



Summons to and
Agenda for a
Meeting on
**Thursday, 12th
December, 2013**
at **10.00 am**



DEMOCRATIC SERVICES
SESSIONS HOUSE
MAIDSTONE

Tuesday, 3 December 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, 12 December 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. Apologies for Absence
2. Declarations of Disclosable Pecuniary Interests or Other Significant Interests
3. Minutes of the meeting held on 19 September 2013 and, if in order, to be approved as a correct record **(Pages 5 - 14)**
4. Chairman's Announcements
5. Questions
6. Report by Leader of the Council (Oral)
7. Submission of the Kent Minerals and Waste Local Plan 2013-30 to the Secretary of State for Communities and Local Government **(Pages 15 - 30)**
8. 'Facing the Challenge' - Phase 1 update and new Directorate structure **(Pages 31 - 122)**

9. Kent Code of Conduct for Members

(Pages 123 - 162)

10. Motion for Time Limited Debate

Mr M Baldock will propose, Mr H Birkby will second that:

This Council supports the concept of combining the community funds and the member Highways funds in to a single fund.

Furthermore this Council is fully committed to the Localism agenda to which all members from all parties agree.

Therefore the level of grants to members should continue at its present level so that members can allocate to Localised projects within each member division.



Peter Sass
Head of Democratic Services
01622 694002

KENT COUNTY COUNCIL

MINUTES of a meeting of the Kent County Council held in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 19 September 2013.

PRESENT:

Mr E E C Hotson (Chairman)
Mr P J Homewood (Vice-Chairman)

Mrs A D Allen, Mr M J Angell, Mr M Baldock, Mr M A C Balfour, Mr R H Bird, Mr H Birkby, Mr A H T Bowles, Mr D L Brazier, Mr R E Brookbank, Mr C W Caller, Miss S J Carey, Mr P B Carter, Mr N J D Chard, Mr B E Clark, Mrs P T Cole, Mr G Cooke, Mr G Cowan, Mrs M E Crabtree, Ms C J Cribbon, Mr A D Crowther, Mrs V J Dagger, Mr D S Daley, Mr M C Dance, Mr J A Davies, Mrs T Dean, Dr M R Eddy, Mr J Elenor, Mrs M Elenor, Mr T Gates, Mr G K Gibbens, Mr R W Gough, Mr P M Harman, Ms A Harrison, Mr M J Harrison, Mr M Heale, Mr P M Hill, OBE, Mr C P D Hoare, Mrs S V Hohler, Mr S Holden, Mrs S Howes, Mr A J King, MBE, Mr J A Kite, MBE, Mr S J G Koowaree, Mr R A Latchford, OBE, Mr R L H Long, TD, Mr G Lymer, Mr B E MacDowall, Mr T A Maddison, Mr R A Marsh, Mr F McKenna, Mr B Neaves, Mr M J Northey, Mr P J Oakford, Mr J M Ozog, Mr R J Parry, Mr L B Ridings, MBE, Mr J E Scholes, Mr W Scobie, Mr T L Shonk, Mr C Simkins, Mr J D Simmonds, Mr C P Smith, Mr D Smyth, Mrs P A V Stockell, Mr B J Sweetland, Mr A Terry, Mr N S Thandi, Mr R Truelove, Mr M J Vye, Mr J N Wedgbury, Mrs J Whittle, Mr M E Whybrow, Mr M A Wickham and Mrs Z Wiltshire

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

UNRESTRICTED ITEMS

32. Apologies for Absence

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

Mr Nicholas Bond
Mrs Pam Brivio
Mr Lee Burgess
Mr Ian Chittenden
Mr Steve Manion
Mr Clive Pearman
Mrs Eileen Rowbotham

33. Declarations of Disclosable Pecuniary Interests or Other Significant Interests

(1) Mr Cowan declared an interest as both he and his wife were foster carers for Kent County Council.

(2) Mr Gibbens declared an interest in relation to Question 10 in that his wife was an employee of the Canterbury & Herne Bay Volunteer Bureau.

(3) Mr Caller declared an interest in Item 10 Pay Policy Statement 2013-14 as his wife and another member of his family were employed by KCC.

(4) Mr Hoare declared an interest in Item 8 Kent Troubled Families Programme as a director of a community interest company that gets young people into work in the construction industry.

(5) Mr Koowaree declared an interest as he has a daughter who worked in a Children's Centre.

(6) Mr Maddison also declared an interest in Item 10 Pay Policy Statement 2013-14 as his son was employed by KCC.

34. Minutes of the meeting held on 18 July 2013 and, if in order, to be approved as a correct record

RESOLVED: that the Minutes of the meeting held on 18 July 2013 are correctly recorded and that they be signed by the Chairman.

35. Chairman's Announcements

a) Adrian Crowther

(1) The Chairman informed Members that he understood Mr Crowther had had to have a blood test first thing but he was expected to attend the meeting. The Chairman had, following Mr Crowther's recent illness, written to extend his and the Council's best wishes for a speedy recovery and his attendance at the meeting appeared to indicate that he was well on the road to recovery.

b) Lunch

(2) The Chairman reminded Members that there would be no Chairman's lunch provided as there was a substantial and sensitive inquest being held in the building. He asked that when Members left the meeting that they endeavour to do so as quietly as possible.

c) English Counties 101 Swim

(3) The Chairman stated that he was delighted to be joined at the meeting by writer, broadcaster, social enterprise guru and past Government adviser – both to the Coalition and the last Government - Francis Davis. Mr Davis' aim was to swim 101 miles across every county in the country aiming to finish at the County Councils' Network Annual Conference on 17th November.

(3) The Chairman explained to Members that Mr Davis was raising funds for Combat Stress, a great charity supporting army, air force or naval veterans who had suffered mental health difficulties because of their service and to raise awareness of mental ill health and how swimming could contribute to defeating depression and

aimed to raise at least £500 in every county. The Chairman and Leader had had photos taken with Mr Davis and were delighted to send him on his way.

(4) Mr Davis spoke briefly to the Council and thanked them for the warm welcome. He explained that Combat Stress took their learning and shared it with Rethink, Mind and the rest of the mental health community so that what they learnt in the forces could be shared with a much wider audience. He said he had started in Hampshire and arrived in Kent via the Isle of Wight and that his swim in Kent was his first outdoor swim and would be taking place at the Tonbridge Swimming Pool.

October County Council meeting

(5) The Chairman stated that he had met with the Leader earlier in the week to discuss the draft agenda for the October meeting of the County Council and he advised Members that there are no items scheduled for that meeting that required a County Council decision. Accordingly, through Democratic Services he had consulted Group Leaders, all of whom agreed that the 24 October meeting could be cancelled. He asked Members to adjust their diaries accordingly.

36. Questions

Under Procedure Rule 1.17 (4) 10 questions were asked and replies given. 1 question fell as the Member who submitted the question was absent and 2 questions remained unanswered at the end of the thirty minutes and written answers were given.

37. Report by Leader of the Council (Oral)

(1) The Leader opened his speech by stating that there had been much frenetic activity in the corridors of power since the July Council meeting in facing up to the challenges ahead through the Transformation Plan but that he would speak on this more later in the morning. He wanted to use his time to dwell on the good news that arrived to County Council during the course of August, and at the top of the list must be the education results from Kent schools at all key stages.

(2) He stated that he was delighted with the improvement in Kent's primary school results at key stages 1 and 2 and the phenomenal outcome and results at key stage 4 by our year 11 pupils – with improvements on the gold standard of 5 A-Cs including English and Maths by some 4% when nationally the country had returned results of -1%. This was, the Leader stated, an extraordinary differential in key stage 4 performances. There had also been an increase in the performance of A Level students in Kent school sixth forms and the Leader stated that he was sure everybody in the Council Chamber would like to join in congratulating all of the young people who contributed towards these outstanding results, as well as teachers, school staff and the Council's School Improvement team.

(3) The improvement in exam results was coupled with more apprenticeships growing rapidly across the county of Kent and over the last year a reduction in the number of young people aged 16-18 who were not in education, employment or training which again was bucking the national trend.

(4) With the third report from Ofsted on the re-inspection of Children's Services the Leader stated that there was definitely something to celebrate in the fact that Kent had been removed from the 'inadequate' category in all three inspections. He stated that there was still a big job to do, but all credit to front line staff and the Cabinet Member who had driven forward, with the senior management team, the substantive turnaround in two and a half years to pull the Council out of 'inadequate' in all three areas.

(5) The Leader stated that he was pleased to report the outcome from central government on the targeted capital bid; Kent would be the recipients of £32m of grant against their submission to expand and grow 19 specified schools with that allocation. This should not mask the fact that the schools expansion programme would cost well in excess of £100m with a potential shortfall in the order of some £10-£12m.

(6) This brought him on to the Children's Centre review and the consultation which was now underway. Feedback was expected in October with decisions being reached towards the end of that month which he was sure would be reported in some shape or form to the December County Council meeting. The Leader stated that it was a genuine consultation, the Council was genuinely in listening mode, and it was clear that there would be some changes in the roll out of the Children's Centre review when those decisions were made. The Council may not have got the first cut right, and they would be reporting back as soon as possible, but the Leader reminded everybody that the early intervention grant and support to Children's Centres in the county of Kent would reduce by some 40% from where it was in the Sure Start days and cuts in grants of that magnitude could only result in significant change.

(7) The Leader stated that he had sat in on the Health and Wellbeing Board meeting the previous evening and had been encouraged by the ambition shown by CCG (Clinical Commissioning Group) colleagues. One of the substantive items on the agenda had been responding to the Government's recently announced significant changes in health and social care funding from 2014/15 onwards. He stated that the changes would make CCGs, alongside Kent County Council social care services, invest in those integrated care community health services to avoid wasting resources in unnecessary hospitalisation. The conditions attached were quite draconian, but what was encouraging was the innovation and creative energy from the clinicians and lead accountable officers from the CCGs. He had left the meeting really buoyed up that everybody was 'getting it' –substantive change was needed in how to integrate and commission health and social care provision together collectively, moving to total integration by 2018.

(8) Mr Latchford stated that in the military world you were taught something called 'an appreciation of a situation' which involved defining a name, considering the pros and cons and then coming up with a plan. He stated that the Leader had given his appreciation of the situation and in the blue book before each Member was the start of a plan, clearly shown in three phases ending in April 2016. It was obvious that the transformation was driven by the need to improve the lives of Kent residents despite the economic pressures inflicted by central government and the cultural drivers. Opposition leaders and spokesmen had agreed to work with the Leader on the Transformation Board as there were clearly areas of the proposal with which they were unhappy.

(9) Turning to the Ofsted report on Children's Services Mr Latchford stated that this was truly good news and that everyone involved should be congratulated. He was sure too that everyone in the Chamber was delighted with the GCSE results and that congratulations should be extended to all those responsible. He expressed concern over school placement handling for both primary and secondary schools across the county emphasising that the biggest number of complaints received by his Members since election had not surprisingly been about potholes but educational issues. He stated that news of the £32million investment in new school places was welcome but it was apparent that placement and school place issues needed urgent attention and he asked that a review of the current allocation system be carried out in planning for the next admissions round.

(10) Moving on he stated that he currently firmly opposed central government's plans to privatise post offices as it would inevitably, like all privatised services, fall into foreign ownership. He asked the Leader where he and his group stood on this issue.

(11) Finally Mr Latchford spoke of news that a London Borough wished to purchase land in Thanet for housing their residents and asked if this was in EuroKent or elsewhere in Thanet. He asked if this rumour was correct.

(12) In relation to the Ofsted report for Kent's Looked After Children Mr Cowan said he had been amazed at the Cabinet meeting when the Leader and Cabinet Member had reported how far KCC had moved in making the service a much better service since 2010. Were they proud of results of adequate, the latest being adequate overall with good for outcomes and management? He explained that adequate stood for a service which only met the minimum standards. As the Council had invested an additional £32m in children's services since 2010 and not made any significant progress he feared that children in care were not getting the help and support they truly deserved.

(13) Mr Cowan stated that he had visited many of the Children's Centres since the announcement to either close or merge a number of centres had been made and had not been surprised at the outcry across the county from parents who saw the centres as the foundation of getting their children off to the best start in life. He had been delighted to be joined by Shadow Minister of State for Children and Families, Sharon Hodgson, when she visited the county and that many parents had welcomed her and given a clear message that at no cost could they afford to lose their children's centres.

(14) Touching on the Whole-Council Transformation plan but Mr Cowan stated that KCC's Labour group would not agree to outsourcing or privatisation of frontline services and they would do their best to protect those on lower and middle wages. The Council should also limit the use of zero hours contracts, giving zero hours workers the right to a proper job after 12 weeks on such a contract.

(15) He agreed that congratulations should be extended to all those involved with exam results but added that there were still concerns around some areas of education including school appeals, primary school places and that sadly £32m would not go far on new schools.

(16) Mrs Dean joined in congratulating all concerned in delivering the best exam results ever. She stated that the Liberal Democrat policy for premium payments for children from deprived backgrounds had this year been over £1,000 per pupil and that this would have had a considerable effect on narrowing the gap. That the gap still remained was a matter of great concern as was the fact that pupils receiving free school meals and in the Pupil Referral Units (PRUs) were still not achieving at the level that they should.

(17) She spoke of the poor Ofsted judgement on Chatham Grammar School for Boys, the first grammar school in the country to receive such a judgement and expected it would be the first of many as she felt that grammar schools in many parts of the county were coasting and not producing the results that they should be given that Kent had a selective system. She would, she said, be watching to see if this was an indication of things to come.

(18) Mrs Dean stated that Mr Cowan had made many of her points about Looked After Children, especially that KCC met minimum acceptable standards. She paid tribute to those people who had done huge amounts of work but there was still much to be done. She had been promised the inclusion in officer contracts of a condition that would make disclosure of such information without question but had not received any information on the progress of this. Were we, she asked, still in danger of repeating the mistakes of the past?

(19) Mrs Dean stated she had been fairly pragmatic about Children's Centres, she had two centres in her own division and was looking carefully at them both. It was extremely difficult as a Member to get information about where parents came from to access the Children's Centre services and officers needed to share information with Members on the way Children's Centres operated on a much more detailed basis than they currently did.

(20) Mrs Dean welcomed the information that Health and Wellbeing Boards were pushing people in the direction of integrated services. She stated that in the next few years there would be very little that was not being integrated, transformed, traded or outsourced and she wondered if the timescales being set were realistic.

(21) Mr Carter responded that last year more parents, over 90%, got their preferences allocated in the schools admission round, the highest figure that Kent had ever had. He admitted that although there had been a slow start massive progress had been made over the past few years not only with the planning provision and accessing school places. The Leader hoped that analysis of KS4 results would show that the gap had been narrowed, particularly for the educational attainment of the county's Looked After Children.

(22) In response to Mr Latchford's concerns about London housing associations buying land in Thanet Mr Carter stated that he too had heard the rumour but had been unable to substantiate any of it to date. Land investments that KCC had in partnership with Thanet District Council (TDC) were progressing very well and that one significant parcel of land would be going through the development control of the Planning Committee of TDC shortly.

(23) As far as the Children's Centre review went the Leader stood by what he had said before. There would undoubtedly be some changes to the programme but that

Mrs Whittle was endeavouring to visit all Children's Centres potentially under threat of merger or closure prior to any decision being made.

38. 'Facing the Challenge: Delivering Better Outcomes' – Whole-Council Transformation Plan – Phase 1

(1) Mr Carter moved, Mr Simmonds seconded that the County Council agreed the following recommendations:

- a) endorse the Whole-Council Transformation Plan: Phase 1;
- b) note the detail of staff and team alignment to new integrated service teams which will be considered by the Council in December 2013;
- c) note the Programme Roadmap timescales and milestones for delivery of Phase 1, as set out in section 4 of the report.

(2) Following the debate the Chairman put to the vote Recommendation (a) as set out in para (1) (a) above when the voting was as follows:

For (46)

Mrs A Allen, Mr M Angell, Mr M Balfour, Mr A Bowles, Mr D Brazier, Mr R Brookbank, Miss S Carey, Mr P Carter, Mr N Chard, Mrs P Cole, Mr G Cooke, Mrs M Crabtree, Mrs V Dagger, Mr M Dance, Mr J Davies, Mr T Gates, Mr G Gibbens, Mr R Gough, Mr P Harman, Mr M Harrison, Mr M Hill, Mrs S Hohler, Mr S Holden, Mr P Homewood, Mr E Hotson, Mr A King, Mr J Kite, Mr R Long, Mr G Lymer, Mr A Marsh, Mr M Northey, Mr P Oakford, Mr J Ozog, Mr R Parry, Mr L Ridings, Mr J Scholes, Mr C Simkins, Mr J Simmonds, Mr C Smith, Mrs P Stockell, Mr B Sweetland, Mr A Terry, Mr J Wedgbury, Mrs J Whittle, Mr A Wickham, Mrs Z Wiltshire

Abstain (4)

Mr H Birkby, Mr J Elenor, Mr C Hoare, Mr R Latchford

Against (26)

Mr M Baldock, Mr R Bird, Mr C Caller, Mr B Clark, Mr G Cowan, Ms J Cribbon, Mr A Crowther, Mr D Daley, Mrs T Dean, Dr M Eddy, Mrs M Elenor, Ms A Harrison, Mr M Heale, Ms S Howes, Mr G Koowaree, Mr B MacDowall, Mr T Maddison, Mr F McKenna, Mr B Neaves, Mr W Scobie, Mr T Shonk, Mr D Smyth, Mr N Thandi, Mr R Truelove, Mr M Vye, Mr M Whybrow

Carried

(3) The other two recommendations within the report were carried without a vote.

(4) RESOLVED that the County Council:

- a) endorse the Whole-Council Transformation Plan: Phase 1;
- b) note the detail of staff and team alignment to new integrated service teams which will be considered by the Council in December 2013;

- c) note the Programme Roadmap timescales and milestones for delivery of Phase 1, as set out in section 4 of the report.

39. Kent Troubled Families Programme

(1) Mr Hill moved, Mr Wickham seconded that the County Council note the progress of the Kent Troubled Families Programme.

Carried without a vote

(2) RESOLVED that the County Council note the progress of the Kent Troubled Families Programme.

40. Treasury Management Annual Review 2012-13

(1) Mr Simmonds moved, Miss Carey seconded that the Council note the report.

(2) RESOLVED that the report be noted.

41. Pay Policy Statement 2013-14

(1) Mr Cooke moved, Mr Carter seconded that the Council agree the pay statement for 2013/14 based upon last year's statement as set out in Appendix 1 and approved at Personnel Committee on 10 September 2013 and that compliance with the principles of transparency of senior salaries and severance packages are discharged via the Council's agreement to the senior structure and pay ranges and the compromise protocol as outlined in the report.

(2) RESOLVED that the pay statement for 2013 be agreed and compliance with the principles of transparency of senior salaries and severance packages be discharged.

42. Constitutional Amendments to Reflect the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

(1) Mr Cooke moved, Mrs Allen seconded the Council agreed the following recommendations:

- (a) To delay the implementation of the requirement to record officer decisions until such time as a viable and pragmatic solution can be found and adopted by the Selection & Member Services Committee.
- (b) To amend the Key Decision criteria to reflect current legislative requirements
- (c) To amend the Urgency procedures to reflect current legislative requirements and good practice, as detailed in the report.
- (d) To amend the rules relating to exempt information and private meetings to reflect current legislation.

- (e) To amend the Members rights of access to information to reflect the additional rights included in current legislation
- (f) To amend the council's filming policy to reflect current Government guidance.
- (g) To amend the Council's call-in requirements and criteria.
- (h) To note the changes to the requirements and practice of submission of minutes.
- (i) To make any non-substantive changes required to the Constitution to reflect those changes detailed above.
- (j) To include the decision making flow chart in the Constitution as a guide for officers and Members.

Carried without a vote

(2) RESOLVED that the changes to the Constitution as set out in para (1) (a)-(j) above be agreed.

43. Member Development Policy Statement

(1) Mr Cooke moved, Mrs Allen seconded that the County Council adopt the Member Development Policy Statement attached to the report.

(2) RESOLVED that the Member Development Policy Statement be adopted.

44. Motion for Time Limited Debate

(1) Mrs Dean moved, Mr Whybrow seconded that:

"This Council agrees that it is important that employees should receive a wage which reflects the cost of living in Kent. The Council therefore agrees to undertake a cross-party investigation into becoming a Living Wage Employer, the findings of which will be reported to the Personnel Committee. The aim is that, as a minimum, KCC will pay the Living Wage, as defined by the Joseph Rowntree Foundation, to all staff and that this would also become a mandatory requirement for all new commissioned service contracts and, where feasible, would be added when existing contracts are renewed. KCC would seek Living Wage Employer accreditation through the Living Wage Foundation."

(2) Mr Vye moved, Mr Bird seconded an amendment to the Motion for Time Limited Debate that all the text after the words "Personnel Committee" be deleted, as follows

"This Council agrees that it is important that employees should receive a wage which reflects the cost of living in Kent. The Council therefore agrees to undertake a cross-party investigation into becoming a Living Wage Employer, the findings of which will be reported to the Personnel Committee."

(3) The Chairman put the amendment to the vote when the voting was as follows:

For (33)

Mr M Baldock, Mr R Bird, Mr H Birkby, Mr C Caller, Mrs P Cole, Mr G Cowan, Ms J Cribbon, Mr A Crowther, Mr D Daley, Mrs T Dean, Dr M Eddy, Mrs M Elenor, Ms A Harrison, Mr P Harman, Mr M Heale, Mr C Hoare, Mr S Holden, Ms S Howes, Mr G Koowaree, Mr R Latchford, Mr R Long, Mr B MacDowall, Mr T Maddison, Mr F McKenna, Mr B Neaves, Mr J Ozog, Mr T Shonk, Mr D Smyth, Mr A Terry, Mr N Thandi, Mr R Truelove, Mr M Vye, Mr M Whybrow

Abstain (3)

Mr J Elenor, Mr B Sweetland, Mrs Z Wiltshire

Against (36)

Mrs A Allen, Mr M Angell, Mr M Balfour, Mr A Bowles, Mr D Brazier, Mr R Brookbank, Miss S Carey, Mr P Carter, Mr N Chard, Mr G Cooke, Mrs M Crabtree, Mrs V Dagger, Mr J Davies, Mr T Gates, Mr G Gibbens, Mr R Gough, Mr M Harrison, Mrs S Hohler, Mr P Homewood, Mr E Hotson, Mr A King, Mr J Kite, Mr G Lymer, Mr A Marsh, Mr M Northey, Mr P Oakford, Mr R Parry, Mr L Ridings, Mr J Scholes, Mr C Simkins, Mr J Simmonds, Mr C Smith, Mrs P Stockell, Mr J Wedgbury, Mrs J Whittle, Mr A Wickham

Lost

(4) As the vote on the Amendment was lost the Chairman put the original Motion to the vote whereupon the voting was as follows:

For (25)

Mr M Baldock, Mr R Bird, Mr H Birkby, Mr C Caller, Mr G Cowan, Ms J Cribbon, Mr A Crowther, Mr D Daley, Mrs T Dean, Dr M Eddy, Ms A Harrison, Mr P Harman, Mr M Heale, Mr C Hoare, Ms S Howes, Mr G Koowaree, Mr R Latchford, Mr T Maddison, Mr F McKenna, Mr B Neaves, Mr D Smyth, Mr N Thandi, Mr R Truelove, Mr M Vye, Mr M Whybrow

Abstain (1)

Mr J Elenor

Against (46)

Mrs A Allen, Mr M Angell, Mr M Balfour, Mr A Bowles, Mr D Brazier, Mr R Brookbank, Miss S Carey, Mr P Carter, Mr N Chard, Mrs P Cole, Mr G Cooke, Mrs M Crabtree, Mrs V Dagger, Mr J Davies, Mrs M Elenor, Mr T Gates, Mr G Gibbens, Mr R Gough, Mr M Harrison, Mrs S Hohler, Mr S Holden, Mr P Homewood, Mr E Hotson, Mr A King, Mr J Kite, Mr R Long, Mr G Lymer, Mr B MacDowall, Mr A Marsh, Mr M Northey, Mr P Oakford, Mr J Ozog, Mr R Parry, Mr L Ridings, Mr J Scholes, Mr T Shonk, Mr C Simkins, Mr J Simmonds, Mr C Smith, Mrs P Stockell, Mr B Sweetland, Mr A Terry, Mr J Wedgbury, Mrs J Whittle, Mr A Wickham, Mrs Z Wiltshire

Lost

From: David Brazier - Cabinet Member for Transport & Environment
Mike Austerberry - Corporate Director for Enterprise & Environment

To: County Council – 12 December 2013

Subject: Submission of the Kent Minerals and Waste Local Plan 2013-30 to the Secretary of State for Communities and Local Government

Classification: Unrestricted

Summary: This report covers the submission by the County Council of the Kent Minerals and Waste Local Plan to the Secretary of State. This will enable the adoption of this planning policy document for use in the determination of planning applications for proposed mineral and waste management developments. This will also allow the formal stages of the Minerals and Waste Sites Plans to be commenced as the Minerals and Waste Local Plan includes policies on the locational criteria for new sites.

Recommendation: The Council is asked to endorse the Pre-Submission Draft Kent Minerals and Waste Local Plan (MWLP), prior to its submission to the Secretary of State, subject to:

1. A six week period of public consultation on the plan;
2. No material objections being received during the public consultation
3. The Director of Planning & Environment being given delegated powers to approve any non material changes to the MWLP in consultation with the Cabinet Member for Transport & Environment following on from the public consultation and to agree any amendments to the MWLP during the Examination in Public for submission to the appointed planning inspector, if these amendments are likely to resolve objections.

1. Introduction

1.1. The Kent Minerals and Waste Local Plan

The purpose of this report is to ensure that the County Council submits its Minerals and Waste Local Plan (MWLP) to the Secretary of State. After an Examination in Public into the soundness of the plan has been held and reported upon by an appointed planning inspector, the County Council will be able to adopt the MWLP as its planning policy for minerals and waste management.

The production of a MWLP is a statutory requirement for the County Council. When adopted, along with Local Plans produced by District Councils and Government Planning Policy, it will form the policy basis for decision making by the County Council when determining planning applications for proposed minerals and waste developments. Its preparation is separate from KCC's role as Waste Disposal Authority (WDA) for household (municipal) waste. It is also a distinct function from KCC's role as Planning Authority in determining minerals and waste planning applications.

The MWLP is one of three plans that are being prepared to make planning for minerals and waste development in Kent more transparent. When it is adopted, the policies in the MWLP will be used to identify and allocate sites for future development for minerals or waste management development in a Minerals Sites Plan and Waste Sites Plan.

The MWLP is an important planning policy document for the Council as it will assist business and future economic development in Kent by giving a clear steer on where minerals and waste development would be acceptable in the future. It also provides safeguarding of viable mineral reserves and safeguarding of both current and any allocated mineral and waste sites from other forms of development. It contains planning policies and proposals for economic minerals and waste streams arising in Kent for the next 20 years. It provides the planning policy base for:

- the locational criteria for site allocation in the Minerals and Waste Sites Plans;
- the need for new minerals and waste development up to 2030;
- two strategic sites, one for mineral development and one for waste which are essential to the delivery of the objectives of the MWLP;
- a development management policy framework against which minerals and waste planning applications will be determined.

It also provides safeguarding through protection from other forms of development for:

- viable mineral reserves;
- mineral import wharves and railheads;
- all current permanent minerals and waste sites;
- any site allocated in the Minerals and Waste Sites Plans.

A list of all the planning policies in the MWLP can be found in Appendix B.

2. Financial Implications

Hosting the Examination In Public and paying for the appointed planning inspector is the County Council's responsibility. It is estimated that this will cost up to £250,000 and a budgetary provision for this has been made.

