P Stockell, Mr B Sweetland, Mr R Tolputt, Mrs E Tweed, Mr M Vye, Mrs C Waters, Mr J Wedgbury, Mr M Whiting, Mrs J Whittle, Mr A Wickham, Mr A Willicombe

Against (2)

Mr L Christie, Mr G Cowan

*Carried*

- (3) RESOLVED that the County Council:
- (a) approve the Terms of Reference and Standing Orders to move the shadow Health and Wellbeing Board to full status in line with legislative requirements;
  - (b) adopt the Joint Health and Wellbeing Strategy for Kent 2013 – 2014; and
  - (c) consider 'Delivering Better Healthcare for Kent' a KCC discussion document outlining the opportunities the health reforms present to improving health and social care in Kent.

#### **14. Revision of Terms of Reference and Protocols for the Health Overview and Scrutiny Committee**

- (1) Mr A King proposed, Mr Gough seconded that the County Council approved the revised Terms of Reference and Protocol for Health Overview and Scrutiny in Kent and recommended that Appendix 2, Part 2, of the Constitution be amended accordingly.
- (2) RESOLVED that these recommendations be agreed.

#### **15. Select Committee: Apprenticeships**

- (1) Mr Dance proposed, Mr Cubitt seconded that the County Council endorse the Select Committee report, thank both the Select Committee for a useful report on a complex and challenging issue and the witnesses and others who provided evidence and made valuable contributions to the work of the Select Committee.
- (2) As the Chairman stated when he introduced this item the Select Committee report spanned three Directorates; Communities; Education, Learning & Skills and Regeneration & Economic Development.
- (3) Following a full debate it was RESOLVED that the recommendations be agreed.

#### **16. Treasury Management 6 Month Review 2012/13**

- (1) Mr Simmonds proposed, Miss Carey seconded that the County Council note the Treasury Management 6 Month Review 2012/13.
- (2) RESOLVED that the report be noted.

#### **17. Authority to participate in legal proceedings and Rights of Audience**

- (1) Mr A King proposed, Mr Bowles seconded that the County Council approved the following amendment to Article 13.3, as underlined below:

"The Monitoring Officer is authorised to institute, defend or participate in and settle any legal proceedings, or authorise others to do so, in any case where such action is necessary to give effect to decisions of the Council or in any case where he considers that such action necessary to protect or pursue the

Council's interests or where he considers it expedient for the promotion or protection of the interests of the inhabitants of Kent" and

That the Monitoring Officer be authorised to hold a list of authorised officers pursuant to Article 13.3 and that the Monitoring Officer be authorised to make additions, removals or amendments to the list as appropriate in his opinion.

(2) RESOLVED that the recommendations be agreed and the changes to the Constitution be made accordingly.

### **18. Minutes for Approval**

(1) Mr Long proposed, Mr Parry seconded that the Minutes of the meeting of the Governance and Audit Committee held on 19 December 2012 be approved.

(2) RESOLVED that the Minutes be approved.

### **19. Minutes for Information**

Pursuant to Procedure Rule 1.10(8) and 1.23(4), the minutes of the Planning Applications Committee meetings held on 11 December 2012, 16 January, 12 February and 13 March 2013; the Regulation Committee meetings held on 22 January and 14 February 2013 and the Superannuation Fund Committee meeting held on 8 February 2013, were noted.

### **20. Kent Invicta Award**

(1) The Chairman announced that it was his intention to present the Kent Invicta Award 2013 to John Surtees OBE.

(2) Mr Carter gave a citation as one of the Members who proposed that John Surtees should receive the award.

(3) Mr Dance also paid tribute to John Surtees and the work he had done since they met in the late 1990s in engaging young people.

(4) The Chairman presented the Award and a cheque for £5,000 payable to the Henry Surtees Foundation to John Surtees. Mr Surtees then gave a very moving speech in reply to the Award and tributes.

### **21. Motion for Time Limited Debate**

(1) Mr L Christie will propose, Mr G Cowan will second that:

This Council makes the installation of sprinklers a specific condition of a planning application:

Following the recent LGA Fire Conference and the introduction of the LGA Sprinkler toolkit this Council agrees that, in order to ensure the safest possible design and planning of buildings and to protect the public of Kent, that this

council adopts a policy making it a compulsory planning condition that any new developments or substantially altered buildings especially schools and social care buildings including those that provide residential accommodation (paid or otherwise) must include the installation of a suitable sprinkler system for the intended use.

Where a planning applicant believes there are sound reasons for not including a sprinkler system, a written submission setting out a clear rationale, with details of the alternative measures to reduce the risk from fire for building occupants must be provided.

(2) Mr Sweetland proposed, Mr Brazier seconded the following amendment:

“Following the recent LGA Fire Conference and the introduction of the LGA Sprinkler toolkit this Council agrees that:

1. This Council has always stringently complied with building control and fire regulations. However in order to ensure the safest possible design and planning of buildings and to protect the public of Kent, this Council extends its current position of encouraging the installation of sprinklers in new school and social care premises where this is the most appropriate solution, and investigates the feasibility of adopting a policy for mandatory installation of sprinklers where the Council is the planning authority, recognising that water based sprinkler systems may not always be the best means of tackling fire. This issue should be brought forward for debate as soon as possible after the County Council elections to the relevant Cabinet Committee and the Kent Forum.
2. In order to supplement the Kent Design Guide, which provides essential information for planner and builders in relation to the standards expected of planning authorities within Kent, and to ensure that KCC provides the safest possible design guidance for planners and building occupants, this Council alongside Kent Fire & Rescue Service should ensure that the Kent Design Guide covers the installation of sprinkler systems.

(3) Following the debate the Chairman put to the vote the amendment set out in (2) above, when the voting was as follows:

For (48)

Mrs A Allen, Mr M Angell, Mr A Bowles, Mr D Brazier, Mr R Brookbank, Mr R Burgess, Miss S Carey, Mr P Carter, Mr A Chell, Mr N Collor, Mr G Cooke, Mr B Cope, Mr H Craske, Mr A Crowther, Mrs V Dagger, Mr M Dance, Mr J Davies, Mr R Gough, Mr M Harrison, Mr W Hayton, Mr M Hill, Mr D Hirst, Ms A Hohler, Mrs S Hohler, Mr P Homewood, Mr E Hotson, Mr M Jarvis, Mr A King, Mr S Manion, Mr R Manning, Mr A Marsh, Mr M Northey, Mr R Pascoe, Mr K Pugh, Mr L Ridings, Mrs J Rook, Mr A Sandhu, Mr J Scholes, Mr J Simmonds, Mr C Smith, Mrs P Stockell, Mr B Sweetland, Mr R Tolputt, Mrs E Tweed, Mr J Wedgbury, Mr M Whiting, Mr A Wickham, Mr A Willicombe

Against (7)

28 MARCH 2013

Mr R Bird, Mr L Christie, Mr G Cowan, Mr D Daley, Mr C Hibberd, Mr G Koowaree,  
Mr M Vye

*Carried*

(4) RESOLVED that the amended motion be agreed.

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**COUNTY COUNCIL****Thursday 23 May 2013****Question by Mike Harrison to****David Brazier, Cabinet Member for Environment & Transport**

One of my last commitments in the last administration was to use the last of my Members Community Fund to pay for a new Bus Shelter in Tower Parade, Whitstable. Even as I was signing it off I could not help but wonder why it was up to me to find these funds.

My question to Mr Brazier is:

Why do we, the tax payers of Kent, pay for all of the various bits of infrastructure for the privately run bus services throughout the county? By this I mean bus pull-ins, raised kerbs at bus stops and even the bus stop signs complete with timetables? We, KCC, are constantly doing remedial repairs to all of these things all for the benefit of privately run companies. Whilst I fully appreciate that we are in partnership with things such as the Quality Bus Partnership in the Canterbury area and that we need a good public bus service but not at any price.

**Answer**

Thank you for your question and I am sure the public appreciate your contribution to improving public transport infrastructure in Whitstable.

The County Council does have two statutory duties in this area. Firstly, to provide public transport information - which we do at bus stops, through Travelline and the web. We also have a duty under the Equalities Act to undertake works to adapt the highway to enable access for disabled people.

In Kent I am really proud of the fact that our commitment to partnership working and investment has led to a step change in vehicle quality and service, with many bus routes now running twice as frequently as before. In March, 11 new hybrid buses for Maidstone were launched which represented an investment of £2.5m by Arriva. A recent press release from Stagecoach highlighted a 100% increase in patronage over the past 7 years, this compares to 34% growth in London. We have generated almost unparalleled levels of inward investment into Kent compared to that of other County Councils. To my mind this investment is crucial to us in our objectives of freeing up traffic flows and ultimately delivering Growth without Gridlock and I would not want to see it jeopardised. Fundamentally, it helps the public, which is what we are here to do.

**COUNTY COUNCIL**

**Thursday 23 May 2013**

**Question by Sarah Hohler to**

**David Brazier, Cabinet Member for Environment & Transport**

Would the Cabinet Member for Environment and Transport tell me whether he is aware of the problems caused (across all branches of his portfolio) by HGVs parking overnight in lay-bys and other places throughout Kent? Has he any plans, working with others, to solve this problem? For example, has he considered adapting Park and Ride sites to accommodate HGVs overnight?

**Answer**

In response to your question through the County Council, I can absolutely assure you that I am fully aware of the detrimental impact that inappropriate HGV parking has on Kent's residents. In the course of my work I am regularly presented with very real examples of the distress and nuisance such HGV parking causes both individuals and communities across Kent.

As you have identified in your question, this is not a matter the County Council can work to solve in isolation. As such we have been liaising with the Highways Agency, the district and borough councils, the Freight Transport Association and Road Haulage Association as well as having discussions with existing lorry park operators on this subject. Currently we are about to commence a piece of work to identify suitable lorry park sites in Kent and to establish the commercial case for those identified sites that would enable delivery. In identifying suitable sites, I expect this work to consider existing land uses as well as undeveloped land.

**COUNTY COUNCIL MEETING**

**23 May 2013**

**Question by Martin Vye to  
David Brazier, Cabinet Member for Transport & Environment**

Will the Cabinet Member for Transport and Environment give his assurance that in the course of the impending review of traffic management in the City of Canterbury, the County and District Councillors for Canterbury City, and representatives of local residents and businesses will be engaged right from the start in consideration of possible options, and in the drafting of firm proposals?

**Answer**

The regeneration of the St Dunstan's area of Canterbury is a key area of concern and I certainly support the development of a permanent solution that involves full consultation with all interested parties. I am pleased to confirm that a Steering Group has been set up that will identify all of the key stakeholders including local residents and business so that their views can be canvassed to ensure that consensus is reached on what a permanent solution will look like.

**COUNTY COUNCIL MEETING**

**23 May 2013**

**Question by George Koowaree to  
David Brazier, Cabinet Member for Transport & Environment**

Recently I witnessed a site employee at the temporary Ashford Household Waste Recycling facility getting into the metal recycling container to rearrange items to maximise the space for additional metal waste apparently because there was no crusher fitted. Will the Cabinet Member for Transport and Environment confirm that the current site expansion and development of the main Ashford Household Waste Recycling Centre includes mechanised crusher systems on all appropriate containers to ensure site staff will not have to enter containers to maximise space; and will he ensure this practice ceases at all KCC recycling centre sites before someone is seriously injured.

**Answer**

The new Household Waste Recycling Centre for Ashford, which will be opening in July 2013, is designed so that metal and other compactable materials will be handled by machine only once deposited by members of the public.

I have asked my Waste Management team to investigate the incident at the temporary Household Waste Recycling Centre at Ashford detailed by Mr Koowaree. It should be noted that safe methods of work for entering skips have been accepted by the corporate Health & Safety team in limited circumstances, and the Head of Waste Services will ensure that any such activity only takes place in accordance with these approved safe ways of working.

**COUNTY COUNCIL MEETING**

**23 May 2013**

**Question by Michael Northey to  
David Brazier, Cabinet Member for Transport & Environment**

Many residents in my Division of Canterbury South East have reported heavy litter along the A2 and in various other local areas. Canterbury City Council and Kent Highways are taking strong action to clear this but the problem persists.

Could the Cabinet Member for Transport and Environment consider ways to reduce this pollution of the Garden of England and in particular embark upon a vigorous public education programme to prevent littering in the first place as well as continued enforcement and clearance?

**Answer**

I am acutely aware that litter is an eyesore and problem in some parts of Kent, where there is a great deal of visible litter on highways and elsewhere; this is unacceptable and gives a poor impression to visitors.

While KCC can and does play a coordinating role, there are several partner agencies responsible for littering and, in the case of highways, statutory responsibility for dealing with it mainly rests with District Councils, and with the Highways Agency in the case of motorways. The A2 in Mr Northey's Division is accordingly the responsibility of Canterbury City Council, and I will be writing to them very shortly on this matter.

In my role as Cabinet Member for Transport and Environment, I have already recognised the need to reinvigorate our partnerships with relevant agencies in response to the understandable public concern about litter. KCC has an excellent reputation for effective partnership working and I am committed to drawing on this experience to lead a fresh focus and coordination of activity to make Kent a cleaner county.

**COUNTY COUNCIL MEETING**

**23 May 2013**

**Question by Roger Truelove to  
Mark Dance, Cabinet Member for Economic Development**

Could the Cabinet Member for Economic Development say whether he believes the completion of the Northern Relief Road from East Hall to Bapchild is essential for the economic growth and regeneration of Sittingbourne?

**Answer**

Sittingbourne's regeneration is reliant on new infrastructure and in particular providing access to the northern sectors of the town. The Northern Relief Road is one part of an overall scheme we have been developing with Swale Council for several years. To continue Sittingbourne's economic growth we need to strike the best balance between supporting development and protecting existing communities.

The successful Eurolink estate has good links to the Town Centre and the west. In order to fully realise the benefits of regeneration to the Town Centre and the Milton Creek area, the Northern Relief Road requires connection to the A2, but without the Southern Relief Road there would be detrimental impacts to the east of Sittingbourne.

Our strategy completes the infrastructure around Sittingbourne but we still need to consider how to proceed with both the Northern and Southern Relief Roads with the best phasing to deliver the best results for Swale.

Considering just one element of a scheme is not in the best interests of the economy or environment for Swale Borough which is why further work on the scheme is necessary.

The Northern Relief Road will allow traffic to bypass the town centre and avoid urban residential areas, give better access to existing employment areas, open up strategic sites for employment and housing and allow the redevelopment of town centre sites. To the east of Sittingbourne however, rural communities could be adversely affected by the scheme, with traffic pressure increasing along the A2 towards Faversham.

This illustrates the balanced view we need to take so we do not unwittingly disadvantage any communities. In summary therefore, the Northern Relief Road project is a key element of the regeneration strategy for Swale but has wider benefits and disbenefits that must be properly considered.

Please rest assured we will continue to work with the Borough Council and others to achieve the best outcome.

**COUNTY COUNCIL**

**Thursday 23 May 2013**

**Question by Dr Mike Eddy to  
Roger Gough, Cabinet Member for Education and Health Reform**

Given the opposition of all political candidates in May's county council elections to the proposal to close Walmer Science College, which will lead to the loss of £6 million worth of modern state-of-the-art school buildings and their replacement with buildings of lower standard at a cost of £20 million, will the new Cabinet Member for Education outline the process for reconsidering this closure proposal which will leave the Deal and Walmer area with a single secondary school?

**Answer**

The proposal from the governing bodies of Walmer Science College and Castle Community College, together with Kent County Council to bring the schools together to form one secondary school has been consulted on and fully considered by Education Cabinet Committee prior to the final decision taken by the Cabinet Member for Education Learning and Skills on the 26 March 2013 (decision number 12/01977).

The proposal was brought forward because:

- The numbers of pupils in the locality, taking into account parental preferences, patterns of choice, numbers of young people and planned housing developments does not support two viable schools in Walmer and Deal that would deliver a good quality of education;
- Walmer Science College has a very small and reducing number of pupils on roll. It has been an under-performing school for some time with poor results. It has only recently been removed from special measures by Ofsted. Parental preference has already shown a lack of confidence in the school with numbers declining markedly in the past 3 years. Without action there would be a serious revenue budget deficit in excess of £900,000 by 2014/2015. The internal action required by the school to address this shortfall would leave it unable to employ sufficient staff to deliver the curriculum. Walmer Science College would no longer be viable and the pupils' education would suffer;
- The amalgamation with Castle Community College has been supported by written confirmation from the DfE that the school re-build will provide new accommodation for the combined number of pupils of at least 1300, as part of the Government's Priority Schools Building programme.

As Walmer Science College is a Local Authority school and Castle Community College is an Academy, the only way that the two schools could be brought together is by the closure of Walmer Science College and the expansion of Castle Community College. Castle Community College has received approval from the Secretary of State and the Education Funding Agency to expand in order to take the pupils from Walmer Science College with effect from the 1 September 2013.

The proposal has been considered by Education Cabinet Committee on three occasions:

**12 September 2012**, when the Committee endorsed the proposal brought forward by the governing bodies of both Walmer Science College and Castle Community College with the support of the Local Authority to go out to consultation.

**21 November 2012**, when the Committee considered responses received, comments made at the two public meetings and discussed any concerns raised before recommending to the Cabinet Member for Education, Learning and Skills that a Public Notice regarding the closure of Walmer Science College be issued. The Committee fully supported the proposal being taken forward to the publication of a Public Notice.

**19 March 2013**, when the Committee considered responses received during the statutory Public Notice period and the proposed decision of the Cabinet Member to close the school in support of the amalgamation. The Committee endorsed the proposed decision.

In addition, the original decision to issue a Public Notice was considered by the KCC **Scrutiny Committee**. The Committee agreed that there was no requirement to reconsider the decision.

No decision has been made about the future use of the Walmer Science College site and buildings once the lease to Castle Community College expires. The County Council has committed to future use of the site for educational and community purposes. All options will be fully considered, and there will, therefore, not be any loss of the Walmer Science College buildings.

There has been extensive consideration of the proposal concerning Walmer Science College and Castle Community College and the decision was taken by the then Cabinet Member for Education Learning and Skills, with the corresponding decision to expand Castle Community College having been taken by the Secretary of State for Education. The facts that led to the original proposal have not changed and therefore there is no reason to reconsider the decision. The proposal was designed to improve the educational opportunities for all the young people of Deal and has the full support of the administration.



**COUNTY COUNCIL MEETING**

**23 May 2013**

**Question by Eileen Rowbotham to  
John Simmonds, Cabinet Member for Finance & Procurement**

Can the Cabinet Member for Finance inform the Council of the costs of a county-wide referendum and what provision has been made in the council's budget for such expense?

**Answer**

The cost of a referendum will depend on how any proposed poll would be conducted. If the referendum were an advisory poll under the powers in the Local Government Act 2003, then it would be at the council's discretion as to who should be included in the poll and how it is to be conducted. It therefore follows that the cost will stem from these decisions. If the poll were more formal e.g. in relation to Council Tax referendum or local governance arrangements then we would have to poll all electors. This would be a yes/no poll and thus more straightforward than full council elections, nonetheless we estimate the cost could be between £1m to £1.3m. We have no provision for any referendum in the current budget.

**COUNTY COUNCIL MEETING**

**23 May 2013**

**Question by Penny Cole to  
Graham Gibbens, Cabinet Member for Adult Social Care & Public Health**

Would the Cabinet Member for Adult Social Care & Public Health please indicate how the Adult Social Care Transformation plans will now be developed and specifically how he believes they will benefit the lives of people in my Dartford East division?

**Answer**

The transformation of Adult Social Care is the largest programme of change underway within the Council. It will improve the social care outcomes for the people of Kent, provide additional support to carers in their vital role, free up staff so that more time can be spent supporting clients, and create new and innovative ways of working with the provider market, including the voluntary and community sector.

Detailed planning of the transformation is underway at the moment. It is focusing on targeted prevention, identifying those who are at risk of falling or of social isolation, and addressing this before issues arise. We are providing additional help to people to remain independent in their own homes for longer. In Dartford and the surrounding area we are increasing the amount of specialist enablement support available by 50%, so more people can develop new skills as their care need change. We are also developing other options for people, such as 40 homes with care support on the Manorbroke site in Dartford East.

To help carers, Dartford has innovative services such as the Dementia Peer Support Group and the Dementia Café and, as across the county, we are investing with local health colleagues, in the new Carers Assessment and Support Service.

I am of course happy to provide more information to Mrs Cole, or to any other member, about the impact of the Transformation of Adult Social Care in individual divisions.

**COUNTY COUNCIL MEETING****23 May 2013****Question by Brian Clark to  
David Brazier, Cabinet Member for Transport & Environment**

Prior to the last Joint Transport Board (JTB) meeting I submitted a large petition objecting to the bus lane proposal along the Sutton and Loose Roads. During the meeting, the Chairman categorically stated that the plan would not go ahead (to confirm this point a letter from Bryan Sweetland, former Cabinet Member for Environment, Highways & Waste was read, which only referred to the Loose Road section).

Given that the JTB meeting was held shortly after planning permission was passed for two schools in Boughton Lane, where the developer followed KCC highways guidance and agreed to contribute to the bus lane in order to overcome substantial traffic concerns could the Cabinet Member for Transport and Environment please confirm KCC's position on the issue of the whole bus lane scheme?

**Answer**

The Sutton Road Bus Lane was first proposed in response to the Planning Inspector's recommendations at the Maidstone Local Plan Inquiry in the late-1990s. Langley Park and Land North of Sutton Road are located some distance from Maidstone Town Centre and railway stations. He therefore stated that the Local Plan policies for these sites should include requirements for bus priority measures on the Sutton Road/Loose Road corridor, this was duly carried forward into the final adopted Plan. This policy has been saved by Maidstone Borough Council despite our objection and is to be included in the new Local Plan, which reallocates Langley Park and Land North of Sutton Road for residential development.

The Planning Inspector's previous comments and the saved Local Plan policies are important considerations in developing the Integrated Transport Strategy for Maidstone. Various legislation and guidance directs us to consider this history and to ensure that we cooperate on Local Planning and Highway issues in producing the Local Plan which will satisfy the Planning Inspectorate. It is clear that there are many reservations about the design and impact of a bus lane on Sutton Road and/or Loose Road, it is also clear that the developers of the strategic housing sites to the south east of Maidstone will be required by the Borough Council to provide contributions to bus priority measures on this corridor. Therefore, my officers within KCC Highways and Transportation are obligated to work with their colleagues at Maidstone Borough Council and with developers, to develop a solution that satisfies the Local Plan policy but which also minimises disruption to other road users.

With specific regard to the recent planning applications for new Primary School facilities in Boughton Lane, Maidstone, a Section 106 Agreement is being drafted which will include the provision of off-site financial contributions to bus services and supporting infrastructure on Loose Road. There will be no requirement that these monies be spent on the provision of a bus lane and officers within KCC Highways

and Transportation will work with local Members and other stakeholders to identify an acceptable solution which satisfies the terms of the Agreement.

In summary, therefore, whilst I can say that we have serious concerns about the bus lane and do not support it, the governmental and planning framework within which we operate means that I cannot guarantee that it will not happen.

**COUNTY COUNCIL MEETING**

**23 May 2013**

**Question by Richard Parry to  
David Brazier, Cabinet Member for Transport & Environment**

If I recall correctly this year's KCC Highways "Pot Hole Blitz" started at the end of April 2013.

Will Mr Brazier provide an update detailing how many miles of our County's roads have so far been surveyed, how many potholes have been found and how many have been repaired?

Additionally will Mr Brazier assure the Council and especially Kent's residents and road users that the repairs are being made following best practice and especially will endure.

**Answer**

Highways and Transportation actually started this year's pothole Find & Fix programme at the end of January, following the first spell of heavy snowfall. Activity peaked at the end of March and through April following the second and unusually late heavy snowfall on 11 March. The number of gangs working on the roads in Kent have been increased significantly, mainly from local sub-contractors, with over 30 extra crews dedicated to the Find & Fix programme.

By the end of April we had completed works in 831 roads and identified a further 901 roads for Find and Fix treatment (totalling about 6% of the network). The programme is ongoing and will continue until the worst of the winter damage is repaired.

Every crew has had clear instructions to carry out quality first time repairs. We have a team of dedicated Engineers checking sites on a daily basis to ensure that best practice is followed and quality is maintained.

**COUNTY COUNCIL**

**Thursday 23 May 2013**

**Question by Rob Bird to  
Roger Gough, Cabinet Member for Education and Health Reform**

"Of 150 councils whose primary schools are inspected by Ofsted, Kent was ranked tenth from the bottom and for the fourth year in succession 45% of our primary schools were judged to be under-performing. I am sure all members will welcome the recent improvement in the Ofsted ratings of Kent's primary schools and will join me in congratulating all the schools that have received improved Ofsted reports.

Unfortunately, this improvement has not been seen here in the County Town of Maidstone. At the beginning of 2012 48% of our infant and junior schools were rated as either "Outstanding" or "Good"; that figure has now fallen to 44%. No one doubts the hard work and commitment of our teaching staff but clearly there is a deeper problem. This is now urgent and critical.

Will the Cabinet Member for Education and Health Reform please advise what steps are being taken now to ensure that primary schools in Maidstone give our children the education they need?"

**Answer**

The performance of Primary Schools overall in the Maidstone area is in line with the Kent average and close to the national average for Key Stage 2 results in 2012. This represents a 6% improvement rate in the last three years, The improvement rate in Maidstone for Mathematics is better than a number of other districts and whilst not as strong, is in line with other districts across Kent in English.

The number of schools below the 60% floor standard for English and mathematics at Key Stage 2 has improved significantly in Maidstone from 10 schools in 2010 to just 2 schools in 2012.

In 2012, 24 of the 37 primary or junior schools in Maidstone increased their Key Stage 2 results from 2011. 26 of the 37 schools increased their 2 levels of progress in English and 24 schools improved their 2 levels of progress in Mathematics.

However the Ofsted inspection results for Maidstone schools have not been improving at the same rate as we are achieving across other parts of Kent, where we are seeing a rising trend of good inspection judgements for schools that were previously rated as satisfactory.

In Maidstone about half of Primary schools are judged to be good or better compared to the average of 64% overall for the county. While many of the schools not yet rated as good schools face challenges, with above average levels of social deprivation, we recognise this situation requires significant improvement.

The figures above reflect the 2011/12 position. We expect to see a significant improvement in Kent's position in the tables in 2012/13.

Out of the 42 Primary schools in Maidstone 19 are good or outstanding (4 are outstanding), 22 are satisfactory and one school is in a category of concern.

Of the 22 satisfactory schools, 13 have been inspected since September 2012 and have been judged to Require Improvement, which is disappointing. One school has been placed in an Ofsted category of concern. Three of the 12 schools were judged to be good for leadership and all were judged to have the capacity for continued improvement.

We are therefore expecting all the schools to achieve a good outcome in their next inspection.

Of the schools recently judged to require improvement the Local Authority is supporting their improvement and monitoring every term to ensure the schools are making rapid progress.

The steps that are being taken to ensure that Primary schools in Maidstone continue to improve include:

- All schools working with the KCC Improvement Adviser to develop relationships with a link school, which is good or outstanding. This provides more opportunities for headteachers and staff to observe and work alongside good and outstanding schools and their teachers.
- All schools are participating in the Every Lesson Counts programme which has a very successful track record of improving teaching to a consistently good quality. This is being fully funded by the Local Authority.
- All the schools requiring improvement due an inspection within the coming year, have been offered the services of an OFSTED inspector to review their work against the Ofsted criteria for good outcomes, to support the presentation of pupil progress data in an OFSTED friendly form and support the development of a robust school self-evaluation.
- The Local Authority has commissioned specific improvement programmes for some schools. Six schools are participating in the ASPIRE programme which is sponsored by the DFE and NAHT, (National Association of Headteachers), and two schools are being given additional support by an improvement initiative led by Lilac Sky Schools. The schools not taking part in these programmes are provided with a bespoke package of support from the Local Authority.
- Headteachers of the schools requiring improvement are working on a leadership development programme led by an experienced consultant and Ofsted Inspector. This support programme aims to develop the skills of leaders to secure good provision in their schools.

- Maidstone schools are now working in collaborative groups of schools. These groups facilitate the sharing of good practice between schools and ensure there is support from local good and outstanding schools. This work is also supported by the local Teaching School that is providing an improvement project for a number of Maidstone schools.

All the 'requires improvement' schools additionally receive Ofsted monitoring visits by HMI. All the Maidstone schools have been judged to be making good progress.

We believe that all Maidstone schools now have stronger leadership capacity. The Local Authority has a rigorous and robust school improvement strategy and where the Local Authority believes that leadership is not sufficient robust action has been taken.

Members should be assured that individual schools across Maidstone continue to demonstrate sustained and substantial improvements and we expect these schools to be able to demonstrate good outcomes well before their next inspection.



**COUNTY COUNCIL MEETING****23 May 2013****Question by John Davies to  
David Brazier, Cabinet Member for Transport & Environment**

My division of Tunbridge Wells West covers a large area of the town and the villages of Bidborough, Rusthall, Speldhurst, Langton Green, Ashurst and Groombridge. The residents, the Borough and Parish Councils are rightly concerned that there is a serious and increasing noise intrusion and indeed pollution from aircraft using London Gatwick Airport disturbing residents throughout the area particularly during the night. The statistical analysis of the charts produced by Gatwick Airport Limited confirms nearly all such arrivals pass over Tunbridge Wells and its neighbouring villages.

We all accept the importance of air traffic to the economy in general but it is essential that with the increasing traffic and types of aircraft used together with the view that possibly Gatwick should have a second runway that West Kent should be properly represented in any discussions and negotiations regarding the effect of aircraft flying over this area. This is currently not the case and my Councils and residents are expecting support from the Kent County Council in their endeavours to obtain better representation on the bodies that are responsible for aircraft noise and pollution.

I am asking the Cabinet Member for Transport and Environment to reassure me, the residents and Councils of West Kent that the appointment of the new representative by Kent County Council to sit on GATCOM is confirmed without delay and that representative is made fully aware of the strong opposition to a second runway at Gatwick, the need to reduce noise and pollution, a reduction in night flights which are at present unrestricted in number and to seek for additional representation on GATCOM by the Tunbridge Wells Borough Council and other West Kent Councils to ensure that Kent through them has a stronger voice in the same way that those Borough and District Councils in Surrey and Sussex are represented.

**Answer**

I will ensure that the KCC representative that I appoint to the Gatwick Airport Consultative Committee (GATCOM) is made aware of the issues of concern to West Kent residents, notably noise, night flights and opposition to a second runway.

I will ask GATCOM about expanding its membership to include West Kent district councils. As you may be aware, membership by Tunbridge Wells Borough Council was requested in March by Greg Clark MP, but was refused by the Chairman of GATCOM on the grounds that only local authorities whose area abuts the airport boundary or the M25 spur are represented on the committee. The only exception to this rule are East Sussex and Kent County Councils and this provides the opportunity for representation in these areas to come through the County Council representative. However, I am happy to raise this issue of membership again with the GATCOM chairman.

**COUNTY COUNCIL MEETING**

**23 May 2013**

**Question by Trudy Dean to  
Paul Carter, Leader of the Council**

Will the Leader of the Council please say whether in view of public concern regarding so-call 'gagging clauses' within severance agreements with staff, he is willing to cease the use of such clauses by Kent County Council?

**Answer**

It is entirely understandable that there is such concern over "gagging clauses" however there is a massive misunderstanding as to why they are used. The term 'compromise agreements' can mean all things to all people and we must be clear on the definition of this term. I am pleased therefore to have the opportunity to make it clear that KCC does not use compromise agreements in the context described to prevent an employee 'discussing the work and services of the organisation'.

There **is** a confidentiality clause in our standard compromise agreement which is used as a matter of standard, legitimate business practice. This makes the terms of the agreement confidential, but is limited to the terms of that specific agreement and not to any and every element of an employee's work with KCC. It is the nature of the agreement and any contractual or payment details that we seek to protect. I would also like to make it clear that the County Council does not make any specific payment for the confidentiality aspect of an agreement which is of benefit to both the County Council and the employee.

Employers frequently find themselves having to make decisions in a system of employment law that appears heavily stacked against the employer. Compromise Agreements can and do provide relative quick resolutions to situations or disputes which are often in the best interests of the employer and the organisation and deliver value for money. Alternative processes can be protracted, bureaucratic and costly, and in cases of senior executives, who could continue to be paid whilst resolutions are found, can be damaging to services and morale.

It takes courage to do something about it and taking quick action avoids a longer journey which eventually costs more and disrupts the quality of our services.

By: Geoff Wild Director of Governance and Law

To: County Council – 23 May 2013

Subject: Proportionality and Appointments to Committees and other bodies

Classification: Unrestricted

Summary: This report details the overall proportionality for the County Council and states that a supplementary report will be issued confirming the proposed number of seats on Committees and other bodies for the political groups and related matters.

### Composition of the County Council

1. (1) Following the election on 2 May 2013 the composition of the County Council is now as follows:

| Political Group                                 | Number of seats | Proportion of seats |
|---|-----------------|---------------------|
| Conservative                                    | 45              | 53.57%              |
| UKIP  | 17              | 20.24%              |
| Labour  | 13              | 15.48%              |
| Liberal Democrat                                | 7               | 8.33%               |
| Green   | 1               | 1.19%               |
| Swanscombe and Greenhithe Residents Association | 1               | 1.19%               |
| <b>Total</b>                                    | <b>84</b>       | <b>100%</b>         |

### Committee Appointments

2. (1) In order to reconstitute the Council's Committees in accordance with the committee structure as set out in the Constitution, the County Council is required to determine the number of Members to serve on each Committee and other bodies and the allocation of committee places between the political groups.

(2) Discussions as to the proportionate share of Committee places is currently under discussion between Group Leaders and a supplementary report will be issued to all Members with specific recommendations in due course.

#### Recommendations

The County Council will be asked to make a number of specific recommendations relating to the proportionality and the allocation of seats on Committees and other bodies as detailed in a supplementary paper to be issued in due course.

Peter Sass  
 Head of Democratic Services  
 01622 694002

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By: Geoff Wild, Director of Governance and Law  
To: County Council – 23 May 2013  
Subject: Proportionality and Appointments to committees and other bodies  
Classification: Unrestricted

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Summary: The County Council is invited to:

- (a) determine the total number of committee places; the allocation of those places between the political groups; and the allocation of places on certain other bodies;
- (b) approve the appointment of two Parent Governor Representatives to serve on the Scrutiny Committee when it considers education matters;
- (c) note the list of appointments and nominations to outside bodies to be made by the Leader of the Council; and
- (d) agree proposals for the allocation of the Members' Conference budget.

For Decision

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### Composition of the County Council

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| <b>Total</b>                                    | <b>84</b>       | <b>100%</b>         |

### Committee Appointments

2. (1) In order to reconstitute the Council's committees in accordance with the committee structure as set out in the Constitution, the Council is invited to determine the number of Members to serve on each committee and the allocation of committee places between the political groups.

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

- (a) the group with the majority of seats on the Council must have a majority of seats on each committee<sup>1</sup>.
- (b) subject to (a) above, the number of seats on the total of all committees allocated to any political group must be proportional to the number of seats which that group holds on the Council;
- (c) subject to (a) and (b) above, the number of seats on each committee allocated to any political group must be proportional to the number of seats which that group holds on the Council.

(3) Proposals for the size of each committee and the allocation of committee places between the political groups in accordance with these principles has been prepared for the County Council's approval in the table below. The table proposes the size of each main committee and the allocation of places on them between the four political groups. The Liberal Democrat Group is entitled to 11 seats on the 12 committees listed and, if the proportionality calculations were applied strictly, the Liberal Democrat Group would only be entitled to a seat on one of the two bodies of seven, i.e. the Kent Flood Risk Management Committee and the Standards Committee. However, the Leader of the Liberal Democrat Group has asked that the Council agrees to vary proportionality so that her Group keeps its seats on these two committees but loses its place on the Regulation Committee to compensate. If agreed, the number of Labour Group seats on the Regulation Committee will increase by one from 3 seats to 4 seats.

(4) As well as ordinary committees, the proposal covers the size and political composition of the Regulation Committee Panels. The Council or the Regulation Committee can determine the size of these Panels but, to avoid delays, particularly in processing school transport appeals, the Council is requested to take this decision.

(5) The proposed allocation complies with the proportionality principles set out in the Local Government and Housing Act 1989. In this regard, Members will be aware that only political groups have an entitlement to seats on committees. A 'political group' is defined as two or more Members who inform the Proper Officer that they wish to be regarded as a political group.

(6) Accordingly, the Council is advised that neither the Swanscombe and Greenhithe Residents' Association Member, nor the Green Party Member, has an automatic right to any seats on committees, except that the Council may decide to offer them 1% of the total number of seats each, which equates to 3 seats between them. Otherwise, these seats on the Council's committees will stand un-allocated; they cannot be allocated to any of the three political groups as this would exceed

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<sup>1</sup> This has led to the proposal that the Conservative Group should have one more seat than the proportionality calculations would indicate, with a consequent reduction in the total number of seats for the Labour Group. This is because the proportionate share of seats for both UKIP and the Lib Dems have already been rounded down, whereas the Labour share has been rounded up to the nearest full seat.

their proportionate entitlement to committee seats. If the Council was minded to include the two individual Members in the proportionality calculation, the statistically most appropriate committees for are shown in bold.

| <b>Committee</b>                            | <b>Conservative</b> | <b>UKIP</b> | <b>Labour</b> | <b>Liberal Democrat</b> | <b>Unallocated</b> | <b>Total</b> |
|---|---------------------|-------------|---------------|-------------------------|--------------------|--------------|
| 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                       | <b>1</b>           | 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                       | <b>1</b>           | 19           |
| Regulation Committee                        | 9                   | 3           | 4             | 0                       | <b>1</b>           | 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            |
| <b>TOTAL</b>                                | 73                  | 27          | 20            | 11                      | 3                  | 134          |
| <b>Proportionate Share of Total</b>         | 72<br>71.78         | 27<br>27.12 | 21<br>20.74   | 11<br>11.16             | 3<br>3.19          | 134          |
| <b>Difference to Proportionate share</b>    | +1                  | 0           | -1            | 0                       | 0                  | 0            |

\* The Scrutiny Committee also has 3 diocesan representatives and 2 parent governor representatives with voting powers on education issues only. See paragraph 3, below.

\$ The Health Overview and Scrutiny Panel also has 4 District Council

representatives with voting powers.

- @ The Corporate Parenting Panel also has 4 Co-opted Members with no voting powers.
- # The Superannuation Fund Committee also has 3 District Council representatives (1 Con, 1 Lab, 1 Lib Dem) with voting powers.

| <b>Sub-Committees</b>  | <b>Conservative</b> | <b>UKIP</b> | <b>Labour</b> | <b>Liberal Democrat</b> | <b>Total</b> |
|--|---------------------|-------------|---------------|-------------------------|--------------|
| Select Committees  | 5                   | 2           | 1             | 1                       | 9            |
| Regulation Committee<br>Member Panels (school-related appeals - mainly transport; enforcement, public rights of way, marriage premises, village/town greens) | 4                   | 1           | 1             | 1                       | 7            |
| Selection and Member Services Committee<br>Governor Appointments Panel   | 4                   | 1           | 1             | 1                       | 7            |

(7) The County Council has previously agreed that the Swanscombe and Greenhithe Residents Member can sit on a Regulation Committee Panel if any of the groups is willing to give up one of its places. It is proposed that this arrangement is continued by the Council and also extended to the Green Party representative, which gives greater flexibility in terms of finding Members to serve on these panels. This is an informal arrangement and only applies if one of the Groups cannot fill a seat on the panel (which are often arranged at short notice). No group is asked to give up places for the individual members; they do so only voluntarily.

### **Membership of Cabinet Committees**

3. (1) Cabinet Committees are executive committees and do not form part of the allocation of seats to political groups. The membership, terms of reference and number of Cabinet Committees is determined by the Leader. The Leader has determined that the following arrangements will apply:

Education (13): 8 Conservative, 2 UKIP, 2 Labour, 1 Liberal Democrat.

Social Care and Public Health (13): 8 Conservative, 2 UKIP, 2 Labour, 1 Liberal Democrat.

Communities (14): 8 Conservative, 3 UKIP, 2 Labour, 1 Liberal Democrat

Environment Highways & Waste (12): 7 Conservative, 2 UKIP, 2 Labour, 1 Liberal Democrat.

Policy and Resources (14): 8 Conservative, 3 UKIP, 2 Labour, 1 Liberal Democrat.

Economic Development (13): 8 Conservative, 2 UKIP, 2 Labour, 1 Liberal Democrat



## Parent Governor Representatives

4. (1) In accordance with the Local Government Act 2000, the Council is required to appoint Parent Governor Representatives to serve on any Scrutiny Committee which considers education matters. In accordance with the Constitution (Appendix 2 Part 2), two Parent Governor Representatives are appointed for a four-year term to serve on the Scrutiny Committee, to attend when education matters are being discussed.

(2) Nominations were sought from all Parent Governors at schools in the Kent LEA area. Only two nominations were forthcoming by the stated closing date, so no election was needed on this occasion. The only self-nominations received were from Mr Patrik Garten of Maidstone and Mr Graeme Lawrie of Wrotham. The supporting statements of Mr Garten and Mr Lawrie are attached as **Appendix A**.

## Other Authorities, Joint Committees and Partnership Bodies

5. (1) The proportionality principles in the 1989 Act also apply to the appointments which the Council makes to various other authorities, joint committees and partnership bodies, as listed below:

- (a) Kent and Medway Fire and Rescue Authority (21 KCC Members);
- (b) Standing Advisory Committee on Religious Education (4 KCC Members);
- (c) Kent and Essex Inshore Fisheries and Conservation Authority (3 KCC Members);
- (d) Kent and Medway NHS Joint Overview and Scrutiny Committee (8 KCC Members)
- (e) Adoption Panels (6 Area Panels with 2 KCC Members serving on each), in respect of which the following provisions apply:
  - (i) *The 1989 Act does not apply but the Council's convention is that the 12 appointments overall should be proportional;*
  - (ii) *Members should have a knowledge or interest in Social Care or adoption issues;*
  - (iii) *To avoid the situation where Members frequently have to withdraw because, for example, they know prospective adopters, Members should not serve on the Panel covering their home area. It is therefore recommended that Members be nominated by the political groups for service on the Adoption Panels generally and the allocation of individual Members to particular Panels be left to the Adoption Panel Manager in discussion with the Members concerned.*

| <b>Authority, Joint Committee or Partnership Body</b>       | <b>Conservative</b> | <b>UKIP</b> | <b>Labour</b> | <b>Liberal Democrat</b> | <b>Total</b> |
|---|---------------------|-------------|---------------|-------------------------|--------------|
| Kent and Medway Fire and Rescue Authority                   | 12*                 | 4           | 3             | 2                       | 21           |
| Kent and Essex Inshore Fisheries and Conservation Authority | 2                   | 1           | 0             | 0                       | 3            |
| Kent and Medway NHS Joint Overview and Scrutiny Committee   | 4                   | 2           | 1             | 1                       | 8            |

|  |   |   |   |   |    |
|--|---|---|---|---|----|
| Standing Advisory Committee on Religious Education | 2 | 1 | 1 | 0 | 4  |
| Adoption Panels                                    | 6 | 3 | 2 | 1 | 12 |

*\* In respect of the Kent and Medway Fire and Rescue Authority, the Conservative, UKIP and Labour Groups are each entitled to 0.25% of the final seat. As the largest group and having an overall majority on the Council, it is proposed that the 21<sup>st</sup> seat should be allocated to the Conservative Group.*

## Outside Bodies

6. (1) The Selection and Member Services Committee is charged with making appointments to outside bodies on behalf of the Council. The 1989 Act principles do not apply to these appointments, but it is the Council's convention that the total number of appointments should be shared between the political groups on, so far as possible, a proportional basis. This Committee will meet in early June to determine these appointments.

(2) Some appointments to outside bodies fall to be made by the Leader of the Council in connection with a delegation by him of executive functions. The list of those appointments (which will be subject to review by the Leader once elected by the Council on 23 May) will be submitted to the Selection and Member Services Committee for noting.

| Name of Body  | Current Member                                     |
|---|--|
| Kent Partnership  | Mr P B Carter                                      |
| Kent Economic Board   | Mr P B Carter<br>Mr M C Dance                      |
| East Kent Regeneration Board                                    | Mr M C Dance                                       |
| Thames Gateway Kent Partnership                                 | Mr M C Dance                                       |
| East Kent Spatial Development Company Board                     | Mr J A Kite<br>Mr M C Dance                        |
| Homes and Communities Agency Strategic Assets Stewardship Group | Mr M C Dance                                       |
| Ashford Future Delivery Board                                   | Mr M A Wickham                                     |
| Swale Forward Delivery Board                                    | Mr R W Gough                                       |
| Kent Thameside Economy Board                                    | Mr B J Sweetland                                   |
| Marlowe Academy – Board of Trustees                             | Corporate Director, Education, Learning and Skills |
| Kent County Staff and Social Club                               | Vacancy  |
| South East England Tourist Board Regional Advisory Committee    | Mr M C Dance                                       |

## Members' Conference Budget

7. (1) The Members' Conference Budget for 2003/14 is £17,000. The Council's practice has been to earmark part of the budget for Member attendance at the Local Government Association (LGA) Annual Conference, the County Councils' Network Annual Conference, and the LGA Annual Finance Conference, and then to share the remainder between the political groups on a proportional basis so that they can

decide which other conferences their Members should attend. The Council may wish the Selection and Member Services Committee to consider whether this is the most appropriate way of allocating this budget as well as a mechanism for reporting back to the Council on the learning from the various conferences, which can be shared for the benefit of all Members on the KNET Members' Area.

### **Recommendations**

8. The County Council is asked to:
  - (a) determine the total number of Committee places; the allocation of those places between the political groups; and the allocation of places on certain bodies;
  - (b) approve the appointment of two Parent Governor Representatives to serve on the Scrutiny Committee, when it considers education matters, for a period of office to run from May 2013 to the end of April 2017;
  - (c) note the list of appointments to outside bodies to be made by the Leader of the Council, once elected; and
  - (d) agree proposals for the allocation of the Members' Conference Budget.

Peter Sass  
Head of Democratic Services  
01622 694002

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Supporting statement – **Patrik Garten**

I am a Barrister and Company Director, father of Daniel (8) and married to Jean, who is a primary school teacher.

I can bring a wealth of experience as school governor to the Scrutiny Committee, having completed a term as Local Authority Governor in a thriving London primary school before being elected as parent governor in Daniel's school.

As a school governor, I earned a reputation for fairness, being concise, not shying away from difficult issues, thinking outside the box and thus for keeping my colleagues awake during long Committee meetings.

I believe that a good and healthy education is more than mere compliance with government targets.

As a Parent Governor Representative I will hold the local authority to account and I will make every effort by consulting with and feeding back to parent governors.

## Supporting statement – **Graeme Lawrie**

My name is Graeme Lawrie, I am 35 years old and I live in Wrotham village just outside Borough Green. Both my sons attend Borough Green Primary School and I have been a parent governor there for over a year. I work on the Teaching and Learning and Resources Committees as well as the main meetings and have recently taken on the role of E-Safety governor.

I have a BSc (Hon) in Education and am currently studying for my Masters in 'International Education' with Bath University. I work as Head of Science and Technology at Sevenoaks School in Kent where I head up the Biology, Chemistry, Physics, Design Technology, ICT and Sports Science departments as a Faculty lead.

I have been an examiner for OCR, AQA, Edexcel and I currently examine for the International Baccalaureate. For the last 2 years I have been part of a team writing the 2015 replacement 'Experimental Sciences' syllabuses for use around the globe.

I run a yearly celebration of Science and Engineering here at Sevenoaks School, usually in March, which gives free invite to over 11,000 local primary school and secondary school students to experience inspiring guest speakers and take part in a variety of activities and events. This can be seen online at [www.scienceweek2013.co.uk](http://www.scienceweek2013.co.uk)

I run a yearly 'International Collaboration project' called the 'G4 Project' which can also be seen online at [www.group4project.co.uk](http://www.group4project.co.uk). I host over 46 schools from various countries. Students communicate via electronic devices to organise and carry out experiments on environmental matters; the data is then pooled, analysed and shared across the globe.

As part of my role here at Sevenoaks I play a strong part in health and safety, academic matters, marketing strategies, personnel and many more committees and groups essential to the smooth and efficient running of daily life here.

My degree was a 4 year BSc in Education and so I was fortunate enough to train through all key stages, from foundation up to sixth form. When this is combined with my first-hand knowledge of two children aged 4 and 7 it gives me suitable experience to be able to represent at the parent governors meetings and I am keen to help where I can.

I have recently attended the Westminster Forums to discuss National Curriculum changes to programmes of study and I am keen to get involved in the continuing debate to ensure that our students and children get the best possible education.