3. Bold Steps for Kent and Policy Framework

3.1 The MWLP links with the Bold Steps for Kent County Council by supporting and facilitating new growth in the Kent economy and tackling disadvantage by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well being.

3.2 Throughout the plan period to 2030, minerals and waste development will make a positive and sustainable contribution to the Kent area and assist progress towards a low carbon economy. The main aims of the plan are to drive waste up the waste hierarchy enabling waste to be considered as a valuable resource, rather than simply disposing of it, whilst at the same time providing a steady supply of minerals to allow sustainable growth to take place.

3.3 The plan contributes to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at

the right time to support growth and innovation; and by identifying and co-ordinating development requirements, including the provision of infrastructure and employment opportunities.

3.4 It will support needs arising within the major growth areas and through collaborative working with local people, communities, landowners, the minerals and waste industries, the environmental sector and local planning authorities, deliver cost effective, sustainable solutions to Kent's future needs for minerals and waste.

4. The Report

4.1 Background

Since 2010, two major public consultations have been conducted on the Draft Minerals and Waste Plan in order to shape its development. The first consultation was the 'Issues' stage document (carried out in autumn 2010) and the second was the Strategy and Policy Directions stage (carried out in summer 2011). The comments received were reviewed and where possible have been used to inform the next stage of the plan making process. See Table 1 for further information.

Table 1: Previous consultation on the Kent Minerals and Waste Local Plan 2013-30

Consultation	Number of consultees	Number of comments
Issues document	85	1180
Strategy and Policy Directions document	80	655

The Pre-Submission Draft has been prepared following two public consultations on issues (in 2010) and on strategy and policies directions (in 2011). A public consultation specifically on mineral safeguarding was also carried out earlier this year. Two consultations on the issues and preferred options for the Minerals and Waste Sites Plans (in 2011 and 2012) have also assisted in the development of policies in the MWLP. Throughout this process, the work has been guided by an Informal Members Group, chaired by Cllr David Brazier.

The MWLP has been assessed by independent consultants who have carried out in parallel with all stages of its preparation, sustainability appraisals and assessments under the Habitats Regulations. Assessments for landscape, transport and equalities have also been carried out by officers. The results of these assessments have all contributed to the development of the policies in the MWLP. A list of these documents along with reports on the consultations and topic papers on minerals and waste issues can be found in Appendix A.

4.2 Programme

The future programme for the MWLP is set out in the following table:

Table 2: Future Programme for the Minerals and Waste Local Plan

Stage	Dates
The Pre-submission draft of the Minerals and Waste Local Plan 2013-2030 will be published for consultation	January 2014
Submission of the Minerals and Waste Local Plan to the Secretary of	May 2014

Stage	Dates
State.	
An Examination in Public on the submitted Minerals and Waste Plan 2013-2030 will take place before an appointed planning inspector.	September 2014
Receipt of the appointed planning inspector's report	January 2015
Adoption of the Minerals and Waste Local Plan 2013-2030.	April 2015

When the Minerals and Waste Plan 2013-2030 is adopted, the County Council can then proceed with the formal stages of production of the Minerals and Waste Sites Plans. It is estimated that these documents can be finished, consulted upon and submitted to the Secretary of State such that they could be adopted by the County Council during April 2016.

4.3. Public Consultation

The intention is to publish the Pre-Submission Draft for public consultation in January 2014 for six weeks. Previous engagement and promotion of the Plan at earlier stages in the development of the document has culminated in a stakeholder database of nearly 3,000 names and contact details of residents, organisations and companies interested in the development of the Minerals and Waste Local Plan. The public consultation will be initiated through direct contact with these stakeholders, and by notice in the local press..

Any late representations will be still be considered and would be included in the consultation commentary report whilst it is being drafted. The length of the consultation period has been designed to reflect the next formal stage of the plan making process which will involve a statutory six week period for any representations to be lodged which are then submitted to the Secretary of State along with the MWLP.

The public consultation will be primarily web based with the access to the consultation documents and the ability for submission of comments direct into an online system. Printed copies of the documents will be made available at all Kent libraries and Kent Gateways. CD ROMs with electronic copies of the consultation documents will be sent to any member of the public who requests one. Comments are also accepted by post and email. Notices about the consultation will be provided to all Parish Clerks, libraries and the Kent Gateways for display.

4.4 Submission

Upon completion of the consultation and assessment of the representations, it is only intended that the MWLP would be amended with any significant changes (i.e. removal of a policy or the inclusion of a new policy) if it is considered that the representations might lead to the MWLP being found unsound by the appointed planning inspector.

Minor amendments might be carried out to provide greater clarity or to reference to any new national planning policy (the Government has currently issued a draft of a revised Planning Policy Statement on Sustainable Waste Management and a draft of the Waste Management Plan for England). However, the Pre-Submission Draft is the finished version of the MWLP and it is intended that this should be the document that

is submitted to the Secretary of State subject to any serious issues developing from the consultation.

Prior to the submission of the MWLP to the Secretary of State, a statutory period of six weeks is provided for public representations. These representations are then submitted to the Secretary of State along with the MWLP. The Secretary of State will then appoint a planning inspector who will hold an Examination in Public. The Examination in Public will be held regardless of any objections being received as the planning inspector is appointed to examine the soundness of the plan. Soundness is defined in national planning policy as:

- Positively prepared
- Justified
- Effective
- Consistent with national policy

The planning inspector will prepare a report on the Examination in Public for the County Council which can include recommendations to adopt or not, along with suggested amendments.

4.5. Options

Various different options were considered at Strategy and Directions Consultation Document Stage of the Minerals and Waste Local Plan during 2011 for both the delivery strategies for minerals and waste. This covered both the choice of any strategic sites and the basis upon which the need for new development for minerals or waste management would be defined. The commentary report on the Strategy and Directions Consultation can be viewed online and a link is provided in Appendix A.

4.6 Legal implications

There is a risk that, if timely progress is not made with the adoption of MWLP and Waste Sites Plan, fines could be incurred by the County Council because of a failure by the Government to meet EU Waste Framework Directive requirements. The Government has determined that Waste Local Plans form part of the national Waste Management Plan which it is required to produce under the Waste Framework Directive.

The fines would result from possible infraction proceedings arising from the European Commission taking a member state to the European Court of Justice for breach of its obligations under the EC Treaty. The Localism Act contains provisions for the Government to recoup such fines from any local authority that has caused the infraction. Therefore, Kent could be fined a proportion of the total infraction costs, the levels of which would depend upon the number of waste planning authorities which fail to have site specific waste local plans in place at the time of the breach of European Law.

4.7 Equalities Implications

An initial Equalities Impact screening of the Kent Minerals and Waste Plan 2013-30 has been carried out and finalised. The results of the screening recognise that the Kent Minerals and Waste Local Plan's policies are unlikely to have any specific,

adverse or positive impacts upon the nine protected characteristics¹. However, this assumption will be tested during the scheduled public consultation on the Pre-Submission Draft. A full impact assessment will therefore be carried out after the consultation has taken place to assess any unexpected equalities issues as part of the reporting on the overall consultation outcomes.

4.8 Delegated Powers

In order to prevent any delay in the submission of the MWLP to the Secretary of State, the Director of Planning & Environment will need delegated powers to agree non material changes to the MWLP in conjunction with the Cabinet Member for Environment, Highways & Waste following the consultation on the Pre-Submission Draft. Furthermore, the Director of Planning & Environment will also need delegated powers to agree changes to be put before the appointed planning inspector which might resolve any objections that occur during the Examination in Public.

5. Conclusions

The purpose of this report is to ensure that the County Council submits its Minerals and Waste Local Plan to the Secretary of State. After an Examination in Public into the soundness of the plan has been held and reported upon by an appointed planning, the County Council will be able to adopt the MWLP as its planning policy for minerals and waste management.

The Pre-Submission Draft Minerals and Waste Plan has been prepared following public consultations and assessment of its implications for sustainability, effects upon habitats, landscape, transport and equalities. It is suitable for submission to the Secretary of State but will first undergo a further period of public consultation. It is not anticipated that any material changes to the MWLP will be necessary before submission.

The adoption of the MWLP will enable the commencement of the formal stages of the Minerals and Waste Sites Plans (i.e. consultation on the Pre-Submission Drafts, and their submission to the Secretary of State).

6. Recommendation:

The Council is asked to endorse the Pre-Submission Draft Kent Minerals and Waste Local Plan (MWLP), prior to its submission to the Secretary of State, subject to:

1. A six week period of public consultation on the plan;
2. No material objections being received during the public consultation
3. The Director of Planning & Environment being given delegated powers to approve any non material changes to the MWLP in consultation with the Cabinet Member for Transport & Environment following on from the public consultation and to agree any amendments to the MWLP during the Examination in Public for submission to the appointed planning inspector, if these amendments are likely to resolve objections.

¹ The characteristics are: Age, disability, gender, gender identity, race, religion or belief, sexual orientation, pregnancy and maternity, marriage and civil partnerships and carer's responsibilities.

7. Background Documents

See Appendix A (attached) for the full list of links to background documents.

8. Contact details

Report Author

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- John.prosser@kent.gov.uk

Relevant Director:

- Paul Crick, Director for Planning & Environment
- 01622 221527
- Paul.crick@kent.gov.uk

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Appendix A: Background Documents

Reference/Title	Date	Author
Pre-Submission Minerals and Waste Local Plan 2013-2030 http://kent590w3:9070/documents/s42706/Pre-Submission%20Minerals%20and%20Waste%20Local%20Plan%202013-2030.pdf	September 2013	KCC Minerals and Waste Policy Team
Sustainability Appraisal http://kent590w3:9070/documents/s42719/Sustainability%20Appraisal.pdf	August 2013	URS
Habitat Regulations Assessment http://kent590w3:9070/documents/s42708/Habitat%20Regulations%20Assessment.pdf	September 2013	URS
Strategic Flood Risk Assessment http://kent590w3:9070/documents/s42709/Strategic%20Flood%20Risk%20Assessment.pdf Part 1 http://kent590w3:9070/documents/s42710/Strategic%20Flood%20Risk%20Assessment.pdf Part 2 June 2013 Barton Willmore	June 2013	Barton Willmore
The 1st Local Aggregate Assessment for Kent https://shareweb.kent.gov.uk/Documents/environment-and-planning/planning-and-land-use/annual-monitoring-reports/laa-12.pdf	December 2012	KCC Minerals and Waste Policy Team
Kent's 8th Annual Minerals and Waste Monitoring Report https://shareweb.kent.gov.uk/Documents/environment-and-planning/planning-and-land-use/annual-monitoring-reports/amr-220113.pdf	December 2012	KCC Minerals and Waste Policy Team
MWTR1 Spatial Overview of Kent https://shareweb.kent.gov.uk/Documents/environment-and-planning/planning-and-land-use/Preferred%20Options%20consultation/Evidence%20base/MWTR1%20Spatial%20Overview%20-%20updated.pdf	May 2011	KCC Minerals and Waste Policy Team
MWTR2 District Sustainable Community Strategies and their Local Plans https://shareweb.kent.gov.uk/Documents/environment-and-planning/planning-and-land-use/Preferred%20Options%20consultation/Evidence%20base/MWTR5%20District%20LDFs%20and%20SCSs%20-%20new.pdf	May 2011	KCC Minerals and Waste Policy Team
MWTR3 Climate Change and the Kent MWLP http://kent590w3:9070/documents/s42711/MWTR3%20Climate%20Change%20and%20the%20Kent%20MWLP.pdf	December 2012	KCC Minerals and Waste Policy Team
MWTR6 Strategic Transport Assessment	September	KCC Minerals and

Reference/Title	Date	Author
http://kent590w3:9070/documents/s42712/MWTR6%20Strategic%20Transport%20Assessment.pdf	2013	Waste Policy Team
MWTR7 Strategic Landscape Appraisal http://kent590w3:9070/documents/s42713/MWTR7%20Strategic%20Landscape%20Appraisal.pdf	September 2013	KCC Natural Environment and Flood Risk Policy Team
MTR2 Secondary and Recycled Aggregates https://shareweb.kent.gov.uk/Documents/environment-and-planning/planning-and-land-use/Preferred%20Options%20consultation/Evidence%20base/MTR2%20Secondary%20and%20Recycled%20Aggregates%20-%20updated.pdf	May 2011	KCC Minerals and Waste Policy Team
MTR3 Other Minerals https://shareweb.kent.gov.uk/Documents/environment-and-planning/planning-and-land-use/Preferred%20Options%20consultation%20-%20May%202012/trm3-other-min.pdf	May 2012	KCC Minerals and Waste Policy Team
MTR4 Mineral Safeguarding https://shareweb.kent.gov.uk/Documents/environment-and-planning/planning-and-land-use/Mineral%20safeguarding/mineral-safeguarding-feb13.pdf	Feb 2013	KCC Minerals and Waste Policy Team
MTR5 Interchangeability of Construction Aggregates http://kent590w3:9070/documents/s42714/MTR5%20Interchangeability%20of%20Construction%20Aggregates.pdf	September 2013	KCC Minerals and Waste Policy Team
MTR7 Kent and Medway Imports Study https://shareweb.kent.gov.uk/Documents/environment-and-planning/planning-and-land-use/Preferred%20Options%20consultation/Evidence%20base/MTR7%20Kent%20and%20Medway%20Imports%20Study%20-%20new.pdf	May 2011	KCC and Medway Policy Planning Teams
MTR9 Mineral Sites Assessment Process https://shareweb.kent.gov.uk/Documents/environment-and-planning/planning-and-land-use/Preferred%20Options%20consultation%20-%20May%202012/trm9-min-assessment.pdf	May 2012	KCC Minerals and Waste Policy Team
WTR1 Municipal Solid Waste https://shareweb.kent.gov.uk/Documents/environment-and-planning/planning-and-land-use/Preferred%20Options%20consultation%20-%20May%202012/trw1-msw.pdf	May 2012	KCC Minerals and Waste Policy Team
WTR2 Commercial and Industrial Waste https://shareweb.kent.gov.uk/Documents/environment-and-planning/planning-and-land-use/Preferred%20Options%20consultation/Evidence%20base/WTR2%20Commercial%20and%20Industrial%20Waste%20-%20issues%20paper.pdf	May 2011	KCC Minerals and Waste Policy Team
WTR3 Municipal Solid Waste and Commercial and Industrial Waste combined	May 2011	KCC Minerals and

Reference/Title	Date	Author
https://shareweb.kent.gov.uk/Documents/environment-and-planning/planning-and-land-use/Preferred%20Options%20consultation/Evidence%20base/WTR3%20MSW%20and%20CI%20Combined%20-%20updated.pdf		Waste Policy Team
WTR4 Construction, Demolition and Excavation Wastes https://shareweb.kent.gov.uk/Documents/environment-and-planning/planning-and-land-use/Preferred%20Options%20consultation/Evidence%20base/WTR4%20Construction,%20Demolition%20and%20Excavation%20Waste%20-%20new.pdf	May 2011	KCC Minerals and Waste Policy Team
WTR5 Hazardous Waste Management https://shareweb.kent.gov.uk/Documents/environment-and-planning/planning-and-land-use/Preferred%20Options%20consultation/Evidence%20base/WTR5%20Hazardous%20Waste%20Management%20-%20new.pdf	May 2011	KCC Minerals and Waste Policy Team
WTR6 Nuclear Waste https://shareweb.kent.gov.uk/Documents/environment-and-planning/planning-and-land-use/Preferred%20Options%20consultation/Evidence%20base/WTR6%20Nuclear%20Waste%20-%20updated.pdf	May 2011	KCC Minerals and Waste Policy Team
WTR7 Wastewater https://shareweb.kent.gov.uk/Documents/environment-and-planning/planning-and-land-use/Preferred%20Options%20consultation/Evidence%20base/WTR7%20Wastewater%20-%20updated.pdf	May 2011	KCC Minerals and Waste Policy Team
WTR8 Assessment of Need for Energy from Waste for Non-Hazardous Waste https://shareweb.kent.gov.uk/Documents/environment-and-planning/planning-and-land-use/Preferred%20Options%20consultation%20-%20May%202012/trm8-efw.pdf	May 2012	KCC Minerals and Waste Policy Team
WTR9 Waste Sites Assessment Process https://shareweb.kent.gov.uk/Documents/environment-and-planning/planning-and-land-use/Preferred%20Options%20consultation%20-%20May%202012/trw9-waste-assessment.pdf	May 2012	KCC Minerals and Waste Policy Team
A Study of Silica Sand Quality and End Uses in Surrey and Kent https://shareweb.kent.gov.uk/Documents/environment-and-planning/planning-and-land-use/Issues%20consultation/Topic%20papers/TSMW2%20silica-sand-gwp.pdf	March 2010	GWP
Waste Needs Assessment https://shareweb.kent.gov.uk/Documents/environment-and-planning/planning-and-land-use/Issues%20consultation/Topic%20papers/TSMW1%20Jacobs%20Needs%20Assessment.pdf	May 2010	Jacobs

Reference/Title	Date	Author
Waste Needs Assessment Update Report https://shareweb.kent.gov.uk/Documents/environment-and-planning/planning-and-land-use/Preferred%20Options%20consultation%20-%20May%202012/waste-needs-assessment-2011-update.pdf	January 2012	Jacobs
Kent Minerals and Waste Core Strategy Issues Consultation https://shareweb.kent.gov.uk/Documents/environment-and-planning/planning-and-land-use/Issues%20consultation/Issues%20consultation%20paper.pdf	September 2010	KCC Minerals and Waste Policy Team
Kent Minerals Issues Consultation Commentary Report https://shareweb.kent.gov.uk/Documents/environment-and-planning/planning-and-land-use/issues-and-options/kcc-issues-response-minerals.pdf	December 2010	KCC Minerals and Waste Policy Team
Kent Waste Issues Consultation Commentary Report https://shareweb.kent.gov.uk/Documents/environment-and-planning/planning-and-land-use/Issues%20consultation/kcc-response-waste.pdf	December 2010	KCC Minerals and Waste Policy Team
Kent Minerals and Waste Core Strategy and Policy Directions Consultation https://shareweb.kent.gov.uk/Documents/environment-and-planning/planning-and-land-use/Preferred%20Options%20consultation/Core%20Strategy%20-%20Strategy%20and%20Policy%20Directions%20consultation.pdf	May 2011	KCC Minerals and Waste Policy Team
Kent Minerals and Waste Core Strategy Commentary Report on the Strategy and Policy Directions Consultation https://shareweb.kent.gov.uk/Documents/environment-and-planning/planning-and-land-use/Preferred%20Options%20consultation/cs-commentary071211.pdf	October 2011	KCC Minerals and Waste Policy Team
Kent Mineral Sites Development Plan Document Options Consultation https://shareweb.kent.gov.uk/Documents/environment-and-planning/planning-and-land-use/Preferred%20Options%20consultation/Minerals%20Sites%20Document%20-%20Options%20consultation.pdf	May 2011	KCC Minerals and Waste Policy Team
Kent Mineral Sites Development Plan Document Options Consultation Commentary Report https://shareweb.kent.gov.uk/Documents/environment-and-planning/planning-and-land-use/Consultation/minerals-commentary-report-2012-update.pdf	September 2012	KCC Minerals and Waste Policy Team
Kent Minerals and Waste Sites Development Plan Documents Supplementary Options Consultation https://shareweb.kent.gov.uk/Documents/environment-and-planning/planning-and-land-use/Supplementary%20Site%20Options%20consultation/supplementary-opts.pdf	October 2011	KCC Minerals and Waste Policy Team
Kent Minerals and Waste Sites Development Plan Document Supplementary Options	September	KCC Minerals and

Reference/Title	Date	Author
Consultation Commentary Report https://shareweb.kent.gov.uk/Documents/environment-and-planning/planning-and-land-use/Consultation/supplementary-commentary-report-2012-update.pdf	2012	Waste Policy Team
Kent Waste Sites Development Plan Document Options Consultation https://shareweb.kent.gov.uk/Documents/environment-and-planning/planning-and-land-use/Preferred%20Options%20consultation/Waste%20Sites%20Document%20-%20Options%20consultation.pdf	May 2011	KCC Minerals and Waste Policy Team
Kent Waste Sites Development Plan Document Options Consultation Commentary Report https://shareweb.kent.gov.uk/Documents/environment-and-planning/planning-and-land-use/Consultation/waste-commentary-report-2012-update.pdf	September 2012	KCC Minerals and Waste Policy Team
Kent Waste Sites Plan Preferred Options Consultation https://shareweb.kent.gov.uk/Documents/environment-and-planning/planning-and-land-use/Preferred%20Options%20consultation%20-%20May%202012/waste-pref-options.pdf	May 2012	KCC Minerals and Waste Policy Team
Kent Waste Sites Preferred Options Commentary Report http://kent.gov.uk/environment_and_planning/planning_in_kent/minerals_and_waste/waste_sites_plan/preferred_options.aspx	October 2012	KCC Minerals and Waste Policy Team
Kent Mineral Sites Plan Preferred Options Consultation https://shareweb.kent.gov.uk/Documents/environment-and-planning/planning-and-land-use/Preferred%20Options%20consultation%20-%20May%202012/min-pref-options.pdf	May 2012	KCC Minerals and Waste Policy Team
Kent Mineral Sites Preferred Options Commentary Report http://kent.gov.uk/environment_and_planning/planning_in_kent/minerals_and_waste/mineral_sites_plan/preferred_options.aspx	October 2012	KCC Minerals and Waste Policy Team
Kent Minerals Safeguarding Consultation Commentary Report http://kent590w3:9070/documents/s42715/Kent%20Minerals%20Safeguarding%20Consultat	June 2013	KCC Minerals and Waste Policy Team
Kent County Council Equality Analysis / Impact Assessment (EqIA) http://kent590w3:9070/documents/s42717/Kent%20County%20Council%20Equality%20AnalysisImpact%20Assessment%20EqIA.pdf	September 2013	KCC Minerals and Waste Policy Team

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Appendix B: List of Policies in the Pre-Submission Kent Minerals and Waste Local Plan

[The policies can be found in full, in Appendix B of the document]

Delivery Strategy for Minerals	
Policy CSM1	Sustainable Development
Policy CSM2	Supply of Land-won Minerals in Kent
Policy CSM3	Cement Mineral Extraction and Manufacture In Kent
Policy CSM4	Exceptions Policy for Land-Won Minerals
Policy CSM5	Land-Won Mineral Safeguarding
Policy CSM6	Secondary and Recycled Aggregates
Policy CSM7	Building Stone
Policy CSM8	Oil, Gas and Coal Bed Methane
Policy CSM9	Underground Limestone
Policy CSM10	Sustainable Transport of Minerals
Policy CSM11	Safeguarded Wharves and Railheads
Policy CSM12	Safeguarding other Mineral Plant Infrastructure
Delivery Strategy for Waste	
Policy CSW1	Sustainable Development
Policy CSW2	Waste Hierarchy
Policy CSW3	Waste Reduction
Policy CSW4	Strategy for Waste Management Capacity
Policy CSW5	Strategic Site for Waste
Policy CSW6	Location of Non Strategic Waste Sites
Policy CSW7	Municipal Solid Waste
Policy CSW8	Approach to Waste Management for Non Hazardous Waste
Policy CSW9	Energy from Waste Facilities
Policy CSW10	Non Hazardous Waste Landfill
Policy CSW11	Closed Landfill Sites
Policy CSW12	Disposal of Inert Waste
Policy CSW13	Hazardous Waste Management
Policy CSW14	Remediation of Brownfield Land
Policy CSW15	Disposal of Dredgings
Policy CSW16	Waste Water Development
Policy CSW17	Safeguarding Permitted Waste Sites
Policy CSW18	Nuclear Waste Treatment and Storage at Dungeness
Policy CSW19	Non Nuclear Radioactive LLW Waste Management

Development Management Policies	
Policy DM1	Sustainable Design
Policy DM2	Sites of International, National and Local Importance
Policy DM3	Ecological Impact Assessment
Policy DM4	Green Belt
Policy DM5	Heritage Assets
Policy DM6	Historic Environment Assessment
Policy DM7	Safeguarding Mineral Resources and Importation Infrastructure
Policy DM8	Extraction of Minerals in Advance of Surface Development
Policy DM9	The Water Environment
Policy DM10	Health and Amenity
Policy DM11	Cumulative Impact
Policy DM12	Transportation of Minerals and Waste
Policy DM13	Public Rights of Way
Policy DM14	Safeguarding of Transport Infrastructure
Policy DM15	Information Required In Support of an Application
Policy DM16	Planning Obligations
Policy DM17	Land Stability
Policy DM18	Restoration and Aftercare
Policy DM19	After-use
Policy DM20	Aggregate Recycling
Policy DM21	Ancillary Development
Policy DM22	Incidental Mineral Extraction
Policy DM23	Enforcement

By: Paul Carter, Leader of the Council
David Cockburn, Head of Paid Service

To: County Council – 12 December 2013

Subject: 'Facing the Challenge: Phase 1 update and new Directorate structure

Summary: This paper provides an update on progress delivering Phase 1 of the Transformation Plan, following *'Facing the Challenge: Delivering Better Outcomes'* which was approved by County Council in September. It outlines and charts activity across the three key themes which shape our approach for transformation and presents for approval a new Directorate structure for the Authority which is critical to successful delivery of the whole transformation agenda.

Recommendations

The County Council is asked to:

- NOTE the progress on delivering the Whole-Council Transformation Plan: Phase 1
- APPROVE the proposed operating framework and new Directorate structure critical to the delivery of the transformation
- NOTE the outcome of the formal and informal consultation process
- NOTE the actions and timescales that will result from this decision
- NOTE the intention to bring a further update and proposals for debate to a future County Council meeting recognising the changing role of members in a transformed organisation.

1. Introduction

1.1 On 19 September 2013, the County Council endorsed the Whole-Council Transformation Plan set out in *Facing the Challenge: Delivering better outcomes*.

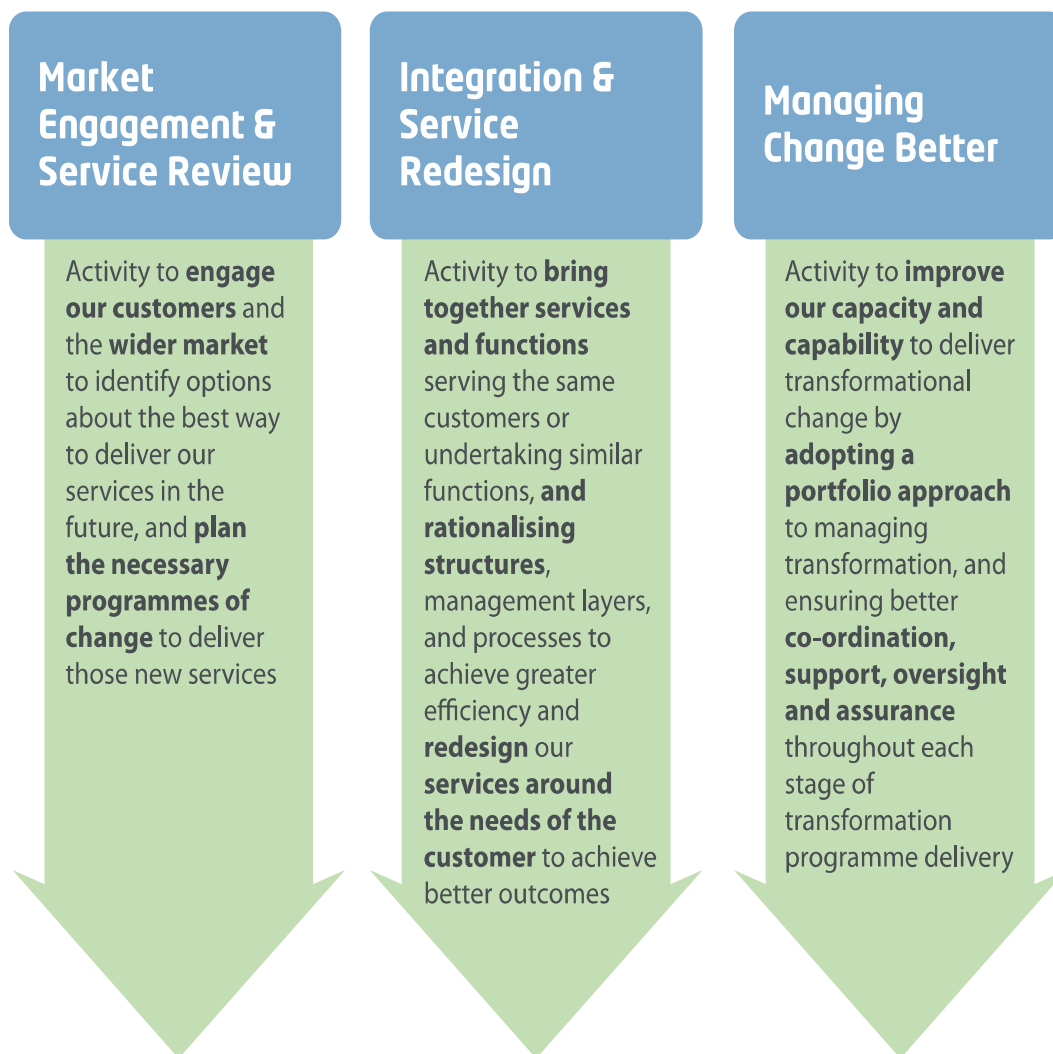
1.2 The plan will deliver the principles contained in *'Facing the Challenge: Whole Council Transformation'* which were agreed by the County Council on 18 July 2013 and described the context and rationale for change, providing a policy framework for transformation. It focused on five key principles:

- Integration of services around client groups or functions, for example the Kent Integrated Adolescent Support Service and activity and support for the Skills and Employability agenda for 14 to 25 year olds
- Single-council approach to projects, programmes and review. This involves bringing together the different strands of project and programme work being undertaken across KCC and organising them to achieve the best results for the whole organisation.

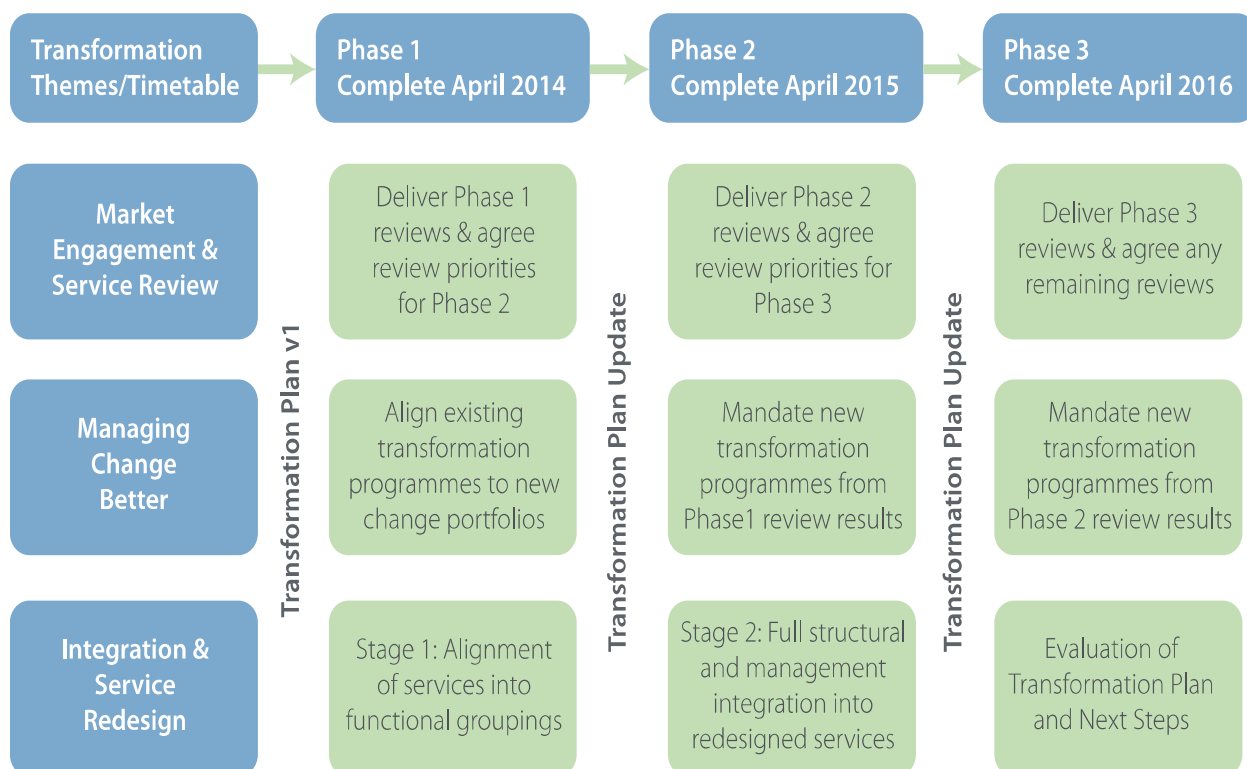
- Active engagement of the market for solutions around delivery models for all our services, encouraging new providers to create, shape and develop new and sustainable models.
- Creating viable businesses from traded services ensuring they maximise their income and credible and successful as standalone entities.
- Embedding commissioning authority arrangements

1.3 *Facing the Challenge: Delivering better outcomes* set out what will be delivered in the first phase of transformation, and the approach being taken to deliver transformation at pace. This will redesign the way we deliver services and drive structural reform of the authority as a whole by rapidly moving the organisation to a model which will deliver the financial savings required, and also ensure we are resilient and prepared for future challenges and change.

1.4 The Transformation Plan has been designed around three key themes.



1.5 Each theme has with clear timelines for delivery in their first phase as detailed in the County Council paper in September:

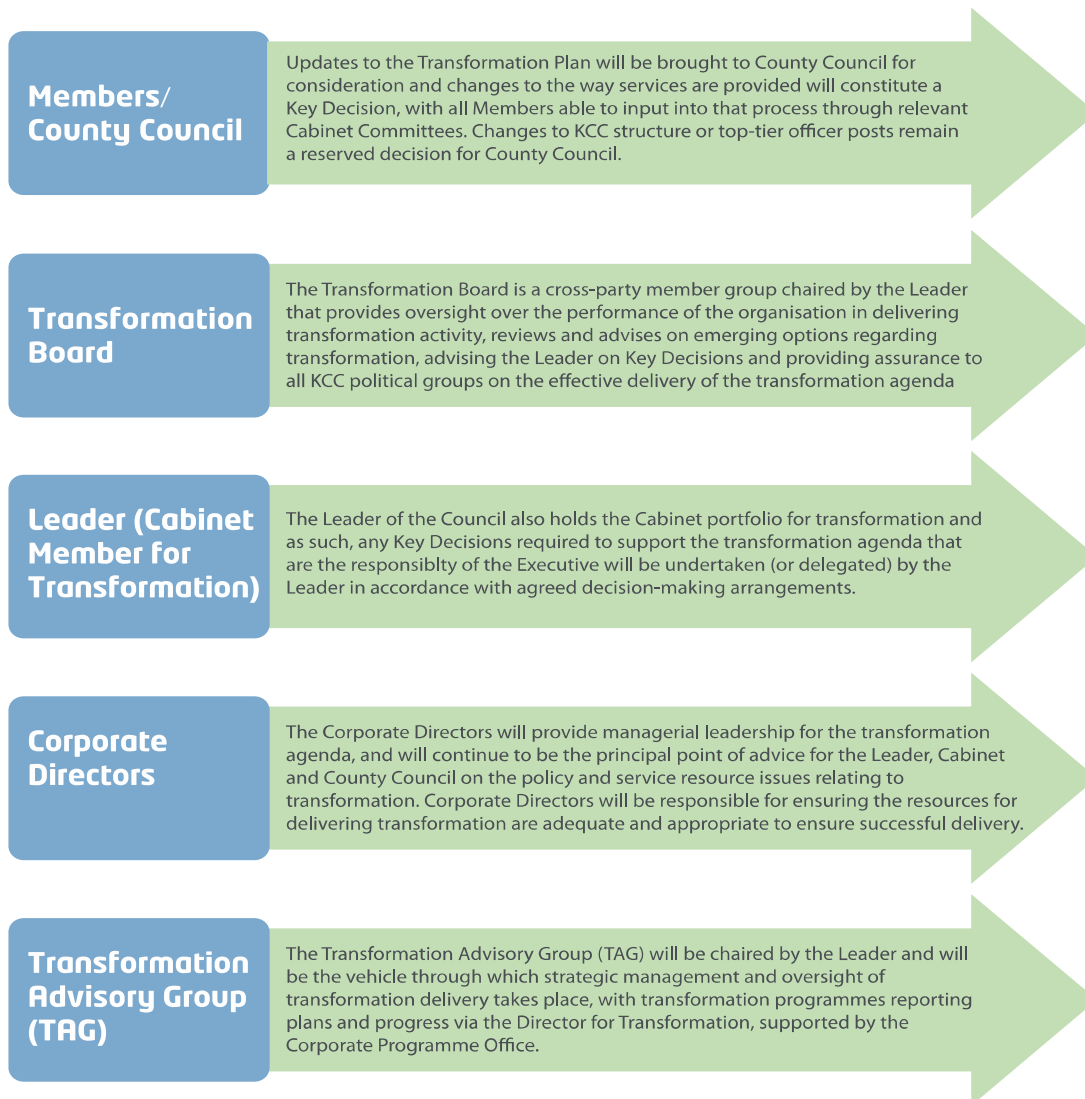


1.6 This paper provides an update on progress on each theme and, where relevant and appropriate, provides comments received on each from KCC staff and external stakeholders who responded on aspects of the theme in their feedback to consultation on the top tier realignment forms the bulk of this report.

2 Governance arrangements

2.1 The County Council in September 2013 agreed the governance arrangements that, at a strategic level, will shape and drive the transformation agenda, ensuring that it is delivered effectively and efficiently, and meets the financial and policy objectives of the Council.

2.2 The arrangements are outlined below. The Transformation Board has met twice since September to receive updates on progress across the three themes of the Transformation Plan. The Transformation Advisory Board currently meets weekly to monitor progress across the three themes.



3. Transformation Plan progress update

3.1 Some of the feedback received in response to the top tier realignment consultation related to other aspects of the whole *Facing the Challenge* agenda. This has been included as part of this update on progress where relevant.

3.2 Theme 1: Market Engagement & Service Review

3.2.1 The Phase 1 milestones for this theme were agreed as follows:

- Scoping brief for each review – end October
- Resource of Phase 1 review teams – end October
- Identify Phase 2 reviews – by end February 2014
- Phase 1 reviews complete – by end April 2014

3.2.2 Twelve services included in the first phase are shown below. Market review may apply to all or part of each of these functions.

Market Engagement & Service Reviews – Phase 1			
Type of service	Service Identified	Gross Budget for Market Review	Net Budget for Market Review
Frontline Services	Community Learning & Skills	£15,125,000	-£229,000
	Kent Scientific Services	£878,000	£243,000
	Libraries	£16,792,000	£15,174,600
	Residential Care Homes - Older People	£7,017,700	£6,920,200
Corporate Support Services	Contact Centre	£4,992,900	£3,365,600
	EduKent Services	£18,193,000	-£1,800,000
	Legal Services	£9,335,200	£8,224,000
	Human Resources	£7,693,000	£6,774,000
	ICT	£15,736,000	£15,638,000
	Finance	£15,336,000	£13,797,000
	Property	£29,493,000	£27,661,000
	External & Internal Communications	£2,458,000	£2,458,000
Total		£143,049,800	£98,226,440

3.2.3 The review team undertaking this open and challenging approach has been established and is staffed with a mix of internal service improvement managers and external experts who bring a fresh perspective from their recent experience with other organisations engaged in this sort of business development.

3.2.4 Each service has been required to produce a fact based questionnaire to inform the review team and enable them to produce a scoping document outlining how the service will be reviewed, the parties to be involved, the timetable and the objectives/outcomes that the review is to deliver. These were provided in full and at the agreed time by all twelve services and scoping briefs have been produced. These scoping briefs are currently being reviewed and consideration of alternative ways of delivering the Phase 1 services is now underway.

3.2.5 The process of market engagement and service review attracted a good deal of interest and comment through the consultation. Some concern was expressed about the timing of the review of services, including those of functions supporting the whole organisation transformation. Whilst recognising this, these services meet the criteria set out in *Facing the Challenge: Delivering better outcomes*.

3.2.6 It is important to restate that the outcomes of market engagement are not predetermined and outsourcing of services is only one option among many.

3.2.7 There are a number of possible delivery models for most of our services. In some cases, it may be decided that a service has trading potential either as part of a joint venture or through some other business model.

3.2.8 Several responses to the consultation urged the Authority to ensure that all parts of the organisation were the subject of service review, including statutory services which some felt had in the past not been subject to the same rigorous review as other parts of the Authority. The actions being taken across all three themes of transformation will ensure that this is the case.

3.3 Theme 2: Integration and Service Redesign

3.3.1 The Phase 1 milestones for this theme are shown below. These include the agreement of the new Directorate structure which is the principle subject of this paper. The Corporate Directors and Directors who are appointed to this new structure will have the overall responsibility for the successful implementation of all aspects of the Transformation agenda which is why this piece of work is being completed at an early stage in all the changes.

- Cabinet discussion of proposed revised top tier operating framework – October 2013.
- 30 day formal consultation with impacted senior managers – October/November 2013
- Informal consultation with other staff and internal and external stakeholders – October/December 2013
- Confirmation of alignment of staff to new customer service teams – November 2013
- County Council approval of revised operating framework – December 2013
- Appointment of Corporate Directors and Directors to revised top tier roles – by March 2014
- Go-live of new operating framework – 1 April 2014

3.3.2 These milestones are all on track for delivery and the outcome of the consultation process and proposed new operating framework form the core of this paper.

3.3.3 Much of the detail of how KCC services will be aligned to the new Directorates is outlined here and in the Appendices. The new structure sees a reduction from five service Directorate to four, the removal of five Corporate Director /Director posts and the bringing together of services and activity previously dispersed across the Authority into units focussed on the same client group or function around bigger integrated units. There is a commitment to ensure that all current teams are able to map themselves onto the new agreed framework. To ensure this is the case, further detail will be provided on KNet once the County Council has reached a decision.

3.3.4 There is also a commitment to ensure that the detailed service redesign of our services will start with the user of that service. i.e. the customer or client group and this work is already underway in many areas of the Authority. The service redesign work will ensure that the benefit of integrating functions into the new structure is fully realised, tackling duplication of effort, strengthening partnership working and approaches and removing unnecessary layers of management in line with the

Decision Making Analysis (DMA) model which provides the basis for all organisation design. Service redesign will be based on an improved understanding of our service users and customers enabling us to fulfil the commitment to “place the customer at the heart of service delivery”.

3.3.5 Further detail on the next steps in implementing the agreed top tier realignment is contained in later sections of this paper.

3.4 Theme 3: Managing Change Better

3.4.1 The Phase 1 milestones for this theme were agreed as follows:

- Agree a resources plan for transformation – by end October 2013
- Establishment of enhanced Corporate Programme Office – by end October 2013.
- Change Portfolios established – by end October 2013.
- Review and agree Programme Roadmap for all existing and new transformation activity in change portfolios – by end January 2014

3.4.2 Again the work on this theme is on schedule. The four change portfolios agreed in the September paper are established (see below). The Corporate Portfolio office has been set up and existing KCC programme managers have been joined by newly appointed external experts. The team is establishing methods of working with the Senior Responsible Owner(s) (SRO) for each portfolio and will be in a position to agree the Programme Roadmap by the end of January 2014.

3.4.3 The table below shows the current change activity being undertaken in each portfolio. Additional activity will be included as the transformation progresses and further programmes and projects are scoped and agreed. This will see a particular expansion of activity in the Place Based and Business Change Transformation Portfolios.

Activity included within each Change Portfolio			
0-25 Transformation Change Portfolio	Adults Transformation Change Portfolio	Place Based Transformation Change Portfolio	Business Capability Change Portfolio
<ul style="list-style-type: none"> • Children’s Transformation • 0-11 Children and Families Support • SEN and Disabled Children’s Services Integration • Kent Integrated Adolescent Support Services • Troubled Families • 14-25 Skills and Employability 	<ul style="list-style-type: none"> • Adults Care Pathway • Adults Commissioning • Adults Optimisation • Care Bill Preparation 	<ul style="list-style-type: none"> • Community Safety and Emergency Planning • Future Libraries • Customer Access 	<ul style="list-style-type: none"> • Trading & Transition • New Ways of Working • Integrated Commissioning

4. Top Tier Realignment

4.1 On 14 October 2013 the Cabinet noted and endorsed proposals for a formal consultation on a realignment of senior posts in the Authority to deliver the transformation plan set out in *Facing the Challenge: Delivering Better Outcomes*. This was followed by a period of formal consultation with senior staff impacted by the proposal and informal consultation with other staff and external partners and stakeholders. The transformation plan recognises that it is essential we identify the right outcomes to inform the design and delivery of our services and the right level of resource to achieve those outcomes.

4.2 Whilst the change in structure is a specific activity of the second theme, Integration and Service Redesign, this is not a traditional restructure. It is important to give certainty to both senior managers and the wider staff group about who is responsible for each new customer/functional group, each of the services being market reviewed (and implementation of the outcomes of the review) and the delivery of each transformation programme. This new Directorate structure is an early step to achieve the transformation outcomes – it is not an end in itself. It is also inevitable that our structure will need to be revisited and further changes are likely over time.

4.3 The proposal was for the establishment of four new Directorates, each with responsibility for discrete services, which will collectively deliver the three themes and five key objectives of *Facing the Challenge* taking a whole council approach. Two of the Directorates are focused on People based services that give support to particular individuals or families at various ages and stages of their lives, one on Place based services that provide services to everyone, or on an area basis, and one on whole organisation strategic and corporate support functions, providing policy advice and business intelligence to the whole Council and professional advice and support to front-line people and place based services.

4.4 The four Directorates consulted on were:

4.4.1 Social Care and Public Health

This Directorate will be responsible for the delivery of statutory social care services to individuals needing them at any stage of their lives. It will transform the way we deliver services for vulnerable adults, older people and children working in tandem with the health service and our voluntary & community sector providers. Public Health has been included because it is appropriate to position it in the Directorate providing other statutory services to people across all stages of life and integrating service provision with the health sector

4.4.2 Education and Young People services

This Directorate combines Education services with targeted services for children and young people designed to reduce demand for specialist services. By focusing on prevention and early intervention, our aim will be to reduce demand in education and children's social services by helping families earlier, improving parenting skills and the health and educational outcomes of young children, ensuring they are school ready. It will also enable the Authority to identify and intervene earlier to support families in crisis through area based working and joined up teams providing a more seamless service and better working arrangements with our partners.

4.4.3 Place Directorate

It should be noted that the title “Place” is a working title only. The final name for this Directorate will be agreed prior to the implementation of the new structure in April 2014. The new Directorate for place based services will bring together community based universal services (e.g. Libraries), countywide infrastructure services (e.g. highways and waste), economic growth shaping activity (economic development) and regulatory services (such as planning and trading standards) to be managed strategically and cohesively, allowing integration of services and commissioning where value adding and enhanced synergy in the way these universal services are provided.

4.4.4 Strategic and Corporate Services

This new Directorate will see the existing Policy and Strategic Partnership and Business intelligence functions and the professional support services joined by other whole council support and client activity.

5 Consultation Outcomes

5.1 The operational framework outlined above has been the subject of consultation and the outcomes are detailed in the following sections of the paper. Please note that for ease of reference, the job and directorate titles used throughout this paper are those that appear in the final proposal rather than those that applied during the consultation process.

5.2 The minimum requirement for a formal consultation with the 26 Directors and Corporate Directors directly impacted by the proposals was supplemented by a much wider consultation process. Given the impact on all KCC staff and the critical role they, together with the Authority’s partners, suppliers and other key stakeholders, have in helping to achieve the *Facing the Challenge* agenda, it was decided to invite contributions from these groups. This consultation was informal, but important, and the feedback has been included in this report.

5.3 The overall response to the proposals was positive and supportive of the general direction. There were no fundamental challenges to the structure of four Directorates with two relating to People services, one to Place services and one for corporate activity. It was notable that many respondents chose to comment on the whole Transformation agenda and did not restrict themselves to the top tier realignment. This suggests that there is a positive understanding that the *Facing the Challenge* programme is far more than a restructure and has to be seen in its entirety across all strands of activity if it is to succeed.

5.4 There were some common themes emerging from all consultation responses and these have been outlined in section 8. There was strong recognition that however the County Council chooses to structure itself, success for it, its partners and the residents of Kent depends crucially on continuing to build productive relationships and willingness to do things differently.

6 Responses from impacted staff

6.1 The 26 directly impacted senior staff were sent a formal consultation letter and pack on 15 October 2013. The process was led by the Head of Paid Service as the most senior officer responsible for overall corporate management. He also has responsibility for proposing to the County Council, together with the Leader, the overall officer structure required to deliver the Council's responsibilities and the manner in which the discharge of the Council's functions is co-ordinate; the number and grade of officers required for the discharge of functions; the organisation of officers and the appointment and proper management of the authority's staff.

6.2 The pack included the background to the proposal, as set out in the Cabinet paper of 14 October, draft job descriptions, structure charts, the equality impact assessment, support available to impacted staff and a statement of actions being taken to mitigate the possibility of dismissal on the grounds of redundancy. The consultation period ended on 14 November.

6.3 16 replies were received in response to the invitation to comment. Many of the contributions related to the general themes emerging from the whole consultation process (see section 8), or were comments about specific job descriptions or job titles. These latter comments have been picked up in the revised, final draft job descriptions attached at Appendix 1.

6.4 Some of the comments that related to very specific items of clarification and which did not impact on the overall structure proposals have not been included in this feedback, although individual responses are being sent to all 16 respondents covering all the points raised.

6.5 The other comments received from impacted staff and the Authority's responses to them, reflected in the recommendations in this paper, are contained in Appendix 2.

7 Responses from other staff and external stakeholders.

7.1 KCC staff were invited to comment on the proposal through significant coverage on KNet and 35 individuals or teams took the opportunity to offer their opinions. The majority of these responses fell into the same general themes as impacted managers and stakeholders, outlined in section 8.

7.2 The Leader of the Council wrote to from 445 external stakeholders inviting views, including suppliers; Kent District, Borough, Parish and Town Councils; other local authorities and public sector bodies; business advisory boards; Clinical Commissioning Groups and voluntary sector organisations. 17 replies were received. There was again strong support for the general direction of *Facing the Challenge* and recognition that the reality of the current financial climate meant that there was no alternative to fundamental change. The radical nature of the proposals across all aspects of the *Facing the Challenge* programme was recognised and applauded by several respondents, although concerns about other aspects of the change were raised and are highlighted below. Nearly all respondents expressed their appreciation of the invitation to comment and many expressed their willingness and desire to continue to be involved and consulted through the design and implementation of the changes. Many chose not to comment in detail on the

proposed structure, whilst broadly supporting it, recognising that this is an internal issue for the Authority, but offered more general comments which are again reflected in section 8.

7.3 Where questions of clarity were raised, answers have been sent directly to the respondent. There were several comments from staff on the draft job descriptions and a small number of queries about the scope, number and grades of senior posts and the relative size of the new Directorates.

7.4 There were several queries about why services such as Libraries, and others were in the “Place” Directorate but actually deal with “People”. It is acknowledged that most of the Authority’s services are about the people who access them and nearly all our staff provide services to customers. The definitions of the scope and purpose of the new directorates articulate and clarify the logic for the groupings of services.

7.5 Other respondents urged that care should be taken in how services are described, particularly in relation to those in social care.

8 Frequently raised themes

8.1 A few topics attracted regular comment. For ease of reference these are reflected in this section of the paper which brings together comments on these themes from all respondents to avoid repetition of points being made by impacted managers, staff and external stakeholders. The following aspects of the proposed structure attracted particular attention. A fuller description of the feedback and our response to each of these is attached at Appendix 3.

8.2 Skills and Employability

The proposal remains that this function forms part of the Education and Young People Services Directorate.

8.3 Virtual Schools Kent (VSK)

VSK is currently part of Specialist Children’s services and the original proposal was for it to move to Education. It has been decided to recommend in this proposal that it stays as part of Specialist Children’s Services.

8.4 Director of Communication role

The proposal before County Council is that this post is deleted.

8.5 Public Health

The proposal for Public Health to form part of the Social Care and Public Health Directorate attracted comment from all groups of consultees and a response was received from Jenny Harries from Public Health England seeking reassurance that KCC recognises the responsibilities of the Director of Public Health and positions the role in such a way that these responsibilities can be discharged effectively. The need to do this is recognised and the Director of Public health will remain a member of the

Corporate Management team and Corporate Board as well as the Social Care and Public Health Directorate Management Team.

8.6 Preventative Services

The success of preventative services is critical to many aspects of the *Facing the Challenge* agenda, the financial health of the Authority and the lives of vulnerable young people and their families. This proposal has therefore been given the highest level of attention and there is agreement that the current configuration outlined in this proposal is capable of providing the required outcomes. The responsibilities of the senior managers involved across the two Directorates are described in the job descriptions and the DCS protocol will be revised to ensure there is total clarity about how the structure will operate to maximum effect and that the DCS is able to fulfil his statutory responsibilities.

8.7 Commissioning

8.7.1 In recognition of the crucial role of whole organisation commissioning in support of our ambition to be a commissioning authority to a much greater extent, a professional corporate team will be established to embed the necessary commissioning authority arrangements in Kent, including a framework to ensure robust internal challenge and contestability within KCC. It will recommend how we can improve our capacity to undertake market development and market shaping activities, define the skills required for staff engaged in commissioning activity, identify opportunities for joint commissioning across the Authority (and with partner organisations), and develop a mechanism to monitor the effectiveness of our commissioning activity and will sign off devolved commissioning arrangements.

8.7.2 The corporate team will also ensure the strong client model outlined in *Facing the Challenge* through developing a best in sector commissioning and procurement approach that has the capacity to effectively decommission and reprovision services as the need arises, adopts a commercial approach to contract management across all service provision, whether internal or external, and has the ability to shape markets and undertake market development to encourage new providers to create new markets.

8.7.3 It is not intended to transfer any of our existing commissioning teams into the Strategic and Corporate Services Directorate and the further details of the approach to be taken beyond that outlined in Appendix 3 will be established as part of the Change Portfolio activity on corporate commissioning. There will be strong member oversight of the Authority's commissioning agenda and activity.

8.8 The way we do things

The objectives of *Facing the Challenge* can only be achieved through developing exceptional working relationships within the Authority and with our partners. This is well understood and was reiterated throughout the responses to the consultation from all groups. Further detail is given in Appendix 3.

9 Financial Implications

9.1 The reports on this subject in July and September to County Council made clear the financial climate facing local government over the medium term and probably beyond. Savings of £239m were estimated for 2015/16 to 2017/18. Before that, it was estimated at the time that we would have to deliver around £104m in order to balance the 2014/15 budget (including the reverse of £25m of one-off savings necessary to balance 2013/14 budget).

9.2 As the thinking on delivering transformation develops, so does the high level savings options. At this stage, we cannot be precise as to where the savings might be made and how they will be delivered, but we have to start to make assumptions about what might be possible.