The more involved we are as parents and teachers, the more opportunities in life our children are given.

By: Paul Carter – Leader of the Council  
Geoff Wild – Director of Governance and Law

To: County Council – 23 May 2013

Subject: Convention on Member:Officer Relations

Classification: Unrestricted

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## Summary

This report seeks the County Council's approval for the proposed Convention on Member:Officer Relations appended to this report.

## FOR DECISION

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(1) During 2009/10, the Council's Standards Committee authorised a revised Convention on Member:Officer Relations. The purpose of the Convention was to guide Members and Officers in their relations with one another in such a way as to ensure the smooth running of the Council.

(2) Following the County Council Elections on 2 May 2013, it was considered appropriate to update and refresh the Convention, which is attached at **Appendix A** for the County Council's consideration and endorsement for inclusion in the Constitution.

## Recommendation

The County Council is asked to consider and endorse the proposed Convention on Member:Officer relations appended to this report for inclusion in the Constitution.

## Background Documents:

Reports to the Standards Committee 2009/10

## Contact Officer:

Geoff Wild  
Director of Governance & Law  
[geoff.wild@kent.gov.uk](mailto:geoff.wild@kent.gov.uk)  
01622 694302

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# CONVENTION ON MEMBER:OFFICER RELATIONS

(As approved by the County Council on 23 May 2013)

## Member:Officer Relations

### 1. Introduction and Principles

1.1 The purpose of this note is to guide Members and Officers in their relations with one another in such a way as to ensure the smooth running of the Council.

1.2 Given the variety and complexity of such relations, this note does not seek to be either prescriptive or comprehensive. Instead, it offers guidance on some of the issues that most commonly arise. If the advice is followed it should ensure that Members receive objective and impartial advice and that Officers are protected from accusations of bias and any undue influence from Members.

1.3 This note seeks to reflect the principles underlying the respective Codes of Conduct that apply to Members and Officers. The shared object of these codes is to enhance and maintain the integrity (real and perceived) of local government and the Codes, therefore, demand very high standards of personal conduct.

1.4 This note does not form part of the Members' or Officers' Codes of Conduct. Consequently, action or behaviour that is not in accord with this advice will not of itself constitute a breach of those Codes but may be evidence of a breach.

1.5 This note should be read in conjunction with the Members' and Officers' Codes of Conduct, the Council's Constitution and any other guidance issued by the Standards Committee and/or Monitoring Officer.

### 2. The Relationship: General Points

2.1 Both Members and Officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Members are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to all organs and Members of the Council. Their job is to give advice to Members and the Council, and to carry out the Council's work under the direction and control of the Council, the Cabinet and any committee or sub committee of either Cabinet or the Council.

2.2 At the heart of the Members' and Officers' Codes of Conduct and this note, is the importance of mutual respect. Member/Officer relationships are to be conducted in a positive and constructive way. Therefore, it is important that any dealings between Members and Officers should observe standards of courtesy and that neither party should seek to take unfair advantage of their position or seek to exert undue influence on the other party.

2.3. Inappropriate relationships can be inferred from language and style. To protect both Members and Officers, people should be given their appropriate formal title where circumstances clearly indicate that a level of formality is appropriate, e.g. in meetings that are open to the public.

2.4 A Member should not raise matters relating to the conduct or capability of an Officer except through the Council's agreed procedures for such matters. This is a long standing tradition in public service. An Officer has no means of responding to such criticisms in

public. If a Member feels that they have not been treated with proper respect, courtesy or has any concern about the conduct or capability of an Officer, and fails to resolve it through direct discussion with the Officer in private, they should raise the matter with the respective Head of Service. The Head of Service will then look into the facts and report back to the Member. If the Member continues to feel concern, then they should report the facts to the relevant Corporate Director, or if, after doing so, is still dissatisfied, should raise the issue with the Head of Paid Service, who will look into the matter afresh. Any action taken against an Officer in respect of a complaint will be in accordance with the provisions of the Council's Disciplinary Rules and Procedures.

2.5 An Officer below the level of Corporate Director should not raise with a Member matters relating to the conduct or capability of another Officer or to the internal management of a Unit/Directorate.

2.6 Where an Officer feels that they have not been properly treated with respect and courtesy by a Member, they should raise the matter with their Head of Service, Corporate Director or the Head of Paid Service (as appropriate), especially if they do not feel able to discuss it directly with the Member concerned. In these circumstances, the Head of Service, Corporate Director or Head of Paid Service will take appropriate action either by approaching the individual Member and/or group leader or by referring the matter to the Monitoring Officer in the context of the Standards Committee's role in dealing with complaints that a Member has breached the Code of Conduct.

2.7 Some examples of inappropriate conduct are set out in **Appendix A**. Members and Officers must at all times comply with and seek to fulfil the Council's Equality and Diversity Policy.

### **3. The Relationship: Officer Support to Members - General Points**

3.1 Officers are responsible for day-to-day managerial and operational decisions within the authority and provide support to the Leader, Cabinet, Committee Members and all Members in their respective roles.

3.2 Certain statutory Officers – the Head of Paid Service, the Monitoring Officer and the Director of Finance – have specific roles. These are addressed in the Constitution. Their roles need to be understood and respected by all Members.

3.3 The following key principles reflect the way in which the Officer corps generally relates to Members:

- All Officers are employed by, and accountable to, the authority as a whole;
- Support from Officers is needed for all the authority's functions, including Full Council, the Cabinet, Cabinet Committees, the Scrutiny Committee, other Committees, individual Members representing their communities, etc;
- Day-to-day managerial and operational decisions remain the responsibility of the Corporate Directors and other Officers;

3.4 Members should seek to avoid potential conflicts of interest for Officers arising from the separation of the Cabinet and Scrutiny roles, e.g. they should not seek disclosure of advice or discussions that have taken place between Members and Officers in the preparation of reports, papers, advice or recommendations to either the Cabinet or Members undertaking overview and scrutiny roles. In addition, the Code of Conduct for Members states that Members must not do anything that compromises, or is likely to compromise, the impartiality or integrity of those who work for, or on behalf of, the Council.

3.5 Officers enjoy extensive delegated powers from the Leader through Cabinet Members (as well as from the Council in respect of its directly exercisable functions). In some cases these powers are exercised after consultation with Cabinet Members. It must be recognised that in these circumstances, while ultimate accountability rests with the Leader, it is the Officer who takes the decision and who is accountable.

3.6 Finally, it must be remembered that Officers within a Unit or Directorate are accountable to their Head of Service and Corporate Director and that whilst Officers should always seek to assist a Member, they must not, in so doing, go beyond the bounds of whatever authority they have been given by their Head of Service or Corporate Director.

#### **4. The Relationship: Officer Support: Members and Party Groups**

4.1 It must be recognised by all Officers and Members that in discharging their duties and responsibilities, Officers serve the Council as a whole and not any political group, combination of groups or any individual Member of the Council.

4.2 There is statutory recognition for political groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision-making body. Officers may properly be called upon by political groups to support and contribute to such deliberations but must at all times maintain political neutrality. All Officers must, in their dealings with political groups and individual Members, treat them in a fair and even-handed manner.

4.3 The support provided by Officers can take many forms. Whilst in practice such Officer support is likely to be in most demand from whichever political group is for the time being in control of the Council, such support is available to all political groups.

4.4 Certain points must, however, be clearly understood by all those participating in this type of process, Members and Officers alike. In particular:

- Officer support must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of political group or political party business. The observance of this distinction will be assisted if Officers are not present at meetings or parts of meetings, when such matters are to be discussed;
- Political group meetings, whilst they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such; and
- Similarly, where Officers (other than political group staff officers) provide information and advice to a political group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant Cabinet, Cabinet Member, Committee or Sub-Committee when the matter in question is considered.

4.5 Special care needs to be exercised whenever Officers are involved in providing information and advice to a political group meeting which includes persons who are not Members of the Council. Such persons are not bound by the Codes of Member and Officer Conduct (in particular, the provisions concerning the declaration of interests and confidentiality) and Officers should not normally attend and/or give advice to such meetings.

4.6 Officers must respect the confidentiality of any political group discussions at which they are present in the sense that they should not relay the content of any such discussion to another political group.

4.7 In relation to budget proposals:

- The Leader and Cabinet are entitled to confidential discussions with Officers regarding options and proposals. These will remain confidential until determined by the Executive or until published in advance of Cabinet/Committee/Council meetings, whichever is the earlier; and
- Political groups other than the majority group are also entitled to confidential discussions with Officers to enable them to formulate alternative budget proposals. These will remain confidential until determined by the respective political groups or until published in advance of Cabinet/Committee/ Council meetings, whichever is the earlier. Officers giving such advice must not be named in public.

4.8 It must not be assumed by any political group or Member that any Officer is supportive of any policy or strategy developed because of that Officer's assistance in the formulation of that policy or strategy.

4.9 Any particular cases of difficulty or uncertainty in this area of Officer advice to party groups should be raised with the Head of Paid Service who will discuss them with the relevant Group Leader(s).

## **5. The Relationship: Officer Support: The Executive**

5.1 It is important that there should be a close working relationship between the Leader, Cabinet and Deputy Cabinet Members and the Officers who support and/or interact with them. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officer's ability to deal impartially with Cabinet Committees, the Scrutiny Committee and other Members and other political groups.

5.2 Officers will continue to work for and serve the Council as a whole. Nevertheless, as the majority of functions will be the responsibility of the Executive, it is likely that in practice many Officers will be working to the Cabinet for most of their time. Cabinet Members must nevertheless respect the political neutrality of the Officers. Equally officers must ensure, even when they are predominantly supporting the Cabinet, that their political neutrality is not compromised.

5.3 Advice from Officers on matters that are the responsibility of the Executive is given to both Cabinet and non-Cabinet Members in a variety of ways:

- Reports to Cabinet are normally submitted jointly by Cabinet Members and Directors.
- Reports recommending decisions to individual Cabinet Members are normally in the name of the Officer only, although Cabinet Members will routinely be consulted as part of the process of drawing up such reports.
- Officers must give written and oral information and advice to the Cabinet Committees, the Scrutiny Committee or other committees when necessary or requested.
- In some situations an Officer will be under a professional duty to submit a report.

5.4 Directors and other senior Officers are responsible for the contents of any report submitted in their name or jointly with a Cabinet Member, except where it is clear that the advice or opinion stated is that of the Cabinet Member. Any issues arising between a Cabinet or Deputy Cabinet Member and a Head of Service in this area should be referred to the Head of Paid Service/relevant Corporate Director for resolution in conjunction with the Leader of the Council.

5.5 Where functions that are the responsibility of the Leader are delegated through Cabinet Members to Officers or other structures outside the Cabinet, the Leader will

nevertheless remain accountable to the Council for the discharge of those functions. That is to say, the Executive will be held to account for both its decision to delegate a function and the way that the function is carried out, although the specific decision is the responsibility of the Officer or other delegated body.

5.6 Cabinet Members must satisfy themselves that they are clear what exactly they can and cannot do when taking decisions as individual Members of the Cabinet. They must seek advice from relevant Officers before taking a decision within their delegated authority. This includes taking legal advice, financial advice and professional Officer advice (particularly about contractual matters) as well as consulting the Monitoring Officer where there is doubt about vires.

5.7 Decisions taken by individual Cabinet Members give rise to legal and financial obligations in the same way as decisions taken collectively. Therefore, Cabinet Members should always be aware of legal and financial liabilities (consulting the Monitoring Officer and Director of Finance as appropriate) which will arise from their decisions.

5.8 In organising support for the Cabinet, there is a potential for tension between Chief Officers and Cabinet Members with portfolios. All Members and Officers need to be constantly aware of the possibility of such tensions arising and both Officers and Members need to work together to avoid such tensions and conflicts existing or being perceived.

## **6. The Scrutiny Committee**

6.1 Members of the Scrutiny Committee, when questioning Members and Officers should:

- Direct their question to the merits of the decision under review
- Ascertain the factual and other information on which the decision was based
- Confirm the compliance of the decision making process with the Council's principles of decision making
- Test what alternatives have been considered and the reasons for their rejection

6.2 They should not:

- Question the conduct of individual Members or Officers
- Seek for Officers to disclose the contents of confidential discussions, papers or advice
- Criticise an Officer by name
- Seek to instigate or become in any way involved in disciplinary or grievance procedures in relation to the actions of Members or Officers.
- Act as a "court of appeal" against specific decisions relating to individuals or pursue complaints by individuals (Members, Officers or members of the public) where other procedures exist for this.

## **7. Support to Council Committees**

7.1 The Council discharges a range of functions through directly appointed committees. While the political groups operate within these committees, they should wherever possible conduct their business on a non-political basis. Officers need to work closely with the chairmen of such committees to plan their agendas and meeting arrangements, but all advice and information must be offered impartially to all Members of the committee and any other Member who has a right to know or attend the committee meeting.

## **8. Support services to Members and Party Groups**

8.1 Members must not use Council premises or facilities (including support staff, IT equipment, photocopiers, fax machines, cars, stationery and other office supplies and catering) for purposes not connected with their duties as a councillor. Such facilities may be

used for communication with constituents on matters affecting the Council's functions and services or matters of general interest to local government and for the work of the political groups in relation to the transaction of business within the Council. These facilities must not be used for electoral or other party political purposes not directly connected to the Council's business, except where agreed arrangements exist for such facilities to be made available at a charge.

8.2 Members may not use the Council's IT systems unless they have signed the standard agreement accepting the conditions under which the systems are made available to Officers. Members must at all times comply with the terms of that agreement.

## **9. Members' Access to Information and to Council Documents**

9.1 Members have a right to see (and be given a copy of) such documents and other information as is reasonably necessary to enable them to carry out their duties as councillors on a "need to know" basis, so long as they have no improper nor extraneous purpose in view. This includes all documents available to the public as "background documents" and all documents setting out information that is disclosable to the public under the Freedom of Information Act.

9.2 It is ultimately for the Council to determine what is reasonably necessary for a Member to know but normally Corporate Directors will make the judgment, in consultation, if necessary, with the Monitoring Officer.

### *Need to Know*

9.3 This will be generously interpreted as applying to all documents and information to which there is no "confidential" connotation, subject only to Corporate Directors retaining a discretion to decline to make available voluminous documentation or diffuse information, or copies of documents, where the cost of doing so is reasonably high.

9.4 Documents or information which is regarded as "confidential" will normally be made available, on a confidential basis, only to:

- Cabinet Members
- Members of the Scrutiny Committee in connection with a matter that is to be scrutinised
- The Chairman and political group spokesmen on the Scrutiny Committee in considering whether a matter should be scrutinised
- Members of a Committee or Sub-Committee whose terms of reference include matters to which the information relates

Advice on requests from other Members should be referred to the Monitoring Officer.

9.5 There is no generic definition of "confidential" and Corporate Directors will exercise their judgment. It would include, for example, most information relating to named individuals, including information which is held for a specified purpose under the Data Protection Act not relevant to the exercise of the Member's duties. It will also include most information relating to the terms of contracts yet to be concluded. It is a narrower category than documents that are exempt from disclosure to the public under the Access to Information and Freedom of Information legislation (and different from the "confidential" classification under that legislation).

### *Confidentiality*

9.6 Members shall not disclose any documents or information made available to them on a confidential basis or any information of a personal nature that is protected under the Data Protection Act. Nor should they disclose any information contained in Cabinet, Committee or other reports or documents classified as exempt or confidential under the Access to Information legislation or decisions taken in Council, Cabinet or Committee while the public is excluded from the meeting under that legislation, unless they have ascertained from the relevant Officer that confidentiality no longer applies.

#### *Documents Affected*

9.7 Members' rights of access apply to documents sent to the Council or prepared for it by Officers or consultants. They do not apply to:

- Draft documents of a factual or research nature where the Corporate Director is not satisfied as to their accuracy or completeness.
- Documents prepared for discussion between Cabinet or Deputy Cabinet Members and Officers prior to the initiation of formal decision making processes under the Procedure Rules in the Council's Constitution
- Working documents discussing policy or budget options or internal management arrangements, where the Corporate Director has not reached a view as to the advice to be offered to Members.
- Draft reports prior to their despatch to Council, Cabinet or a Committee.

9.8 Officers may consult Chairmen, Vice-Chairmen and group spokesmen on draft committee reports as part of the agenda planning process and may also consult them on working documents if they wish.

9.9 Documents prepared at the request of one political group will not be made available to other political groups without the first group's consent. Nor will such documents be used in the preparation of committee reports without the group's consent.

## **10. Correspondence and Advice**

10.1 Members seeking advice from Officers should say clearly if they wish the advice to be confidential and not disclosed to other Members. If such a request is made, the Officer is entitled to refuse to provide the advice if to do would breach their duty to other Members.

10.2 Correspondence between a Member and an Officer should not normally be copied (by the Officer) to any other Member without the first Member's consent. In particular, a system of "blind copies" should not be employed.

10.3 Official external communications on behalf of the Council may be sent in the name of the Leader or Cabinet Member where they have been directly involved in the issues or circumstances make this appropriate (e.g. representations to a Government Minister or personal correspondence). All other official external communications must be sent in the name of an Officer, including those which create legal obligations or give instructions to act or commit expenditure on behalf of the Council.

10.4 Paragraph 10.3 does not in any way seek to discourage Members from signing correspondence with constituents or other persons on a personal basis but they should be careful to distinguish between their own views and the official policy or decision of the Council.

## **11. Publicity and Press Releases**

11.1 Official press statements relating to the functions and business of the Council may be issued by the Director of Communications & Engagement on the authority of the Chairman of the Council on matters pertaining to their office and on all other matters on the authority of the Leader, relevant Cabinet Member or the Chairman of the relevant Committee.

11.2 The day to day handling of media enquiries is the responsibility of the Director of Communications & Engagement.

11.3 The Director of Communications & Engagement may authorise the issue of a press release relating to matters of routine and which are not controversial.

11.4 Cabinet Members or Chairmen of relevant Committees will be consulted on relevant draft press statements before they are published. After publication, copies will be made available to all Members of the Council.

11.5 In issuing any press release, the Director of Communications & Engagement will have regard to the Code of Practice on Local Authority Publicity.

11.6 The Leader, Cabinet Members and Chairmen of Committees may represent the Council in press, radio and television interviews on matters relevant to their office; otherwise they or any other Members of the Council may respond to requests for press, radio and television interviews, but these will be given in a personal capacity and on the personal responsibility of the Member concerned.

11.7 The media will be directed to the Leader or relevant Cabinet Member for any request relating to policy matters.

11.8 Officers may deal with any request for information or questions asked by the press, television or radio and may accept invitations to broadcast or appear on television in order to give the facts of the situation or provide background information on the Council's policies.

## **12. Official openings and ceremonies**

12.1 All proposals for opening ceremonies and similar ceremonial events will be agreed by Officers with the relevant Cabinet Member in consultation with the Director of Communications & Engagement.

12.2 The Chairman of the Council will be consulted in all cases about whether the event is one which either the Chairman or Vice-Chairman of the County Council should officiate or represent the Council and issue invitations.

12.3 The relevant Cabinet Member, in consultation (if agreed as appropriate) with the Council Chairman or Vice-Chairman, will agree the invitation list taking account of the type and nature of the event. The relevant local County Councillors, Member of Parliament, MEP, Borough/District and Town/Parish Councillors will be invited to attend.

12.4 If neither the Chairman nor Vice-Chairman of the Council is to issue invitations and officiate, then the relevant Cabinet Member or a Deputy Cabinet Member may do so.

## **13. Involvement of Local Members**



13.1 Officers must ensure that all Members of the Council are kept informed of issues, events, decisions and prospective decisions which will affect the Council, their own divisions and relevant information about non-KCC issues related to their service areas.

- Whenever a public meeting is organised by the Council to consider a local issue, all the Members representing the divisions affected should, as a matter of course, be invited to attend the meeting
- Whenever the Council undertakes any form of consultative exercise on a local issue, the local Members should be notified at the outset of the exercise and informed of the outcome
- Inquiries from local Members will be followed up and responded to quickly and positively
- Background briefings for Members on local issues will be prepared, if requested
- Officer support will, where appropriate, be provided in arranging and attending appropriate local meetings where a Member intends to discuss KCC business
- Local Member views must be sought and included in all reports to Cabinet, Cabinet Members and Council Committees on any matter that appears to specifically affect their division. Any objection by a local Member to a proposed course of action shall be the subject of consultation with the relevant Cabinet Member.
- Members of the public appealing against, or dissatisfied with, an Officer decision must always be informed of their ability to seek the help and advice of their local Member

#### *Petitions*

13.2 Members who are asked to present or receive a petition to, or on behalf of, the Council, whether as a Cabinet Member, Committee Chairman or Local Member, should consult the Head of Democratic Services on the appropriate method of so doing.

#### *Local Issues at Committee Meetings*

13.3 Members not serving on a Committee do not have the right to place an item of local concern on the agenda for a meeting; instead, they should seek the consent of the Chairman of the Committee if they wish a particular item to be discussed at a Committee meeting.

13.4 Any Member of the Council may attend any meeting of a Committee, including those parts of the meeting from which the public and press are excluded. They do not have a right to vote or move a motion or amendment, but may speak with the consent of the Chairman (that consent should be sought before the meeting and should not normally be withheld).

### **14. Access to Council Premises**

14.1 Members are welcome to visit any premises owned and used for delivery of Council services and should agree arrangements for the visit with the local manager. If Members wish to visit premises outside their division as a part of their KCC duties, they should also inform the Member for that division and the relevant Cabinet Member. Members may not visit premises for purposes unrelated to their duties as a Member of the Council. They must comply with any health and safety or other workplace rules and regulations and not interfere with the provision of services to the public. Members have no rights to enter premises owned by KCC but let to or legally occupied by other persons nor any premises not owned by KCC.

**Examples of Inappropriate Behaviour**

*(Taken from ACAS Web-Site)*

**What are bullying and harassment?**

1. These terms are used interchangeably by most people, and many definitions include bullying as a form of harassment.

2. **Harassment, in general terms is:**

“Unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, race, disability, religion, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.”

3. Harassment can also have a specific meaning under certain laws (for instance if harassment is related to sex, race or disability, it may be unlawful discrimination).

4. **Bullying may be characterised as:**

“Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.”

5. Bullying or harassment may be by an individual against an individual (perhaps by someone in a position of authority such as a member, manager or supervisor) or involve groups of people. It may be obvious or it may be insidious. Whatever form it takes, it is unwarranted and unwelcome to the individual.

6. Examples of bullying/harassing behaviour include:

- spreading malicious rumours, or insulting someone by word or behaviour (particularly on racial, sexual or disability grounds)
- copying memos that are critical about someone to others who do not need to know
- ridiculing or demeaning someone — picking on them or setting them up to fail
- exclusion or victimisation
- unfair treatment
- overbearing supervision or other misuse of power or position
- unwelcome sexual advances — touching, standing too close, the display of offensive materials
- making threats or comments about job security without foundation
- deliberately undermining a competent worker by overloading and constant criticism
- preventing individuals progressing by intentionally blocking promotion or training opportunities.

7. Bullying and harassment are not necessarily face to face. They may also occur in written communications, electronic e-mail, phone, and automatic supervision methods such as computer recording of downtime from work or the number of calls handled if these are not applied to all workers.

8. Bullying and harassment make someone feel anxious and humiliated. Feelings of anger and frustration at being unable to cope may be triggered. Some people may try to retaliate in some way. Others may become frightened and demotivated. Stress, loss of self-confidence and self-esteem caused by harassment or bullying can lead to job insecurity, illness, absence from work, and even resignation. Almost always job performance is affected and relations in the workplace suffer.

By: Geoff Wild – Director of Governance and Law

To: County Council – 23 May 2013

Subject: Report of the Member Remuneration Panel

Classification: Unrestricted

## Summary

This report confirms that the Council's Member Remuneration Panel is in the process of considering a proposed scheme of Members' Allowances for the period May 2013 to May 2017 for adoption by the Council at its meeting on 23 May and that, once finalised, the Panel's detailed proposals will be sent to all Members of the Council in the form of a supplementary paper to this covering report for consideration and determination.

FOR DECISION

## 1. Introduction

(1) The independent members of the Council's Member Remuneration Panel (MRP) were appointed by the County Council in December 2012. The Panel Members are:

Mrs S Addis  
 Mr J Ogden (Chairman)  
 Mr S Wiggett

## 2. Current Position

(2) The MRP has met on a number of occasions since being appointed in December 2012, but the main focus of its activity has taken place since the County Council Elections on 2 May. The Panel has met with all four Group Leaders and other Members as part of its deliberations and is in the process of compiling a report for the County Council meeting on 23 May, which will recommend a revised Members' Allowances Scheme for the period May 2013 to May 2017, including the level of the basic allowance; the number and level of Special Responsibility Allowances; and the level of travelling and dependent carers' allowances.

(3) The Chairman of the Panel, Mr J Ogden, will be present at the County Council meeting on 23 May to introduce the Panel's report and respond to Members' questions.

(4) The Panel's full report will be circulated to Members as soon as it is available.

## 3. Recommendation

(1) The County Council is asked to note this report and to consider and determine

the Members' Allowances Scheme for the period May 2013 to May 2017 following consideration of the report by the MRP.

**Background Documents:**

None

**Contact Officer:**

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01622 694002

By: Chairman of the Member Remuneration Panel  
To: County Council – 23 May 2013  
Subject: Report of the Members Remuneration Panel: Proposed Members' Allowances Scheme May 2013 to May 2014

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Summary: This report sets out the Member Remuneration Panel's recommendations to the County Council on the proposed Members' Allowances Scheme for the one year period commencing May 2013

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## 1. Introduction

(1) The independent members of the Council's new Member Remuneration Panel (MRP) were recruited in autumn 2012. The appointments to the MRP were agreed by the County Council on 13 December 2012. The new Panel members are:

Mrs S Addis  
Mr J Ogden DL (Chairman)  
Mr S Wiggett

### *Legislative Framework*

(2) Under the Local Authorities (Members' Allowances) (England) Regulations 2003, every local authority is required to appoint an advisory Independent Remuneration Panel to review and advise on the allowances paid to its Members. The Regulations also require each local authority to review its Members' Allowances Scheme annually and the County Council must receive a report each year to adopt or re-adopt the scheme, even if there are no changes from year to year.

(3) In 2008, Local Government Analysis and Research (the research and analytical function that supports the Local Government Association and partner bodies) stated that:

*"Allowances are intended to recompense properly the time necessary and the level of responsibility of the roles of councillors whilst incorporating a strong public services discount".<sup>1</sup>*

(4) The Guidance on Members Allowances for Local Authorities in England<sup>2</sup> issued by the Office for the Deputy Prime Minister in 2001 and updated by the Department for Communities and Local Government in 2006 states that:

(a) Each local authority must make provision in its scheme for a basic flat rate allowance payable to all members. The allowance must be the same for each councillor. The allowance may be paid in a lump sum, or in instalments through the year. (paragraph 13)

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<sup>1</sup>[http://www.local.gov.uk/web/guest/local-government-intelligence/-/journal\\_content/56/10171/2834636/ARTICLE-TEMPLATE](http://www.local.gov.uk/web/guest/local-government-intelligence/-/journal_content/56/10171/2834636/ARTICLE-TEMPLATE)

<sup>2</sup><http://www.shepway.gov.uk/UserFiles/File/pdf/IRP/Guidance%20on%20members'%20allowances%20for%20local%20authorities%20in%20England.pdf>

- (b) Basic allowance is intended to recognise the time commitment of all councillors, including such inevitable calls on their time as meetings with officers and constituents and attendance at political group meetings. It is also intended to cover incidental cost such as the use of their homes. (paragraph 14)

(5) Since its introduction, the County Council's Basic Allowance has been inclusive of an element for routine subsistence expenditure whilst on official council duties; business telephone calls; the supply and maintenance of a broadband connection in the Member's own home; and any stationery needed by Members.

- (a) Each local authority may also make provision in its scheme for the payment of Special Responsibility Allowances for those councillors who have significant additional responsibilities. The authority, or the panel, has to identify the special responsibilities for which the allowance is to be paid, and the amounts of allowance to be paid for each such responsibility. (paragraph 15)

- (b) Where one political group is in control, and where an authority has decided to pay Special Responsibility Allowances, the authority must make provision for the payment of a Special Responsibility Allowance to at least one member who is a member of a minority group. (paragraph 16)

(6) Whilst the 2003 Regulations do not prevent a Member from being appointed to more than one SRA position, it has been KCC's policy (and common practice elsewhere) that Members can only receive one SRA.

## **2. Member Allowance Scheme 2013 to 2014**

### *General*

(1) The Panel has met on a number of occasions since February.

(2) Consideration has been given to benchmarking information from other local authorities as well as the reports and recommendations of the former MRP in 2009 and 2012.

(3) Prior to the County Council elections, the Panel met and discussed a number of the issues raised by the former MRP with:

Mr P Carter, Leader of the Council  
Mrs T Dean, Leader of the Liberal Democrat Group  
Mr G Cowan, Leader of the Labour Group

Mrs J Whittle, Cabinet Member  
Mr R Gough, Cabinet Member  
Mr K Pugh, Deputy Cabinet Member

and committee chairmen and non-executive Members:

Mr R Bird

Mr L Christie  
Mr H Craske  
Mr M Harrison  
Mr C Smith

(4) Since the elections, the Panel has met to discuss the scope of the proposed Members' Allowances Scheme with:

Mr P Carter, Leader of the Council  
Mr R Latchford, Leader of the UKIP Group  
Mr G Cowan, Leader of the Labour Group  
Mrs T Dean, Leader of the Liberal Democrat Group

(5) The information provided to the Panel, together with interviews with elected Members, has enabled the Panel to understand the roles of elected Members, and assess whether all of the roles identified as part of the new governance arrangements meet the requirements to qualify for an SRA.

#### *Basic Allowance*

(6) The Panel noted that the County Council's current Basic Allowance is set at £12,805. During its deliberations, the Panel considered whether it would be appropriate to alter the Basic Allowance. This proposal was rejected by the Panel, who agreed with the four Group Leaders that neither an increase nor a decrease would be justifiable or appropriate at the current time. The recommendation of the Panel with regard to the Basic Allowance is therefore that it should remain at its current level, which was set by the Council in May 2011.

#### *Special Responsibility Allowances*

(7) Paragraph 55 of the Guidance on Members' Allowances for Local Authorities in England states that:

- (a) special responsibility allowances may be paid to those members of the council who have significant additional responsibilities over and above the generally accepted duties of a councillor. These special responsibilities must fall into one of the categories which are specified in the 2003 regulations and which are detailed at paragraph 17 [of the guidance]

(8) Paragraph 17 of the guidance states that:

- (a) the 2003 regulations provide that special responsibility allowances may be paid for special responsibilities within one or more of the following categories:
  - Membership of the executive where the authority is operating within executive arrangements
  - Acting as leader or deputy leader of a political group within the authority
  - Presiding at meetings of a committee or sub-committee of the authority, or a joint committee of the authority and one or more other authorities, or a sub-committee of such a joint committee

- Representing the authority at meetings of, or arranged, by any other body
- Membership of a committee or sub-committee of the authority which meets with exceptional frequency or for exceptionally long periods
- Acting as spokesperson of a political group on a committee or sub-committee of the authority
- Acting as a member of an adoption panel within the meaning of the Adoption Agencies Regulations 1983(b)
- Acting as a member of any committee or sub committee that deals with any function arising under any enactment authorising the authority to license or control the carrying on of any activity
- Such other activities in relation to the discharge of the authority's functions as require of the member an amount of time and effort equal to or greater than would be required of him by any one of the activities mentioned above whether or not that activity is specified in the scheme."

(9) The Panel was concerned that the existing scheme contained 57 SRA positions, representing 68% of all of the Members on the Council, which was significantly higher than the expectation that not more than 50% of Members should be in receipt of an SRA. This expectation is contained in the guidance document from the Councillors' Commission: "Members remuneration: models, issues, incentives and barriers" issued by the Department for Communities and Local Government in December 2007<sup>3</sup>, which stated: "If the majority of members of a council receive a special responsibility allowance, the local electorate may rightly question whether this was justified". Concern was also expressed at how functional and effective a Member could be if they occupied more than one role that attracted an SRA.

(10) Of particular interest to the Panel were the 12 Locality Board lead/vice chairmen roles included in the current list of SRA positions. The Panel noted the concerns expressed by the former MRP in March 2012 about the development of Locality Boards in different parts of the County and the actual levels of responsibility attached to the SRA for these specific roles. Following their discussions with Members and deliberations, the Panel concluded that it would not be recommending the payment of SRAs to Locality Board leads/vice chairmen and was reassured when the Leader of the Council confirmed at the Panel meeting on 14 May that he wanted to do something differently with regard to local areas and was not asking for Locality Board leads to retain SRAs. Given this situation, the Panel is able to recommend a schedule of 38 SRAs, or 45% of the total number of KCC Members.

(11) The Panel also dealt with an outstanding matter from the former MRP in relation to the SRA for the Chairman of the Regulation Committee. It concluded that because of the onerous nature and sensitivity of the business transacted by that committee, the SRA for its Chairman should increase to the same level as the Chairman of the Planning Applications Committee. The Panel also noted that the Chairman of the Selection and Member Services Committee has been removed from the list of suggested SRAs by the Leader.

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<sup>3</sup><http://webarchive.nationalarchives.gov.uk/20100410180038/http://communities.gov.uk/documents/localgovernment/pdf/584026.pdf>



(12) In relation to SRAs for Opposition Groups, the Panel decided to move away from inclusion in the scheme of SRAs for individual Opposition Spokesmen due to the fact that there are now three Opposition Groups, all of which are likely to appoint spokesmen; to include all such positions in the scheme would exceed the 50% threshold for SRAs. Instead, the Panel recommends a modified version of the Wiltshire model, where the Leader of each Opposition Group (provided their members total at least five) will receive an SRA comprising 15% of the Leader's SRA plus an amount of £500 for each additional Member of their Group. This sum may be allocated amongst Group members by each Opposition Group Leader at their discretion, to recognise any specific responsibilities undertaken. This is reflected in the revised schedule of SRAs in the new scheme, which is shown in the table below:

| Existing Scheme  | SRA £  | Cost £                       | Proposed Scheme   | Cost £  |
|--|--------|------------------------------|---|---|
| Leader   | 42,109 | 42,109                       | Leader  | 42,109  |
| Cabinet Members (9)                                      | 27,370 | 246,330                      | Cabinet Members (9)   | 246,330   |
| Deputy Cabinet Members (10)                              | 12,632 | 126,320                      | Deputy Cabinet Members (11)                                 | 138,952   |
| Cabinet Committee Chairmen (6)                           | 7,367  | 44,202                       | Cabinet Committee Chairmen (6)                              | 44,202  |
| Chairman of the Council                                  | 13,878 | 13,878                       | Chairman of the Council                                     | 13,878  |
| Vice Chairman of the Council                             | 7,367  | 7,367                        | Vice Chairman of the Council                                | 7,367   |
| Planning Applications Committee Chairman                 | 9,268  | 9,268                        | Planning Applications Committee Chairman                    | 9,268   |
| Other Committee Chairmen, incl Locality Board leads (17) | 7,367  | 125,239                      | Other Committee Chairmen (4)                                | 31,369*   |
| Scrutiny Committee Chairman                              | 7,367  | 7,367                        | Scrutiny Committee Chairman                                 | 7,367   |
| Leader of the largest Opposition Group                   | 8,624  | 8,624                        | Leader of each Opposition Group (of at least 5 Members) (3) | 35,948 (£6,316 per Group Leader plus £500 for each additional Group member) |
| Deputy Leader of the largest Opposition Group            | 4,312  | 4,312                        | N/a   |   |
| Opposition Group Spokespersons (8)                       | 3,235  | 25,880                       | N/a   |   |
| <b>Number of positions = 57 (68%)</b>                    |        | <b>Total Cost = £660,896</b> | <b>Number of positions = 38 (45%)</b>                       | <b>Total cost = £576,790 (saving £84,106)</b>                               |

\*includes the Regulation Committee Chairman receiving the same SRA as the Planning Applications Committee Chairman and no SRA for the Selection and Member Services Committee Chairman.

N.B. Select Committee Chairman are not included as they are not permanent SRAs, but receive the same rate as for "other Committee Chairmen", i.e. £7,367, for the duration of the review.

#### *Other aspects of the Members' Allowances Scheme*

(13) The Panel has not recommended any further changes to any other aspect of the Scheme for 2013/14, including the mileage rate and the dependent carers' allowance.

#### **Summary**

(14) The net effect of these recommendations is to decrease the number of Members receiving a Special Responsibility Allowance from 57 (68%) in the existing scheme to 38 (45%) in the proposed scheme (ignoring time-limited allowances for chairing Select Committees).

(15) The annual cost of the revised Scheme will reduce by £84,106 in 2013/14 compared to 2012/13, excluding the cost of employer's National Insurance contributions.

**3. Recommendation:** The County Council is invited to approve the recommendations of the Member Remuneration Panel with regard to proposed changes to the Members' Allowances Scheme for the one year period from May 2013, as detailed in the Appendix.

## APPENDIX

### Proposed Members' Allowances Scheme

For the period 23 May 2013 to the Annual Meeting of the Council in May 2014

**BASIC ALLOWANCE - £12,805 per annum (inclusive of an element for routine subsistence expenditure on KCC duties)**

### SPECIAL RESPONSIBILITY ALLOWANCES

|  | %    | £  |
|--|------|--|
| <b>Executive</b>   |      |  |
| Leader   | 100  | 42,109   |
| Cabinet Members (maximum 9)                                | 65   | 27,370   |
| Deputy Cabinet Members (maximum 11)                        | 30   | 12,632   |
| Cabinet Committee Chairman (maximum 6)                     | 17.5 | 7,367  |
| <b>Council</b>   |      |  |
| Council Chairman   | 33   | 13,878   |
| Council Vice-Chairman                                      | 17.5 | 7,367  |
| Planning Applications Committee Chairman                   | 22   | 9,268  |
| Regulation Committee Chairman                              | 22   | 9,268  |
| Other Committee Chairmen (a)                               | 17.5 | 7,367  |
| Scrutiny Committee Chairman                                | 17.5 | 7,367  |
| Select Committee Chairmen (for period of review)           | 17.5 | 7,367  |
| <b>Opposition</b>  |      |  |
| Leader of each Opposition Group (of at least five members) | 15   | 6,316 plus £500 for each additional Group Member |

Notes:

- (a) Other Committee Chairmen: Governance & Audit, Health Overview & Scrutiny and Superannuation Fund.
- (b) No Member to receive more than one Special Responsibility Allowance.
- (c) No other allowance to be payable.

### TRAVEL EXPENSES

Travel by private vehicles will be reimbursed at the rates set for tax allowance purposes by the Inland Revenue for business travel. Currently, these are 45p per mile for the first 10,000 miles and 25p a mile thereafter.

Parking fees, public transport fares and any hotel expenses will be reimbursed at cost, but only on production of a valid ticket or receipt - the cheapest available fare for the time of travel should normally be purchased.

Taxi fares will only be reimbursed on production of a valid receipt and if use of public transport or the Member's own car is impracticable

Travel expenses will be reimbursed for any journey on council duties between premises as agreed for tax purposes (normally excluding journeys to constituents' homes).

Air travel and rail travel other than to/from London or within Kent should be booked through officers to enable use of discounting arrangements.

Journeys undertaken in accordance with the following descriptions are allowed to be claimed for:

- (a) attendance at KCC premises to undertake KCC business, including attendance at Council, Cabinet and Committees, etc (including group meetings) and to undertake general Member responsibilities;
- (b) representing KCC at external meetings, including Parish and Town Councils and those of voluntary organisations where the member is there on behalf of KCC;
- (c) attendance at events organised by KCC and/or where invitations have been issued by County Officers or Members (including Chairman's events and other corporate events); and
- (d) attendance at meetings/events where the Member is an official KCC representative (as determined by the Selection and Member Services Committee) or requested by the Leader or the relevant Cabinet Member.

#### SUBSISTENCE EXPENSES

These are not normally reimbursed. Hotel accommodation should be booked through officers. Any other reasonably unavoidable costs related to overnight stays, excluding normal subsistence, will be reimbursed on production of a receipt.

#### DEPENDENTS' CARERS' ALLOWANCE

Members with care responsibilities in respect of 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 Member's household will not be reimbursed.

#### PENSIONS

Members are not eligible for admission to the superannuation scheme.

## CO-OPTED MEMBERS

An allowance is payable to the Independent Chairman of the Standards Committee of £1,000 per annum and the daily rate for the remaining co-opted Members of the Standards Committee is payable at £200 per day.

## ELECTION TO FORGO ALLOWANCES

In accordance with Regulation 13 of the Local Authorities (Members' Allowances) (England) Regulations 2003, any Member may elect to forgo all or any part of their entitlement to allowances, by notice in writing to the Head of Democratic Services.

## SUBMISSION OF CLAIMS

In accordance with Regulation 14 of the Local Authorities (Members' Allowances) (England) Regulations 2003, the time limit for the submission of claims relating to travel, subsistence, co-optees and dependent carers allowances is four months from the date the expense was incurred.

## NO OTHER ALLOWANCES ARE PAYABLE

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By: John Simmonds, Deputy Leader and Cabinet Member for  
Finance and Procurement  
Andy Wood, Corporate Director of Finance & Procurement

To: County Council – 23 May 2013

Subject: Proposed Changes to Financial Regulations

Classification: Unrestricted

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Summary: This report asks Members to approve the updated Financial Regulations and the introduction of a Delegated Authority Matrix of Approval Limits, as an amendment to the Constitution.

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## **1. Introduction**

- 1.1 The Financial Regulations have been reviewed and updated. Whilst there has been no major re-write or change to the format of the regulations, amendments have been made to reflect changes in structures/working practices, to ensure our regulations reflect current best practice and strengthen areas where there were known gaps.
- 1.2 This review has been undertaken as part of a programme of work looking not only at the Financial Regulations but also a Delegated Authority Matrix of Approval Limits and Financial Procedures. The aim is to publish the whole suite of updated financial documentation on KNet with appropriate links between the documents as well as to other relevant procedures/publications, making it easily accessible to all staff.
- 1.3 The revised Financial Regulations and Delegated Authority Matrix of Approval Limits were agreed by the Governance & Audit Committee at their meeting on 11 April 2013 and now need to be approved by the County Council as an amendment to the Constitution.

## **2. Main Amendments**

- 2.1 The process for conducting this review included:
  - Looking at the Constitution to ensure the regulations comply with the Constitution;
  - Addressing concerns/gaps raised by finance staff;
  - Ensuring other relevant procedures/publications are still relevant and available on KNet.
- 2.2 The main areas of change are:

- Clarification of the role of the Corporate Director of Finance & Procurement in respect of risk management;
- Revision of the regulations relating to the Kent Pension Fund;
- Inclusion of the earmarking of capital receipts;
- Expansion of the regulations relating to audit requirements;
- Amending the section relating to procurement and ordering of goods to reflect i-Procurement;
- Strengthening the regulations relating to Companies;
- The introduction of a delegated authority matrix setting out approval limits;
- It has been made explicit that that the Financial Regulations are a KCC policy and failure to follow the regulations could be seen as misconduct, as set out in the Blue Book.

2.3 The revised Financial Regulations and Delegated Authority Matrix of Approval Limits are shown at Appendix 1 and 2 respectively.

### 3. **Recommendation**

Members are asked to:

3.1 Consider and approve the updated Financial Regulations and Delegated Authority Matrix of Approval Limits.

#### **Contact details:**

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01622 694634





# **KENT COUNTY COUNCIL**

  

# **FINANCIAL REGULATIONS**

Amended by the Council: 22 July 2010

Updated April 2013

The Council's Financial Regulations set the control framework for five key areas of activity:

**A. Financial Planning**

*Covers Performance Planning, Capital Strategy, Treasury Management Strategy, Pension Fund Investment and Administration Strategy, Revenue Strategy, Revenue Budgeting, Capital Programme and Budgeting, Reserves and Key Decisions.*

Full Council is responsible for receiving the Medium Term Financial Plans and formally agreeing the annual budget, in line with statutory guidance.

The Corporate Directors are responsible for contributing to the development of these plans, while the Corporate Director of Finance and Procurement is responsible for preparing and presenting them to the Cabinet for consideration.

**B. Financial Management**

*Covers Revenue budget monitoring and control, Virement, Treatment of year-end balances, Capital Budget Monitoring, Accounting Policies, Accounting records and returns, Annual Statement of Accounts, Contingent Liabilities, Financial implications of Reports.*

The Corporate Director of Finance and Procurement is responsible for developing, maintaining and monitoring compliance with an effective corporate financial framework. This will encompass detailed financial regulations, professional standards, key controls and good financial information.

The Corporate Directors will operate within this framework, alerting the Corporate Director of Finance and Procurement to any risk of non-compliance.

**C. Risk Management and Control of Resources**

*Covers Risk Management and insurance, Internal Control, Audit requirements, Preventing fraud and corruption, Assets, Treasury Management, Investments and Borrowing, Trust funds and funds held for third parties, Banking, Imprest Accounts, Staffing Costs.*

Cabinet and the Governance and Audit Committee are jointly responsible for agreeing the Council's risk management strategy, policy and supporting guidance and for reviewing the effectiveness of risk management within the Council.

The Corporate Director of Finance and Procurement is responsible for monitoring systems for risk management and systems of internal control. This will be monitored through an effective internal audit function.

The Corporate Directors are responsible for establishing sound arrangements within these systems and notifying the Corporate Director Business Strategy and Support of any suspected non-compliance.

**D. Systems and Procedures**

*Covers general processes and procedures, Income, Ordering and Paying for*

*Works, Goods and Services, Payments to employees and Members, Taxation, trading accounts/business units, Internal Recharges.*

The Corporate Director of Finance and Procurement is responsible for the Council's accounting control systems, the financial accounts, supporting information and all financial processes or procedures.

The Corporate Directors are responsible for the proper operation of all systems, processes and procedures. All exceptions to the corporately agreed standards will be agreed with Corporate Director of Finance and Procurement..

**E. External Arrangements**

*Covers Partnerships, External Funding, Work for third parties, Local Authority Companies.*

The Corporate Director of Finance and Procurement is responsible for promoting the same high standards of conduct in the financial management of partnerships and companies as within the Council.

The Corporate Directors are responsible for ensuring that the Council's interests are protected in such arrangements and that appropriate advice is taken at all stages.

## OVERALL FINANCIAL RESPONSIBILITIES

### Introduction

2.1 Financial management covers all financial accountabilities in relation to the running of the Council including the policy framework and budget. It is not possible to draft regulations or rules that cover every eventuality or circumstance. Consequently, the principles of sound financial management, proper exercise of responsibility, and accountability, as set out in Financial Regulations, should be applied in all circumstances, even where any particular circumstance is not specifically referred to.

2.2 **The full Council** is responsible for:

- i. setting the policy framework;
- ii. approving and monitoring compliance with the Council's overall framework of accountability and control as set out in the Constitution;
- iii. directly and through Scrutiny Committee, for monitoring compliance with agreed policy, including revenue and capital budgets;
- iv. approving procedures for recording and reporting decisions taken. This includes key decisions and other decisions delegated by the Leader and those decisions taken by the Council and its Committees or delegated by them to officers. These delegations and details of who has responsibility for which decisions are set out in the Constitution;
- v. agreeing the annual budget and Council Tax;
- vi. determining and keeping under review how much money the Council can afford to borrow for capital expenditure;
- vii. approving the annual treasury management strategy;
- viii. setting and revising the prudential indicators for capital finance and borrowing;
- ix. approving the policy on Minimum Revenue Provision (MRP) as set out in the annual MRP statement;
- x. setting the limits for virement or other budget changes through the Financial Regulations and decision making procedure rules;
- xi. setting the limits defining key financial decisions;
- xii. determining any expenditure proposed by the Leader or the Cabinet that is outside the limits referred to in v above;
- xiii. Approving the Standing Orders for Contracts and Tenders.

2.3 **The Leader** is responsible for:

- i. proposing the Medium Term Financial Plan, Budget, Council Tax and prudential indicators to the Council;
- ii. approving revenue, capital strategies;
- iii. determining which executive functions are exercised by him/herself, the Cabinet collectively, other individual members of the Cabinet or officers;
- iv. ensuring that all executive decisions are taken in accordance with the Council's agreed principles of decision making including due consultation and the taking of professional advice from officers.