9.3 As a first guide, we are looking at the following savings ‘targets’ in order to meet the £241m latest estimated savings requirement for 2014/15 to 2016/17 identified in the consultation launched on 8th November. An explanation of each of the six headings is provided in the remainder of this section of the report:

	Potential Saving £m-£m
Market Engagement Activity	15-20
Commissioning & Procurement Activity	15-20
Service Review & Integration Activity	55-65
Additional Income opportunities from trading	10-15
Efficiencies from existing savings plans	20-25
Reduced Demand through targeted preventative services	65-75
	<hr/>
Total	180-220
	<hr/>

9.4 Even the upper range of these programmes does not deliver the full £241m and would leave a shortfall of around £20m. We will need to have innovation, rigour and determination to meet the financial challenge presented to us by Government. We will need to develop and continually refine the financial modelling over the coming year(s) by analysing our service activity levels, costs, and the developing trends, compared to the outline savings targets above, and continue to search for new potential savings. During this period we face many uncertainties and likely new burdens. The 2015 Election could have a significant impact on local government, and the Care Bill (reflecting the Dilnot report) presents massive uncertainty, which is further considered later in this section.

9.5 Market Engagement savings will come when alternative delivery models and/or service providers, through proper procurement routes, can show that the **same or better service** can be provided at a lower cost. All of our services will be subject to this scrutiny over the next three years, building on the extensive savings already made from commissioning significant levels of services across the Council, such as in Highways and Social Care.

9.6 Commissioning and procurement savings will be delivered by even more rigour over both the scope and the price of those contracts and services which we already

purchase from private and voluntary sector providers via competition in the marketplace and with corporate oversight.

9.7 The service review and integration savings will evolve as the new areas of responsibility bed-down in the new Directorates. Directors will look at more effective ways of providing their services (as we have with the recent review of Children's Centres) within the indicative budgets we will provide them with for the next three years. Integration will deliver efficiencies particularly from management structures and removal of any duplication of effort.

9.8 Additional income needs to be found from exploiting market opportunities, ensuring we provide traded services at a reasonable profit, by setting our limited companies increasing dividend targets, and by looking for new business opportunities in those areas where we already have some expertise, such as providing back-office support for external organisations. We will also, as is normal, look at increasing charges in line with benefits increases.

9.9 The progress on efficiencies from existing savings plans is probably the most advanced of these streams as we have already (as the heading suggests) begun work to deliver these as part of the 2013-15 Medium Term Financial Plan. These include back-office efficiencies and procurement savings.

9.10 By making substantial investment in our preventative services and targeting them to those most in need, we aim to **significantly reduce demand** for high cost intervention. This is potentially the biggest area of savings as we look for those preventative services to reduce, for example, the number of children taken into care, and the number of people in residential care, and the need for extensive support for elderly and vulnerable people living at home. It must be stressed that this is not about cutting services or denying people access to these services, but simply about helping people earlier, thereby avoiding often unwelcome interventions later on.

9.11 Members should be aware that the numbers shown above are our best estimates at this early stage. The numbers will change regularly, including the overall total, as a result of a number of factors including the provisional settlement, local tax base and final quantification of additional spending demands. The figure of £241m is made up of estimated additional spending pressures of £140m, reduced government funding of £143m, £10m increase in Council Tax base and our share of business rates, and £32m from increasing Council Tax up to referendum level. These amounts will almost certainly change before we finalise the budget for County Council in February.

9.12 Ensuring the County Council can set legal budgets, and keep to them, over the medium term is not a unique pressure to Kent. The local government sector is universal in its deep concern for being able to deliver services with the ever decreasing funding it is being given. We are well placed to meet this challenge, but with lower than average levels of reserves we must maintain the pace and urgency that we have started, and ensure no slippage to our transformation programme.

9.13 We will need to make sure that we keep up the pressure on central government to reform outdated legislation which places spending burdens on local authorities. This will apply across many of the savings strands identified above but will be particularly important in helping us meet the very ambitious targets set out under reducing demand. It is essential that legislative requirements do not prevent our

overall aim of reducing reliance on publicly funded services. An example where legislative requirements could actually impose additional spending demands without adequate funding is in the Care Bill currently progressing through Parliament.

9.14 Councils are working to establish with a greater degree of confidence, the real cost impact of the Care Bill (in particular Dilnot related changes) legislative changes. The main change in the Bill would introduce a cap on the total amount an individual has to contribute towards their care costs from April 2016.

9.15 Nationally, the Association of Directors of Adult Social Services, with the LGA, have agreed to develop a model which all Authorities would use to help them quantify what these changes mean for them and also to have the evidence to lobby the Government for adequate funding. Indeed, the Department of Health concedes that it needs to do more work on the determining the full costs associated with the changes. Our very early estimates of the impact are in the range of £22m - £45m per year.

9.16 The Government has not made any announcement on how the reforms in the Care Bill will be funded, other than this will be addressed in the Spending Review for 2016/17 alongside other spending priorities. The Spending Round 2013 announced £335m would be made available in 2015/16 to help local authorities to prepare for the changes (including deferred payment arrangements from April 2015) although it has subsequently transpired that this funding has been effectively top-sliced from the main Revenue Support Grant settlement rather than new money. The Spending Round 2013 also announced the creation of a £3.8bn pooled budget for closer working between health and social care authorities although this is not intended to fund the reforms in the Care Bill.

9.17 In conclusion, we have to manage our resources like never before, make sure every penny spent delivers real benefit, and maintain the flexibility to respond to a constantly changing financial landscape.

10 The Proposed Operating Framework and Top Tier Realignment

10.1 As a result of the consultation process, relatively minor changes have been made to the original proposal and some services have moved within the new operating framework. However, the main outcome of the process has been to validate and endorse the changes to the Directorate structure as a necessary early step to achieve the innovative and proactive activity outlined in all aspects of *Facing the Challenge*.

10.2 The overall structure proposal is shown at Appendix 4 which includes the grade for each role. The pay and grading structure for senior officers was thoroughly overhauled in 2010 and the evaluation of the grades of the posts has been confirmed by the HayGroup who undertook a detailed analysis of our senior roles at that time. HayGroup are an internationally recognised management consultancy with an expert understanding of job evaluation and market pay, and particular experience in the public sector. Their advice helps to ensure the implications of the new organisational structure are fully understood.

10.3 An outline job description for each Corporate Director and Director post is included at Appendix 1. In addition each of these senior managers will be expected to meet the corporate responsibilities defined in Appendix 5. Some changes have

been made to the job descriptions both as a result of the consultation responses and to ensure a consistent approach.

10.4 There are four service Directorates, whose overall purpose remains as defined in the consultation (see section 4) will contain the following Divisions and functions:

10.4.1 Social Care and Public Health

Corporate Director Social Care and Public Health (DCS & DASS)				
Director Commissioning	Director Specialist Children's Services	Director Older People and Physical Disability	Director Learning Disability & Mental Health	Director Public Health
Children's Health Commissioning	Initial Duty and Assessment	Enablement	Assessment and case management	Health Improvement
Strategic Commissioning - Children's Social Care	Child Protection	In-house Provision – residential homes and day centres	Learning Disability and mental health In-house Provision	Health Protection
Quality Assurance of Health and Social Care	Children and young people's disability services including short break residential services	Adult Protection	Adult Protection	Public Health Intelligence and Research
Integrated Commissioning – Health and Adult Social Care	Children in Care (Children and Young People teams)	Assessment and Case management	Partnership Arrangement with the Kent & Medway Partnership Trust and Kent Community Health NHS Trust for statutory services	Public Health Commissioning and Performance
Contracts and Procurement	Assessment and Intervention teams	Telehealth and telecare		
Planning and Market Shaping	Family Support Teams	Sensory services		
Commissioned Services including Supporting People	Adolescent Teams (Specialist Services)	Dementia		
LASAR (Local Area Single Assessment and Referral)	Adoption and Fostering	Autism	Operational support unit	
KDAAT	Asylum	Lead on health integration		
	CRU/OoH	Integrated Equipment Services and Disabled Facilities Grant		
	Family Group Conferencing Services			

10.4.2 It should be noted that due to the well developed transformation programmes already being undertaken in the existing Families and Social Care Directorate which will result in recommendations impacting on service delivery models and structures, the level of change contained in this proposal does not attempt to pre-empt the outcome of the major transformation programmes and any further senior management revisions and change.

10.4.3 The Director of Commissioning post will provide commissioning advice to some teams in both Social Care and Public Health and Education and Young People services. The role will also have oversight of the KSAS project although the project team will be managed through a transitional arrangement after April 2014.

10.4.4 Education and Young Peoples Services

Corporate Director Education & Young People Services

Director Preventative Services	Director of Education Planning and Access	Director of Education Quality and Standards
<p>Integrated Youth Services includes Youth Justice, Youth Work (including Youth Centres and outdoor activity centres)</p> <p>Children's Centres</p> <p>Early Intervention and Prevention for children, young people and their families including Family CAF co-ordination</p> <p>Adolescent Services Social Work Assistants</p> <p>Inclusion and Attendance includes Education Youth Offending, Educational Welfare, Inclusion Officers, Child Employment and Young Carers Co-ordination</p> <p>Early Years Treasure Chest</p> <p>Commissioned Services for early intervention and prevention</p>	<p>Provision Planning and Operations includes school place planning and provision, client services, outdoor education and the work of the AEOs</p> <p>Fair access Admissions and Home to School Transport includes Elective Home Education, Home Tuition and Children Missing Education</p> <p>Special Educational Needs Assessment and Placement Educational assessment processes for pupils with Special Educational Needs and Disabilities includes Portage and Partnership with Parents</p> <p>Educational Psychology Service</p>	<p>Early Years and Childcare</p> <p>Safeguarding and Education</p> <p>School Standards and Improvement including Governor services, School Workforce Development and Performance and Information.</p> <p>Skills and Employability for 14-24 year olds includes Kent Supported Employment & Community Learning & Skills</p> <p>Inclusion Support Service Kent (formerly MCAS)</p>

The Directorate includes three new functional groups:

10.4.5 **0-11 Integrated Services:** Early intervention and prevention services provided to families and children aged from 0-11 are currently provided separately across KCC. We will bring those services into a single integrated service with a cohesive service offer to families in Kent. By focusing on prevention and early intervention, our aim will be to reduce demand in education and children’s social services by helping families earlier, improving parenting skills and the health and educational outcomes of young children, ensuring they are school ready and being able to identify and intervene earlier to support families in crisis.

10.4.6 **Kent Integrated Adolescent Services:** The development of the Kent Integrated Adolescent Support Service has provided the blueprint for the integration of early intervention and prevention services within Kent, through area based working and joined up teams providing a more seamless service and better working arrangements with our partners. This programme will continue to develop that new service, moving toward formalising the improved working practices and approaches developed to date.

10.4.7 These two services will be part of a new Division of Preventative Services headed by a Director. The Director will also have oversight of the Troubled Families programme, although the programme team will be managed through a transitional arrangement.

10.4.8 **14-25 Skills & Employability:** There will be an emerging programme of work to explore and develop the way we work with our partners to raise attainment, improve vocational education & apprenticeships, increase participation and employment and target support effectively for vulnerable learners. This will include not only more integrated and efficient ways of working within KCC, but increasingly engaging with our partners such as employers, Jobcentre Plus, the business community and District Councils.

10.4.9 This expanded team will be part of the Division headed by the Director of Education Quality and Standards.

10.4.10 As with the structure in Social Care and Public Health, it is likely that once these services are brought together, further integration within the Directorate will be possible and desirable.

10.4.11 **Place Directorate**

Corporate Director Place		
Director Economic Development	Director Highways Transportation & Waste	Director Environment, Planning & Enforcement
Economic & Spatial Development	Highway Operations	Sustainability and Climate Change
Strategy & Development	Programmed Works	Heritage Conservation
International Affairs	Transportation	Country Parks

<p>Regeneration Projects</p> <p>Arts including Kent Film Office</p> <p>Volunteering</p> <p>Big Society</p>	<p>Public Transport</p> <p>Future Service Improvement</p> <p>Contract Management</p> <p>Waste Resource management</p> <p>Road Safety including Road Crossing Patrols</p>	<p>Strategic Transport Planning</p> <p>Planning Applications Group</p> <p>Regulatory Services- Including Public Rights of Way & Access, Trading Standards, Coroners, Kent Scientific Services & Countryside Management Partnerships</p> <p>Flood Risk and Natural Environment</p> <p>Kent Downs Area of Outstanding Natural Beauty</p> <p>Sport</p> <p>Community Safety & Emergency Planning, including Community Wardens</p> <p>Gypsy and Traveller Unit</p> <p>Local Development Plans</p>
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Head of Libraries and Registration and Archives is a direct report to the Corporate Director

10.4.12 Functions included in the Directorate make up a mix key frontline, strategic, policy and commercial functions. The Directorate will have a key role in promoting Kent as a highly attractive location for business and employment as well as stimulating the regeneration of areas hardest hit by the economic downturn.

10.4.13 It will also promote Kent as a great place to live and work, providing a range of front-facing public services which are used or experienced by everyone in Kent every day and are the touch point for local communities. This includes leisure and culture facilities, including the Turner Contemporary; highways; pavements; streetlights; new infrastructure; household waste disposal and recycling services.

10.4.14 The Directorate will have strategic responsibility for the future of the county in terms of planning and transport policy, and major transport improvement schemes. It has a key objective to ensure the interests of Kent's residents, businesses and its environment are represented in policy development.

10.4.15 **Strategic and Corporate Services Directorate**

Corporate Director Strategic & Corporate Services (Head of Paid Service)				
Corporate Director Finance	Corporate Director Human Resources	Director Information & Communication Technology	Director Governance & Law	Director Property & Infrastructure Support
Audit and Risk	HR Business Centre	ICT Commissioning	Democratic Services	Capital and Infrastructure Support
Financial Services	HR Employment Strategy inc.	ICT Operations	Legal Services	Strategic Asset Management/Rationalisation
Finance Business Partners	Internal Communications	Kent Connects	Elections	Property Enterprise Fund
Financial Management	Organisation Development	Business Partners	Member Services	Business Partners – Directorate Property
Strategic Finance	HR Business Partners	Enterprise Architecture	Clerk to the Lord Lieutenant	Estates Management & Property Operations
Procurement	HR Advisory Team	ICT Infrastructure	Senior Information Risk Owner	
Director School Resources	Health & Safety including Staff Care Services	Service Support		
Academy Conversion		Business Solutions		
Finance Business Partners		ICT Security		
Development of delivery model for support services to schools				

10.4.16 The new Directorate will include the Head of Policy and Strategic Partnerships and the Head of Business Intelligence, both of whom will be direct reports to the Corporate Director.

10.4.17 Corporate services are fundamental to successful integration and whole council transformation, both in terms of ensuring activity that relates to the whole organisation is coherent and cohesive, but also in terms of the professional advice offered to service directorates being instrumental in enabling them to achieve service transformation at pace and in the most effective way possible. All corporate services that provide support to front-line people and place based services will form part of this revised Directorate. As well as the existing professional support Divisions a number of new corporate functions have been identified to underpin arrangements to integrate and reposition whole council support. Further details of the teams involved in these units are shown at Appendix 6. The activities are:

- **Customer Contact**
- **Media and Public Relations**
- **Customer intelligence and performance**

10.4.21 **Traded services and market engagement**

Whilst traded services and those being reviewed under the market engagement arrangements will continue in their current line management arrangements until decisions on the future model of service delivery for each is finalised, the Corporate Director Strategic and Corporate Services will have oversight of the progress of market review and the development of Kent Commercial Services.

10.4.22 As with the Social Care and Public Health and Education and Young people Services Directorates, there is significant change to be accommodated in the existing roles and structure of this Directorate. There will be senior managerial capacity to absorb the new functions detailed above at a later point, although it is not possible at this stage to be specific about the final shape of the senior level roles in this Directorate. All the current senior managers manage functions that are the subject of market review. It is also inevitable that these Divisions will need to respond to changes in the rest of the organisation which will impact on nature and volume of support required. At the same time, it is vital that the Directors remain focussed on the work required to support the rest of the organisation in its transformation activity.

10.4.23 The services mentioned above that will be transferring in to the new Directorate will, therefore, be managed on a transitional basis until the outcomes of the various service and market reviews are completed. Transitional arrangements will also apply to the Troubled Families and KSAS programmes mentioned earlier in the paper.

10.4.24 There are some individual members of staff who directly support the existing Directorate structure and aspects of organisational activity whose position needs to be clarified as the changes are implemented. There will be separate discussions with these individuals prior to April.

11 Cabinet portfolios

11.1 Effective and timely decision-making will be critical to the delivery of all aspects of this Transformation Plan. KCC operates a clear decision-making framework, set out in the Constitution, which places responsibility for strategic decisions with Members and responsibility for the delivery or implementation of those Member decisions with officers. Should these governance and decision-making arrangements prove insufficient to support the pace of change required to deliver transformation, then they will be reviewed, with any alternative arrangements brought to County Council for consideration and approval.

11.2 As outlined in Facing the Challenge: Whole Council transformation, as the role of the County Council transforms, the way elected Members undertake their local representative role will also change, and will increasingly be delivered through:

- Advocacy – representing resident interests at an individual and community level, working with other democratic representatives and bodies from across the political spectrum, and the public, private and voluntary sector to ensure individuals and communities have a voice in how all public services are shaped and delivered, not just those traditionally provided by local government.
- Brokerage – working with commissioners and providers across all public services to identify innovative and cost-effective ways of meeting local community and individual need, and leveraging and brokering resources from across the private, public and voluntary sector to help solve local community problems.
- Communication – through representing the community to the council rather than the council to the community, Members can provide strong intelligence of local community need to help shape the commissioning and procurement of services, but also feed resident views when shaping the strategic priorities and overall direction of the council.

11.3 As public services increasingly fragment, the need for leadership from a democratically elected strategic local authority will become more, not less, important. The political leadership will be more focussed on making the prioritisation and investment decisions, rather than decisions on day-to-day service activity, with the organisation having the responsibility to provide political leaders with full financial and non-financial data necessary to make strategic investment and disinvestment decisions.

11.4 A paper for debate on this changing role of members will be brought to a future County Council meeting.

11.5 Cabinet portfolios will remain in their current configuration in order to help ensure stability during the changes arising from these proposals. However, these will be reviewed before the April implementation of the new structure.

12 Timeline and next steps

12.1 Once the realignment has been agreed by the County Council, formal confirmation will be given to the senior managers impacted on whether they are at risk of redundancy or “slotted” to a post. At this stage, any applications for voluntary redundancy which are agreed will be confirmed

12.2 Throughout this period it is critical that regular communication to all staff and ongoing engagement with managers is continued.

12.3 Decisions about whether individual senior managers are “slotted” (i.e. automatically placed) to the proposed posts in the structure will be done following the Kent scheme terms and conditions of employment. An individual may be slotted if all the following criteria are met:

- The job must be the same grade as before the re-organisation
- There must be the same number of jobs (or more) as job holders
- The job is deemed 75% the same type of work in terms of job accountabilities, activities and broad objectives.

12.4 Following the slotting process, any remaining vacant posts will be filled by Member appointment panels in the normal way. It will be critical to the stability of the organisation and its ability to deliver transformation that any senior posts left vacant are filled as soon as possible and it is intended to hold the initial selection process during January 2014.

13 Equality impact assessment

13.1 An equality impact assessment for the proposed new structures has been completed. Of the 10 protected characteristic groups considered, it is felt that there could be a potential impact on 4 characteristics – age; gender; disability and people with carer's responsibilities. The details of the assessment are included at Appendix 7 and for all four identified characteristics the potential impact is assessed as low.

Background Documents:

Facing the Challenge: Whole Council transformation - County Council July 2013
Facing the Challenge: Delivering Better outcomes - County Council September 2013
Facing the Challenge: top tier realignment - Cabinet 14 October 2013

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Kent County Council

Job Description:

Corporate Director – Social Care and Public Health (Statutory Director of Children’s Services and Statutory Director – Adult Social Services)

Date: November 2013

Directorate: Social Care and Public Health (DCS and DASS)

Grade: KR20

Responsible to: The County Council
Member of the Corporate Management Team

Job Purpose

Identify, lead and commission strategies to deliver the Council’s and Government’s vision for the provision of Social Care to Children’s and Adults’ ensure that the needs of the local community are achieved.

Discharge the statutory obligations of the Director of Adult Social Services.

Act as the Council’s lead Caldicott Guardian; ensuring that the principles are incorporated into the Council’s policies, procedures and staff practice.

Accountabilities

Corporate Directors will work within the KCC Corporate Responsibilities for Senior Officers. In addition, as members of the Corporate Management Team and working closely with Cabinet Members, Corporate Directors will work together to enable corporate responsiveness to elected members; secure the best approach to resource stewardship for the council’s budget and finances; ensure that overall management attention, effort and controls are commensurate to risk and opportunity across the council’s functions and activities; and enhance the reputation of Kent as a place as well as Kent County Council as the democratic agent of change in the region.

Work as part of the Corporate Management Team to take early action if performance against corporate objectives is less than excellent.

Champion and support strategic cohesion in the delivery of children’s services by maintaining and developing key links between specialist children’s services,

education services, early intervention and preventative services via the Integrated Children's Services Boards, Joint Commissioning Board and Kent Safeguarding Children Board.

Identify and deliver commissioning strategies to ensure effective assessment and services are in place to support young people with social care needs during childhood, transition to adulthood and that a framework of safeguarding is in place to protect them.

Ensure that children's and adult's safeguarding is a corporate and universal priority, through effective performance monitoring and management within the directorate and through wider communication and engagement across KCC.

Work in partnership with the Corporate Director Education and Young People's Services and Public Health to ensure achievement of the statutory responsibilities of the Director of Children's Services. The accountability of and for Children's Services is with the County's statutory Director of Children's Services (DCS) as expressed in the accountability Protocol document

Direct the strategic delivery of the transformation of Adult Social Care to ensure that the maximum budgetary and service improvements are achieved.

Work in partnership with Health to enable full integration of health provision into the Council's services and to ensure the delivery of the government's new agenda on health and public health as it emerges.

Provide strategic support for bodies such as the Kent Safeguarding Children Board and the Kent Vulnerable Adults Safeguarding Board.

Actively review all services provided by this post to identify the 'right source' for their future delivery including consideration of outsourcing, co-sourcing or in-sourcing to ensure the most effective and efficient delivery methods are employed.

The post holder has direct access to the Head of Paid Services, Cabinet and Members in order to fulfill their statutory function.

This job description sets out the accountabilities specific to the role. These should be read in conjunction with the Corporate Responsibilities that apply to the Corporate Director and Director roles.

Direct Reports

Director of Commissioning
Director of Specialist Children's Services
Director of Older People and Physical Disability
Director of Learning Disability & Mental Health
Director of Public Health

Kent County Council

Job Description:

Corporate Director – Education and Young People Services

Date: November 2013

Directorate:	Education and Young People Services
Grade:	KR19
Responsible to:	The County Council Member of the Corporate Management Team

Job Purpose

Champion the interests of parents, families and vulnerable children and young people across all related services.

Promote education excellence, ensure a high quality supply of school places, co-ordinate fair admissions and develop school improvement strategies to support local schools.

Accountabilities

Corporate Directors will work within the KCC Corporate Responsibilities for Senior Officers. In addition, as members of the Corporate Management Team and working closely with Cabinet Members, Corporate Directors will work together to enable corporate responsiveness to elected members; secure the best approach to resource stewardship for the Council's budget and finances; ensure that overall management attention, effort and controls are commensurate to risk and opportunity across the council's functions and activities; and enhance the reputation of Kent as a place as well as Kent County Council as the democratic agent of change in the region.

Work as part of the Corporate Management Team to take early action if performance against corporate objectives is less than excellent.

Champion and support strategic cohesion in the delivery of children's services by maintaining and developing key links between Specialist Children's Services, education services and early intervention and preventative services via the Integrated Children's Services Board, Joint Commissioning Board and Kent Safeguarding Children Board.

Identify and deliver commissioning strategies to ensure effective assessment and services are in place to support vulnerable young people during childhood and their transition to adulthood and that a framework of safeguarding is in place to protect them.

Lead and direct the development, implementation and review of school and young people's learning services, championing the appropriate intervention in failing schools, to encourage a culture of high added value and ensuring that the Council meets its legal and statutory obligations for young people and their achievements.

Commission and lead on strategies to work with schools and other associated bodies to influence and inform the level of school performance and pupil attainment and a range of work related learning opportunities.

Provide effective leadership working locally, regionally and nationally to build and maintain partnerships with school governors, headteachers and other partners and groups in Kent to develop new models of partnership and collaborative work between schools, delivery vehicles and support to schools in the new government agenda for education.

Work in partnership with the Corporate Director - Social Care and Public Health to help ensure the responsibilities of the statutory obligations of the Director of Children's Services are achieved. The accountability of and for Children's Services sits with the County's statutory Director of Children's Services (DCS) as expressed in the Protocol document.

Lead and commission strategies that support and enable schools to achieve a desired level of organisational autonomy so schools can continue to buy high quality services from the Council.

Actively review all services provided by this post to identify the 'right source' for their future delivery including consideration of outsourcing, co-sourcing or in-sourcing to ensure the most effective and efficient delivery methods are employed.

This job description sets out the accountabilities specific to the role. These should be read in conjunction with the Corporate Responsibilities that apply to the Corporate Director and Director roles.

Direct Reports

- Director of Preventative Services
- Director of Education Planning and Access
- Director of Education Quality and Standards

Kent County Council

Job Description:

Corporate Director – Place

Date: November 2013

Directorate:	Place
Grade:	KR19
Responsible to:	The County Council Member of the Corporate Management Team

Job Purpose:

Lead, direct and commission a range of strategic, county-wide and community based services, in partnership with other private & public sector agencies ensuring the delivery and development of economic growth and county-wide infrastructure. Shape strategies through integration and commissioning to enable value and synergy in the way these services are provided.

Accountabilities

Corporate Directors will work within the KCC Corporate Responsibilities for Senior Manager. In addition, as members of the Corporate Management Team and working closely with Cabinet Members, Corporate Directors will work together to enable corporate responsiveness to elected members; secure the best approach to resource stewardship for the council's budget and finances; ensure that overall management attention, effort and controls are commensurate to risk and opportunity across the council's functions and activities; and enhance the reputation of Kent as a place as well as Kent County Council as the democratic agent of change in the region.

Work as part of the Corporate Management Team to take early action if performance against corporate objectives is less than excellent.

Lead and direct the delivery of strategies to ensure efficient and cost effective provision of Environment, Planning and Enforcement services for Kent, through a range of programmes and initiatives to support the key strategic requirements and business needs of Kent.

Identify and direct the delivery of strategies that ensure efficient and cost effective provision of library, registration and archive services for Kent to support the needs of businesses and citizens within Kent.

Identify and direct regeneration strategies, jointly with external partners to promote, enhance and sustain economic development and jobs growth within Kent to grow and unlock economic potential.

Identify and direct the delivery of strategies that ensure efficient and cost effective highways and transportation networks and household waste services to support the wider regeneration, business and community needs of Kent, and discharge statutory obligations for Household Waste Disposal. Direct the delivery of library, registration and archive services to support local people throughout their lives in accordance with statutory obligations.

Ensure all opportunities for income generation are explored and delivered in line with the KCC strategy to reduce the need for core funding.

Actively review all services provided by this post to identify the 'right source' for their future delivery including consideration of outsourcing, co-sourcing or in-sourcing to ensure the most effective and efficient delivery methods are employed.

This job description sets out the accountabilities specific to the role. These should be read in conjunction with the Corporate Responsibilities that apply to the Corporate Director and Director roles.