2.4 **Individual Cabinet Members** are responsible, within their allocated responsibility area and approved budget for:

- i. taking decisions in accordance with the framework of responsibilities delegated to them from the Leader;
- ii. consulting with the Leader in relation to any proposed decisions as the Leader may direct;

- iii. complying with Financial Regulations in force as agreed by or on behalf of the County Council;
- iv. taking decisions which are otherwise delegated to officers but which are:
  - (a) not in accord with the Policy Framework or budget agreed by the Council or management and business plans within their portfolio;
  - (b) withdrawn from the delegation to Corporate Directors;
- v. taking account of legal and financial liabilities when taking decisions including due consultation with and the taking of advice from officers;
- vi. processing decisions in accordance with the decision making and reporting framework set out in the Constitution.

2.5 **The Scrutiny Committee Suite** is responsible for reviewing or scrutinising decisions made , or other action taken, in connection with the discharge of any executive of non-executive functions as defined in the Terms of Reference in Appendix 2 Part 2 of the Constitution. It is also responsible for co-ordinating the Council's Select Committee programme.

2.6 **The Governance and Audit Committee** is responsible for ensuring that:

- i. Risk Management and Internal Control systems are in place that are adequate for purpose and effectively and efficiently operated.
- ii. the Council's Corporate Governance framework meets recommended practice, is embedded across the whole Council and is operating throughout the year with no significant lapses.
- iii. the Council's Internal Audit function is independent of the activities it audits, is effective, has sufficient experience and expertise and the scope of work to be carried out is appropriate.
- iv. The appointment and remuneration of External Auditors is approved in accordance with relevant legislation and guidance, and the function is independent and objective.
- v. The External Audit process is effective, taking into account relevant professional and regulatory requirements, and is undertaken in liaison with Internal Audit.
- vi. The Council's financial statements (including the Pension Fund Accounts) comply with relevant legislation and guidance and the associated financial reporting processes are effective.
- vii. Any public statements in relation to the Council's financial performance are accurate and the financial judgements contained within those statements are sound.
- viii. Accounting policies are appropriately applied across the Council.
- ix. 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.
- x. The Council monitors the implementation of the Bribery Act policy to ensure that it is followed at all times.

2.7 **The Director of Law and Governance, as the Monitoring Officer**, is responsible for:

- i. after consulting with the Head of Paid Service and the Corporate Director of Finance and Procurement, reporting to the full Council (or to the Leader or Cabinet in relation to an executive function) if he/she considers that any proposal, decision or omission would give, is likely to give, or has given, rise to a contravention of any enactment or rule of law, or any maladministration or

- injustice. Such a report has the effect of stopping the proposal or decision being implemented until the report has been considered;
- ii. ensuring that records of executive decisions, including the reasons for those decisions and relevant officer reports and background papers, are made publicly available;
  - iii. advising whether decisions of the executive are in accordance with the Budget and Policy Framework. Actions that may be 'contrary to the Budget' include:
    - initiating a new policy for which no budget exists;
    - committing expenditure in future years above the approved budgeted level;
    - Effecting intra- and inter-portfolio transfers above virement limits;
    - causing the total expenditure financed from council tax, grants and corporately held reserves to increase beyond that provided for in the approved budget;
  - iv. providing advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Members.

**2.8 The Head of Paid Service** is responsible for:

- i. overall corporate management and operational responsibility (including overall management responsibility for all staff);
- ii. the provision of professional advice to all parties in the decision making process (the executive, scrutiny, full council and other committees);
- iii. together with the Monitoring Officer, a system of record keeping for all the local authority's decisions (executive or otherwise);
- iv. reporting to the Council on the manner in which the discharge by the authority of its functions is co-ordinated;
- v. arrangements for internal control and the inclusion of the Annual Governance Statement in the annual accounts.

**2.9 The Corporate Director of Finance and Procurement, as the Chief Financial Officer**, has statutory duties in relation to the financial administration and stewardship of the authority. These statutory responsibilities cannot be overridden. The statutory duties arise from:

- i. Section 151 of the Local Government Act 1972
- ii. Local Government Finance Act 1988
- iii. The Local Government and Housing Act 1989
- iv. The Local Government Acts 2000 and 2003
- v. The Accounts and Audit Regulations 2011
- vi. The Local Government Pension Scheme (Administration) Regulations 2008
- vii. The Local Government Pension Scheme Regulations (Management and Investment of Funds) 2009
- viii. The Local Authorities Goods and Services Acts 1970 and 1988.

**2.10 The Corporate Director of Finance and Procurement** is responsible for:

- i. after consulting with the Head of Paid Service and the Monitoring Officer, reporting to the full Council (or to the Leader or Cabinet in relation to an Executive function) and the Council's external auditor if he/she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency, or if the Council is about to enter an item of account unlawfully;
- ii. the proper administration of the financial affairs of the Council;

- iii. maintaining an adequate and effective system of internal audit;
- iv. contributing to the corporate management of the Council, in particular through the provision of professional financial advice;
- v. providing advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Members and supporting and advising Members and officers in their respective roles;
- vi. providing financial information about the Council to Members, the media, members of the public and the community.

2.11 And in particular is responsible for:

- i. setting financial management standards, including financial procedures, and monitoring their compliance;
- ii. advising on the corporate financial position and on the key financial controls necessary to secure sound financial and risk management;
- iii. providing financial information to support the proper financial planning of the authority, to inform policy development, and to assist Members and officers in undertaking their financial responsibilities;
- iv. preparing the revenue budget, and reporting to the Council, when considering the budget and Council Tax, on the robustness of the estimates and the adequacy of reserves;
- v. monitoring income and expenditure against the budget and taking action if overspends of expenditure or shortfalls in income emerge;
- vi. preparing the capital programme and ensuring effective forward planning and sound financial management in its compilation;
- vii. producing prudential indicators, reporting them to the Leader and the Council for consideration and establishing procedures to monitor and report on performance in relation to these indicators;
- viii. treasury management, the management of the Council's banking arrangements and monitoring the Council's cashflow;
- ix. issuing advice and guidance to underpin the Financial Regulations that Members, officers and others acting on behalf of the Council are required to follow;
- x. ensuring that effective arrangements are in place for payments of creditors, income collection, payment of pensions, risk management and insurances and the production of financial management information;
- xi. ensuring that any partnership arrangements (or other innovative structures for service delivery) are underpinned by clear and well documented internal financial controls;
- xii. advising on anti-fraud and anti-corruption strategies and measures;
- xiii. contributing to cross-authority issues and to the development of the Council;
- xiv. ensuring that statutory and other accounts and associated claims and returns in respect of grants are prepared;
- xv. ensuring that due consideration is given to the Council's wellbeing, correct financial management and security of the Council's assets when establishing a company or partnership arrangement; **LINK**
- xvi. ensuring that the MRP calculation is prudent;
- xvii. taking ownership of the Council's corporate financial system;
- xviii. supporting the Superannuation Fund Committee in the management of the Kent Pension Fund.

**LINK** (CIPFA role of DOF document)

2.12 The, Corporate Director of Finance and Procurement in accordance with Section 114 of the 1988 Act will nominate a properly qualified member of staff to deputise for him / her as Chief Financial Officer should he/she be unable to personally perform the duties under Section 114.

2.13 **The Corporate Directors** are responsible for:

- i. ensuring that the Leader or relevant Cabinet Member is advised of the financial implications and other significant risks of all proposals for the changes in services or the development of new services and that the financial implications have been agreed by the Corporate Director of Finance and Procurement;
- ii. the signing of contracts on behalf of the Council provided that the expenditure to be incurred has the necessary budgetary approval. Further guidance regarding persons authorised to sign contracts on behalf of the Council can be found in the relevant directorate's Scheme of Financial Delegation;
- iii. promoting the financial management standards set by the Corporate Director of Finance and Procurement in their Directorates and to monitor adherence to standards and practices, liaising as necessary with the Corporate Director of Finance and Procurement;
- iv. promoting sound financial practices in relation to standards, performance and development of staff in their Directorates;
- v. consulting with the Corporate Director of Finance and Procurement and seeking his/her approval regarding any matters which are liable to affect the Council's finances materially, before any commitments are incurred;
- vi. ensuring that all staff in their Directorates are aware of the existence and content of the Council's Financial Regulations and any related procedures and other internal regulatory documents appertaining to or amplifying them and that they comply with them. They must also ensure that all of these documents are readily available for reference within their Directorates;
- vii. managing service delivery within the agreed revenue and capital budgets and other relevant strategies and plans;
- viii. developing performance, corporate and service targets and contributing to the Medium Term Financial Plan;
- ix. ensuring that budget estimates reflecting agreed service plans are prepared, and that these are prepared in line with issued guidance;
- x. ensuring that financial management arrangements and practice are agreed with the Corporate Director of Finance and Procurement, are legal and consistent with best practice and Council policy;
- xi. consulting with the Corporate Director of Finance and Procurement on the financial implications of matters relating to policy development;
- xii. putting in place a scheme of financial delegation setting out arrangements for the discharge of the Head of Paid Services and Corporate Directors responsibilities contained within Financial Regulations;
- xiii. arrangements for internal control and for inclusion in the annual accounts of the statement of internal control;
- xiv. ensuring that the Bribery Act Policy is implemented, promoted and complied with.

### **Personal Responsibilities**

2.14 Any person concerned with the use or care of the County Council's resources or assets should ensure they are fully conversant with the requirements of these Financial Regulations. All staff should notify their line manager immediately of any



suspected fraud, theft, irregularity or improper use of or misappropriation of the authority's property or resources. Concerns may also be raised via the Whistleblowing Procedure. **LINK**

2.15 The Financial Regulations are a KCC policy and failure or refusal to follow the regulations along with the procedures/protocols identified in this document can be seen as misconduct as set out in the Blue Book.

## **FINANCIAL REGULATION A – FINANCIAL PLANNING**

### **Introduction**

- A.1 The full Council is responsible for agreeing the Budget, which will be proposed by the Leader. In terms of financial planning, the key elements are:
- i. the Medium Term Financial Plan
  - ii. Bold Steps for Kent
  - iii. Vision for Kent
  - iv. Public Service Agreement
  - v. Annual Performance Plans
  - vi. the Revenue Strategy and Budget
  - vii. the Capital Strategy and Programme
  - viii. the Treasury Management Strategy
  - ix. the Risk Management Strategy

### **Medium term budget and financial strategy**

- A.2 The Corporate Directors are responsible for ensuring that Revenue, Capital and Treasury strategies on a three year basis are prepared for consideration by the Cabinet and for ensuring that such strategies are consistent with other plans and strategies.
- A.3 The Leader will publish to all Council Members each year a review of the issues relating to the Medium Term Financial Plan.

### **Performance Planning**

- A.4 The Corporate Director of Finance and Procurement is responsible for:
- i. advising and assisting Directorates in producing the financial information that needs to be included in performance plans in accordance with statutory requirements and agreed timetables;
  - ii. the production of corporate guidance on the development of unit cost indicators and cost effectiveness measures;
  - iii. contributing, in collaboration with the Corporate Directors, to the development of corporate and service targets and objectives and performance information;
  - iv. assisting in building priorities identified within performance plans into corporate and Directorate budgets to enable delivery.
- A.5 The Corporate Directors are responsible for:
- i. contributing to the development of performance plans in line with the Council's requirements;
  - ii. contributing to the development of corporate and service targets and objectives and performance information;
  - iii. ensuring that Directorate service plans are clearly aligned with budgets, to enable the delivery of service priorities;
  - iv. ensuring that targets identified within performance plans are built into local work programmes and targets for management and service delivery staff.

## **The Kent Pension Fund**

- A.6 The Corporate Director of Finance and Procurement is responsible, in accordance with the Local Government Pension Scheme regulations, for ensuring the proper administration of the financial affairs of the Fund and:
- i. having taken appropriate professional advice, for preparing and submitting to the Superannuation Fund Committee, regular reviews of investment strategy, monitoring of investment managers and reporting on the pensions administration service delivered;
  - ii. the preparation and publication of the pension fund annual report.

## **Revenue budgeting**

### *Budget format*

- A.7 The general format of the Budget will be proposed to the Leader by Corporate Director of Finance and Procurement. The draft Budget should include allocations to different services and projects, proposed sources of funding, proposed taxation levels and contingency funds.
- A.8 Guidelines on budget preparation are issued to Cabinet Members, Corporate Directors by the Leader on the recommendation of the Corporate Director of Finance and Procurement. The guidelines will take account of:
- i. legal requirements
  - ii. the Medium Term Financial Plan
  - iii. Bold Steps for Kent
  - iv. Vision for Kent
  - v. Public Service Agreement
  - vi. available resources
  - vii. spending pressures
  - viii. relevant Government guidelines
  - ix. other internal policy documents
  - x. cross cutting issues (where relevant).

### *Budget preparation*

- A.9 The Leader is responsible for developing and proposing to the County Council the general content of the revenue budget in consultation with the Corporate Director of Finance and Procurement.
- A.10 Budgets will be produced in a format compatible with the portfolios allocated by the Leader to individual Cabinet Members.
- A.11 The Head of Paid Services and the Corporate Director of Finance and Procurement are responsible for ensuring that a revenue budget is prepared on an annual basis for consideration by the Leader and Cabinet before submission to the Full Council, in accordance with the Budget Procedure Rules, as set out in the Constitution.
- A.12 The Corporate Director of Finance and Procurement is responsible for:
- i. ensuring that a process is in place to identify potential pressures on the budget;
  - ii. reporting to the Full Council, when the Budget and Council Tax is considered, on the robustness of the estimates and the adequacy of reserves provided for.

A.13 The Corporate Directors are responsible for ensuring that budget estimates reflect agreed service plans, are submitted to the relevant Cabinet Member and the Leader and that these estimates are realistic and prepared in line with guidance issued by the Leader.

#### *Resource allocation*

A.14 The Leader in consultation with the Corporate Director of Finance and Procurement is responsible for developing and maintaining a resource allocation process that ensures due consideration of the Council's Policy Framework.

#### *Budget Amendment*

A.15 Approved revenue budgets may be amended during a financial year in accordance with the virement regulations in B6-B9.

A.16 The Corporate Directors may make changes to revenue budgets resulting from additional grant or other external income receivable during a financial year. Such changes must be notified to the Corporate Director of Finance and Procurement.

A.17 The Corporate Directors may make technical adjustments to revenue budgets during a financial year resulting from changes to grant rules or realignment of resources to approved business plans. Such changes must be notified to the Corporate Director of Finance and Procurement.

#### **Capital Programme and capital budgeting**

A.18 The Leader is responsible for developing and proposing the capital programme to the County Council in consultation with the Corporate Director of Finance and Procurement.

A.19 The Head of Paid Service and Corporate Director of Finance and Procurement are responsible for ensuring that a medium term capital programme and financing plan is prepared on an annual basis for consideration by the Leader before submission to the Full Council in accordance with the budget procedure rules as set out in the Constitution.

A.20 The Corporate Director of Finance and Procurement is responsible for advising on prudential indicators required to be set in accordance with the CIPFA Prudential Code for Capital Finance in Local Authorities and for ensuring that all matters required to be taken into account in setting prudential indicators are reported to the Leader and the Council.

A.21 The Corporate Director of Finance and Procurement is responsible for:

- i. setting up procedures under which capital expenditure proposals are evaluated and appraised to ensure that value for money is being achieved, are consistent with service and asset management objectives and are achievable;
- ii. setting up procedures for corporate monitoring of external sources of capital funding;
- iii. ensuring that expenditure treated as capital expenditure by the County Council is in accordance with best accounting practice.

A.22 The Corporate Directors are responsible for:

- i. ensuring that capital proposals reflect agreed service plans, are prepared in line with guidance issued, are realistic, that necessary business case development and option appraisals have been carried out and any risks identified. Any impact of capital expenditure proposals on service running costs must be identified and included in revenue budget estimates or forecasts; **LINK**
- ii. consulting with the Corporate Director of Finance and Procurement the relevant Cabinet Member and the Deputy Leader and Cabinet Member for Finance and Procurement where it is proposed to bid for funding from external sources to support capital expenditure;
- iii. ensuring that the Capital Process and Procedures are followed. This includes ensuring that projects only proceed when they have received the necessary Project Advisory Group (PAG) approval and confirmation that any external funding is secured. **LINK**. For schemes and headings where the total cost is estimated to be £1m or more this consent must be obtained from the Leader following procedures issued by the Corporate Director of Finance and Procurement. The Leader may take the decision himself/herself or specifically delegate the decision to Cabinet or the relevant Cabinet Member. For schemes where the total cost is estimated to be less than £1m consent must be obtained from the relevant Cabinet Member. However, if a project requires an earmarked capital receipt for funding, the earmarking of such receipt should also be requested via the PAG route, to be endorsed by the Leader. This applies to all earmarked receipts, regardless of the value;
- iv. ensuring that any new capital expenditure proposals which would require an increment to the total three year capital programme in order to proceed, regardless of funding, are agreed with the Corporate Director of Finance and Procurement and are submitted to the Leader for consideration via the PAG process;
- v. ensuring that, in addition to the PAG process, appropriate approval is sought where relevant from the Leader, the Cabinet or an authorised Cabinet Member in accordance with the Constitution.

*By way of clarification, PAG is a process for keeping track of current spending and cash flows. PAG does not replace the process for obtaining formal authority for a project and this is still needed.*

*Before a project can proceed, formal authority needs to have been obtained either through an explicitly approved budget in the Budget Book or business plan or through an explicit approval obtained by following the decision making procedures set out in the Council's Constitution and the Code of Practice for Contracts and Tenders (as detailed in Spending the Council's Money). **LINK** This applies even if PAG has already approved the proposed spending on the project.*

- vi. carrying out post completion evaluation of projects as required, in order to review performance in implementation of the project against budget and project plans and to evaluate performance of the project in the delivery of expected outcomes. **LINK**

## **Maintenance of reserves & provisions**

A.23 The Corporate Director of Finance and Procurement is responsible for:

- i. advising the Leader and the Council on prudent levels of reserves for the Authority when the annual budget is being considered having regard to assessment of the financial risks facing the Authority;
- ii. ensuring that reserves are not only adequate but also necessary;
- iii. ensuring that there are clear protocols for the establishment and use of each earmarked reserve. Reserves should not be held without a clear purpose or without a planned profile of spend and contributions;
- iv. ensuring that all renewals reserves are supported by a plan of budgeted contributions, based on an asset renewal plan that links to the fixed asset register;
- v. ensuring that no money is transferred into reserves after 31st December each financial year without prior agreement.

A.24 The Corporate Director of Finance and Procurement is responsible for ensuring that provisions are set up for any liabilities of uncertain timing or amount that have been incurred and are required to be recognised when:

- i. the Council has a present obligation (legal or constructive) as a result of a past event
- ii. it is probable that a transfer of economic benefits will be required to settle the obligation, and
- iii. a reliable estimate can be made of the amount of the obligation.
- iv. If the Council does not yet have an obligation / or expects to have a future obligation as a result of something that has not yet happened, then a reserve should be set up and the regulations in A.23 above apply.

## **Key decisions**

A.25 Cabinet Members are responsible, within their allocated responsibility area and approved budget, for taking decisions as agreed by the Leader of the County Council.

A.26 All decisions must be processed in accordance with the decision making and reporting framework set out in the Constitution and in taking decisions Cabinet Members must comply with the County Council's Financial Regulations.

## **FINANCIAL REGULATION B - FINANCIAL MANAGEMENT**

### **Introduction**

- B.1 The Corporate Director of Finance and Procurement is responsible for:
- i. ensuring that a prudential financial framework is in place and effective systems of financial administration are operating within the Council;
  - ii. maintaining and updating financial regulations and the management of a process for monitoring compliance with them;
  - iii. ensuring proper professional practices are adhered to and acting as head of profession in relation to the standards, performance and development of finance staff throughout the Council;
  - iv. advising on the key strategic controls necessary to secure sound financial management;
  - v. ensuring that financial information is available to enable accurate and timely monitoring and reporting of comparisons of national and local financial performance indicators;
  - vi. ensuring that Internal Audit carry out the necessary probity and system checks required to verify that proper Financial Management Standards are maintained.

### **Revenue Budget Monitoring and Control**

- B.2 The Corporate Director of Finance and Procurement is responsible for:
- i. providing appropriate financial information to enable budgets to be monitored effectively;
  - ii. monitoring and controlling overall expenditure against budget allocations and publishing a report to the Cabinet on the overall position on a regular basis, drawing attention to overspends, shortfalls in income and underspends including reference to proposed action to deal with any problems.
- B.3 It is the responsibility of the Corporate Directors to:
- i. control income and expenditure within their area and to monitor performance, taking account of financial information and activity data relating to the services they provide;
  - ii. have a robust system in place for monitoring activity levels which drive major budget headings (over £10m);
  - iii. report to the Corporate Director of Finance and Procurement and to the relevant Cabinet Member on variances within their own areas;
  - iv. ensure that spending remains within the service's overall cash limit, by monitoring the budget headings and taking appropriate corrective action where variations from the approved budget are forecast, alerting the Corporate Director of Finance and Procurement and Cabinet Member to any problems;
  - v. ensure that an accountable budget manager is identified for each item of income and expenditure under the control of the Corporate Director. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making that commits expenditure;
  - vi. ensure that a monitoring process is in place to review performance levels/levels of service in conjunction with the budget and is operating effectively;
  - vii. ensure prior approval by the Leader and the relevant Cabinet Member and notification to the Scrutiny Committee of new proposals, which fulfil one or more of the following criteria:

- a. create financial commitments in future years in excess of existing budgets
  - b. change existing policies, initiate new policies or cease existing policies
  - c. materially extend or reduce the Council's services
  - d. exceed the limit defined by the Council as a key financial decision
  - e. exceed any limit set by the Leader as requiring reference to him or a Cabinet Member
  - f. any such proposals under this regulation shall not have approval to proceed until necessary financial provision is available within approved budgets
- viii. ensure compliance with the scheme of virement as set out in paragraph B6 below.

### **Financial Implications of Reports**

- B.4 The Corporate Director of Finance and Procurement is responsible for:
- i. monitoring the quality of the financial implications information included in reports by the Corporate Directors;
  - ii. providing financial implications where there are corporate implications and especially when corporate resources (revenue or capital) are required.
- B.5 The Corporate Directors are responsible for:
- i. ensuring that financial implications in either the current or future years are identified within Directorates for all relevant reports and that such financial implications are agreed by or on behalf of the nominated responsible professional finance officer (Section 151 Officer or Finance Business Partner)
  - ii. where reports impact on other Directorates or have implications for corporate resources, ensuring that the report includes the impacts or implications for all Directorates affected and that a copy of the report is submitted to the Corporate Director of Finance and Procurement or nominated representative for clearance;
  - iii. ensuring in all relevant circumstances, that financial implications referred to in reports are reflected in current budgetary provisions or the medium term financial plan.

### **Virement**

- B.6 Transfers between revenue budget headings can take place as follows provided that 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. If these transfers do not change the purpose for which the funding was approved then these will be considered technical adjustments and not virements. If a change to the purpose of the funding is required so that funding will be used for a purpose different to that for which it was approved, then a virement is required. Once again this must not involve an increasing commitment in future years that cannot be contained within existing approved budgets. Virements must be approved as follows:



a. Virement within a Portfolio:

|  |   |
|--|---|
| <b>Less than £200,000</b>                          | the Head of Paid Service or relevant Corporate Director in agreement with the appropriate Cabinet Member and the Corporate Director of Finance and Procurement.                       |
| <b>From £200,000 up to (but not including) £1m</b> | the relevant Cabinet Member in agreement with the Deputy Leader and Cabinet Member for Finance and Procurement, Corporate Director and Corporate Director of Finance and Procurement. |
| <b>£1m and above</b>                               | The Leader or Cabinet   |

b. Virement between portfolios:

|  |  |
|--|--|
| <b>Less than £200,000</b>                          | the Head of Paid Service or relevant Corporate Directors in agreement with the appropriate Cabinet Members and the Corporate Director of Finance and Procurement.                                |
| <b>From £200,000 up to (but not including) £1m</b> | the relevant Cabinet Members in agreement with the Deputy Leader and Cabinet Member for Finance and Procurement, relevant Corporate Directors and Corporate Director of Finance and Procurement. |
| <b>£1m and above</b>                               | The Leader or Cabinet  |

B.7 Transfers involving a new policy or a change in an existing policy require prior approval by the Leader and Cabinet Member and notification to the Scrutiny Committee in accordance with regulation B3(vi) above.

B.8 For the purpose of the amounts referred to in regulation B6, where transfers are a single transaction they must be effected as such and must not be effected as two or more smaller transactions.

B.9 Virement limits are cumulative, therefore when transferring budget from a heading, all previous virements from this heading must be taken into account when deciding the level of approval required, ensuring the highest level of approval has been/ will be sought.

B.10 Where an approved budget is a lump sum budget or a contingency intended for allocation during the year, its allocation will not be treated as virement, provided that the amount has been used in accordance with the purposes for which it was established and the Corporate Director of Finance and Procurement has agreed the basis and the terms, including financial limits, on which it will be allocated.

B.11 The Corporate Director of Finance and Procurement is responsible for monitoring and recording virements agreed and reporting to the Cabinet on the impact on revenue budgets.

**Treatment of year-end balances**

B.12 Cabinet is responsible for agreeing the detail of any annual roll forward of under and overspending on budgets.

## Capital Budget Monitoring

B.13 The Corporate Director of Finance and Procurement is responsible for preparing and submitting reports on the Council's projected capital expenditure and resources compared with the budget on a regular basis.

B.14 The Corporate Director of Finance and Procurement is responsible for establishing procedures to monitor and report on performance compared to the prudential indicators set by the Council.

B.15 The Corporate Directors are responsible for:

- i. preparing regular reports reviewing the capital programme provisions for their services;
- ii. preparing regular returns of estimated final costs of schemes in the approved capital programme for submission to the Corporate Director of Finance and Procurement for inclusion in the report to Cabinet on the overall Capital programme position;
- iii. reporting to the Corporate Director of Finance and Procurement circumstances when it is considered that additional County Council capital resources will be required to implement a project that has previously been given approval to spend, where such additional resources cannot be identified from within the Portfolio programme concerned;
- iv. reporting to the Corporate Director of Finance and Procurement on any proposed variations to the Capital Programme during a financial year;
- v. reporting to the Corporate Director of Finance and Procurement on any proposed additions to the Capital Programme resulting from the receipt of additional grant or other external funding. If this relates to an entirely new scheme then it must be considered by PAG and approved by the relevant Cabinet Member.
- vi. Reporting the completion dates on major projects, over £1m.

B.16 Resources may be vired from one capital project or heading 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 changes:-

|   |  |
|---|--|
| Less than £50,000                               | the Head of Paid Service or relevant Corporate Director(s)   |
| From £50,000 up to (but not including) £200,000 | the relevant Corporate Director(s) in agreement with the relevant Cabinet Member(s) and the Corporate Director of Finance and Procurement  |
| £200,000 up to (but not including) £1m          | the relevant Cabinet Member(s) in agreement with the Deputy Leader and Cabinet Member for Finance and Procurement, Corporate Director(s) and Corporate Director of Finance and Procurement |
| £1m and above                                   | the Leader or Cabinet  |

*Virement limits are cumulative, please refer to B9 for explanation*

For the purpose of the amounts above, where transfers are a single transaction they must be effected as such and not effected as two or more smaller transactions.

## Accounting policies

B.17 The Corporate Director of Finance and Procurement is responsible for selecting and notifying to the Corporate Directors accounting policies which comply with the current Accounting Code(s) of Practice, ensuring that such policies are applied consistently, and for ensuring that effective systems of internal control are in place that ensure that financial transactions are lawful.

B.18 The Corporate Directors are responsible for adhering to the accounting policies notified by the Corporate Director of Finance and Procurement.

## Accounting records and returns

B.19 The Corporate Director of Finance and Procurement is responsible for:

- i. determining the accounting records for the Authority including the Kent Pension Fund, its form of accounts and supporting accounting records;
- ii. ensuring that accounting records are maintained in accordance with proper practices and legislative requirements;
- iii. establishing arrangements for the compilation of all accounts and accounting records whether within the Finance Group or within other Directorates.

B.20 The Corporate Directors are responsible for:

- i. consulting with the Corporate Director of Finance and Procurement on the accounting procedures and records to be utilised within their Directorate;
- ii. ensuring the proper retention of accounting records in accordance with the requirements established by the Corporate Director of Finance and Procurement, including the retention of prime financial documents i.e. invoices, delivery notes and purchase orders for the year they relate to plus a further 6 years. Invoices paid for by EU Grants must be identified and kept for 12 years; **LINK**
- iii. ensuring that all claims for funds including grants are made by the due date, are recorded in the central register, and in line with the 'corporate grant procedure'; **LINK**
- iv. maintaining adequate records to provide a management trail leading from the source of income/expenditure through to the accounting statements;
- v. providing information required for, or to ensure completion of, all statutory and other financial returns by the due dates;
- vi. complying with any compliance testing which the Corporate Director of Finance and Procurement requires in relation to the Directorate accounts;
- vii. operating control accounts as agreed by the Corporate Director of Finance and Procurement, ensuring that these are regularly reconciled, and cleared as part of the regular monitoring procedures.

## The annual statement of accounts

B.21 The Governance and Audit Committee is responsible for approving the annual statement of accounts of the Authority and the Pension Fund on behalf of the Council.

B.22 The Corporate Director of Finance and Procurement is responsible for:

- i. ensuring that the annual statement of accounts is prepared by the required statutory date in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom: Based on International Financial Reporting Standards for the relevant year and that the accounts present a true and fair view of the financial position of the Council and its expenditure and income;
- ii. liaising with External Audit on the completion of the Statement of Accounts and the arrangements for the audit of these;
- iii. ensuring that adequate documentation is available to support the Statement of Accounts. This will include copies of grant claims, reconciliations with financial ledgers and other records, and other working papers to demonstrate the derivation of data used;
- iv. the preparation of the Pension Fund's Statement of Accounts in accordance with practices as set out in the Code of Practice on Local Authority Accounting in the United Kingdom.

B.23 The Corporate Directors are responsible for:

- i. complying with accounting guidance agreed with the Corporate Director of Finance and Procurement;
- ii. supplying the Corporate Director of Finance and Procurement with information required to complete the Statement of Accounts;
- iii. producing the documentation required to support the Statement of Accounts;
- iv. ensuring that the final accounts information pack for the Directorate is completed in accordance with the annual timetable agreed with the Corporate Director of Finance and Procurement.

### **Contingent Liabilities**

B.24 The Corporate Director of Finance and Procurement is responsible for:

- i. reviewing at least annually in consultation with Corporate Directors the existing contingent liabilities for inclusion as a note in the statement of accounts, to ensure they are still contingent and to ensure that adequate reserves exist to cover the potential liability if necessary;
- ii. taking steps wherever possible, in consultation with the Corporate Directors, to minimise the risk of contingent liabilities.

B.25 The Corporate Directors are responsible for:

- i. setting up procedures and processes to minimise the risk of creating contingent liabilities;
- ii. reviewing at least annually their service areas for contingent liabilities;
- iii. informing the Corporate Director of Finance and Procurement of any new contingent liabilities and of any changes in the circumstances of existing contingent liabilities.

## **FINANCIAL REGULATION C – RISK MANAGEMENT AND CONTROL OF RESOURCES**

### **Introduction**

C.1 It is essential that robust systems are developed and maintained for identifying and evaluating all significant strategic, operational and financial risks to the Authority on an integrated basis. This should include the proactive participation of all those associated with planning and delivering services.

### **Risk management and insurance**

C.2 The Cabinet and the Governance and Audit Committee are jointly responsible for approving the Council's Risk Management Strategy, Policy and guidance and for reviewing the effectiveness of risk management.

C.3 The Corporate Director Business Strategy and Support is responsible for preparing the Authority's Risk Management Strategy and Policy and for promoting it throughout the Council. The Corporate Director of Finance and Procurement is responsible for:

- i. advising the Leader, Deputy Leader and Cabinet Member for Finance and Procurement and Cabinet on proper insurance cover where appropriate;
- ii. effecting, in consultation with the Deputy Leader and Cabinet Member for Finance and Procurement, corporate insurance cover, through external insurance and internal funding;
- iii. establishing arrangements for the handling of all insurance claims, in consultation with other officers where necessary;
- iv. undertaking a review of requirements to support the annual renewal of insurance contracts;
- v. ensuring that internal insurance provisions are adequate to meet anticipated claims.

C.4 The Corporate Directors are responsible for:

- i. the identification and management of risk within their Directorate and for having in place monitoring processes for reviewing regularly the effectiveness of risk management arrangements.
- ii. complying with procedures agreed regarding the instigation, renewal, maintenance and amendment of the Council's insurance arrangements.

### **Internal control**

C.5 The Corporate Director of Finance and Procurement is responsible for:

- i. monitoring the systems for risk management and systems of internal control. This will be monitored through an effective internal audit function.
- ii. reviewing systems of internal control at least annually and providing an opinion on internal control within the Council in order to advise the Head of Paid Service on an Annual Governance Statement to be included in the Statement of Accounts.

C.6 The Corporate Directors are responsible for:

- i. establishing sound arrangements for planning, appraising, authorising, monitoring and controlling their operations in order to achieve continuous

- improvement, economy, efficiency and effectiveness and for achieving their financial performance targets;
- ii. promoting compliance with Council Policy, Standing Orders, Financial Regulations, Codes of Conduct and any statutory requirements;
  - iii. promoting an overall effective internal control system. Managerial Control Systems, including appropriate organisation structures, personnel arrangements and supervision, as well as Financial and Operational Control Systems and procedures, including physical safeguards of assets, segregation of duties, authorisation and approval procedures and information systems, should be documented and regularly reviewed;
  - iv. providing assurances for the annual governance statement, that financial and operational control processes are in place to enable Directorates to achieve their objectives and manage significant risks.

### **Audit requirements**

- C.7 The Accounts and Audit Regulations 2011 require every local authority to maintain an adequate and effective internal audit of its accounting records and its system of internal control.
- C.8 The Audit Commission is responsible for appointing external auditors to each local authority, though this is due to change once the Local Audit Bill becomes statute. The basic duties of the external auditor are governed by section 15 of the Local Government Finance Act 1982, as amended by section 5 of the Audit Commission Act 1998.
- C.9 The Council may, from time to time, be subject to inspection or investigation by external bodies such as H.M. Revenue and Customs who have statutory rights of access.
- C.10 The Corporate Director of Finance and Procurement is responsible for:
- i. ensuring an effective internal audit function, through adequate resourcing and coverage properly planned and determined through assessment of risk and consultation with management;
  - ii. ensuring that effective procedures are in place to investigate promptly any fraud or irregularity;
  - iii. ensuring that external auditors are given access at all reasonable times to premises, personnel, documents and assets that the external auditors consider necessary for the purposes of their work;
  - iv. ensuring there is effective liaison between external and internal audit;
  - v. ensuring that when information is requested in connection with inspections, audits, reviews and investigations the information requested is provided as soon as reasonably practicable and in any event within fourteen days of the request being made.
- C.11 The Corporate Directors are responsible for:
- i. notifying the Head of Internal Audit immediately of any suspected fraud, theft, irregularity or improper use of or misappropriation of the Council's property or resources. Pending investigation and reporting, all necessary steps should be taken to prevent further loss and to secure records and documentation against removal or alteration;

- ii. ensuring that internal and external audit are given access at all reasonable times to premises, personnel, documents and assets that the auditors consider necessary for the purposes of their work;
- iii. ensuring that all records and systems are up to date and available for inspection;
- iv. ensuring that when information is requested in connection with inspections, audits, reviews and investigations the information requested is provided as soon as reasonably practicable and in any event within fourteen days of the request being made.

## **Preventing fraud and corruption**

C.12 The Corporate Director of Finance and Procurement is responsible for developing, reviewing and maintaining an Anti Fraud and Corruption Strategy and for advising on effective systems of internal control to prevent, detect and pursue fraud and corruption. **LINK**

C.13 The Corporate Directors are responsible for ensuring compliance with the Anti fraud and Corruption Strategy and with systems of internal control to prevent, detect and pursue fraud and corruption.

## **Assets**

### *Security of Assets*

C.14 The Corporate Director of Finance and Procurement is responsible for ensuring that processes are in place for maintaining asset registers in accordance with good practice for fixed assets. The function of the Asset Register is to provide the Council with information about fixed assets so that they are safeguarded, used efficiently and effectively and adequately maintained, as well as for accounting purposes.

C.15 The Corporate Directors should ensure that assets, and records relating to these, are properly maintained. They should also ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place.

### *Inventories*

C.16 The Corporate Directors are responsible for maintaining and reviewing annually inventories of equipment, plant and machinery which has a value of over £200 or is portable and attractive.

### *Asset Disposal*

C.17 The Corporate Director of Finance and Procurement in conjunction with the Head of Paid Service is responsible for issuing guidelines representing best practice for the disposal of equipment, plant and machinery.

C.18 Corporate Directors are responsible for complying with issued guidelines in respect of all asset disposals.

## *Stocks of goods and materials*

C.19 Corporate Directors are responsible for:

- i. ensuring that stocks of goods and materials are held at a level appropriate to the business needs of the Council;
- ii. ensuring that adequate arrangements are in place for their care and custody;
- iii. writing off the value of obsolete stock in their Directorates of up to £10,000 in consultation with the Corporate Director of Finance and Procurement. All sums above £10,000 should be reported by the relevant Corporate Director to the Corporate Director of Finance and Procurement and Deputy Leader and Cabinet Member for Finance and Procurement and then to the Scrutiny Committee for write off action.

## *Intellectual Property*

C.20 The Head of Paid Service is responsible in conjunction with the Director of Governance and Law for developing and disseminating best practice regarding the treatment of intellectual property.

C.21 The Corporate Directors are responsible for:

- i. ensuring that controls are in place to ensure that staff do not carry out private work in council time and that staff are aware that anything they create during the course of their employment, whether written or otherwise, belongs to the Council;
- ii. complying with copyright, designs and patent legislation and, in particular, to ensure that:
  - a. only software legally acquired and installed by the Council is used on its computers,
  - b. staff are aware of legislative provisions, and
  - c. in developing systems, due regard is given to the issue of intellectual property rights.

## **Treasury Management**

C.22 The Corporate Director of Finance and Procurement is responsible for:

- i. reporting to the Deputy Leader and Cabinet Member for Finance and Procurement, in accordance with the CIPFA Code of Practice on Treasury Management in the Public Services Code of Practice and accordingly will create and maintain, as the cornerstones for effective treasury management:
  - a. a treasury management policy statement, stating the policies, objectives and approach to risk management of its treasury management activities; and
  - b. suitable treasury management practices (TMPs), setting out the manner in which the Council will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities;The content of the policy statement and TMPs will follow the recommendations contained in sections 6 and 7 of the Code, subject only to amendment where necessary to reflect the particular circumstances of this organisation. Such amendments will not result in the Council materially deviating from the Code's key principles.
- ii. reporting to the Council on its treasury management policies, practices and activities, including, as a minimum, an annual strategy and plan in advance of



the year, a mid-year review and an annual report after its close, in the form prescribed in its TMPs;

- iii. establishing procedures to monitor and report on performance in relation to Prudential Indicators set by the Council;
- iv. ensuring that all borrowing and all investments of money are made in the name of the Council or in the name of an approved nominee.

C.23 This Council delegates responsibility for the implementation and regular monitoring of its treasury management policies and practices to Cabinet, and for the execution and administration of treasury management decisions to the Corporate Director of Finance and Procurement, who will act in accordance with the Council's policy statement and TMPs and, if he/she is a CIPFA member, CIPFA's standard of professional practice on treasury management.

C.24 This Council nominates the Treasury Advisory Group and Governance & Audit Committee to be responsible for ensuing effective scrutiny of the treasury management strategy and policies.

### **Loans to third parties and acquisition of third party interests**

C.25 The Corporate Director of Finance and Procurement is responsible for ensuring, jointly with the Corporate Directors, that loans are not made to third parties and that interests are not acquired in companies, joint ventures or other enterprises without the approval of the Full Council, the Leader, Cabinet or the Deputy Leader and Cabinet Member for Finance and Procurement. **LINK**

### **Trust Funds and funds held for third parties**

C.26 Corporate Directors are responsible for arranging for all Trust Funds to be held, wherever possible, in the name of the Council and ensuring that Trust Funds are operated within any relevant legislation and the specific requirements for each Trust.

### **Banking**

C.27 The Corporate Director of Finance and Procurement is responsible for:

- i. the control of all money in the hands of the Council;
- ii. operating central bank accounts as are considered necessary to the efficient operation of the Council's activities, within the terms agreed with the Council's bankers and reconciled weekly or monthly as required;
- iii. approving the opening or closing of any bank account operated by the County Council.

C.28 The Corporate Directors are responsible for operating bank accounts opened with the approval of the Corporate Director of Finance and Procurement in accordance with issued guidelines.

## **Imprest Accounts**

C.29 The Corporate Director of Finance and Procurement is responsible for providing, in agreed circumstances and where such need is proven to be essential, cash or bank imprest accounts to meet minor or other agreed expenditure and for prescribing procedures for operating these accounts. **LINK**

C.30 The Corporate Directors are responsible for the operation of approved cash and bank imprest accounts in accordance with procedures issued by the Corporate Director of Finance and Procurement . **LINK**

## **Credit Cards and Purchase Cards**

C.31 The Corporate Director of Finance and Procurement is responsible for:

- i. providing credit cards and purchase cards to be used for agreed purposes and to be allocated to nominated members of staff;
- ii. prescribing procedures for the use of credit cards and purchase cards and the accounting arrangements required to record and monitor expenditure incurred with such cards.

C.32 The Corporate Directors are responsible for:

- i. Operating the use of credit cards and purchase cards in accordance with the procedures issued by the Director of Finance. **LINK**

## **Staffing Costs**

C.33 The Head of Paid Service is responsible for ensuring that there is proper use of the evaluation or other agreed systems for determining the remuneration of a job.

C.34 The Corporate Directors are responsible for:

- i. the management of total staff numbers by:
  - a. advising the Leader and the relevant Cabinet Member on the budget necessary in any given year to cover estimated staffing levels;
  - b. adjusting the staffing numbers to that which can be funded within approved budget provision;
- ii. the proper use of appointment procedures;
- iii. monitoring staff activity to ensure adequate control over such costs as sickness, overtime, training and temporary staff;
- iv. ensuring that the staffing budget is not exceeded unless the necessary additional ongoing funding is available and the agreement of the relevant Cabinet Member or the Leader or Cabinet is obtained as required.

Further guidance regarding authorisations to appoint members of staff is available in the relevant directorate's Scheme of Financial Delegation. **LINK**

## FINANCIAL REGULATION D – SYSTEMS AND PROCEDURES

### Introduction

D.1 Sound systems and procedures are essential to an effective framework of accountability and control.

### General

D.2 The Corporate Director of Finance and Procurement is responsible for:

- i. determining the Council's accounting control systems, the form of accounts and the supporting financial records and for ensuring that systems determined by him/her are observed;
- ii. approving any changes proposed by the Corporate Directors to the existing financial systems or procedures or the establishment of new systems or procedures;
- iii. compiling, in consultation with the Corporate Directors, a Business Continuity Plan to provide for as normal a continuation of financial services as possible in the event of any incident affecting systems used to deliver those services.

D.3 The Corporate Directors are responsible for:

- i. the proper operation of financial procedures and financial processes in their own Directorates in accordance with the systems and procedures set out by the Corporate Director of Finance and Procurement;
- ii. obtaining the approval of the Corporate Director of Finance and Procurement for any developments of new systems and changes to existing systems, by Corporate Directors that involve a financial operation or produce output that may influence the allocation of resources;
- iii. ensuring that their staff receive relevant financial training;
- iv. ensuring that, where appropriate, computer and other systems are registered in accordance with Data Protection legislation. The Corporate Directors must ensure that staff are aware of their responsibilities under the Data Protection and Freedom of Information legislation;
- v. ensuring, jointly with the Corporate Director of Finance and Procurement that there is a documented and tested Business Continuity Plan to allow information system processing to resume quickly in the event of an interruption;
- vi. ensuring that Oracle Financials is utilised except where otherwise agreed by the Corporate Director of Finance and Procurement;
- vii. ensuring that vouchers and documents with financial implications are not destroyed, except in accordance with arrangements agreed with the Corporate Director of Finance and Procurement. **LINK**

### Income

D4 The Governance and Audit Committee is responsible for approving procedures for writing off debts as part of the overall framework of accountability and control.

D.5 The Corporate Director of Finance and Procurement is responsible for:

- i. setting the debt management policy for the County Council in order to maximise the income due to the Council and its collection;
- ii. approving the procedures, systems and documentation for the collection of income;

- iii. examining and actioning requests for write offs submitted by Corporate Directors;
- iv. maintaining a record of all sums written off and adhering to the requirements of the Accounts and Audit Regulations;
- v. ensuring that appropriate accounting adjustments are made following write off action;
- vi. ensuring, in consultation with the Corporate Directors, that adequate provision is made for potential bad debts arising from uncollected income.

D.6 The Corporate Director of Finance and Procurement is authorised to write-off the following types of debt where:

- i. the debtor has gone into liquidation or is deceased and there are no funds nor estate on which to claim for recovery of the debt;
- ii. the evidence against a debtor is inconclusive, and the Director of Governance and Law recommends write-off;
- iii. the debtor has absconded and all enquiries have failed;
- iv. the debtor is in prison and has no means to pay.

D.7 Other than covered in D6, all debt write offs over £10,000 should be put forward by the relevant Corporate Director to the Corporate Director of Finance and Procurement and Deputy Leader and Cabinet Member for Finance and Procurement for agreement and then approved by Scrutiny Committee.

D.8 The Corporate Directors are responsible for:

- i. compliance with the agreed debt management policy of the Council; **LINK**
- ii. the write-off of irrecoverable debts in their Directorates of up to £10,000 in consultation with the Corporate Director of Finance and Procurement;
- iii. ensuring that there is an annual review of fees and charges and that proposals for the level of fees and charges are approved by the Leader or relevant Cabinet Members;
- iv. ensuring that the agreed charging policy is implemented and consistently applied in respect of each relevant activity and service;
- v. separating, as far as is practicable, the responsibility for identifying amounts due and the responsibility for collection;
- vi. ensuring official receipts are issued and to maintain any other documentation for income collection purposes;
- vii. holding securely receipts, tickets and other records of income;
- viii. ensuring the security of cash handling.

## **Ordering and Paying for Works, Goods and Services**

D.9 The Corporate Director of Finance and Procurement is responsible for:

- i. ensuring that all the Council's financial systems and procedures for ordering and paying for works, goods and services are sound and properly administered;
- ii. agreeing, in consultation with the Corporate Directors where appropriate, any changes to existing financial systems and to approve any new systems before they are introduced;
- iii. agreeing the form of official orders and associated terms and conditions;
- iv. making payments from the Authority's funds on the Corporate Director's authorisation that the expenditure has been duly incurred in accordance with Financial Regulations;

- v. defining the requirements for the electronic approval of order or checking and certification of invoices prior to payment to confirm that the goods have been ordered and received, the invoice is in order and is certified for payment by the nominated budget manager. The Corporate Director of Finance and Procurement will set and review a value for invoices, currently £100, below which payment will be made on certification that goods or services have been received and that the invoice is in order but will not require the additional certification of the budget manager;
- vi. making payments, whether or not provision exists within the estimates, where the payment is specifically required by statute or is made under a Court Order;
- vii. making payments to contractors on the certificate of a Corporate Director, which must include details of the value of work, retention money, amounts previously certified and amounts now certified.

D.10 The Corporate Directors are responsible for:

- i. ensuring that the Council's corporate financial systems are used for payment for work, goods and services except where specialist systems are used in agreement with the Corporate Director of Finance and Procurement. Staff should not use personal credit cards to pay for work, goods or services on behalf of the Council;
- ii. ensuring that i-Procurement is used for raising orders in the first instance, any verbal orders for works, goods or services are only placed exceptionally and are confirmed with an official i-Procurement order;
- iii. ensuring that orders are only used for goods and services provided to their Directorates. Individuals must not use official orders to obtain goods or services for their private use;
- iv. ensuring that only those staff authorised in the delegated authority matrix (see appendix 1) approve expenditure and sign orders or where necessary ensure they are sealed by Legal Services.
- v. ensuring that goods and services are checked on receipt to verify that they are in accordance with the order. This check should, where possible, be carried out by a different person from the person who authorised the order;
- vi. ensuring that payment is not made unless a proper VAT invoice has been received, checked, coded and certified for payment;
- vii. ensuring that payments are not made in advance of goods being supplied, work done or services rendered to the Council except with the approval of the Corporate Director of Finance and Procurement;
- viii. ensuring that invoices are approved for payment by staff authorised by the Corporate Directors and that details of such authorised staff, including specimen signatures and limits of authority, are provided to the Payments Team;
- ix. ensuring that all undisputed invoices are settled within 20 days from receipt of the invoice;
- x. ensuring that the Directorate obtains best value from purchases by contacting Strategic Sourcing and Procurement Team for any purchases over £50k, following the guidance in the Knet Procurement pages **LINK** and complying with the Council's Code of Practice for Tenders and Contracts 'Spending the Council's Money'. **LINK**
- xi. Compliance with spend mandates, which are published in the how to buy guides accessible via the Knet Procurement page. **LINK**

D.11 All transactions must fall within the powers delegated to officers or have been approved by a decision (in accordance with the Council's Constitution) of the Cabinet, the Leader, an authorised Cabinet Member, the Council or one of its committees or sub-committees.