Direct Reports:

- Director of Highways Transportation and Waste
- Director of Environment, Planning and Enforcement
- Director of Economic Development
- Head of Libraries, Registration and Archives

Kent County Council

Job Description:

Corporate Director – Strategic and Corporate Services (Head of Paid Service)

Date: November 2013

Directorate:	Strategic and Corporate Services
Grade:	KR20
Responsible to:	The County Council Chair of the Corporate Management Team

Job Purpose

Corporate Management and operational responsibility as defined in law and KCC's Constitution. The Head of Paid Services is the County Council's most senior officer and principal advisor directing the management process and officers of the Council to deliver its strategic aims and objectives. As Chair of CMT, develop a dynamic and collaborative relationship within the team and between Cabinet and Chief Officers as the leadership team, taking key strategic decisions together.

Accountabilities

Corporate Directors will work within the KCC Corporate Responsibilities for Senior Officers. In addition, as a member of the Corporate Management Team and working closely with Cabinet Members, Corporate Directors will work together to enable corporate responsiveness to elected members; secure the best approach to resource stewardship for the council's budget and finances; ensure that overall management attention, effort and controls are commensurate to risk and opportunity across the council's functions and activities; and enhance the reputation of Kent as a place as well as Kent County Council as the democratic agent of change in the region.

Work as part of the Corporate Management Team to take early action if performance against corporate objectives is less than excellent.

Direct the corporate policy and business strategy function and develop Council wide policy, cross service strategy and joint working on key issues to enable the effective strategic management of the County Council.

Lead and direct the strategic delivery of a range of business support activities for the organisation ensuring they fully support the Council's medium term plan, and the strategic service strategies to enable effective service delivery by the Council as a whole to the people of Kent.

Chair the Corporate Management Team and develop a dynamic and collaborative relationship with the team and between Cabinet and Corporate Directors as the leadership team, taking key strategic decisions together

Direct the customer insight business intelligence and performance monitoring function to enable innovative and responsive services to be delivered by all Directorates.

Deliver effective and integrated support services and related strategies for Finance and Procurement, Information and Communication Technology, Property and Infrastructure, Human Resources and Governance and Law.

Direct the communication, consultation and customer strategy functions including Contact Centre and Gateways to ensure that the Council engages the public effectively, and uses information to improve services and enhance the Council's public profile and reputation.

Lead the development and provision of robust and legally sound corporate commissioning strategies and procurement processes and procedures.

Lead the development of the market engagement strategy and have oversight of traded services, including the development of Kent Commercial Services.

Actively review all services provided by this post to identify the 'right source' for their future delivery including consideration of outsourcing, co-sourcing or in-sourcing to ensure the most effective and efficient delivery methods are employed.

The post holder has direct access to the Cabinet and Members in order to fulfill the statutory duties of this post.

This job description sets out the accountabilities specific to the role. These should be read in conjunction with the Corporate Responsibilities that apply to the Corporate Director and Director roles.

Direct Reports

Corporate Director of Finance & Procurement
Director of Governance & Law
Director of Property & Infrastructure Support
Corporate Director of Human Resources
Director of Information and Communication Technology
Head of Policy and Strategic Relationships
Head of Business Intelligence Performance and Risk

Kent County Council

Job Description:

Corporate Director – Finance and Procurement (Section 151 Officer)

Date: November 2013

Directorate:	Strategic and Corporate Services
Division:	Finance and Procurement
Grade:	KR18
Responsible to:	Corporate Director – Strategic and Corporate Services Member of the Corporate Management Team

Job Purpose

Corporate responsibility for the management and administration of the Council's finances and the continuous improvement of the efficient use of financial resources across the Council to ensure the effective control of the Council's revenue budget and its capital programme in order to enhance the overall value for money to customers, citizens and taxpayers.

Accountabilities

Corporate Directors will work within the KCC Corporate Responsibilities for Senior Officers. In addition, as members of the Corporate Management Team and working closely with Cabinet Members, Corporate Directors will work together to enable corporate responsiveness to elected members; secure the best approach to resource stewardship for the council's budget and finances; ensure that overall management attention, effort and controls are commensurate to risk and opportunity across the council's functions and activities; and enhance the reputation of Kent as a place as well as Kent County Council as the democratic agent of change in the region.

Work as part of the Corporate Management Team to take early action if performance against corporate objectives is less than excellent.

Create options and strategies to develop the corporate financial framework to enable the Council to prioritise and utilise its financial resources to the greatest effect and ensure activity and process comply with Government regulations and legislation.

Provide expert advice to the Pensions Committee and ensure the delivery of an effective fund management service/function to the Pensions Authority.

Ensure the Council has effective arrangements for its internal financial controls and a coherent plan for the management of risk and its audit function.

Act as Section 151 officer on behalf of the Council and Head of Profession to provide direction, leadership and guidance to staff in the Finance function and ensure the improvement and implementation of Finance standards across the Council and partner organisations.

Lead the development and implementation of the Council's corporate procurement strategy for ensuring that procurement processes and procedures obtain value for money and are delivered to the optimal quality and that efficiency is driven across all Council procurement activity.

Actively review all services provided by this post to identify the 'right source' for their future delivery including consideration of outsourcing, co-sourcing or in-sourcing to ensure the most effective and efficient delivery methods are employed.

The post holder has direct access to the Head of Paid Service, Cabinet and Members in order to fulfill their statutory function.

This job description sets out the accountabilities specific to the role. These should be read in conjunction with the Corporate Responsibilities that apply to the Corporate Director and Director roles.

Services

Audit and Risk
Financial Services
Finance Business Partners
Financial Management
Strategic Finance
Procurement

Kent County Council

Job Description:

Corporate Director – Human Resources

Date: November 2013

Directorate:	Strategic and Corporate Services
Division:	Human Resources
Grade:	KR18
Responsible to:	Corporate Director – Strategic and Corporate Services Member of the Corporate Management Team

Job Purpose

Direct and lead a professional, effective and efficient Human Resources service to the Council ensuring strategies are in place that balance the needs of individual directorate services with the need to deploy a flexible and cost effective service across the Council and partner organisations to support delivery of the Council's objectives and goals.

Accountabilities

Corporate Directors will work within the KCC Corporate Responsibilities for Senior Officers. In addition, as members of the Corporate Management Team and working closely with Cabinet Members, Corporate Directors will work together to enable corporate responsiveness to elected members; secure the best approach to resource stewardship for the council's budget and finances; ensure that overall management attention, effort and controls are commensurate to risk and opportunity across the council's functions and activities; and enhance the reputation of Kent as a place as well as Kent County Council as the democratic agent of change in the region.

Work as part of the Corporate Management Team to take early action if performance against corporate objectives is less than excellent.

Direct, lead and guide the Human Resources function to ensure the improvement and implementation of human resources standards across the Council and partner organisations

Provide the means for the proper recruitment, retention and performance appraisal of highly skilled staff able to contribute significantly and deliver good quality and cost

effective services for the people of Kent.

Enable the effective development of accurate, effective and timely personnel information and payroll systems towards a single Council system, streamlining processes and minimising bureaucracy. Ensure the development of manager self-service fully maximising the capacity of Oracle HR and other corporate systems.

Lead the development and implementation of the Council's Organisation Development and Change programme and Human Resources strategy to support the delivery of 'Bold Steps for Kent'.

Act as expert adviser on all Human Resource issues supporting Members and senior officers on complex/high level matters, leadership of corporate consultation and negotiation to maintain an effective employment relations climate and advising the Head of Paid Service to ensure the organisational culture and structure of the Authority meets changes in service requirements, statutory obligations and funding regimes.

Lead and direct council wide learning and development activity to council officers and partner organisations to ensure wider sector workforce development.

Lead and direct all internal communications for the council, ensuring that all messages are 'fit-for-purpose' and delivered through the most effective channels.

Actively review all services provided by this post to identify the 'right source' for their future delivery including consideration of outsourcing, co-sourcing or in-sourcing to ensure the most effective and efficient delivery methods are employed..

This job description sets out the accountabilities specific to the role. These should be read in conjunction with the Corporate Responsibilities that apply to the Corporate Director and Director roles.

Services

HR Business Centre
HR Employment Strategy inc. Internal Communications
Organisation Development
HR Business Partners
HR Advisory Team
Health & Safety including Staff Care Services

Kent County Council

Job Description:

Director – Commissioning

Date: November 2013

Directorate: Social Care and Public Health

Division: Commissioning: People

Grade: KR17

Responsible to: Corporate Director – Social Care and Public Health

Job Purpose

Lead and direct the development of a broad strategic commissioning framework that shapes future contracting and procurement requirements and plans and shapes the market in Kent to deliver services for both children and adult social care.

Accountabilities

Directors will work within the KCC Corporate Responsibilities for Corporate Senior Officers. In addition, as members of Extended Corporate Management Team, Directors and Corporate Directors will work together to make strategic decisions on the most effective use of the Council's agreed budget, resources and policies and enhance the reputation of Kent as a place as well as Kent County Council as the democratic agent of change in the region.

Direct and commission adult social care, children's social care and child health services ensuring that services (including in-house provision) are procured and delivered within budget, council and national policies and frameworks, in conjunction with all relevant Directors and senior officers .

Lead the overview and quality assurance of the delivery of social care and health services in Kent to help ensure that the services are meeting the needs of the people of Kent and are delivered to the standards required.

Champion and support the strategic cohesion in the delivery of Children's Services by maintaining and developing key links with the relevant directors, partners and agencies.

Ensure that safeguarding is a priority and that safeguarding frameworks and protocols are adhered to throughout the division in order to protect children and adults.

Actively review all services provided by this post to identify the 'right source' for their future delivery including consideration of outsourcing, co-sourcing or in-sourcing to ensure the most effective and efficient delivery methods are employed.

This job description sets out the accountabilities specific to the role. These should be read in conjunction with the Corporate Responsibilities that apply to the Corporate Director and Director roles.

Services

Children's Health Commissioning
Strategic Commissioning - Children's Social Care
Quality Assurance of Health and Social Care
Strategic Commissioning – Adult Social Care
Contracts and Procurement
Planning and Market shaping
Commissioned Services including supporting people
LASAR (Local Area Single Assess and Referral)
KDAAT

Kent County Council

Job Description:

Director – Specialist Children’s Services

Date: November 2013

Directorate: Social Care and Public Health
Division: Specialist Children’s Services
Grade: KR17
Responsible to: Corporate Director – Social Care and Public Health

Job Purpose

Lead and direct all elements of statutory children’s social services planning in terms of operations, provision and performance, ensuring effective service delivery and that standards are maintained and continually improved, in order to deliver Children’s Social Care swiftly and effectively.

Accountabilities

Directors will work within the KCC Corporate Responsibilities for Senior Officers. In addition, as members of Extended Corporate Management Team, Directors and Corporate Directors will work together to make strategic decisions on the most effective use of the Council's agreed budget, resources and policies and enhance the reputation of Kent as a place as well as Kent County Council as the democratic agent of change in the region.

Lead on the strategies for the support of children and young people with a disability to ensure their needs are met and they receive the support they require.

Champion and support the strategic cohesion in the delivery of children’s services by maintaining and developing key links across KCC and partner agencies and via the Integrated Children’s Services Board and Kent Safeguarding Children Board

Work in partnership with the Director of Commissioning and other relevant Directors to ensure that the development of key commissioning strategies meets future needs.

Lead on the development, provision and promotion of corporate parenting initiatives and services (e.g. adoption, fostering, care leavers and unaccompanied asylum seeking children).

Deliver key performance standards, managing and monitoring activities within the area teams.

Quality assure the delivery of social care services for children to ensure that they are meeting the needs of the children and their families.

The accountability of and for Children's Services is with the County's statutory Director of Children's Services (DCS) as expressed in the Protocol document

Actively review all services provided by this post to identify the 'right source' for their future delivery including consideration of outsourcing, co-sourcing or in-sourcing to ensure the most effective and efficient delivery methods are employed.

This job description sets out the accountabilities specific to the role. These should be read in conjunction with the Corporate Responsibilities that apply to the Corporate Director and Director roles.

Services

Initial Duty and Assessment

Child Protection

Long Term Care

Children and young people's disability services including short break residential services

Family Support Teams

Adolescent Teams (split between statutory and prevention)

Adoption and Fostering

Asylum

CRU/OoH

Safeguarding

Family Group Conferencing Services

Virtual Schools Kent

Kent County Council

Job Description:

Director – Older People and Physical Disability

Date: November 2013

Directorate:	Social Care and Public Health
Grade:	KR17
Division	Older People and Physical Disability
Responsible to:	Corporate Director –Social Care and Public Health

Job Purpose

Deliver the strategic commissioning for Adult Social Services for Older People and people with physical disabilities, in Kent, ensuring that services (including in-house provision) are procured and delivered within budget and corporate and national policies and frameworks.

Accountabilities

Directors will work within the KCC Corporate Responsibilities Senior Officers. In addition, as members of Extended Corporate Management Team, Directors and Corporate Directors will work together to make strategic decisions on the most effective use of the Council's agreed budget, resources and policies and enhance the reputation of Kent as a place as well as Kent County Council as the democratic agent of change in the region.

Lead the implementation, and inform the development and content, of the modernisation strategy for Adult Social Services, working in partnership with other relevant Directors, relevant partners and agencies, ensuring that future commissioning frameworks and in- house provision meet the needs of older people and people with physical disabilities.

Lead the development of key relationships with partner agencies in order to influence the direction and content of their service developments and initiatives, so that the

delivery of adult social services becomes an integral part of, enhances or complements them and that the accountability for the impact on budgets and the way services are accessed and received is firmly established.

Ensure that adult safeguarding is a priority and ensure safeguarding frameworks and protocols are adhered to throughout the division in order to protect adults.

Create and lead a team to help develop the Kent GP community to generate service designs, initiatives and options to support their new business requirements following on from national policy and legislation.

Act as the strategic interface with partnerships for the delivery of older people and physical disability services ensuring that Kent County Council's interests are being served and to help ensure that the responsibilities for these services are met under the statutory role of Director of Adult Social Services.

Lead and support the strategic delivery of the transformation of Adult Social Care to ensure that the personalisation of social care services for adults is achieved.

Work in partnership with the Director of Commissioning and other Directors to ensure the development of key commissioning strategies to meet future needs.

Actively review all services provided by this post to identify the 'right source' for their future delivery including consideration of outsourcing, co-sourcing or in-sourcing to ensure the most effective and efficient delivery methods are employed.

This job description sets out the accountabilities specific to the role. These should be read in conjunction with the Corporate Responsibilities that apply to the Corporate Director and Director roles.

Services

Enablement

In-house Provision – residential homes and day centres

Adult Protection

Case management

Tele-health and Tele-care

Sensory Services

Dementia

Autism

Lead on health integration

Kent County Council

Job Description:

Director – Learning Disability and Mental Health

Date: November 2013

Directorate:	Social Care and Public Health
Division:	Learning Disability and Mental Health
Grade:	KR17
Responsible to:	Corporate Director – Social Care and Public Health

Job Purpose

Deliver the strategic commissioning for Kent Adult Social Services supporting vulnerable adults with learning disabilities and adults with mental health issues: ensuring that services (including in- house provision) are procured and delivered within budget and to council and national policies and frameworks.

Accountabilities

Directors will work within the KCC Corporate Responsibilities for Senior Officers. In addition, as members of Extended Corporate Management Team, Directors and Corporate Directors will work together to make strategic decisions on the most effective use of the Council's agreed budget, resources and policies and enhance the reputation of Kent as a place as well as Kent County Council as the democratic agent of change in the region.

Lead the implementation, and inform the development and content of the modernisation strategy for Adult Social Services, working in partnership with other Directors, Public Health, relevant partners and agencies ensuring that future commissioning frameworks and in-house provision meet the needs of people with learning disabilities and mental health issues, and the organisation.

Ensure that adult safeguarding is a priority and ensure safeguarding frameworks and protocols are adhered to throughout the division in order to protect adults.

Lead the development of key relationships with partner agencies including Kent Community Health Trust in order to influence the direction and content of their service development and initiatives in order that the delivery of adult social services becomes an integral part of, enhances or complements them and that the accountability for the impact on budgets and the way services are accessed and received is firmly established.

Act as the strategic interface with the Kent & Medway Partnership Trust for the delivery of mental health services ensuring that Kent County Council's interests are being served and to help ensure that the responsibilities for mental health under the statutory role of Director of Adult Social Services are met.

Lead and support the strategic delivery of the transformation of Adult Social Care to ensure that the personalisation of social care services for adults is achieved.

Create and lead a team to help develop the Kent GP community to generate service designs, initiatives and options to support their new business requirements following on from national policy and legislation.

Lead and manage the Operational Support Unit to ensure adequate provision of specific business support services to the directorate.

Actively review all services provided by this post to identify the 'right source' for their future delivery including consideration of outsourcing, co-sourcing or in-sourcing to ensure the most effective and efficient delivery methods are employed.

This job description sets out the accountabilities specific to the role. These should be read in conjunction with the Corporate Responsibilities that apply to the Corporate Director and Director roles.

Services

Statutory Mental Health Service through partnership with the Kent & Medway Partnership Trust

Learning Disability Service Kent Community Health NHS Trust

Assessment and related activities

Learning Disability - In-house Provision

Mental Health - In-house Provision

Adult Protection

Operational Support Unit

Kent County Council

Job Description:

Director – Public Health

Date: November 2013

Directorate:	Social Care and Public Health
Division	Public Health
Grade:	NHS Very Senior Manager
Hours:	Full time
Responsible to:	Managerially accountable to Corporate Director - Social Care and Public Health Kent County Council (KCC) Professionally accountable to the Council (and Secretary of State for Health through Chief Medical Officer)
Key Relationships:	Cabinet Corporate Management Team Local NHS bodies including Clinical Commissioning Groups Public Health England Health and Wellbeing Board Local Resilience Forum District Councils

Job Context

The Director of Public Health (DPH) post will understand and enhance the health of the people of Kent and adopt an approach which:

- Understands the link between economic success and good health and takes a long term approach to strategic improvement in both
- Develops a clear, targeted long term strategy which works towards ensuring health and social care, education, housing, jobs and economic policies and infrastructure are shaped in ways which deliver maximum improvements in health and wellbeing
- Minimises the adverse effects of demographic change and potential threats from poor health on the long term aims of Kent County Council (KCC). The challenges of a growth in numbers of older people and people with disabilities will require a medium term strategy.

These roles are derived from Government policy and clearly identify the unique contribution which local authorities can make to improve the health and wellbeing of communities through:

- Their statutory responsibilities and powers with respect to health protection and health scrutiny
- The level, distribution and quality of services they directly commission or provide
- Strategic leadership - promoting and supporting partnership working by public and private sector agencies on key priorities such as community safety, alcohol and drugs prevention and treatment
- Community leadership - enabling Members to engage effectively with their communities with respect to health and intelligently holds the NHS and the local authority to account
- Advocacy and influence - national and local policy development

Job Summary

The Director of Public Health is a registered public health specialist i.e. included in the GMC Specialist Register/GDC Specialist List or UK Public Health Register (UKPHR). S/he is a visionary and transformational leader with a full understanding of relationships and culture of organisations that impact on the wider determinants of health as well as health services. S/he leads a team within the local authority responsible for the development of a strategic needs assessment for the local population and for the delivery of:

Corporate Directors will work within the KCC Corporate Responsibilities for Senior Officers. In addition, as a member of the Corporate Management Team, Corporate Directors will work together to enable corporate responsiveness to elected members; secure the best approach to resource stewardship for the council's budget and finances; ensure that overall management attention, effort and controls are commensurate to risk and opportunity across the council's functions and activities; and enhance the reputation of Kent as a place as well as Kent County Council as the democratic agent of change in the region.

1. Health Improvement

- developing healthy, sustainable and cohesive communities through Health and Wellbeing Board
- developing healthy lifestyles for individuals and communities
- tackling specific issues based on local needs assessment such as childhood obesity, smoking,
- developing a strategy for reducing health inequalities

2. Health Protection

- dealing with infectious disease threats including food and water borne disease supported by local Public Health England
- preparing for emergencies including pandemic influenza
- advising on environmental threats including pollution, noise and contaminated land

3. Health services public health

- population health care such as immunisation and screening programmes
- supporting the commissioning of appropriate, effective, and equitable health care from the NHS locally
- leading the integration of health and social care services
- Clearly to develop and deliver the strategic vision of the local authority, the DPH is part of the senior team leading the organisation and is directly accountable to the Head of Paid Service.

The Director of Public Health is:

1. A trustworthy and independent professional accountable to Secretary of State through Public Health England as well as to the local population through the Local Authority.
2. Trained and experienced in all areas of public health practice and registered with the GMC or another appropriate regulatory body and accountable to them for their professional practice including ethical standards
3. Able to demonstrate corporate skills in strategic leadership within an organisation
4. A skilled and trusted communicator at all times particularly in a crisis
5. Strongly committed to teaching and research in collaboration with academic departments
6. Up to date and can demonstrate continuing professional development through appraisal and revalidation as a specialist with GMC or other regulator
7. Highly visible to ensure in-depth knowledge of local communities and better working between the public and local organisations
8. Able to show intellectual rigour and personal credibility to collaborative working and commissioning processes
9. Demonstrably accomplished in improving the health of communities
10. Able to lead across all local authority functions to district councils, NHS bodies, the private sector and the third sector indicating the impact of investment on public health and inequalities

The Director of Public Health will:

1. Produce an independent annual report on the health of the population, progress on improving health and reducing inequalities and making recommendations
2. Be principal adviser to the Health and Wellbeing Board in developing a Health and Wellbeing Strategy based on the assessed needs of the population and proven interventions to improve health
3. Provide specialist public health advice to commissioners on priorities for health and social care spending and the appropriate configuration of services within and between local authorities.
4. Support Local Resilience Forum in developing comprehensive multi agency plans for the anticipated threats to public health

Key tasks

The job description will be subject to review in consultation with the post holder in the light of the needs of KCC and the development of the speciality of public health and any wider developments in the field of public health.

Core Competency Areas

Surveillance and assessment of the population's health and well-being

- To ensure the proper design, development and utilisation of major information and intelligence systems to underpin public health improvement and action for the population across disciplines and organisations.
- To receive, interpret, provide and advise on highly complex epidemiological and statistical information about the health of populations to the Local Authority, NHS and voluntary organisations.
- To ensure the use of the best available evidence base to support the assessment of health needs, health inequalities, health impact assessment and the identification of areas for action within the local population.
- To produce an annual report on the health of the population of Kent

Assessing the evidence of effectiveness of health and healthcare interventions, programmes and services

- To provide expert public health advice and leadership to support and inform an evidence-based approach within ethical frameworks for commissioning and develop high quality equitable services, across primary, secondary and social care, and across sectors including local authorities, voluntary organisations and others, in potentially contentious and hostile environments where barriers to acceptance may exist.
- To be responsible for leading on service development, evaluation and quality assurance governance in specific areas and for preparing and adjusting action plans in line with changing needs and changing geographical boundaries.
- To provide expert advice to support evidence based commissioning, prioritisation of services for the population (and in some circumstances for the individual) in order to maximise opportunities for health.

Policy and strategy development and implementation

- To lead on behalf of KCC on the communication, dissemination, implementation and delivery of national, regional and local policies and public health strategies, developing inter-agency and interdisciplinary strategic plans and programmes, with delegated authority to deliver key public health and well-being targets.
- To act in an expert advisory capacity on public health knowledge, standards and practice, across the spectrum of public health at Board or equivalent level.
- To be responsible for the development and implementation of multi-agency long-term public health programmes as required, based on identification of areas of potential health improvement, the diversity of local needs and the reduction of inequalities.
- To ensure proper linkages between the health agenda and strategies related to the wider determinants including for example, community safety, the environment and sustainability.

Leadership and collaborative working for health

- Work together with KCC Corporate Directors, to lead the development of inter-agency and interdisciplinary short and long-term strategic plans for securing health improvement both in the general population and in vulnerable groups at high risk of poor health and reduced life expectancy, in partnership with a range of agencies such as those in the statutory, non-statutory, voluntary and private sectors.
- To work with primary care professionals and community staff to raise awareness of their public health role.

- Work collectively with KCC Corporate Directors to facilitate the integration of health, social services and voluntary organisations to promote effective joint working to ensure delivery of the wider government targets and improved health and well being.
- To influence external agencies in their public health policy decisions by working with complex professional, managerial and population groups and other organisations in the statutory, non-statutory and private sectors.

Defined Competency Areas

Health Improvement

- To be responsible for designated areas of health improvement programmes, public health surveillance or population screening or geographical areas.
- To take a lead in working with local communities and vulnerable and hard to reach groups, helping them to take action to tackle longstanding and widening health inequality issues, using community development approaches as appropriate.
- To provide expert knowledge to ensure effective community involvement with regard to all the work of the organisation including commissioning and prioritising high cost services and to ensure that policies and strategies are interpreted, developed and implemented at all levels.

Health Protection

- To take responsibility for safeguarding the health of the population in relation to communicable disease, infection control and environmental health, including delivery of immunisation targets.
- To ensure that effective local arrangements exist for covering the on call rota for the effective control of communicable disease, environmental hazards to health and emergency planning, as detailed in local health protection agreements.
- To communicate effectively and diplomatically with a wide audience including the media and the public to change practice in highly challenging circumstances such as communicable disease outbreaks, chemical incidents, immunisation and screening.

Service Improvement

- To provide expert advice to support evidence based commissioning, prioritisation of health and social care services for the population (and in some circumstances provide highly specialised advice on preferred treatment options or protocols based on the evidence for individual patients) in order to maximise opportunities for health.
- To be responsible for implementation of NICE and National Service Frameworks or equivalent national standards, guidance and frameworks.
- To lead the development of clinical networks, clinical governance and audit.
- To review evidence and providing highly specialised advice on preferred treatment options or protocols based on the evidence for individual patients.

Public Health Intelligence

- To analyse and evaluate quantitative and qualitative data and research evidence from a range of sources to make recommendations and inform decision making which has long term impacts.

- To compare, analyse and interpret highly complex options for running projects identified as key public health priorities, and communicate this information across organisations and the local community.
- To be responsible for the identification and implementation of appropriate health outcome measures, care pathways, protocols and guidelines for service delivery across patient pathways for the local population.
- To work with the information and intelligence arm of Public Health England and other organisations to strengthen local, regional and national public health intelligence and information capacity.

Academic Public Health/Research and Development

- To undertake and commission literature reviews, evaluative research surveys, audits and other research as required to inform equitable service and reduce health inequalities. This may involve taking the lead on R&D public health and related activities
- To develop links with local universities to ensure the work of the organisation is based on a sound research and evidence base.
- To develop public health capacity through contributing to education and training and development within the Authority, and within the wider NHS and non NHS workforce.

This job description sets out the accountabilities specific to the role. These should be read in conjunction with the Corporate Responsibilities that apply to the Corporate Director and Director roles.

General Conditions

On call arrangements

The post holder will be expected to be on call for health protection and public health and to participate in the communicable disease and environmental hazards control and emergency planning arrangements for Kent. Suitable training will be provided for those who need it in discussion with Public Health England.

Indemnity

As the post holder will only be indemnified for duties undertaken on behalf of KCC the post holder is strongly advised to ensure that he/she has appropriate professional defence organisation cover for duties outside the scope of KCC and for private activity within KCC. For on call duties provided to other organisations as part of cross cover out of hours arrangements KCC will confirm with those organisations that they will provide indemnity for the post holder.

Flexibility

The post holder may, with their agreement - which should not reasonably be withheld - be required to undertake other duties which fall within the grading of the post to meet the needs of this new and developing service. KCC is currently working in a climate of great change. It is therefore expected that all staff will develop flexible working practices both within any relevant local public health networks and at other organisational levels as appropriate, to be able to meet the challenges and opportunities of working in public health within the new and existing structures.