D.12 No contract, agreement or other document shall be signed or sealed unless it gives effect to:

- i. a decision or resolution (in accordance with the Council's Constitution) of the Leader, the Cabinet, an authorised Cabinet Member or one of its committees or sub committees or
- ii. a decision by an officer exercising delegated powers

D.13 Budgetary provision must exist before any contract can be entered into. This provision should be explicit in a budget approved by resolution of the Council. Where budgetary approval exists for a specific item further Member approval is not generally required.

D.14 Where there is no specific budget line, the officer with delegated authority may approve expenditure up to £100,000 provided the expenditure can be met within budget. Above £100,000 a formal decision by the Leader, the Cabinet or an authorised Cabinet Member is required in accordance with the Council's Constitution.

### **Contract Management**

D.15 Staff should refer to Spending the Council's Money for advice and guidance regarding contract management. **LINK**

### **Ex Gratia Payments**

D.16 The Corporate Directors are responsible for approving reasonable ex gratia payments of £6,000 or less and for ensuring that a record of such payments is maintained.

D.17 For ex gratia payments in excess of £6,000 the Corporate Directors are responsible for obtaining the approval of the relevant Cabinet Member, the Deputy Leader and Cabinet Member for Finance and Procurement and the Corporate Director of Finance and Procurement.

### **Payments to employees and Members**

D.18 The Corporate Director of Finance and Procurement is responsible for:

- i. arranging and controlling secure and reliable payment of pensions making arrangements for recording and for the accurate and timely payment of PAYE, Income Tax, National Insurance, pension and all other statutory and non-statutory payroll deductions;
- ii. ensuring that there are adequate arrangements for administering pension matters on a day-to-day basis;
- iii. ensuring the accurate and timely production of statutory returns to the H.M. Revenue and Customs, particularly in respect of the financial year-end and the declaration of employee taxable benefits.

D.19 The Corporate Director of Human Resources is responsible for arranging and controlling secure and reliable payment, on the due date, of salaries, compensation payments or other emoluments, staff expenses and Members' expenses and allowances in accordance with procedures prescribed by him or her.

D.20 The Corporate Directors are responsible for:

- i. ensuring that all appointments are made in accordance with the Council's regulations and approved establishments, grades and scales of pay.
- ii. ensuring that adequate budget provision exists for:
  - (a) all employee appointments
  - (b) all permanent and temporary variations relating to employee appointments
  - (c) all engagements of self-employed persons.

## **Taxation**

D.21 The Corporate Director of Finance and Procurement is responsible for:

- i. maintaining the Council's tax records, making tax payments, receiving tax credits and submitting tax returns by their due date as appropriate;
- ii. advising Corporate Directors on all taxation issues that affect the Council in the light of relevant legislation as it applies and guidance issued by appropriate bodies.

D.22 Where the Corporate Directors are owners of financial systems they are responsible for maintaining the appropriate records, making tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.

D.23 The Corporate Directors are responsible for consulting with, and seeking advice from, the Corporate Director of Finance and Procurement on the potential tax implications of any new initiatives for the delivery of Council activity and Services, including those that could impact on our partial exemption.

## **Trading accounts**

D.24 The Corporate Director of Finance and Procurement is responsible for advising on the establishment and operation of trading accounts.

D.25 The Corporate Directors are responsible for:

- i. observing all statutory requirements in relation to trading activity, including the maintenance of a separate revenue account to which all relevant income is credited and all relevant expenditure, including overhead costs, is charged in accordance with the CIPFA Service Reporting Code of Practice;
- ii. ensuring that the same accounting principles are applied in relation to trading accounts as for other services or business units;
- iii. ensuring that each business unit prepares an annual business plan.

## **Internal Recharges**

D.26 The Corporate Director of Finance and Procurement is responsible for:

- i. maintaining a system of delegating budgets to Directorates for support services;
- ii. establishing a framework for the carrying out of internal recharges in accordance with laid down timetables;

- iii. arbitrating on disputed recharges where these cannot be satisfactorily resolved between Directorates;
- iv. recharges for support services in accordance with the CIPFA Service Reporting Code of Practice for both budget and final accounts purposes.

D.27 The Corporate Directors are responsible for:

- i. ensuring that budgets for the purchase and provision of internal services are agreed between purchaser and provider and properly reflected in annual budgets and business plans and budget monitoring statements;
- ii. raising and/or processing recharges in accordance with the timescales laid down;
- iii. notifying and/or responding to disputed recharges in accordance with the timescales laid down;
- iv. monitoring the processing of recharges in accordance with the timetable agreed with the Corporate Director of Finance and Procurement.



## FINANCIAL REGULATION E – EXTERNAL ARRANGEMENTS

### Partnerships

- E.1 The Corporate Director of Finance and Procurement is responsible for:
- i. promoting the same high standards of conduct with regard to financial administration in partnerships that apply throughout the Council
  - ii. advising on the financial implications resulting from entering into partnership agreements including tax treatment, limitation of liability, valuation of transferred assets or the grant of a right to use existing assets and any other long term issues;
  - iii. advising on the terms of any payment and performance mechanism relating to partnerships entered into by the Council.
- E.2 The Corporate Directors are responsible for:
- i. ensuring that, when entering into partnerships, the Council's financial and operational interests are protected;
  - ii. ensuring that appropriate financial and legal advice is taken before entering into partnership agreements;
  - iii. ensuring that, before entering into partnership agreements with external bodies, a risk management appraisal is carried out and an exit strategy is in place where appropriate;
  - iv. ensuring that necessary approvals are obtained before negotiations are concluded in relation to partnership agreements;
  - v. ensuring that the accounting and financial arrangements for partnerships satisfy the requirements of the Council and allow for any required audit of the partnerships affairs.

More detailed guidance can be found in 'Risk Management of Key Partnerships – A guide to good practice' and the Companies' Protocol. [LINK](#)

### External funding

- E.3 The Corporate Director of Finance and Procurement is responsible for:
- i. ensuring that procedures are in place so that all the financial implications, including long term issues, resulting from entering into external funding agreements are identified;
  - ii. ensuring that all external funding agreed with external bodies is received and is properly recorded in the Council's accounts;
  - iii. maintaining a record of expected grants in liaison with the Corporate Directors;
  - iv. investigating ways of maximising grant income;
  - v. building in any agreed financial implications (e.g. matched funding) into the budget strategy;
  - vi. accounting for non-specific Government Grants received and receivable and submitting any required returns in respect of these.
- E.4 The Corporate Directors are responsible for:
- i. ensuring that external funding which is sought supports the Councils service priorities;
  - ii. ensuring that any matched funding requirements relating to external funding agreements are identified and provided for in the budget prior to any external funding agreement being concluded;

- iii. ensuring that necessary approvals are obtained before external funding agreements are concluded;
- iv. ensuring that the conditions of external funding agreements and any statutory requirements are complied with;
- v. ensuring that expenditure met from external funding is properly incurred and recorded, that income is received at the appropriate time, returns are made by the specified dates, and that audit requirements of the funding body can be met;
- vi. maintaining a record of external funding agreements in place;
- vii. ensuring that any other expenditure associated with the grant (e.g. matching funding) is contained within the agreed Directorate budget;
- viii. accounting for specific Government Grants received and receivable in respect of services for which they are responsible and submitting any required returns in respect of these;
- ix. ensuring that all grants received are recorded in the central register, and in line with the 'corporate grant procedure'. **LINK**

### **Work for third parties**

- E.5 The Corporate Director of Finance and Procurement is responsible for issuing any required guidance on the financial aspects of contracts with third parties and external bodies.
- E.6 The Corporate Directors are responsible for:
- i. ensuring that work for third parties does not impact adversely on the services of the Council and that before entering into agreements a risk management appraisal has been carried out;
  - ii. ensuring that guidance issued by the Corporate Director of Finance and Procurement is complied with and that all agreements and arrangements are properly documented.
- E.7 The Leader or relevant Cabinet Member is responsible for approving the contractual arrangements for any work for third parties or external bodies where the contract value exceeds £200,000.

### **Companies**

- E.8 In relation to companies that the Council has an interest, it is imperative that they are set up, managed and run according to rules of good governance so that risks are mitigated. The 'Protocol relating to companies in which KCC has an interest' establishes processes and provides additional controls to ensure such rules are in place.
- E.9 Anyone within the Council intending to set up a company must first read both the 'Protocol relating to companies in which KCC has an interest' and the more detailed Local Authority Companies guidance document. Sanctions are in place for non compliance which can include disciplinary action. **LINK**

- E.10 The Corporate Director of Finance and Procurement is responsible for advising on the financial implications resulting from the creation of a company including tax treatment and accounting arrangements.
- E.11 The Director of Governance and Law is responsible for advising on the legal requirements and implications with respect to the creation and ongoing running of a company.
- E.12 The Corporate Directors are responsible for:
- i. ensuring that the 'Protocol relating to companies which KCC has an interest' and the more detailed Local Authority Companies guidance document is complied with;
  - ii. ensuring that legal and financial advice provided by the Director of Governance and Law and the Corporate Director of Finance and Procurement respectively are complied with. **LINK**

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**Scheme of Delegation - Approval Limits**

| Stage or Transaction Approval                           | Notes   | The Leader or Cabinet | Cabinet Member                            | CMT Director                              | Service Director | Service Head | Budget Manager | Head of Procurement | Category Manager | Procurement Manager | Procurement Officer | PSP Buyer |
|---|---------|-----------------------|---|---|------------------|--------------|----------------|---------------------|------------------|---------------------|---------------------|-----------|
| <b>Procurement &amp; Invoice Approval Process</b>       |         |                       |   |   |                  |              |                |                     |                  |                     |                     |           |
| Contract Award Recommendation acceptance                | 7/16    |                       | Unlimited                                 | £1m                                       | £500k            | £250k        | £50k           | Nil                 | Nil              | Nil                 | Nil                 | Nil       |
| Contract/Framework Signature                            | 8       |                       | Nil                                       | Unlimited                                 | Unlimited        | Nil          | Nil            | Unlimited           | £250k            | £100k               | £50k                | Nil       |
| Requisition (Budget expenditure) Approval i-Procurement | 9/10/17 |                       | Nil                                       | Unlimited                                 | £1m              | £500k        | £50k           | Nil                 | Nil              | Nil                 | Nil                 | Nil       |
| Purchase Order Approval                                 | 11      |                       | Nil                                       | Nil                                       | Nil              | Nil          | Nil            | Unlimited           | £250k            | £100k               | £50k                | £8k       |
| Variation Approval                                      | 14      |                       |   | £1m                                       | £500k            | £250k        | £50k           | Nil                 | Nil              | Nil                 | Nil                 | Nil       |
| Receipt Confirmation                                    | 12      |                       | Nil                                       | Unlimited                                 | Unlimited        | Unlimited    | Unlimited      | Nil                 | Nil              | Nil                 | Nil                 | Nil       |
| Invoice Payment   | 13/17   |                       | Nil                                       | Unlimited                                 | £1m              | £500k        | £50k           | Nil                 | Nil              | Nil                 | Nil                 | Nil       |
| Contract Extension                                      |         |                       | Nil                                       | Nil                                       | Nil              | Nil          | Nil            | Unlimited           | £250k            | £100k               | £50k                | £8k       |
| <b>Revenue Virement Limits</b>                          |         |                       |   |   |                  |              |                |                     |                  |                     |                     |           |
| Within Portfolio  | 1       | Above £1m             | From £200k up to (but not including) £1m  | From £200k up to (but not including) £1m  |                  |              |                |                     |                  |                     |                     |           |
| Within Portfolio  | 2       |                       | Less than £200k                           | Less than £200k                           |                  |              |                |                     |                  |                     |                     |           |
| Between Portfolios                                      | 1       | Above £1m             | From £200k up to (but not including) £1m  | From £200k up to (but not including) £1m  |                  |              |                |                     |                  |                     |                     |           |
| Between Portfolios                                      | 2       |                       | Less than £200k                           | Less than £200k                           |                  |              |                |                     |                  |                     |                     |           |
| <b>Capital Virement Limits</b>                          |         |                       |   |   |                  |              |                |                     |                  |                     |                     |           |
| Within or across Portfolios                             | 1       | Above £1m             | From £200k up to (but not including £1m   | From £200k up to (but not including £1m   |                  |              |                |                     |                  |                     |                     |           |
| Within or across Portfolios                             | 3       |                       | From £50k up to (but not including) £200k | From £50k up to (but not including) £200k |                  |              |                |                     |                  |                     |                     |           |
| Within or across Portfolios                             |         |                       |   | Less than £50k                            |                  |              |                |                     |                  |                     |                     |           |
| <b>Writing off of obsolete stock</b>                    | 4       |                       |   | Up to £10k                                |                  |              |                |                     |                  |                     |                     |           |
| <b>Ex Gratia Payments</b>                               | 5       |                       | More than £6k                             | Up to £6k                                 |                  |              |                |                     |                  |                     |                     |           |
| <b>Writing off irrecoverable debts</b>                  | 6       |                       |   | Up to £10k                                |                  |              |                |                     |                  |                     |                     |           |

**Notes:**

1. Virement of £1m to £200k has to be signed off by Portfolio Cabinet Member, relevant Corporate Director, Deputy Leader and Cabinet Member for Finance and Procurement and Corporate Director of Finance and Procurement
2. Virement less than £200k has to be signed off by the Corporate Director of Finance and Procurement along with the relevant Cabinet Member and Corporate Director.
3. Virement of £200k to 50k has to be signed off by the Corporate Director of Finance and Procurement along with the relevant Cabinet Member and Corporate Director.
4. Write off of obsolete stock up to £10k is in consultation with the Corporate Director of Finance and Procurement. Above £10k to be reported to Corporate Director of Finance and Procurement and Deputy Leader and Cabinet Member for Finance and Procurement and then taken to Scrutiny Committee for write off.
5. Ex gratia payments above £6k Corporate Directors are responsible for obtaining approval from relevant Cabinet Member, Deputy Leader and Cabinet Member for Finance and Procurement and Corporate Director of Finance and Procurement.
6. Write off of irrecoverable debts up to £10k is in consultation with the Corporate Director of Finance and Procurement. Above £10k to be reported to Corporate Director of Finance and Procurement and Deputy Leader and Cabinet Member for Finance and Procurement and then taken to Scrutiny Committee for write off.
7. Award recommendation prepared by Procurement lead
8. Authorities only valid if Contract Award Recommendation acceptance has been approved; will also require a review schedule e.g. with Legal Services for non-standard contract use; decisions on signing under seal or under hand
9. Only valid for approved budgets/expenditure within plan – values will be used within i-Procurement
10. Procurement authorities relate to own budget only
11. For simple contracts only, those that are required to be sealed as required in "Contracts and Tenders Standing Orders" must be dealt with by Legal Services.
12. May be exercised by any member of staff who can directly confirm correct receipt of goods, services or works
13. Relates to signature on invoices; post i-Procurement implementation this authority is no longer required (3-way system match provides authorisation)
14. Approval of a variation against an existing contract
15. Approval of an extension to an existing contract, only valid if budget expenditure has been approved by relevant Service Officer
16. Cabinet Member Approval where authority has been delegated, in some instances this may require Cabinet Approval in line with the Constitution
17. For areas with high expenditure e.g. Highways, Property, ICT approval level can be increased to £5m for Service Directors at Corporate Directors discretion

By: Gary Cooke – Cabinet Member for Corporate and Democratic Services  
Geoff Wild – Director of Governance and Law

To: County Council – 23 May 2013

Subject: Annual Review of the Code of Corporate Governance

Classification: Unrestricted

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## Summary

This report asks the County Council to consider the annual review of the Code of Corporate Governance and to approve the proposed amendments.

FOR DECISION

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## 1. Introduction

(1) On 17 May 2012 the County Council adopted a revised Code of Corporate Governance. This revised Code of Corporate Governance took into account the findings of the 2010/11 Corporate Governance Audit that the code should include all the requirements of Delivering Good Governance in Local Government (2007) published jointly by the Chartered Institute of Public Finance and Accountancy (CIPFA) and the Society of Local Government Chief Executives and Senior Managers (SOLACE).

(2) Paragraph 6 of the Code of Corporate Governance (as set out in Appendix 10 of the Council's Constitution) requires that "the Council's governance arrangements are reviewed annually and reported with any consequential recommendations to the Governance and Audit Committee and the County Council for approval".

(3) The Delivering Good Governance in Local Government Framework published jointly by CIPFA and SOLACE sets out the principles that underpin the governance of each local government body and at paragraph 1.8 urges local authorities to test its governance arrangements against the framework including "developing and maintaining an up-to-date local code of governance including arrangements for its ongoing application and effectiveness".

(4) This report was considered by the Governance and Audit Committee on 11 April 2013. It contains the findings of the annual review of the Code of Corporate Governance and proposes some amendments to ensure its ongoing application and effectiveness.

## 2. Review of the Code of Corporate Governance

(1) As set out in paragraph 1(2) above, paragraph 6 of the Code of Corporate Governance requires that governance arrangements are reviewed annually and reported with any consequential recommendations to the Governance and Audit Committee and the County Council for approval.

(2) This means that the review is to be reported to the Governance and Audit Committee and to the County Council even if there are no amendments to be made. It is proposed therefore that this is changed to read “the Council’s governance arrangements are reviewed annually. If there are any amendments recommended as a result of this review, these will reported to the Governance and Audit Committee and the County Council for approval”.

(3) The Code of Corporate Governance contains hyperlinks to other documents that form part of the governance arrangements of the County Council and these have been reviewed to ensure they remain up-to-date. Revisions to hyperlinks in the electronic version are proposed as set out in the table below:

| <b>Document/<br/>webpage</b>           | <b>Proposed Amendment to Code of Corporate Governance</b>   |
|--|---|
| Bold Steps for Kent                    | The current hyperlinks go to the report submitted to County Council. It is proposed instead that all hyperlinks for Bold Steps for Kent throughout the Code go to the published document.   |
| Business Plans                         | Propose an amendment to all hyperlinks for Business Plans so they go to business plans for 2013/14.<br><br>Insert a new hyperlink in the reference to these documents in Principle 6 of the Code.   |
| Complaints and whistle blowing         | Currently the hyperlinks in the Code go to “How to Make a Complaint”. Propose the creation of an additional hyperlink to the Whistleblowing pages throughout the Code.  |
| Members’ and Officers’ Code of Conduct | The current hyperlink goes to the previous Members’ Code of Conduct. Propose an amendment to create one link to the Members’ Code of Conduct adopted in July 2012, and a separate link to the Officers’ Code of Conduct.<br><br>Amend the hyperlinks to Members’ Code of Conduct throughout the Code of Governance to refer to the Members’ Code of Conduct adopted in July 2012. |
| Key Decisions and Forward Plan         | Propose an amendment to this wording to read “Key & Significant Decisions/Forthcoming Executive Decision list” throughout the Code.   |
| Members’ Allowance Scheme              | Propose an amendment to the hyperlinks links so they go to 2013/17 Members’ Allowance Scheme, once approved by the County Council in May 2013.  |
| Protocol for KCC companies             | Propose the creation of a hyperlink to this protocol.   |
| IRP Annual Reports                     | Propose an amendment to the hyperlink so it goes to the most recent IRP report, which will be considered by the County Council in May 2013.   |



|                         |   |
|-------------------------|---|
| Vision for Kent 2011-21 | Propose the creation of a hyperlink in the reference to this document in Principle 6 of the Code.                     |
| Kent Forum              | Propose the creation of a hyperlink to the Kent Forum pages in the reference to this body in Principle 6 of the Code. |

(4) Additionally it is proposed that minor typographical errors are corrected as follows:

- (a) In bullet point 6 of Principle Two: Making the Section 151 Officer responsible to the Council for ensuring that the Leader and Chief Officers negotiate their respective roles and that a shared understanding of roles and objectives is maintained.
- (b) In bullet point 7 of Principle Two: Making the Monitoring Officer responsible to the Council for ensuring that agreed procedures are followed, and for ensuring compliance with all applicable statutes and regulation.
- (c) In two places in Principle One “it’s “ be corrected to “its”.

## 6. Recommendation

The County Council is asked to:

- i. Note the annual review of the Code of Corporate Governance in accordance with paragraph 6 of the Code of Corporate Governance.
- ii. Approve the proposed amendment to paragraph 6 of the Code of Corporate Governance to read “the Council’s governance arrangements are reviewed annually. If there are any amendments recommended as a result of this review, these will reported to the Governance and Audit Committee and the County Council for approval” and
- iii. Approve the proposed amendments to the Code of Corporate Governance set out in paragraphs 2(3) and 2(4).

### Background Documents:

None

### Contact Officer:

Geoff Wild  
 Director of Governance & Law  
[geoff.wild@kent.gov.uk](mailto:geoff.wild@kent.gov.uk)  
 01622 694302

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**KENT COUNTY COUNCIL**

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**GOVERNANCE AND AUDIT COMMITTEE**

MINUTES of a meeting of the Governance and Audit Committee held in the Darent Room, Sessions House, County Hall, Maidstone on Thursday, 11 April 2013.

PRESENT: Mr R L H Long, TD (Chairman), Mr R J Parry (Vice-Chairman), Mr A R Chell, Mr B R Cope, Mr K A Ferrin, MBE, Mr C Hibberd, Mr R A Marsh, Mr T Prater, Mr J Tansley and Mr R Tolputt

ALSO PRESENT: Mr J D Simmonds

OFFICERS: Mr A Wood (Corporate Director of Finance and Procurement), Mr N Vickers (Head of Financial Services), Miss E Feakins (Directorate Accountant), Mr G Wild (Director of Governance and Law), Mr D Whittle (Head of Policy and Strategic Relationships), Mr M Rolfe (Trading Standards Manager (East)), Ms N Major (Interim Head of Internal Audit) and Mr A Tait (Democratic Services Officer)

ALSO IN ATTENDANCE: Mr D Wells and Ms E Olive from Grant Thornton

**UNRESTRICTED ITEMS****1. Minutes**

*(Item 4)*

RESOLVED that:-

- (a) the Minutes of the meeting of the Committee held on 19 December 2012 are correctly recorded and that they be signed by the Chairman; and
- (b) the Minutes of the Trading Activities Sub-Group held on 1 March 2013 be noted.

**2. Committee Work Programme**

*(Item 5)*

- (1) The Interim Head of Internal Audit proposed an updated forward committee work programme.
- (2) RESOLVED that approval be given to the forward work programme to April 2014 to meet the Committee's Terms of Reference.

**3. Member Development Programme**

*(Item 6)*

(1) The Interim Head of Internal Audit provided an update on the introduction of the training programme for Members of the Committee following the elections in May 2013.

(2) In agreeing the content of the proposed training programme, Members asked the Interim Head of Internal Audit to review the timings, including the possibility of bringing some of the sessions forward to take place in the two months following the elections. .

(3) RESOLVED that:-

(a) subject to (2) above, agreement be given to the proposed training programme for 2013 – 14 which will be available to Members of the Committee and other Members.

(b) the delivery of training through the Financial Management Development Programme be supported.

#### **4. Updated Financial Regulations**

*(Item 7)*

(1) The Chief Accountant asked the Committee to note the updated financial regulations prior to their submission to the County Council for approval.

(2) RESOLVED that the proposed updated Financial Regulations (including the delegated authority matrix) be noted for assurance prior to their submission to the County Council.

#### **5. Revised Accounting Policies**

*(Item 8)*

(1) The Chief Accountant asked the Committee to note that there were no proposed revisions to accounting policies.

(2) RESOLVED that the report be noted.

#### **6. Update on Savings Programme**

*(Item 9)*

(1) The Corporate Director of Finance and Procurement gave an update report on the savings programme for 2013/14. None of the savings were rated as “Red” at this stage.

(2) RESOLVED that the report be noted for assurance.

#### **7. KCC Insurance Overview**

*(Item 10)*

(1) The Head of Financial Services gave a summary of Insurance Activity. He said that the County Council’s insurance programme was extensive and designed to

provide increased financial control over the risks flowing from the diverse nature of activities undertaken to meet statutory duties, and to support business functions as well as income generating operations.