Confidentiality

The post holder has an obligation not to disclose any information of a confidential nature concerning patients, employees, contractors or the confidential business of KCC

Public Interest Disclosure

Should an employee have cause for genuine concern about an issue (including one that would normally be subject to the above paragraph) and believes that disclosure would be in the public interest, he or she should have a right to speak out and be afforded statutory protection and should follow KCC 'whistleblowing procedures' on KNet for disclosure of information in the public interest.

Health & Safety

KCC's Health & Safety policy is available on KNet. It is an employer and employee joint responsibility to make sure there is a safe and healthy working environment at all times. The postholder should familiarize themselves with any health and safety rules relevant to their work environment.

Kent Code

The Kent Code applies to all employees and describes the standards KCC expects of its employees. Details of the Code can be found on KNet.

Data Protection

Under the Data Protection Act 1998, KCC has a legal duty to protect any personal information it collects from employees. KCC will;

- only use personal information for employee administration;
- only hold employee information for as long as necessary to fulfill that purpose;
- not pass personal information to any other parties (including other Council departments) unless this is made clear to the employee at the time they supplied it, or KCC is legally obliged to do so; and,
- all employees and contractors who have access to another employee's personal data or are associated with the handling of that data are obliged to respect confidentiality.

Electronic Communications User Policy and Electronic Communications User Guidance

A copy of KCC's Electronic Communications User Policy and the Electronic Communications User Guidance are available on KNet. Employees are advised to read these documents as they describe the standards expected when using KCC's electronic equipment and systems.

Equal opportunities policy

As a major employer and provider of services Kent County Council is committed to fighting inequality and promoting equality by valuing diversity and combating unfair treatment for all those who live in, work in and visit Kent. Postholders should familiarise themselves with KCC's Equality Policy Statement and exercise leadership and commitment to promote equality of opportunity and freedom from discrimination.

Political Restriction

The post of Director of Public Health is politically restricted under the Local Government and Housing Act 1989 as set out in the Local Government (Political

Restrictions Posts) Regulations 1990. This means that postholders are prevented from having any active political role either in or outside of the workplace. Further details can be found on Knet.

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Kent County Council

Job Description:

Director – Preventative Services

Date: November 2013

Directorate:	Education and Young People Services
Division:	Preventative Services
Grade:	KR17
Responsible to:	Corporate Director Education and Young People's Services

Job Purpose

Lead, commission and direct all elements of preventative services for children and young people, planning operations, provision and performance ensuring effective service delivery and that standards are maintained and improved.

Accountabilities

Directors will work within the KCC Corporate Responsibilities for Senior Officers. In addition, as members of Extended Corporate Management Team, Directors and Corporate Directors will work together to make strategic decisions on the most effective use of the Council's agreed budget, resources and policies and enhance the reputation of Kent as a place as well as Kent County Council as the democratic agent of change in the region.

Champion and support the strategic cohesion in the delivery of children and young people's services by maintaining and developing key links across KCC and partner agencies and via the Integrated Children's Services Board and Kent Safeguarding Children Board.

Establish safeguarding of children and young people as a priority to ensure safeguarding frameworks and protocols are adhered to throughout the division in order to protect children and young people.

Contribute to improved educational attainment and outcomes for children and young people through the development and delivery of fully integrated working, integrated

systems and procedures, for vulnerable children, young people and their families. Ensure flexible delivery models are designed to target priorities and innovative provision is developed to meet new demands.

Reduce demand for specialist children's services by providing effective early intervention services and ensuring there is a coordinated approach to escalating needs and stepping down of need.

Oversee the management of internal and external communications about preventative services for children and young people to all stakeholders. In particular, ensuring that children and young people are engaged in the design and provision of services and they have access to information about local services.

Ensure that key priorities are being targeted through the development and monitoring of trend data and analysis of need.

Undertake joint working with the Director of Commissioning and other relevant Directors to ensure that the development of key commissioning strategies meet future needs.

The accountability of and for Children's Services is with the County's statutory Director of Children's Services (DCS) as expressed in the Protocol document.

Actively review all services provided by this post to identify the 'right source' for their future delivery including consideration of outsourcing, co-sourcing or in-sourcing to ensure the most effective and efficient delivery methods are employed.

This job description sets out the accountabilities specific to the role. These should be read in conjunction with the Corporate Responsibilities that apply to the Corporate Director and Director roles.

Services

The postholder will act as Caldicott guardian for these services:

Youth Justice

Youth Work (including Youth Centres and outdoor activity centres)

Children's Centres

Early Intervention for children, young people and their families

Assessment including CAF co-ordination

Inclusion and Attendance

Commissioned services for early intervention and prevention

Kent County Council

Job Description:

Director – Education Planning and Access

Date: November 2013

Directorate: Education and Young People Services

Division: Education Planning and Access

Grade: KR17

Responsible to: Corporate Director Education and Young People's Services

Job Purpose:

Lead and direct the development and delivery of strategies including effective school place planning and provision and SEND assessment. Determine, develop and maintain systems to enable strategy and policy development, effective performance management and statistical analysis.

Accountabilities

Directors will work within the KCC Corporate Responsibilities for Senior Officers. In addition, as members of Extended Corporate Management Team, Directors and Corporate Directors will work together to make strategic decisions on the most effective use of the Council's agreed budget, resources and policies and enhance the reputation of Kent as a place as well as Kent County Council as the democratic agent of change in the region.

Lead on commissioning strategies and implementation in close partnership with Directorate leads across the Council to plan and secure the provision of high quality school places across a diverse range of schools for children and young people at all ages, helping to improve parental choice.

Promote fair access in admissions to all educational settings, working with a range of providers and authorities to ensure that Admissions policy and practice, and the

development of new school provision meet legal requirements and that every child in Kent receives their educational entitlement.

Develop the Directorate's strategy and policy making process for Special Educational Needs and ensure that the needs of vulnerable learners are championed.

Lead the development of district based working so that there is coordinated and integrated delivery of children and young people's services in each district, working in partnership with schools and other providers, and with other directorates in KCC

Lead on all evaluation and impact work in school organisation, place planning and provision, admissions and SEND assessment.

Ensure that policy and performance is informed by best practice in school organisation, admissions and assessment, advising schools on all aspects of policy.

Ensure that appropriate interventions are made in schools to resolve management issues and risks, liaising with the Director Education Quality and Standards to highlight areas of concern for standards and school improvement.

Actively review all services provided by this post to identify the 'right source' for their future delivery including consideration of outsourcing, co-sourcing or in-sourcing to ensure the most effective and efficient delivery methods are employed.

This job description sets out the accountabilities specific to the role. These should be read in conjunction with the Corporate Responsibilities that apply to the Corporate Director and Director roles.

Services

Provision Planning and Operations

Fair Access (including Elective Home Education, Children Missing Education and Home Tuition)

SEN Assessment and Placement (including Portage and Partnership with Parents)

Education Psychology

Kent County Council

Job Description:

Director – Education Quality and Standards

Date: November 2013

Directorate: Education and Young People Services
Division: Education Quality and Standards
Grade: KR17
Responsible to: Corporate Director Education and Young People's Services

Job Purpose:

Lead strategies to promote and maintain high standards of education in all settings for children and young people to improve education and skills for all children and young people in Kent.

Accountabilities

Directors will work within the KCC Corporate Responsibilities for Senior Officers. In addition, as members of Extended Corporate Management Team, Directors and Corporate Directors will work together to make strategic decisions on the most effective use of the Council's agreed budget, resources and policies and enhance the reputation of Kent as a place as well as Kent County Council as the democratic agent of change in the region.

Lead and coordinate improvements in the Early Years sector, schools and 14-19 sector, ensuring that good systems are in place for policy development, performance management, support and challenge for schools, Early Years settings and 14-19 providers, analysing and using data and promoting effective partnership working and user engagement.

Direct the Council's 14-24 strategy to increase learning opportunities for learners, promote work based learning and increase employability.

Lead on all evaluation and impact work in the Early Years sector, schools and the 14-19 sector.

Establish links with Further Education colleges and other vocational providers and employers to ensure maximum opportunities for young people to develop high levels of qualifications, work related skills and gain employment.

Develop partnership working with schools, Academies and Early Years settings to ensure maximum engagement of the education community on raising standards and negotiate with statutory agencies where necessary.

Work in partnership with senior managers across KCC to ensure integrated services for all children and young people.

Develop policy and performance in line with best practice in equalities, safeguarding, and professional learning, advising schools on all aspects of education policy.

Actively review all services provided by this post to identify the 'right source' for their future delivery including consideration of outsourcing, co-sourcing or in-sourcing to ensure the most effective and efficient delivery methods are employed.

This job description sets out the accountabilities specific to the role. These should be read in conjunction with the Corporate Responsibilities that apply to the Corporate Director and Director roles.

Services

Early years and Childcare
Safeguarding and Education
School Standards and Improvement
Skills and Employability
Inclusion Support Service Kent

Kent County Council

Job Description

Director of Economic Development

Date: November 2013

Directorate:	Place
Division:	Economic Development
Grade:	KR17
Responsible to:	Corporate Director Place

Job Purpose

Lead and direct the County's economic development and regeneration activities, strategy and commissioning, acting as the Council's chief professional adviser on initiatives which will achieve the Council's objectives and contribute to employment and wealth generation in Kent.

Accountabilities

Directors will work within the KCC Corporate Responsibilities for Senior Officers. In addition, as members of Extended Corporate Management Team, Directors and Corporate Directors will work together to make strategic decisions on the most effective use of the Council's agreed budget, resources and policies and enhance the reputation of Kent as a place as well as Kent County Council as the democratic agent of change in the region.

Establish, plan and prioritise activities for economic development, to ensure both compliance with the framework established by Members and Chief Officers and continuing value for money invested.

Represent the County within the business community and other external agencies, linking with Business Support Kent, the Local Enterprise Partnership, and District Councils, in order to realise employment and trade opportunities and maximise economic benefits.

Participate in the development of the overall organisational strategic planning and direction, contributing expertise and information within Economic Development areas.

Drive forward a range of initiatives and projects that stimulate local business sectors, trade and technology transfer working with a range of organisations at local, regional, national and international level.

Expand and develop opportunities for economic development and regeneration through arts and culture initiatives e.g. the Turner Contemporary Gallery.

Develop, manage and broker relationships at senior level with key local sub-regional and national stakeholders.

Lead and commission the delivery of efficient customer led strategies to support the rural agenda and to promote the continued viable development of the rural economy across the county.

Bring high level influence to bear on the investment plans of partner organisations, effectively challenging and marshalling available resources in support of Kent's priorities.

Actively review all services provided by this post to identify the 'right source' for their future delivery including consideration of outsourcing, co-sourcing or in-sourcing to ensure the most effective and efficient delivery methods are employed.

This job description sets out the accountabilities specific to the role. These should be read in conjunction with the Corporate Responsibilities that apply to the Corporate Director and Director roles.

Services

Economic & Spatial Development
Strategy & Development
International Affairs
Regeneration Projects
Arts including Kent Film Office
Community Services – Volunteering
Big Society

Kent County Council

Job Description:

Director – Highways, Transportation and Waste

Date: November 2013

Directorate:	Place
Division:	Highways, Transportation and Waste
Grade:	KR17
Responsible to:	Corporate Director Place

Job Purpose

Lead and direct the delivery of strategies that ensure efficient and cost effective highways and transportation networks and household waste services to support the wider regeneration business and community needs of Kent, and discharge the authority's statutory obligations for Household Waste Disposal.

Accountabilities

Directors will work within the KCC Corporate Responsibilities for Senior Officers. In addition, as members of Extended Corporate Management Team, Directors and Corporate Directors will work together to make strategic decisions on the most effective use of the Council's agreed budget, resources and policies and enhance the reputation of Kent as a place as well as Kent County Council as the democratic agent of change in the region.

Lead and direct services to maintain the public highways in Kent, directing improvements in terms of safety, condition, operation and congestion reduction to ensure safe usage.

Lead the planning process for future non-strategic transport requirements including identifying, designing and constructing new highway schemes.

Lead the operation of specific transport schemes such as concessionary fares, rural bus

schemes and Kent Freedom Pass.

Direct and deliver strategies to ensure cost effective partnerships are in place to deliver household waste disposal services and contracts across Kent, maximising commodity value and income generation.

Direct the delivery of all strategies ensuring cost effective and quality assured partnerships are in place to deliver effective and seamless services. Lead and oversee the commissioning strategy for all future service requirements in partnership with 12 Kent Districts and South East 7 authorities.

Actively review all services provided by this post to identify the 'right source' for their future delivery including consideration of outsourcing, co-sourcing or in-sourcing to ensure the most effective and efficient delivery methods are employed.

Act as the Council's chief adviser on these matters, and provide advice to Cabinet, individual Members, and senior officers as required.

This job description sets out the accountabilities specific to the role. These should be read in conjunction with the Corporate Responsibilities that apply to the Corporate Director and Director roles.

Services

Highway Operations
Programmed Works
Transportation
Public Transport
Future Service Improvement
Contract Management
Waste Resource Management
Road Safety

Kent County Council

Job Description:

Director – Environment, Planning & Enforcement

Date: November 2013

Directorate:	Place
Division:	Environment, Planning and Enforcement
Grade:	KR17
Responsible to:	Corporate Director Place

Job Purpose

Lead and direct the delivery of strategies that ensure efficient and cost effective provision of Planning, Environment, Leisure & Enforcement services to support the key strategic requirements and business needs of Kent.

Accountabilities

Directors will work within the KCC Corporate Responsibilities for Senior Officers. In addition, as members of Extended Corporate Management Team, Directors and Corporate Directors will work together to make strategic decisions on the most effective use of the Council's agreed budget, resources and policies and enhance the reputation of Kent as a place as well as Kent County Council as the democratic agent of change in the region.

Direct the delivery of Kent's strategic priorities through a range of strategic and community based services ensuring cost effective and quality assured partnerships are in place to deliver effective and seamless services.

Ensure the delivery, planning and execution of the County Council's Development Control role, the Minerals and Waste Local Plan and input to Local Development Plans.

Develop and commission the delivery of best value, customer facing strategies to ensure environmental sustainability through effective programmes and partnerships.

Determine the County's statutory strategic flood risk management response, to ensure protection for residents, businesses, industry and the natural environment.

Direct the delivery of community safety, working in partnership with districts, Kent Fire and Rescue and Kent Police to ensure statutory responsibilities e.g. police and crime panel and domestic homicide reviews are carried out efficiently and effectively.

Establish and commission the delivery of customer focused commercial strategies that ensure Kent's local community and business needs are met through effective development management.

Lead and direct the delivery of strategies which ensure adequate planning to enable the County to meet the needs of the Gypsy & Traveler community in Kent.

Lead and direct the delivery of strategies to ensure the conservation, management and promotion of all aspects of the natural, historic and coastal environment in Kent.

Lead and direct the works-streams to ensure and deliver effective strategic pan-Kent transportation plans, initiatives and new strategic road and rail infrastructure across the county which supports the economy, working with a wide range of external and governmental partners.

Actively review all services provided by this post to identify the 'right source' for their future delivery including consideration of outsourcing, co-sourcing or in-sourcing to ensure the most effective and efficient delivery methods are employed..

This job description sets out the accountabilities specific to the role. These should be read in conjunction with the Corporate Responsibilities that apply to the Corporate Director and Director roles.

Services

Sustainability and Climate Change

Heritage Conservation

Country Parks

Strategic Transport Planning

Planning Applications Group

Regulatory Services- Including Public Rights of Way & Access,

Trading Standards, Coroners, KSS & Countryside Management

Partnerships

Flood Risk and Natural Environment

Kent Downs Area of Outstanding Natural Beauty

Sport

Community Safety & Emergency Planning

Gypsy and Traveller Unit

Local Development Plans

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Kent County Council

Job Description:

Director – Information and Communication Technology

Date: November 2013

Directorate: Strategic and Corporate Services

Division: Information and Communication Technology

Grade: KR17

Responsible to: Corporate Director – Strategic and Corporate Services

Job Purpose

Lead, direct and commission the resources required to provide an efficient and cost-effective corporate Information & Communication Technology (ICT) service which is responsive to changing business requirements, maximises ICT market opportunities and achieves resilient, sustainable and cost effective solutions underpinning the strategic and operational business planning objectives at a directorate and corporate level.

Accountabilities

Directors will work within the KCC Corporate Responsibilities for Senior Officers. In addition, as members of Extended Corporate Management Team, Directors and Corporate Directors will work together to make strategic decisions on the most effective use of the Council's agreed budget, resources and policies and enhance the reputation of Kent as a place as well as Kent County Council as the democratic agent of change in the region.

Develop and implement a corporate approach to the design and delivery of ICT solutions for services, minimising duplication of software systems and maximising the use of council wide infrastructures. Enable the development of manager self-service through full utilising of Oracle and other corporate systems.

Develop service strategies and design ICT solutions to provide responsive and flexible ICT services, leading and innovating on transformation through technology initiatives.

Design and maintain enterprise architecture to support the improvement of the Council's operating effectiveness and efficiency.

Expert adviser to the Council for all ICT issues, supporting members and senior officers on complex/high level matters.

Lead KCC's strategic involvement in Kent Connects with the aim to transform the joining up and sharing of public services in Kent through the application of leading edge technology.

Actively review all services provided by this post to identify the 'right source' for their future delivery including consideration of outsourcing, co-sourcing or in-sourcing to ensure the most effective and efficient delivery methods are employed.

This job description sets out the accountabilities specific to the role. These should be read in conjunction with the Corporate Responsibilities that apply to the Corporate Director and Director roles.

Services

ICT Commissioning

ICT Operations

Kent Connects

ICT Business Partners

Enterprise Architecture

ICT Infrastructure

Service Support

Business Solutions

ICT Security

Kent County Council

Job Description:

Director – Governance and Law (Monitoring Officer)

Date: November 2013

Directorate:	Strategic and Corporate Services
Division:	Governance and Law
Grade:	KR18
Responsible to:	Corporate Director – Strategic and Corporate Services

Job Purpose

Discharge the statutory duties of the Monitoring Officer for Kent County Council in line with KCC's Constitution to ensure the Council fulfils its lawful obligations, statutory duties and performs its functions and activities in accordance with the law.

Accountabilities

Corporate Directors will work within the KCC Corporate Responsibilities Senior Officers. In addition, as a member of the Corporate Management Team, Corporate Directors will work together to enable corporate responsiveness to elected members; secure the best approach to resource stewardship for the council's budget and finances; ensure that overall management attention, effort and controls are commensurate to risk and opportunity across the council's functions and activities; and enhance the reputation of Kent as a place as well as Kent County Council as the democratic agent of change in the region.

As Chief professional adviser, direct and oversee the provision of high quality legal and procedural advice at all stages of the Council's decision making, to ensure a strong corporate governance culture is achieved with decision making by members, which attains the highest standards of ethical and corporate governance.

Develop and deliver strategies for legal services to increase efficiency and external income, as well as to strengthen the resilience of the legal advice provided to the Council.

Create a robust and proactive officer governance culture with sound practice and systems to support member decision making through the development of the corporate framework to ensure the maintenance of probity, sound governance and the enforcement and review of policies within the democratic process.

Lead the Council's strategic response to ensuring that it meets current and future requirements to publish data on its activities, taking a proactive approach to the development of systems to achieve the optimum transparency in relation to the Council's activities, underpinned by robust, accurate and resilient Information.

Deliver appropriate high quality, professional and cost effective support to Council Members and the democratic process.

Lead and direct the implementation of Council elections in close partnership with District and Borough Councils.

Actively review all services provided by this post to identify the 'right source' for their future delivery including consideration of outsourcing, co-sourcing or in-sourcing to ensure the most effective and efficient delivery methods are employed.

The post holder has direct access to Head of Paid Service the Cabinet and Members in order to fulfill the statutory duties of this post.

This job description sets out the accountabilities specific to the role. These should be read in conjunction with the Corporate Responsibilities that apply to the Corporate Director and Director roles.

Services

Democratic Services

Legal Services

Elections

Member Services

Clerk to the Lord Lieutenant

Senior Information Risk Owner

Kent County Council

Job Description:

Director – Property & Infrastructure Support

Date: November 2013

Directorate: Strategic and Corporate Services

Grade: KR17

Responsible to: Corporate Director – Strategic and Corporate Services

Job Purpose

Develop and implement strategies for the acquisition and management of resources to support capital, estates and infrastructure projects.

Accountabilities

Directors will work within the KCC Corporate Responsibilities for Corporate Directors and Directors. In addition, as members of Extended Corporate Management Team, Directors and Corporate Directors will work together to make strategic decisions on the most effective use of the Council's agreed budget, resources and policies and enhance the reputation of Kent as a place as well as Kent County Council as the democratic agent of change in the region.

Direct the delivery of all council capital projects, including projects that are jointly funded with other private or public partners.

Develop strategies to create opportunities for local partnerships to support a range of initiatives required to implement and complement service delivery.

Direct strategies for the optimisation of the use of the Council's estate to ensure it supports the office transformation agenda and the strategy for the provision of public access.

Lead and develop strategies for the maximum realisation of the Council's capital assets, managing the property portfolio in accordance with the need to realise receipts.

As the Council's Corporate landlord develop and implement strategies ensure support and maintenance of the authority's estate is achieved to ensure that buildings remain functional whilst achieving value for money.

Expert professional adviser for all council property issues supporting member and senior officers on complex and high level matters

Direct, lead and guide the Property function to ensure the improvement and implementation of Property and Infrastructure standards across the Council and partner organisations.

Actively review all services provided by this post to identify the 'right source' for their future delivery including consideration of outsourcing, co-sourcing or in-sourcing to ensure the most effective and efficient delivery methods are employed.

This job description sets out the accountabilities specific to the role. These should be read in conjunction with the Corporate Responsibilities that apply to the Corporate Director and Director roles.

Services

Capital and Infrastructure Support
Strategic Asset Management/Rationalisation
Property Enterprise Fund
Business Partners – Directorate Property
Estates Management & Property Operations

Kent County Council

Job Description:

Director – School Resources

Date: November 2013

Directorate:	Strategic and Corporate Services
Division:	Finance and Procurement
Grade:	KR17
Responsible to:	Corporate Director – Finance & Procurement

Job Purpose

Develop a strategic plan and framework for the marketing and successful delivery of services to schools which meet their needs and ensures efficient and effective delivery to targets set by the Authority. Provide strategic advice on school budgets, and support for statutory intervention and academy conversion.

Accountabilities

Directors will work within the KCC Corporate Responsibilities for Senior Officers. In addition, as members of Extended Corporate Management Team, Directors and Corporate Directors will work together to make strategic decisions on the most effective use of the Council's agreed budget, resources and policies and enhance the reputation of Kent as a place as well as Kent County Council as the democratic agent of change in the region.

Create an effective service delivery model for schools including finance, personnel, property, continuous professional development, schools improvement.

Negotiate Service Level Agreements and/or provider frameworks that determine level and quality of services to schools and a price for the delivery of these services, ensuring that the strategic interface between schools and providers is managed appropriately.

Provide advice to the Council on the Dedicated Schools' Grant to ensure that all decisions taken are based on up-to-date information,

Lead Schools Financial Services, including the statutory and monitoring functions and any statutory intervention in schools required for financial reasons.

Lead and manage support for the conversion of maintained schools into academies, including liaison with legal services.

Develop and maintain links with other Directors to ensure the cohesive delivery of initiatives linking with broader service improvements across the Authority.

Lead the Finance business partner activity for the EYPS provide a professional lead and management for the schools financial services and directorate business partners.

Support the need for strategic cohesion in the delivery of children's services by maintaining and developing key links with Head teachers, district teams and locality boards

Actively review all services provided by this post to identify the 'right source' for their future delivery including consideration of outsourcing, co-sourcing or in-sourcing to ensure the most effective and efficient delivery methods are employed.

This job description sets out the accountabilities specific to the role. These should be read in conjunction with the Corporate Responsibilities that apply to the Corporate Director and Director roles.

Services

Academy Conversion

Finance Business Partners

Development of delivery model to cover - Finance, Property, Personnel, Traded Services, School Improvement, Continuous Professional Services and other support services to schools

Schools Financial Services

Detail of consultation feedback from impacted staff

The detailed consultation feedback included:

A proposal from one respondent to retain the **Information Resilience and Transparency** team in Governance and Law. The consultation proposal was that the team move to align with other sources of customer intelligence and information gathering. The feedback on this proposal pointed out the critical element of the work of the team in relation to the Senior Information Risk Owner (SIRO). The responsibilities of the SIRO resides with the Director of Governance and Law and balancing the benefits of the improvements to customer intelligence emanating from ensuring a closer link between those dealing with FOI requests and other resident queries with the risks of losing the very close links between the team and the SIRO, it is now considered more appropriate to leave the team in Governance and Law and ensure there is a clear and monitored process for feeding information from FOIs and other queries into the customer intelligence unit.

A proposal that **all quasi legal services**, including Trading standards, Coroners, insurance and debt recovery and other such activity could best be delivered by the Director of Governance and Law. This was considered, but it was not felt it was appropriate to move these teams into Governance and law as most were primarily concerned with delivering customer facing activity and the link with the legal team did not require direct line management accountability.

The **Director of Environment, Planning and Enforcement** role was too broad and Development and Transport Planning should be included in the Economic Development Division. There was also a suggestion that Public Rights of Way should move to Highways, Transportation and Waste. Having review the role, it is felt that whilst broad the services forming the Division can be integrated to good effect, there is clear synergy between them and there was no case to move services out of the Division.

Sports development should remain linked to Arts and Culture activity and be placed in Economic Development. It is felt that the sports development activity has a stronger link with planning and environment and so no change to disaggregating the current team and putting responsibility for arts and cultural development in Economic development whilst leaving sports development in the Environment Planning and Enforcement Division is planned.

The **Economic Development Division** as a commissioning and strategic delivery function should sit in the Strategic and Corporate Support Directorate rather than in Place. It is felt that the role of Economic Development does not fit comfortably with purpose of other Divisions in the corporate centre which are concerned with supporting and developing the organisation rather than focused on services which are delivering directly for the residents of Kent.

A proposal that **Kent Supported Employment** should move to the Learning Disability and Mental Health Division was not accepted because it was felt there was greater synergy with the Skills and Accountability function.

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Further detailed feedback on common themes raised by respondents to the Consultation.

The number shown after each heading relates to the paragraph in the main paper.

Skills and Employability (8.2)

The proposal is that this function forms part of the Education and Young People Services Directorate. There were several suggestions that given the importance of the agenda to the future success of businesses in Kent it should become part of Economic Development. After careful consideration of the merits of each option, it is felt that the link to Education has primacy, although steps will be taken to ensure the close working relationship with colleagues in Economic development are strengthened even further.

Virtual Schools Kent (VSK) (8.3)

VSK is currently part of Specialist Children's services and the original proposal was that it was better placed in Education as this is its primary function albeit that it deals exclusively with Children in care. This suggestion attracted a good deal of comment and the issue was discussed again by Corporate Directors who felt that VSK could continue to succeed in either Directorate. On the basis that VSK is deemed to be performing well currently and to avoid unnecessary disruption, it has been decided to recommend in this proposal that it stays as part of Specialist Children's Services. Once again, the managers of VSK will be asked to strengthen links with colleagues in School Improvement and other experts in Education.

Director of Communication role (8.4)

Several respondents expressed concern at the proposed deletion from the structure of the Director of Communication. It was felt that this would lead to a loss of focus on communication with residents in Kent and make it harder to ensure that the views of our service users and residents are used to inform our future strategies. The proposal to delete the post arose because parts of the current Division dealing with consultation, community engagement and equality will be moved to the customer insight function. The importance of both communication with and collection of the views of residents is well understood and the commitment to ensure these remain high priority is unchanged. It is not felt that this is dependent on the retention of the current role of Director of Communications.

Public Health (8.5)

Public Health is already making a significant contribution to KCC and work to Integrate the knowledge and skills of the professionals in the Division, particularly in relation to commissioning services, must and will be maintained.

The proposal for Public Health to form part of the Social Care and Public Health Directorate attracted comment from all groups of consultees and a response was received from Jenny Harries from Public Health England seeking reassurance that KCC recognises the responsibilities of the Director of Public Health and position the

role in such a way that these responsibilities can be discharged effectively. Some welcomed the decision, recognising the whole life focus of the Public Health agenda, others expressed concern that aligning in that Directorate might result in Public Health issues being given less consideration than necessary.

It is well understood that Public Health is not about social care and has a broader focus on the general health and well being of the whole population and on reducing health inequalities. It therefore has an integral relevance to services and strategies across the whole council and there is no reason why being part of the Social Care and Public Health Directorate will reduce opportunities to engage with and influence other services. The Authority recognises the benefits of the national Public Health “health in all policies” approach. We have taken full account of the Health and social care act and national guidance on the role of Director of Public Health and are satisfied that our responsibilities are met.

The Public Health agenda will be well served if the Director of Public Health is part of the Social care and Public Health Directorate and can play a key role in the integration of local authority and health services and the commissioning of activity across the People directorates. The statutory post of Director of Public Health will remain a member of the Corporate Management Team and the Corporate Board and will have full access to the Head of Paid Service on any issue that the postholder feels needs to be raised. The Director will therefore be able to engage with external and internal stakeholders across a very broad range of operational areas.

The key role of the Director in relationships with Members, CCGs, the Health and Wellbeing Board, police, probation and prison service will be supported by ensuring the Director is included in all relevant discussions and meetings with these services and is a member of all relevant formal decision making bodies.

Preventative Services (8.6)

The proposal to establish a Division with specific responsibilities for activity providing early intervention and preventative services for young people from 0-25 has been commented on by respondents from all consulted groups.

Whilst a small number of respondents, including professionals currently providing specialist care services, felt strongly that there should be only one People Directorate and/or no change at all to the current Divisions, particularly Specialist Children’s Services, many supported the proposal and saw the benefits of a Division which is able to focus on this critical agenda as a key part of the demand management imperative outlined in *Facing the Challenge*.

There is recognition across all interested parties that the critical success factors are the maintenance and enhancement of the care pathway for individuals and total clarity of the roles of the professionals working in the preventative services and those based in the specialist services and that the new arrangements enable us to maintain progress under Ofsted inspections. The provision of statutory services will be found in both the People Directorates and individual service users will move between provision in each. The work of the professionals in both People Directorates and with partner organisations must be carefully integrated and understandable and accessible for service users. There have been significant ongoing discussions between the relevant Corporate Directors and agreement reached on which teams

and functions should form part of the Preventative Services Division as shown in the final proposal. A post will be designated as head of the Youth Offending Service and the other managers required to run the integrated services will be specified following the County Council decision and prior to 1st April 2014 when the new Division will be operational.

The success of preventative services is critical to many aspects of the *Facing the Challenge* agenda, the financial health of the Authority and the lives of vulnerable young people and their families. This proposal has therefore been given the highest level of attention and there is agreement that the current configuration is capable of providing the required outcomes. The responsibilities of the senior managers involved across the two Directorates are described in the job descriptions but the DCS protocol will be revised to ensure there is total clarity about how the structure will operate to maximum effect and that the DCS is able to fulfil his statutory responsibilities and satisfy Ofsted guidelines.”

Commissioning (8.7)

The County Council has clearly stated our intention to become more of a commissioning authority. As service delivery becomes an increasingly mixed economy, KCC's role as a commissioning authority to create, shape and develop markets will become essential to ensuring sustainable service provision. There will be a greater focus on outcomes and less focus on the process or vehicle used to deliver services with both commissioners and providers held to account by Members for the delivery of outcomes. Only democratically elected Members, answerable to the residents of Kent through the ballot box, have the legitimacy to make decisions about allocating resources and taking strategic decisions about investment and disinvestment in services.

It is clear from feedback across the groups consulted that the role and purpose of commissioning in the future of the Authority is one which excites strong views and about which there are a number of options both in terms of our approach and our structures. Feedback from our current suppliers and other external organisations commented on issues linked to our commissioning approach more frequently than any other single component. Many asked that we make the process for commissioning services accessible for smaller, local provider organisations.

Effective commissioning within and across Directorate boundaries is key to the whole organisation agenda. Following the recommendations outlined *Facing the Challenge: Whole Council Transformation*, Corporate Directors have confirmed the requirement to integrate commissioning functions around people-based and place-based services.

Commissioning and procurement will be maintained as discrete functions. Despite the obvious interdependencies, these are discrete activities and the Authority is better served by recognising the inherently different role of each, whilst aligning policy for them closely in the same Directorate. It is envisaged that the corporate commissioning function will advise on a suitable framework to ensure only specifications that are fit for purpose are passed to procurement for tendering and contract award.

The recommended position on commissioning remains not to centralise all commissioning staff into one team. The risk of commissioners being too far removed from the services they work alongside was considered too great and there will remain a significant presence in the service Directorates, including a people services wide team under a Director in Social Care and Public Health.

However, in recognition of the crucial role of whole organisation commissioning in support of our ambition to be a commissioning authority, a professional corporate team will be established to embed the necessary commissioning authority arrangements in Kent, including a framework to ensure robust internal challenge and contestability within KCC. It will recommend how we can improve our capacity to undertake market development and market shaping activities, define the skills required for staff engaged in commissioning activity, identify opportunities for joint commissioning across the Authority (and with partner organisations), and develop a mechanism to monitor the effectiveness of our commissioning activity.

The team will also ensure the strong client model outlined in *Facing the Challenge* through developing a best in sector commissioning and procurement approach that has the capacity to effectively decommission and re-provision services as the need arises, adopts a commercial approach to contract management across all service provision, whether internal or external, and has the ability to shape markets and undertake market development to encourage new providers to create new markets.

It is not intended to transfer any of our existing commissioning teams into the Strategic and Corporate Services Directorate and the details of the approach to be taken will be established as part of the Change Portfolio activity on corporate commissioning. Further work is also required on defining the commissioning role of managers, how this relates to the Directorate commissioning teams and functions and the role of corporate commissioning. This work will be developed alongside the budget allocations for commissioned services which recognises that budgets for commissioned services will remain with service managers.

Further work is also required on defining the commissioning role of managers, how this relates to the Directorate commissioning teams and functions and the direct relationship with corporate commissioning. This work will be developed alongside the budget allocations for commissioned services which recognises that budgets for commissioned services will remain with service managers.

The way we do things (8.8)

The objectives of *Facing the Challenge* can only be achieved through developing exceptional working relationships within the Authority and with our partners. This is well understood and was reiterated throughout the responses to the consultation from all groups. The restructure will not itself develop these relationships but it is important that it does not impede them. In terms of the culture of the organisation a number of themes emerged and work will be ongoing to develop the skills of managers and Members to enable the necessary organisational culture to be achieved. These key themes are:

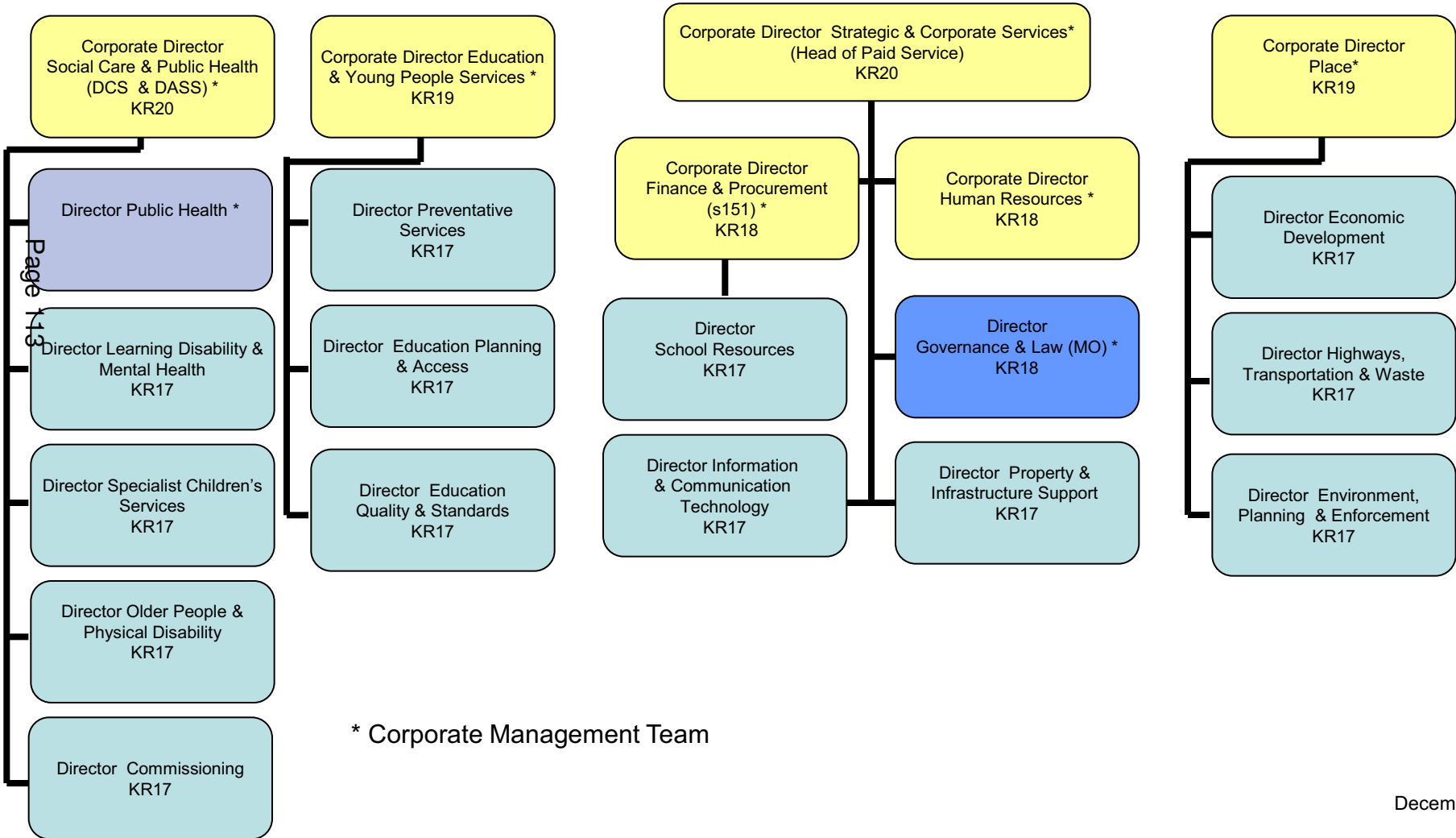
- Building on the current position, Directors and Corporate Directors must ensure a focus on leadership for the whole of KCC, not just their own Division/Directorate

- Going forward, senior managers need to continue to give clear direction and provide decisive leadership
- Senior managers must ensure that the scale of change does not impact on business as usual service delivery
- The culture of the organisation needs to change to embrace “risk” and be open to new ways of working
- All areas of KCC must be willing to embrace change and share in the transformation be they providing statutory or discretionary services
- Performance management and research capability must be recognised as valuable and important
- We must understand and listen to our residents, clients and customers and know what to do with the information received from them. This must include our service redesign starting from the customer
- The scale of change impacting on delivery of business as usual
- We must strengthen the ability to recognise talented members of staff and develop them
- The willingness to work with partners in a collaborative way must be embraced by all parts of the organisation in a consistent way – some teams in KCC are perceived by our partners as better at this than others.

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Leader Cabinet



* Corporate Management Team

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CORPORATE RESPONSIBILITIES

All Corporate Directors, Directors and Heads of Service have an explicit responsibility to deliver the collective agenda of the County Council. These are fundamental elements of their role not an addition and are summarised as follows;

Whole Council

- Seek to improve the lives of all residents in Kent and the economy of Kent
- Act as corporate parent to the Council's looked after children
- Take an active role in promoting and ensuring the Council's responsibilities for safeguarding are met.
- Understand, communicate and contribute to the delivery of KCC's strategic aims
- Meet statutory obligations and promote and ensure compliance with policies and procedures and the Council's Code of Conduct (Kent Code).
- Advise elected members and support the democratic process
- Promote the Council brand and enhance the overall reputation of the Council
- Understand and monitor the measures of performance, including customer insight, which define successful outcomes for KCC services.
- Maintain and ensure a relentless focus on the customer
- Act to support the Council-wide need to deliver services within budget, thereby avoiding an overspend that could damage the financial viability of the Council
- Overcome professional and service silos to achieve the County Council's objectives.

Integration of Services

- Focus resources where they have the biggest impact
- Deliver services that are flexible and adaptable
- Integrate services within KCC and work with partner agencies to ensure a seamless customer experience
- Fully and inclusively engage all staff in the delivery of services, demonstrating the Council's leadership values and competencies.

Embedding Commissioning and Engaging Relevant Markets

- Establish an outcome focused organisation
- Meet the financial regulations and standing orders of KCC
- Challenge the status quo and engage with the market to constantly improve.
- Ensure all services are delivered effectively and efficiently
- Proactively and continuously seek to improve service delivery
- Proactively manage risk to avoid inertia whilst not exposing the Council to needless and avoidable challenge or loss

Managing Change

- Understand and support the Authority's overall change agenda
- Deliver required outcomes of service specific change on time and to budget
- Understand the quality of staff, support their development, nurture those with talent
- Identify the skills for the future and the level of staff through robust workforce planning
- Identify and deal with underperformance.
- Deliver to agreed budget and income targets.

DECEMBER 2013

Functions transferring to Strategic & Corporate Services Directorate

As outlined in paragraph 10.4.17 of the paper, a number of functions are transferring to the Strategic & Corporate Services Directorate. These include:

Customer Contact – the customer relationships team, which includes Gateways and responsibility for the Customer strategy, including channel shift, will move to the corporate centre in recognition of the fact that despite being a customer facing activity it provides support to all our front line people and place based services and will be better able to integrate customer and business intelligence and corporate policy as part of Strategic and Support Services. This will help facilitate the integration of customer service delivered via web, phone and face to face.

Media and Public Relations – The media and public relations team provides whole council services and also works very closely with senior members and officers.

Customer intelligence and performance – Putting the customer at the heart of everything we do and designing our services around their needs requires us to collect and evaluate feedback from them more effectively. We must use the whole range of information collected to measure our performance across all our services and ensure the outcome of both business and customer research informs policy decisions. The proposal therefore suggests the establishment of a unit which will be responsible for customer intelligence and research, consultation, community engagement, monitoring customer feedback, ensuring the resulting customer and performance insight is used effectively to inform policy and resourcing decisions.

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**KENT COUNTY COUNCIL
EQUALITY ANALYSIS / IMPACT ASSESSMENT (EqIA)**

Screening Grid

Characteristic	Could this policy, procedure, project or service, or any proposed changes to it, affect this group less favourably than others in Kent? YES/NO If yes how?	Assessment of potential impact HIGH/MEDIUM LOW/NONE UNKNOWN		Provide details: a) Is internal action required? If yes what? b) Is further assessment required? If yes, why?	Could this policy, procedure, project or service promote equal opportunities for this group? YES/NO - Explain how good practice can promote equal opportunities
		Positive	Negative	Internal action must be included in Action Plan	If yes you must provide detail
Age Page 1	Yes – the profile of ages in the group may have an impact due to the experience of the employees in relation to jobs they may be considered for.	Low	None	Any appointment considerations should take account of the value rather than amount of experience a person may have.	Yes – it can promote and show how the organisation values employees who are from all parts of the age spectrum.
Disability	Yes – if reasonable adjustments aren't made where required it may fetter an employee's ability to secure a post in the new structure	Low	Low	The recruitment process may require reasonable adjustments to be made for staff with disabilities covered by the Equality Act 2010 The new posts may require reasonable adjustments to made for staff with disabilities covered by the Equality Act 2010 Managers will need to be aware of disabilities in the above and ensure staff are not treated less favourably as a result.	Yes – any appointments could promote and show how the organisation values employees with this protected characteristic
Gender	Yes – female senior officers are under represented compared to KCC workforces as a whole (44% 74.8%)	Low	Low	Any appointment considerations should take account of the value rather than amount of experience a person may have.	Yes – any appointments could promote and show how the organisation values employees with this protected characteristic

	Female staff may have shorter service due to caring responsibilities and may have primary caring responsibilities.			Caring responsibilities will not be a consideration in appointments.	
Gender identity	No	Low	None		Yes – any appointments could promote and show how the organisation values employees with this protected characteristic
Race	No	Low	None		Yes – any appointments could promote and show how the organisation values employees with this protected characteristic
Religion or belief	No	Low	None		Yes – any appointments could promote and show how the organisation values employees with this protected characteristic
Sexual orientation	No	Low	None		Yes – any appointments could promote and show how the organisation values employees with this protected characteristic
Pregnancy and maternity	No	Low	None		Yes – any appointments could promote and show how the organisation values employees with this protected characteristic
Marriage and Civil Partnerships	No	Low	None		Yes – any appointments could promote and show how the organisation values employees with this protected characteristic
Carer's responsibilities	Yes – employees may have caring responsibilities for children, people with a disability, older people etc.	Low	Low	Caring responsibilities will not be a consideration in appointments.	

Part 1: INITIAL SCREENING

Proportionality - Based on the answers in the above screening grid what weighting would you ascribe to this function – see Risk Matrix

Low	Medium	High
Low relevance or Insufficient information/evidence to make a judgement.	Medium relevance or Insufficient information/evidence to make a Judgement.	High relevance to equality, /likely to have adverse impact on protected groups

Low

Due to the size of the group it is difficult to provide evidence on some of the categories that doesn't directly identify individuals. Therefore where it has been possible to assess the impact of the change on some groups this has been identified. With other protected characteristics the change process will be managed in a way that does not discriminate or disadvantage any of the people involved.

Context

The context is set out in the Cabinet paper of the 14 October 2013 – Facing the Challenge: Top Tier Realignment

Aims and Objectives

See above

Beneficiaries

See above

Information and Data

This is a small group of employees so it is difficult to provide data that does not identify individuals. Where it has been possible to understand the profile without compromising people's personal data this has been done and compared against KCC averages.

Involvement and Engagement

N/A

Potential Impact

There are certainly positives to be had in promoting how the organisation sees people from the different characteristics and that they are not a barrier to working at the most senior level in KCC. However, this would only be achievable if people are prepared to reveal them and champion the fact.

Adverse Impact:

Any potential negative impact will be mitigated by following the relevant KCC policies and procedures.

JUDGEMENT

Option 1 – Screening Sufficient YES

Whilst internal action is identified this is merely how KCC would mitigate the impact of this change by following its policies and procedures.

Justification:

Option 2 – Internal Action Required NO

Option 3 – Full Impact Assessment NO

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

To: County Council - 12 December 2013

Subject: Kent Code of Conduct for Members

Summary: The Secretaries of the Kent local authorities have been keeping under review the Kent Code of Conduct for Members ('the Code') since it was introduced on 1 July 2012. This report sets out some suggested changes to the documentation as recommended by the Kent Secretaries and the Standards Committee.

1. Introduction

- (1) When the Code was adopted by the County Council on 19 July 2012, it was the first time that the County Council, working closely with all Kent districts and the Kent and Medway Fire and Rescue Authority, came together to create a single uniform code which applies consistently across all four tiers of local authority in the county.
- (2) A great many hours of detailed work was put in by all concerned aimed at enhancing and protecting the reputations of the Kent authorities and their members as well as bringing all the authorities closer together.
- (3) The outcome was a new Code which is shorter, simpler and less onerous than the old one.
- (4) The Code is operated by ten of the twelve Kent district councils and the Kent and Medway Fire and Rescue Authority.

2. Suggested Amendments to the Kent Code of Conduct

- (1) The Kent Secretaries have met on a number of occasions over the past year to share information on the operation of the Code, the impact on Members and to discuss any proposed amendments to the Code and the supporting documentation.
- (2) The Standards Committee met on 6 September 2013 and was largely content with the minor changes proposed by the Kent Secretaries. However, they raised concern over the Code procedures and the paragraphs relating to complainant confidentiality and anonymity.
- (3) Following this discussion the opportunity was taken to look at a number of other local authorities to see how they deal with the two provisions of confidentiality and anonymity.
- (4) The result is that none of Kent's nearest neighbour authorities makes reference to confidentiality or anonymity within their Member Code of Conduct, but

reference is made to these issues within the guidance notes and procedures for investigating complaints.

- (5) The Standards Committee met again on 29 November 2013 to consider the comparative information from other local authorities, together with a tracked change version of the Code and the procedures, which showed the effect of removing elements from the Code relating to both anonymity and confidentiality.
- (6) The Committee concluded that in accordance with natural justice and in the interests of fairness, the paragraphs relating to confidentiality and the ability for a complainant to remain anonymous should be removed from the procedures.
- (7) The Committee also considered one minor anomaly raised by the Independent Person, Mr George, between the Code and procedures relating to whether a member is acting in their official capacity. The Committee concluded that for clarity the word “official” should be inserted in front of the word “capacity” in the Code (paragraph 2 of the Code refers).
- (8) Attached are the following tracked change documents which the Standards Committee has endorsed and recommended to the County Council for approval:
 - (a) The Kent Code of Conduct – **Appendix A**;
 - (b) Arrangements for dealing with the Code of Conduct Complaints under the Localism Act 2011 – **Appendix B**.
- (9) The Standards Committee also recommend that there should be no further review of the Code or operational procedures until the new County Council is elected in 2017.

3. Recommendation

The County Council is asked to approve the changes to the Kent Code of Conduct for Members and the operational procedures and agree that the next review of the Code and procedures takes place following the County Council election in 2017.

Paul Wickenden
Democratic Services Manager (Members)
paul.wickenden@kent.gov.uk
01622 694486

Kent Code of Conduct for Members

(adopted by the Council on 19 July 2012)

Preamble

- (A) The Code of Conduct that follows is adopted under section 27(2) of the Localism Act 2011.
- (B) The Code is based on the Seven Principles of Public Life under section 28(1) of the Localism Act 2011, which are set out below.
- (C) This Preamble and the Seven Principles of Public Life do not form part of the Code, but you should have regard to them as they will help you to comply with the Code.
- (D) If you need guidance on any matter under the Code, you should seek it from the Monitoring Officer or your own legal adviser – but it is entirely your responsibility to comply with the provisions of this Code.
- (E) In accordance with section 34 of the Localism Act 2011, where you have a Disclosable Pecuniary Interest it is a criminal offence if, without reasonable excuse, you:
 - (i) Fail to notify the Authority's Monitoring Officer of the interest before the end of 28 days beginning with the day on which you became a member.
 - (ii) Fail to disclose the interest at Meetings where the interest is not entered in the Authority's register.
 - (iii) Fail to notify the Authority's Monitoring Officer of the interest before the end of 28 days beginning with the date of disclosure at a meeting, if the interest is not entered in the Authority's register and is not the subject of a pending notification.
 - (iv) Take part in discussion or votes, or further discussions or votes, at Meetings on matters in which you have the interest which are being considered at the meeting.
 - (v) Fail to notify the Authority's Monitoring Officer of the interest before the end of 28 days beginning with the date when you become aware that you have such an interest in a matter to be dealt with, or being dealt with, by you acting alone in the course of discharging a function of the Authority.
 - (vi) Take any step in relation to a matter being dealt with by you acting alone in the course of discharging a function of the Authority, except a step for the purpose of enabling the matter to be dealt with otherwise than by you.
 - (vii) Knowingly or recklessly provide false or misleading information in any of the above disclosures or notifications.
- (F) Any written allegation received by the Authority that you have failed to comply with the Code will be dealt with under the arrangements adopted by the Authority for such purposes. If it is found that you have failed to comply with the Code, the Authority may have regard to this failure in deciding whether to take action and, if so, what action to take in relation to you.

THE CODE

1. Interpretation

In this Code:

“Associated Person” means (either in the singular or in the plural):

- (a) a family member or any other person with whom you have a close association, including your spouse, civil partner, or somebody with whom you are living as a husband or wife, or as if you are civil partners; or
- (b) any person or body who employs or has appointed you or such persons, any firm in which you or they are a partner, or any company of which you or they are directors; or
- (c) any person or body in whom you or such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of which you are in a position of general control or management and to which you are appointed or nominated by the Authority; or
- (e) any body in respect of which you are in a position of general control or management:
 - (i) exercising functions of a public nature; or
 - (ii) directed to charitable purposes; or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union).

“Authority” means the Kent County Council.

“Authority Function” means any one or more of the following interests that relate to the functions of the Authority:

- (a) housing - where you are a tenant of the Authority provided that those functions do not relate particularly to your tenancy or lease; or
- (b) school meals or school transport and travelling expenses - where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which your child attends;
- (c) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992 - where you are in receipt of, or are entitled to the receipt of, such pay;
- (d) an allowance, payment or indemnity given to members of the Authority;
- (e) any ceremonial honour given to members of the Authority;
- (f) setting council tax or a precept under the Local Government Finance Act 1992.

“Code” means this Code of Conduct.

“Co-opted Member” means a person who is not an elected member of the Authority but who is a member of:

- (a) any committee or sub-committee of the Authority, or

(b) and represents the Authority on, any joint committee or joint sub-committee of the Authority; and

(c) who is entitled to vote on any question that falls to be decided at any Meeting.

“Disclosable Pecuniary Interest” means those interests of a description specified in regulations made by the Secretary of State (as amended from time to time) as set out below and where either it is:

(a) your interest or

(b) an interest of your spouse or civil partner, a person with whom you are living as husband and wife, or a person with whom you are living as if you were civil partners and provided you are aware that the other person has the interest.

“Interests” means Disclosable Pecuniary Interests and Other Significant Interests.

“Meeting” means any meeting of:

(a) the Authority;

(b) the executive of the Authority;

(c) any of the Authority's or its executive's committees, sub-committees, joint committees and/or joint sub-committees.

“Member” means a person who is an ~~an-elected~~ member of the Authority and includes a Co-opted Member.

“Other Significant Interest” means an interest (other than a Disclosable Pecuniary Interest or an interest in an Authority Function) in any business of the Authority which:

(a) may reasonably be regarded as affecting the financial position of yourself and/or an Associated Person to a greater extent than:

(i) the majority of other council tax payers, ratepayers or inhabitants of the electoral division affected by the decision; or

(ii) (in other cases) the majority of other council tax payers, ratepayers or inhabitants of the Authority's area; or

(b) relates to the determination of your application (whether made by you alone or jointly or on your behalf) for any approval, consent, licence, permission or registration or that of an Associated Person;

and where, in either case, a member of the public with knowledge of the relevant facts would reasonably regard the interest as being so significant that it is likely to prejudice your judgment of the public interest.

“Register of Members’ Interests” means the Authority's register of Disclosable Pecuniary Interests established and maintained by the Monitoring Officer under section 29 of the Localism Act 2011.

“Sensitive Interest” means information, the details of which, if disclosed, could lead to you or a person connected with you being subject to violence or intimidation.

Scope

2. You must comply with this Code whenever you act in your official capacity as a Member or Co-opted Member of the Authority.