(2) Mr R A Marsh asked for his dissatisfaction with the outcome of a public liability claim involving one of his constituents to be recorded.

(3) RESOLVED that the report be noted for assurance.

## **8. Treasury Management Quarterly Report**

*(Item 11)*

(1) The Head of Financial Services gave an update on treasury management issues. He agreed that future reports would show a combined weighted interest rate in the KCC Deposits Table set out at Appendix 1 of the report.

(2) RESOLVED that the report be noted for assurance.

## **9. Update on development of Management Guides**

*(Item 12)*

(1) The Head of Policy and Strategic Relationships provided an annual update on the development of "Management Guides" and made recommendations regarding their ongoing assurance and governance.

(2) The Committee agreed that the Committee should only receive an annual report if there were any significant changes to approach or purpose of the Management Guides.

(3) RESOLVED to:-

(a) note that the content of any new management guides continues to be approved by the Cabinet Member for Business Strategy, Performance and Health Reform;

(b) note that any necessary revisions and updates to existing management guides are approved by the Head of Policy and Strategic Relationships without the need for approval by the Cabinet Member; and

(c) only receive a report for assurance annually if there are any significant changes to the approach or purpose of the management guides.

## **10. RIPA Report on Surveillance**

*(Item 13)*

(1) The Trading Standards Manager (East Kent) outlined work undertaken by KCC officers on surveillance, the use of covert human intelligence sources and access to telecommunications governed by the Regulation of Investigatory Powers Act (RIPA) during the 2012/13 business year.

(2) Members of the Committee indicated that they wished future reports to give details of the grounds for seeking to use RIPA powers as well as the outcomes. It

was also considered desirable if the County Council were to compile its own table of use of RIPA powers by local authority, per head of population.

(3) RESOLVED that the use of powers under RIPA during the 2012/13 business year be noted for assurance.

## **11. Annual Review of the Code of Corporate Governance**

*(Item 14)*

(1) The Director of Governance and Law reported the annual review of the Code of Corporate Governance and asked the Committee to endorse proposed amendments for submission to the County Council for consideration and final approval.

(2) The Committee agreed that further reports on the Code of Corporate Governance would only be submitted if there were substantial changes to be reported.

(3) RESOLVED that:-

- (a) the annual review be noted in accordance of paragraph 6 of the Code of Corporate Governance;
- (b) endorsement be given to the proposed amendment to paragraph 6 of the Code of Corporate Governance to read: "the Council's governance arrangements are reviewed annually. If there are any amendments recommended as a result of this review, these will be reported to the Governance and Audit Committee and the County Council for approval"; and
- (c) endorsement be given to the proposed amendments to the Code of Corporate Governance set out in paragraphs 2 (3) and 2 (4) of the report for submission to the County Council for consideration and final approval.

## **12. Trading Activities Sub-Group Terms of Reference**

*(Item 15)*

(1) The Interim Head of Internal Audit reported a review of the existing Terms of Reference for the Committee's Trading Activities Sub-Group. She proposed a number of revisions. These were agreed except for the membership, which would be considered by the Committee at its next meeting.

(2) On being put to the vote, the proposed revised terms of Reference (as amended in (1) above) were agreed by 9 votes to 1.

(3) RESOLVED that approval be given to the proposed revised Terms of Reference for the Committee's Trading Activities Sub-Group as appended to these Minutes.

### **13. Internal Audit Annual Audit Plan 2013-14**

*(Item 16)*

- (1) The Interim Head of Internal Audit reported on the proposed Internal Audit Plan for 2013/14. She explained the new arrangements for auditing Commercial Services (Kent) Ltd and Commercial Services Trading Ltd.
- (2) RESOLVED that agreement be given to the proposed Internal Audit Plan for 2013/14 as appended to the report.

### **14. Internal Audit Progress Report**

*(Item 17)*

- (1) The Interim Head of Internal Audit summarised the outcomes of Internal Audit activity since the Committee's last meeting in December 2012. She reported that progress against the Audit Plan for 2012/13 now stood at 93%.
- (2) RESOLVED to note:-
  - (a) progress against the 2012/13 Audit Plan and proposed amendments; and
  - (b) the assurance provided in relation to the County Council's control environment as a result of the outcome of Internal Audit work completed to date.

### **15. External Audit Update March 2013**

*(Item 18)*

- (1) Ms Elizabeth Olive from Grant Thornton UK LLP provided an update of recent audit activities by the external auditor, including progress in 2012/13.
- (2) RESOLVED that the report be noted.

### **16. Grant Thornton: Certification of claims and returns - annual report**

*(Item 19)*

- (1) Ms Elizabeth Olive from Grant Thornton LLP summarised the external auditor's work on the certification of funding from government grant-paying departments in 2011/12.
- (2) RESOLVED that the report be noted for assurance.

### **17. Grant Thornton Audit Plans Year Ended 2013 - KCC and Kent Superannuation Fund**

*(Item 20)*

- (1) Mr Darren Wells from Grant Thornton LLP set out the external auditor's proposed work to enable them to give an audit opinion on the County Council's 2012/13 financial statements including the Kent Superannuation Fund. This included the audit approach and an identification of risks that impacted on the work the

proposed. He indicated that he was confident that the necessary audit could be carried out based on the programme outlined.

(2) RESOLVED that:-

- (a) the outcomes of Grant Thornton's updated risk assessment be noted with approval; and
- (b) approval be given to the Audit Plans for Kent County Council and the Kent Superannuation Fund for 2012/13.

## **18. External Audit Fee Letter 2013/14**

*(Item 21)*

(1) The Interim Head of Internal Audit introduced the report which presented the planned external audit fee for the County Council for 2013/14.

(2) RESOLVED that approval be given to the fees proposed in the fee letter.

## **19. Fraud, law and regulations and going concern considerations**

*(Item 22)*

(1) The Corporate Director of Finance and Procurement summarised the County Council's management's responses to questions set out in a questionnaire from Grant Thornton on the County Council's processes in relation to fraud, law and regulations and going concern risks.

(2) Members of the Committee noted that that whistleblower tips were not usually specifically identified as such, but were incorporated in the general quarterly reporting of fraud referrals to Committee. The Committee agreed that this was the appropriate approach.

(3) Members asked if they could have complete assurance in relation to compliance with the law since April 2012 and the adequacy and effectiveness of internal controls. The Corporate Director of Finance and Procurement explained that as audits were not performed over all areas of the Council every year, 100% assurance over controls or compliance with legislation was unfortunately not possible. However, the questions could be answered in general terms based on the assurances received from internal audits and annual governance statements.

(4) RESOLVED that approval be given to the management responses to Grant Thornton's questions.

## **20. Anti-Fraud and Corruption Progress Report**

*(Item 23)*

(1) The Interim Head of Internal Audit gave a summary of progress of anti-fraud and corruption activity as well as the outcome of investigations concluded since the last meeting of the Committee in December 2012.

(2) Members requested that the tables setting out irregularities by type and source should in future include the actual number of cases as well as the percentage figures.



- (3) RESOLVED that the progress of anti-fraud and corruption activity be noted together with the assurance provided in relation to anti-fraud culture and fraud prevention/investigation activity.

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## KENT COUNTY COUNCIL

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### PLANNING APPLICATIONS COMMITTEE

MINUTES of a meeting of the Planning Applications Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Wednesday, 10 April 2013.

PRESENT: Mr J Davies (Chairman), Mr C P Smith (Vice-Chairman), Mr R E Brookbank, Mr A R Chell, Mr I S Chittenden, Mr T Gates, Mr B Hayton, Mr C Hibberd, Mr P J Homewood, Mr J D Kirby, Mr J F London, Mr S C Manion, Mr R F Manning, Mr R J Parry, Mrs P A V Stockell, Mrs E M Tweed and Mr A T Willicombe

ALSO PRESENT: Mr R A Marsh

IN ATTENDANCE: Mrs S Thompson (Head of Planning Applications Group), Mr J Crossley (Team Leader - County Council Development), Mr J Wooldridge (Team Leader - Mineral Developments), Mr R White (Development Planning Manager) and Mr A Tait (Democratic Services Officer)

#### UNRESTRICTED ITEMS

##### **21. Minutes - 13 March 2013**

*(Item A3)*

RESOLVED that the Minutes of the meeting held on 13 March 2013 are correctly recorded and that they be signed by the Chairman.

##### **22. Site Meetings and Other Meetings**

*(Item A4)*

(1) The Committee noted that its provisional additional meeting on 18 April 2013 would not take place. This was because there were now no urgent School Basic Needs applications needing to be considered by the Committee before its next meeting in June and because the applicants for the only other application which might have been considered had very recently provided additional technical and legal information to the Planners that needed further consideration.

##### **23. Oaken Wood Public Inquiry**

*(Item B1)*

The Head of Planning Applications Group informed the Committee that the Public Inquiry into the proposed westerly extension to Hermitage Quarry, Aylesford (Minutes 2011/37 and 2012/69) had ended and that the Planning Inspector had concluded his report, which had been forwarded to the Secretary of State for Communities and Local Government for his decision. This report remained confidential pending a final decision by the Secretary of State.

**24. Application CA/13/18 (KCC/CA/0426/2012) - Change of use to a facility handling domestic and source-separated food waste (in addition to its present functions) at Plots D and E, Lakesview Business Park, Hersden; Ling (UK) Holdings Limited**  
*(Item C1)*

(1) Mr J A Davies informed the Committee that he had received correspondence from Julian Brazier, MP and from Sir Roger Gale, MP in respect of the application. He was acquainted with Julian Brazier, MP but this was not a close personal association. He was therefore to approach the determination of the application with a fresh mind.

(2) Mr C Hibberd informed the Committee that he was acquainted with Sir Roger Gale, MP. This was not a close personal association and he had not discussed the application with him. He was therefore able to approach the determination of the application with a fresh mind.

(3) Mr R A Marsh was present for this item pursuant to Committee Procedure Rule 2.27 and spoke.

(4) Mr Huw Edwards from Barton Willmore addressed the Committee (with the agreement of the Chairman) as a representative of all the businesses on the estate. Mr George Wilson and Mrs Georgina Glover (Westbere PC) also addressed the Committee in opposition to the application. Mr Mike Goddard (Goddard Planning Consultancy) spoke in reply on behalf of the applicants

(5) The Chairman informed the Committee that both Julian Brazier, MP and Sir Roger Gale, MP had written to him in his capacity as Chairman of the Committee and had asked him bring the views they had expressed to the Committee's attention. The Chairman then read their letters to the meeting.

(6) The Head of Planning Applications Group reported additional correspondence dated 6 April 2013 from residents of Upstreet opposing the application. She advised that the correspondence did not raise any additional issues to those raised in the report.

(6) Mr W A Hayton moved, seconded by Mr C P Smith that the recommendations of the Head of Planning Applications Group be agreed.

*Carried 9 votes to 8.*

(7) RESOLVED that:-

- (a) permission be granted to the application subject to conditions including conditions covering the existing conditions on the 2010 permission (or details approved pursuant thereto) being carried forward as appropriate (except where amended by those below); waste types and quantities; the installation and use of an odour suppression system; the closure of the automatic fast action fabric inner doors of the waste transfer building at all times except to allow vehicles to enter and leave the building (or for emergency maintenance when such repairs cannot be undertaken when the building contains no waste); waste being stored within the waste transfer building for no more than 48 hours and,

wherever possible, not after 12:00 hours on Saturdays or at any time on Sundays; hours of use; noise from the entire development being limited to 52dB L<sub>Ar,T</sub> (free field) when measured at any residential property; the implementation of measures to control vermin and pests (e.g. flies); no more than 324 HGV movements (162 in / 162 out) per day associated with all waste management operations at the site; the proposed foul water arrangements being implemented as proposed; and the requirement for a further landscaping scheme to be submitted, approved and implemented in the event that Canterbury City Council is unable to secure any necessary re-planting and consolidated planting in accordance with the planning permission it granted for the larger site; and

- (b) the Applicants be advised by Informative that in accordance with Government policy and associated guidance, detailed controls in respect of odour vermin/ pests will be matters for the Environment Agency under the terms of the Environmental Permit.

**25. Application SE/12/2790 (KCC/SE/0298/2012) Replacement waste transfer station and household waste recycling centre at Dunbrik Household Waste Recycling Centre, Main Road, Sundridge, Sevenoaks; Darenth River Ballast Company**  
*(Item C2)*

(1) Mr R J Parry informed the Committee that he had been lobbied as the Local Member by a number of constituents about the application. He had not, however, debated the merits of the application with them and he remained in a position to approach its determination with a fresh mind.

(2) Mr R J Parry left the meeting before this item was considered. The Chairman had previously agreed to his request to formally move an amendment to the Head of Planning Applications Group's recommendations. This amendment was seconded by Mr C P Smith. The proposed amendment asked the Committee to include a condition prohibiting lorry movements during the morning and evening rush hours in order to mitigate the increased congestion on the A25. It also sought to ensure that all noisy "house keeping" activities took place in the morning rather than in the evening after the site had closed to the public.

*Motion Lost*

(3) RESOLVED that the application be referred to the Secretary of State for Communities and Local Government and that subject to him giving no direction to the contrary permission be granted to the application subject to the prior satisfactory conclusion of a Section 106 Legal Agreement to secure the draft Heads of Terms set out in Appendix A of the report and to conditions, including conditions covering the development being commenced within 5 years; the development being carried out in accordance with the submitted plans and any approved pursuant to the conditions set out below; the submission of details of the final colour finish to the building; the submission of details of all fencing and boundary treatment including any retaining walls; the submission for approval of a final landscape strategy and planting specification; the submission for approval of the final car park layout; the submission of details of the proposed dust and odour suppression system and

associated management practices; tree protection measures during construction; the foul and surface water drainage scheme shall be implemented as proposed; the implementation of the recommendations set out with the Geo-environmental Investigation report, including recommended gas protection measures; the external lighting being implemented as proposed; the implementation of the mitigation and enhancement measures proposed with in the Ecological Evaluation and Impact Assessment; details of measures to be taken during construction if contamination not previously identified is found on site; precautions to guard against the deposit of mud on the highway during the construction period; controls on the hours of operation during the construction period; controls on the hours of operation of both the Waste Transfer Station (WTS) and the Household Waste recycling Centre (HWRC) to those applied for (as set out in paragraph 19 of the report); the entrance to the site being secured outside operational hours; all external lighting being extinguished outside the hours of operation (with the exception of low level security lighting or during any repair or maintenance); controls on the total combined waste throughput (to a maximum of 120,000tpa); only those wastes specified within the planning application (namely municipal wastes, household waste and commercial / industrial waste) being received, deposited, stored or managed on site; all waste associated with the WTS being loaded, unloaded, sorted and stored within the building; the external doors and shutters within the building being closed outside the opening hours; no waste being stored outside except within the HWRC; all biodegradable/ putrescible waste being removed within 48 hours of arrival on site; controls on the overall number of HGV movements to those applied for (256 HGV movements per day -128 in / 128 out); the waste catchment for the WTS being restricted to Sevenoaks District, unless otherwise agreed by the County Council; records of all HGV movements and details of quantities and sources of all waste handled at the site being maintained for a period of 3 years and made available on request; all loaded, open backed HGVs leaving the site being sheeted or netted; only those vehicles and storage containers ancillary to the development being stored within the site; all vehicles, plant and machinery operated on site being maintained in accordance with the manufacturer's specification at all times, with effective silencers being fitted and used; the hard surfacing on site being maintained in a good state of repair, kept clean and free of mud and other debris; no plant, equipment or associated materials (including waste containers and skips) being stored outside the developed area of the WTS / HWRC; unauthorised material deposited on site being removed to an authorised waste disposal facility within 48 hours; restriction of permitted development rights; the terms of the planning permission being made known to any person(s) given responsibility for the management of the site; all uses and operations associated with Permissions SE/91/1958, SE/94/113, SE/03/902 and SE/03/1180 (*i.e. the Green Waste Composting Facility*) shall permanently cease upon implementation of this permission and shall not recommence thereafter; all uses and operations associated with Permissions SE/90/1302 and SE/12/2342 (*i.e. the existing waste transfer station and household waste recycling centre*) shall permanently cease within 14 days of the first importation of waste to the new WTS and shall not recommence thereafter; all existing built development, structures, plant, equipment and waste within the red line area being removed from site; all land outside the final area of the WTS and HWRC (but within the red line area of the development hereby permitted) not being used except as may be permitted by

a subsequent valid planning permission; and within 12 months of the first importation of waste to the new facilities (except as may be permitted by a subsequent valid planning permission) the applicant submitting a scheme for the demolition and remediation of the existing waste transfer building and other land outside the final developed area of the WTS and HWRC (and thereafter this scheme being implemented as approved).

**26. Application AS/12/622 (KCC/AS/0153/2012) Change of use from a skip depot with construction of a new building, portacabin and weighbridge at Woodleas Farm, Goldwell Lane, Aldington; R H Butler Ltd (Skiophire)**  
*(Item C3)*

RESOLVED that permission be granted to the application subject to conditions covering the standard time limit; the development being carried out strictly in accordance with the approved details; hours of operation being 0800 to 1730 on Mondays to Fridays and 0800 to 1300 on Saturdays; types and throughput of materials; the area set aside for storage; manoeuvring and parking areas being safeguarded for such purposes; a height restriction on stockpiles and skip storage; a noise levels restriction on vehicle movements; measures to avoid mud and debris on the public highway; prior to commencement of development: details of a scheme of ecological enhancements outlined in the ecology report, together with their longer term management; specific details of the fencing to be installed, including measures to ensure that the existing hedge screening is protected during its erection; and details of a surface water management scheme for the site.

**27. Proposal SE/13/132 (KCC/SE/0439/2012) - Demolition of existing swimming pool and erection of a new building to accommodate 3 additional classrooms with associated welfare facilities and extension to existing school hall at Otford Primary School, High Street, Otford; KCC Property and Infrastructure**  
*(Item D1)*

(1) A copy of a letter from Mr J Edwards-Winser had been sent to all Members of the Committee with the agenda papers.

(2) The Head of Planning Applications Group reported additional correspondence from residents of Warham Road opposing the proposal and objecting in particular to the proposed height of the new building, and its compatibility with the Conservation Area.

(3) Mr Martin Whitehead (Otford Parish Council), Mr Rod Shelton (Otford Society and Chairman of Otford Parish Plan) and Mr John Edwards-Winser (Local District Councillor) addressed the Committee in opposition to the proposal. Mr Jay Neil (KCC Property and Infrastructure) spoke in reply.

(4) The Chairman moved, seconded by Mr A T Willicombe that the Head of Planning Applications Group's recommended condition requiring a revised Travel Plan be amplified by a requirement for initiatives to be developed in liaison with the Parish Council and its Parish Plan Team, and targets for its implementation for its implementation and ongoing review.

*Motion carried*

- (5) On being put to the vote, the revised recommendations of the Head of Planning Applications Group were carried by 12 votes to 1
- (6) RESOLVED that permission be granted to the proposal subject to conditions, including conditions covering the standard time limit; the development being carried out in accordance with the permitted details; the submission of details of all materials to be used externally; details of all external lighting; details of an archaeological watching brief; the submission of a scheme for the disposal of foul and surface waters; land contamination; the submission of a revised School Travel Plan within 6 months of the date of this permission, with initiatives to be developed in liaison with the Parish Council and its Parish Plan Team, and targets for its implementation and ongoing review; tree protection measures; hours of working during construction and demolition being restricted to between 0800 and 1800 on Mondays to Fridays and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays and Bank Holidays; a construction management plan, including the provision of access, parking and circulation within the site for contractor's and other vehicles related to construction and demolition operations; details of the use of Warham Road; local consultation on the management of the site access to avoid peak school times; pre- construction and post-construction road condition surveys, and the making good of any damage; and measures to prevent mud and debris being taken onto the public highway.

**28. Proposal TH/13/104 (KCC/TH/0036/2013) - Mobile building to the north of Saxon House at The Foreland School, Lanthorne Road, Broadstairs; KCC Property and Infrastructure**  
*(Item D2)*

RESOLVED that permission be granted to the proposal subject to conditions, including conditions covering the mobile classroom being removed from the site by no later than 30 September 2015; the building being positioned 5.7 metres from the boundary; the building being finished in light green; details of the covered link being submitted for approval; obscure film being applied to the windows on the northern elevation of the building; hours of working during construction being restricted to between the hours of 0800 and 1800 Mondays to Fridays and between the hours of 0900 and 1300 on Saturdays, with no operations on Sundays or Bank Holidays; provision for parking of the contractor's vehicles within the site; and measures being taken to ensure that the public highway is kept clean of mud and debris occasioned by the works.

**29. County matters dealt with under delegated powers**  
*(Item E1)*

RESOLVED to note matters dealt with under delegated powers since the last meeting relating to:-

- (a) County matter applications;



- (b) consultations on applications submitted by District Councils or Government Departments (None);
- (c) County Council developments;
- (d) Screening opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011; and
- (e) Scoping opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (None).

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## KENT COUNTY COUNCIL

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### SUPERANNUATION FUND COMMITTEE

MINUTES of a meeting of the Superannuation Fund Committee held in the Darent Room, Sessions House, County Hall, Maidstone on Friday, 22 March 2013.

PRESENT: Mr J E Scholes (Chairman), Cllr J Burden, Mr D S Daley, Ms J De Rochefort, Ms A Dickenson, Mr N Eden Green, Mr M J Jarvis, Ms N Keen (Substitute for Mr S Richards), Mr J F London, Mr R A Marsh, Mr R J Parry, Mr R Tolputt (Substitute) (Substitute for Mr J A Davies) and Mrs M Wiggins.

IN ATTENDANCE: Ms A Mings (Treasury & Investments Manager), Ms S Surana (Senior Accountant - Investments), Mr S Tagg (Deputy Pensions Manager), Mr N Vickers (Head of Financial Services), Mr A Wood (Corporate Director of Finance and Procurement) and Mr P D Wickenden (Democratic Services Transition Manager).

#### UNRESTRICTED ITEMS

##### **65. Minutes** *(Item 3)*

**RESOLVED** that the minutes relating to the unrestricted items of the meeting held on 8 February 2013 are correctly recorded and that they be signed by the Chairman.

#### EXEMPT ITEMS (OPEN ACCESS TO MINUTES)

**RESOLVED** that, under Section 100A of the Local Government Act 1972, the press and public be excluded from the meeting for the following business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Act.

##### **66. Minutes** *(Item B1)*

**RESOLVED** that the minutes relating to the restricted items of the meeting held on 8 February 2013 are correctly recorded and that they be signed by the Chairman

##### **67. Schroder Investment Management- Global Active Value**

*(Item C2 - Justin Abercrombie, Head of QEP Investment Team and Geoff Day, Client Director were in attendance for this item)*

Mr Abercrombie and Mr Day gave an update on the Schrodgers Global Value Investment Fund and answered Members questions.

##### **68. Pyrford**

*(Item C3 – Tony Cousins, Chief Executive Officer and Lars Nielsen, Product Specialist Pyrford International Ltd were in attendance for this item)*

Mr Cousins and Mr Nielsen gave an update on the BMO Global Asset Management Fund and answered Members' questions.

## **69. YFM Private Equity**

*(Item C4 – Paul Cannings, Director and Michael White, Investment Director, YFM Equity Partners were in attendance for this item)*

(1) Mr Cannings and Mr White gave an update on the Chandos Fund and answered Members questions.

## **70. Fund Structure**

*(Item C5 – report of the Chairman of the Superannuation Fund Committee and the Corporate Director of Finance and Procurement)*

(1) The report covered a range of issues relating to the management of the Fund.

(2) **RESOLVED** that the report be noted

## **UNRESTRICTED ITEMS (COMMITTEE IN OPEN SESSION)**

### **71. Fund Position Statement**

*(Item D1 – Sangeeta Surana, Senior Accountant (investments), was in attendance for this item)*

**RESOLVED** that the Fund Position Statement report be noted.

### **72. Admissions to the Fund**

*(Item D2 – Report by the Chairman of the Superannuation Fund Committee and the Corporate Director: Finance and Procurement)*

**RESOLVED** that the Committee

- (1) agree to the admission to the Kent County Council Pension Fund of Medway Norse Limited, and
- (2) agree that a Deed of Modification can be entered into in respect of Total Catering Solutions, and
- (3) agree that an admission agreement can be entered into with Tascor Services Limited, and
- (4) note that KCC is acting as guarantor for Commercial Services Kent Limited, and
- (5) agree that once legal agreements have been prepared for (1) to (3) above, the Kent County Council seal can be affixed to the legal documents.