General obligations

3. (1) You must, when using or authorising the use by others of the resources of the Authority:
- (a) act in accordance with the Authority's reasonable requirements; and
 - (b) ensure that such resources are not used improperly for political purposes (including party political purposes).
- (2) You must not:
- (a) bully any person;
 - (b) intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness, or involved in the administration of any investigation or proceedings, in relation to an allegation that a Member (including yourself) has failed to comply with this Code;
 - (c) do anything that compromises, or is likely to compromise, the impartiality or integrity of those who work for, or on behalf of, the Authority;
 - (d) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - (i) you have the written consent of a person authorised to give it; or
 - (ii) you are required by law to do so; or
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is:
 - reasonable and in the public interest; and
 - made in good faith and in compliance with the reasonable requirements of the Authority;
 - (e) prevent another person from gaining access to information to which that person is entitled by law;
 - (f) conduct yourself in a manner which could reasonably be regarded as bringing your office or the Authority into disrepute;
 - (g) use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.

Registering Disclosable Pecuniary Interests

4. (1) You must, before the end of 28 days beginning with the day you become a Member or Co-opted Member of the Authority, or before the end of 28 days beginning with the day on which this Code takes effect (whichever is the later), notify the Monitoring Officer of any Disclosable Pecuniary Interest.
- (2) In addition, you must, before the end of 28 days beginning with the day you become aware of any new Disclosable Pecuniary Interest or change to any interest already registered, register details of that new interest or change, by providing written notification to the Monitoring Officer.

- (3) Where you have a Disclosable Pecuniary Interest in any matter to be dealt with, or being dealt with, by you acting alone in the course of discharging a function of the Authority (including making a decision in relation to the matter), then if the interest is not registered in the Register of Members' Interests and is not the subject of a pending notification, you must notify the Monitoring Officer before the end of 28 days beginning with the day you become aware of the existence of the interest.
5. (1) Whether or not a Disclosable Pecuniary Interest has been entered onto the Register of Members' Interests or is the subject of a pending notification, you must comply with the disclosure procedures set out below.
- (2) Where you are present at a Meeting and have a Disclosable Pecuniary Interest or Other Significant Interest in any matter to be considered, or being considered, at the Meeting, you must:
- (a) disclose the Interest; and
 - (b) explain the nature of that Interest at the commencement of that consideration or when the Interest becomes apparent (subject to paragraph 6, below); and unless you have been granted a dispensation or are acting under para 5(4):
 - (c) not participate in any discussion of, or vote taken on, the matter at the Meeting; and
 - (d) withdraw from the Meeting room in accordance with the Authority's Procedure Rules whenever it becomes apparent that the business is being considered; and
 - (e) not seek improperly to influence a decision about that business.
- (3) Where you have a Disclosable Pecuniary Interest or Other Significant Interest in any business of the Authority where you are acting alone in the course of discharging a function of the Authority (including making an executive decision), you must:
- (a) notify the Monitoring Officer of the interest and its nature as soon as it becomes apparent; and
 - (b) not take any steps, or any further steps, in relation to the matter except for the purpose of enabling the matter to be dealt with otherwise than by you; and
 - (c) not seek improperly to influence a decision about the matter.
- (4) Where you have an Other Significant Interest in any business of the Authority, you may attend a Meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the Meeting for the same purpose. Having made your representations, given evidence or answered questions you must:
- (a) not participate in any discussion of, or vote taken on, the matter at the Meeting; and
 - (b) withdraw from the Meeting room in accordance with the Authority's Procedure Rules.

Sensitive Interests

6. (1) Where you consider that the information relating to any of your Disclosable Pecuniary Interests is a Sensitive Interest, and the Monitoring Officer agrees, the

Monitoring Officer will not include details of the Sensitive Interest on any copies of the Register of Members' Interests which are made available for inspection or any published version of the Register, but may include a statement that you have an interest, the details of which are withheld under this paragraph.

- (2) You must, before the end of 28 days beginning with the day you become aware of any change of circumstances which means that information excluded under paragraph 6(1) is no longer a Sensitive Interest, notify the Monitoring Officer asking that the information be included in the Register of Members' Interests.
- (3) The rules relating to disclosure of Interests in paragraphs 5(2) and (3) will apply, save that you will not be required to disclose the nature of the Sensitive Interest, but merely the fact that you hold an interest in the matter under discussion.

Gifts and Hospitality

7. (1) You must, before the end of 28 days beginning with the day of receipt/acceptance, notify the Monitoring Officer of any gift, benefit or hospitality with an estimated value of £100 or more, or a series of gifts, benefits and hospitality from the same or an associated source, with an estimated cumulative value of £100 or more, which are received and accepted by you (in any one calendar year) in the conduct of the business of the Authority, the business of the office to which you have been elected or appointed or when you are acting as representative of the Authority. You must also register the source of the gift, benefit or hospitality.
- (2) Where any gift, benefit or hospitality you have received or accepted relates to any matter to be considered, or being considered at a Meeting, you must disclose at the commencement of the Meeting or when the interest becomes apparent, the existence and nature of the gift, benefit or hospitality, the person or body who gave it to you and how the business under consideration relates to that person or body. You may participate in the discussion of the matter and in any vote taken on the matter, unless you have an Other Significant Interest, in which case the procedure in paragraph 5 above will apply.
- (3) You must continue to disclose the existence and nature of the gift, benefit or hospitality at a relevant Meeting, for 3 years from the date you first registered the gift, benefit or hospitality.
- (4) The duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the Authority for this purpose.

Dispensations

8. (1) The Standards Committee, or any sub-committee of the Standards Committee, or the Monitoring Officer (where authorised) may, on a written request made to the Monitoring Officer (as appointed Proper Officer for the receipt of applications for dispensation) by a Member with an Interest, grant a dispensation relieving the Member from either or both of the restrictions on participating in discussions and in voting (referred to in paragraph 5 above).
- (2) A dispensation may be granted only if, after having had regard to all relevant circumstances, the Standards Committee, its sub-committee, or the Monitoring Officer (where authorised) considers that:
 - (a) without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of

the body transacting the business as to impede the transaction of the business; or

- (b) without the dispensation, the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business; or
 - (c) granting the dispensation is in the interests of persons living in the Authority's area; or
 - (d) without the dispensation each member of the Authority's executive would be prohibited from participating in any particular business to be transacted by the Authority's executive; or
 - (e) it is otherwise appropriate to grant a dispensation.
- (3) A dispensation must specify the period for which it has effect, and the period specified may not exceed four years.
- (4) Paragraph 5 above does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this paragraph 8.

THE SEVEN PRINCIPLES OF PUBLIC LIFE

In accordance with the Localism Act 2011, and in order to help maintain public confidence in this Authority, you are committed to behaving in a manner that is consistent with the following principles. However, it should be noted that these Principles do not create statutory obligations for Members and do not form part of the Code. It follows from this that the Authority cannot accept allegations that they have been breached.

Selflessness. Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity. Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

Objectivity. In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability. Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness. Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty. Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership. Holders of public office should promote and support these principles by leadership and example.

The Committee on Standards in Public Life was established by the then Prime Minister in October 1994, under the Chairmanship of Lord Nolan, to consider standards of conduct in various areas of public life, and to make recommendations.

DISCLOSABLE PECUNIARY INTERESTS

(as prescribed by regulations)

The descriptions on Disclosable Pecuniary Interests are subject to the following definitions:

“**the Act**” means the Localism Act 2011

“**body in which the relevant person has a beneficial interest**” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest

“**director**” includes a member of the committee of management of an industrial and provident society

“**land**” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income

“**M**” means a member of the relevant authority

“**member**” includes a co-opted member

“**relevant authority**” means the authority of which M is a member

“**relevant period**” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1), or section 31(7), as the case may be, of the Act

“**relevant person**” means M or any other person referred to in section 30(3)(b) of the Act (the Member’s spouse, civil partner, or somebody with whom they are living as a husband or wife, or as if they were civil partners).

“**securities**” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society

Interest	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority: (a) under which goods or services are to be provided or works are to be executed; and

	(b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge): (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where: (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Arrangements For Dealing With Code Of Conduct Complaints Under The Localism Act 2011

1. Context

- 1.1 These Arrangements are made under section 28 of the Localism Act 2011. They set out the process that the County Council has adopted for dealing with complaints that an elected or co-opted member has failed to comply with the Code of Conduct.

2. Interpretation

- 2.1 'County Council' means the Kent County Council.
- 2.2 'Code of Conduct' means the Code of Conduct, which the County Council has adopted under section 27(2) of the Localism Act 2011.
- 2.3 'Complainant' means a person who has submitted a complaint in accordance with these Arrangements alleging that a Subject Member has breached the Code of Conduct.
- 2.4 'Disclosable Pecuniary Interest' means those disclosable pecuniary interests that meet the definition prescribed by regulations (as amended from time to time) as set out in Annex 2 to the Code of Conduct.
- 2.5 'Hearing Panel' means the panel appointed by the Standards Committee to determine the outcome of any complaint alleging a breach of the Code of Conduct by a Subject Member in accordance with these Arrangements.
- 2.6 'Independent Person' means a person or persons appointed by the County Council under section 28(7) of the Localism Act 2011:
- (a) whose views must be sought and taken into account by the County Council before a decision is made on any complaint alleging a breach of the Code of Conduct by a Subject Member;
 - (b) who may be consulted by the Subject Member about the complaint.
- 2.7 'Investigating Officer' means the person appointed by the Monitoring Officer to undertake a formal investigation of a complaint alleging a breach of the Code of Conduct by a Subject Member. The Investigating Officer may be another senior officer of the County Council, an officer of another authority or an external investigator.
- 2.8 'Monitoring Officer' is a senior officer of the County Council who has statutory responsibility for maintaining the Register of Members' Interests and who is responsible for administering the arrangements for dealing with any complaint alleging a breach of the Code of Conduct by a Subject Member. It includes any other officer of the County Council nominated by the Monitoring Officer to act on their behalf.
- 2.9 'Parties' means the Complainant, Subject Member and the Investigating Officer, as appropriate.

2.10 'Subject Member' means an elected member or co-opted member of the County Council against whom a complaint has been made alleging a breach the Code of Conduct.

3. Appointment of Independent Person

3.1 The County Council will appoint the Independent Person (and any substitute) in accordance with the requirements of section 27 of the Localism Act 2011 upon such terms as to remuneration and expenses as may be determined by the County Council from time to time.

3.2 The Independent Person (and any substitute) will be treated as if they were a member of the County Council for the purposes of the County Council's arrangements for indemnifying and insuring its Members.

4. Making a complaint

4.1 A complaint alleging a breach of the Code of Conduct by a Subject Member must be made in writing and addressed to the Monitoring Officer using the Complaint Form ~~included within~~ Annex 1 to these Arrangements. Complainants who find difficulty in making their complaint in writing (e.g. because of a disability), will be offered assistance.

4.2 The Subject Member will normally be informed of the identity of the Complainant and details of the complaint made against them, ~~but the Complainant's identity and/or details of their complaint may be withheld at the Complainant's request if it appears to the Monitoring Officer that there are sound reasons for granting such a request (refer to paragraph 5 of Annex 1 to these Arrangements).~~

4.3 The Monitoring Officer will normally acknowledge receipt of a complaint within 5 working days of receiving it. At the same time (and subject to para. 4.2 above), the Monitoring Officer will send a copy of the complaint to the Subject Member in accordance with paragraph 2 of Annex 1 to these Arrangements.

5. Criminal conduct

5.1 In accordance with section 34 of the Localism Act 2011, it is a criminal offence if, without reasonable excuse, a Member of the Authority:

- (a) fails to notify the Monitoring Officer of a Disclosable Pecuniary Interest before the end of 28 days beginning with the day on which the Member becomes, or is re-appointed, a Member or Co-opted Member of the Authority;
- (b) fails to disclose a Disclosable Pecuniary Interest at a meeting, where such interest has not already been registered or notified to the Monitoring Officer;
- (c) fails to notify the Monitoring Officer of a Disclosable Pecuniary Interest before the end of 28 days beginning with the day on which the Member discloses it at a meeting, where such interest has not already been registered or notified to the Monitoring Officer;
- (d) takes part in discussions or votes at meetings that relate to the Disclosable Pecuniary Interest, unless a dispensation has been granted;
- (e) knowingly or recklessly provides false or misleading information in any of the above disclosures or notifications.

5.2 Where a complaint against a Subject Member relates to conduct of a criminal nature referred to above, the Monitoring Officer will deal with the complaint in accordance with paragraph 4(4) of Annex 1 to these Arrangements.

6. Anonymous complaints

- 6.1 Complainants must provide their full name and address. An ~~anonymous complaints~~ will ~~only not~~ be accepted ~~by the Monitoring Officer in consultation with the Independent Person, providing it is accompanied by independent documentary evidence substantiating or indicating to the Monitoring Officer that the complaint is exceptionally serious or significant.~~

7. Role of Independent Person

- 7.1 The Independent Person must be consulted and have their views taken into account before the Authority makes a finding as to whether a Member has failed to comply with the Code or decides on action to be taken in respect of that Member. At any other stage of the complaints process under these Arrangements, the Independent Person may be consulted by the Monitoring Officer and/or the Subject Member.

8. Preliminary tests

- 8.1 The Monitoring Officer will, in consultation with the Independent Person, put the complaint through a number of preliminary tests, in accordance with paragraph 1 of Annex 1 to these Arrangements.
- 8.2 In the event that the Independent Person is unavailable or unable to act, the time limits specified in paragraph 1 of Annex 1 to these Arrangements (whether without the need for an investigation or before or after an investigation has been commenced or concluded) may be extended as necessary.

9. Informal resolution

- 9.1 The Monitoring Officer, in consultation with the Independent Person, may consider that the complaint can be resolved informally at any stage in accordance with paragraph ~~65~~ of Annex 1 to these Arrangements.

10. Investigation

- 10.1 If the Monitoring Officer, in consultation with the Independent Person and the Chairman of the Standards Committee, decides that the complaint merits formal investigation, they will, normally within 10 working days of receiving it, appoint an Investigating Officer to undertake the investigation, and inform the Parties of the appointment.
- 10.2 The Investigating Officer will investigate the complaint in accordance with Annex 2 to these Arrangements.

11. Hearing

- 11.1 If the Monitoring Officer, in consultation with the Independent Person, considers that informal resolution is not appropriate or is unlikely to be achieved, then they will convene a meeting of the Hearing Panel to determine the outcome of the complaint in accordance with Annex 3 to these Arrangements.

12. Sanctions

12.1 Where a Subject Member has been found by the Hearing Panel to have breached the Code of Conduct, the Hearing Panel may apply any one or more sanctions in accordance with paragraph 4 of Annex 3 to these Arrangements.

13. Appeal

13.1 There is no right of appeal for the Complainant or the Subject Member against decisions of either the Monitoring Officer or the Hearing Panel.

14. Revision of these Arrangements

14.1 The County Council may by resolution agree to amend these Arrangements and has delegated to the Monitoring Officer and the Hearing Panel the right to depart from these Arrangements, where considered expedient to do so in order to secure the effective and fair consideration of any matter.

Annexes

Annex 1 – Procedure on Receipt of A Complaint

Annex 2 – Procedure For Investigating The Complaint

Annex 3 – Hearing Panel Procedure

Procedure On Receipt Of A Complaint

1. Preliminary tests

1.1 The complaint will be assessed by the Monitoring Officer alone or in consultation with the Independent Person against the legal jurisdiction test in paragraph 1.2 and, if applicable, the local assessment criteria test in paragraph 1.4 below.

1.2 Legal jurisdiction criteria test:

- (a) Did the alleged conduct occur before the adoption of the Code of Conduct?
- (b) Was the person complained of a member of the County Council at the time of the alleged conduct?
- (c) Was the person complained of acting in an official capacity at the time of the alleged conduct?
- (d) Did the alleged conduct occur when the person complained of was acting as a member of another authority?
- (e) If the facts could be established as a matter of evidence, could the alleged conduct be capable of a breach of the Code of Conduct?
- (f) The complaint is about dissatisfaction with the County Council's decisions, policies and priorities, etc.

1.3 If the complaint fails one or more of the jurisdiction tests, no further action will be taken by the Monitoring Officer and the complaint will be rejected. The Complainant will be notified accordingly with reasons, normally within 10 working days of receipt of the complaint by the Monitoring Officer. There is no right of appeal against the Monitoring Officer's decision.

1.4 Local assessment criteria test:

If the complaint satisfies the jurisdiction test, the Monitoring Officer will then apply the following local assessment criteria test:

- (a) The complaint is a 'repeat complaint', unless supported by new or further evidence substantiating or indicating that the complaint is exceptionally serious or significant;
- (b) The complaint is anonymous; ~~unless supported by independent documentary evidence substantiating or indicating that the complaint is exceptionally serious or significant;~~
- (c) No or insufficient information/evidence to substantiate the complaint has been submitted by the Complainant;
- (d) The complaint is malicious, trivial, politically motivated or 'tit-for-tat';
- (e) The Complainant is unreasonably persistent, malicious and/or vexatious;
- (f) The alleged misconduct happened more than 3 months ago;
- (g) The complaint is relatively minor and dealing with the complaint would have a disproportionate effect on both public money and officers' and Members' time;
- (h) The circumstances have changed so much that there would be little benefit arising from an investigation or other action;
- (i) The complaint has been the subject of an investigation or other action and there is nothing more to be gained by further action being taken;
- (j) The complaint is such that it is unlikely that an investigation will be able to come to a firm conclusion on the matter, e.g. where there is no firm evidence on the matter;

- (k) The complaint is about a deceased person;
- (l) The complaint is about a person who is no longer a County Councillor or Co-opted Member.

1.5 If one or more of the local assessment criteria applies to the complaint, no further action will be taken by the Monitoring Officer and the complaint will be rejected. The Complainant will be notified accordingly with reasons, normally within 10 working days of receipt of the complaint by the Monitoring Officer. There is no right of appeal against the Monitoring Officer's decision.

2. Notification of complaint to Subject Member

2.1 ~~As a matter of fairness and natural justice, the Subject Member will be told who the Complainant is and will also receive details of the complaint. Subject to any representations from the Complainant on confidentiality (see paragraph 5 below), The Monitoring Officer will notify the Subject Member of the complaint.~~

2.2 ~~The Monitoring Officer may invite~~ The Subject Member ~~to may~~ submit initial views on the complaint, normally within 10 working days of receipt of the details of the complaint from the Monitoring Officer. ~~These views~~^{which} will be taken into account by the Monitoring Officer when ~~they decide~~^{ing} how to deal with the complaint (see paragraph 4 below). ~~Views received from the Subject Member after the 10 working day time limit may be taken into account at the discretion of the Monitoring Officer, providing the views are received before the Monitoring Officer issues their written decision on how the complaint will be dealt with.~~

3. Asking for additional information

3.1 The Monitoring Officer may ask the Complainant and the Subject Member for additional information before deciding how to deal with the complaint.

4. What process to apply - informal resolution or investigation and/or no action?

4.1 The Monitoring Officer may at any stage (whether without the need for an investigation or before or after the commencement or conclusion of an investigation) seek to resolve the complaint informally in accordance with paragraph ~~65~~ below. Where the Subject Member or the Monitoring Officer make a reasonable offer of informal resolution, but the Complainant is not willing to accept this offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

4.2 The Monitoring Officer, in consultation with the Independent Person and the Chairman of the Standards Committee, may refer the complaint for investigation when:

- (a) it is serious enough, if proven, to justify the range of sanctions available to the Standards Committee (see paragraph 4 of Annex 3 to these Arrangements);
- (b) the Subject Member's behaviour is part of a continuing pattern of less serious misconduct that is unreasonably disrupting the business of the County Council and there is no other avenue left to deal with it short of investigation. In considering this, the Monitoring Officer may take into account the time that has passed since the alleged conduct occurred.

4.3 Where the complaint is referred for investigation, the Monitoring Officer will appoint an Investigating Officer who will conduct the investigation in accordance with the procedure at Annex 2 to these Arrangements.

- 4.4 If the complaint identifies potential criminal conduct or potential breach of other regulations by the Subject Member or any other person, the Complainant ~~will~~ may be advised by the Monitoring Officer to report the complaint to the police or other prosecuting or regulatory authority. Alternatively, the Monitoring Officer will consider the complaint against the legal jurisdiction criteria test and if the complaint passes that test they may pass the complaint to the police. Where a complainant has been advised to refer a matter to the police or the Monitoring Officer has referred the matter to the police in such cases, the complaints process under these Arrangements will be suspended, pending a decision/action by the police or other prosecuting or regulatory authority. Where the police or other prosecuting or regulatory authority decide to take no action on the complaint, the Monitoring Officer will lift the suspension and, in consultation with the Independent Person, will apply the local assessment criteria test in paragraph 1.4 above.
- 4.5 The Monitoring Officer, in consultation with the Independent Person, will take no action on the complaint when one or more of the following apply:
- (a) on-going criminal proceedings or a police investigation into the Subject Member's conduct ~~or where the complaint is suspended in accordance with paragraph 4.4 above;~~
 - (b) investigation cannot be proceeded with, without investigating similar alleged conduct or needing to come to conclusions of fact about events which are also the subject of some other investigation or court proceedings;
 - (c) the investigation might prejudice another investigation or court proceedings;
 - (d) genuine long term (3 months or more) unavailability of a key party;
 - (e) serious illness of a key party.
- 4.6 Normally within 20 working days of receipt of the complaint, the Monitoring Officer will notify the Complainant, Subject Member of their decision and reasons for applying one of the following processes in the format of the Decision Notice template (appended to this Annex 1:
- (a) not to refer the complaint for investigation; or
 - (b) to refer the complaint for investigation; or
 - (c) to apply the informal resolution process either before or after an investigation; or
 - (d) to refer the complaint to the relevant political group leader for action.
- 4.7 The decision notice will be published on the County Council's website. There is no right of appeal against the Monitoring Officer's decision. However, in the event that the Complainant submits additional relevant information, the Monitoring Officer will consider and decide if the matter warrants further consideration under these Arrangements, in which case it shall be treated as a fresh complaint.

Confidentiality ~~Fairness and Natural Justice~~

- ~~5.1 If the Complainant has asked for their identity to be withheld, this request will be considered by the Monitoring Officer in consultation with the Independent Person when they initially assess the complaint (see paragraph 1 above).~~

~~5.2 As a matter of fairness and natural justice, the Subject Member will usually be told who the Complainant is and will also receive details of the complaint. However, in exceptional circumstances, it may be appropriate to keep the Complainant's identity confidential or not disclose details of the complaint to the Subject Member during the early stages of an investigation. The Monitoring Officer may withhold the Complainant's identity and/or details of the complaint if they are satisfied that there are reasonable grounds for believing that the Complainant or any other person (e.g. a witness):~~

- ~~(a) is either vulnerable or at risk of threat, harm or reprisal;~~
- ~~(b) may suffer intimidation or be victimised or harassed;~~
- ~~(c) works closely with the Subject Member and are afraid of the consequences, e.g. fear of losing their job;~~
- ~~(d) suffers from a serious health condition and there are medical risks associated with their identity being disclosed (medical evidence will need to be provided to substantiate this);~~
- ~~(e) may receive less favourable treatment because of the seniority of the person they are complaining about in terms of any existing County Council service provision or any tender/contract they may have with or are about to submit to the County Council.~~

~~OR where early disclosure of the complaint:~~

- ~~(a) may lead to evidence being compromised or destroyed; or~~
- ~~(b) may impede or prejudice the investigation; or~~
- ~~(c) would not be in the public interest.~~

~~5.3 Relevant public interest factors favouring disclosure (not an exhaustive list) include:~~

- ~~(a) to facilitate transparency and ethical governance accountability: recognising that decision making may be improved by constructive contributions from others;~~
- ~~(b) to raise public awareness: disclosing the complaint or part of it may inform the community about matters of general concern;~~
- ~~(c) justice to an individual: the balance of the public interest may favour disclosure of the complaint to the Subject Member when it may not be in the public interest to disclose it to the world at large;~~
- ~~(d) bringing out in the open serious concerns about the behaviour/conduct of an individual.~~

~~5.4 The Monitoring Officer, in consultation with the Independent Person, will balance whether the public interest in accepting the complaint outweighs the Complainant's wish to have their identity (or that of another person) withheld from the Subject Member. If the Monitoring Officer decides to refuse the Complainant's request for confidentiality, they will offer the Complainant the option to withdraw their complaint. The Complainant will be notified of the Monitoring Officer's decision, with reasons, within 15 working days of receipt of the complaint by the Monitoring Officer. There is no right of appeal against the Monitoring Officer's decision to refuse the Complainant's request for confidentiality.~~

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5. Informal resolution

5.1 The Monitoring Officer may, after consultation with the Independent Person, seek to resolve a complaint informally at any stage in the process, whether without the need for an investigation or before or after an investigation has been commenced or concluded. In so doing, the Monitoring Officer will consult with the Complainant and the Subject Member to seek to agree what they consider to be a fair resolution, which will help to ensure higher standards of conduct for the future.

5.2 Informal resolution may be the simplest and most cost effective way of resolving the complaint and may be appropriate where:

- (a) The Subject Member appears to have a poor understanding of the Code of Conduct and/or related County Council procedures; or
- (b) There appears to be a breakdown in the relationship between the Complainant and the Subject Member; or
- (c) The conduct complained of appears to be a symptom of wider underlying conflicts which, if unresolved, are likely to lead to further misconduct or allegations of misconduct; or
- (d) The conduct complained of appears common to a number of members of the County Council, demonstrating a lack of awareness, experience or recognition of the particular provisions of the Code of Conduct and/or other County Council procedures, etc; or
- (e) The conduct complained of appears to the Monitoring Officer not to require a formal sanction; or
- (f) The complaint appears to reveal a lack of guidance, protocols and procedures within the County Council; or
- (g) The Complainant and the Subject Member are amenable to engaging in an informal resolution; or
- (h) The complaint consists of allegations and retaliatory allegations between councillors; or
- (i) The complaint consists of allegations about how formal meetings are conducted; or
- (j) The conduct complained of may be due to misleading, unclear or misunderstood advice from officers.

5.3 Informal resolution may consist of one or more of the following actions, which do not have to be limited to the Subject Member, but may extend to other members, including the whole County Council where it may be useful to address systemic behaviour:

- (a) training;
- (b) conciliation/mediation;
- (c) mentoring;
- (d) apology;
- (e) instituting changes to the County Council's procedures;
- (f) conflict management;
- (g) development of the County Council's protocols;
- (h) other remedial action by the County Council;
- (i) other steps (other than investigation) if it appears appropriate to the Monitoring Officer in consultation with the Independent Person.

5.4 If the Subject Member is agreeable to and complies with the informal resolution process, the Monitoring Officer will report the matter to the Standards Committee for information, but will take no further action against the Subject Member.

5.5 Where the Subject Member will not participate in the informal resolution process or if, having agreed to one or more actions under the informal resolution process, the Subject Member refuses or fails to carry out any agreed action, the Monitoring Officer will report the matter to the Standards Committee.



Kent County Council

Code of Conduct Complaint Form

Your Details

1. Please provide us with your name and contact details.

Title:	
First name:	
Last name:	
Address:	
Daytime telephone:	
Evening telephone:	
Mobile telephone:	
Email address:	

2. Please tell us which complainant type best describes you:

- Member of the public
- An elected or co-opted member of an authority
- An independent member of the Standards Committee
- Member of Parliament
- Local authority Monitoring Officer
- Other council officer or authority employee
- Other (please give details) _____

3. Please provide us with the name of the councillor(s) you believe has breached the Code of Conduct and the name of their authority:

Title	First name	Last name	Council or authority name

4. **Please explain in this section what the councillor has done that you believe breaches the Code of Conduct.** If you are complaining about more than one councillor you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

It is important that you provide all the information you wish to have taken into account by the Monitoring Officer when he (acting in consultation with the Independent Person and the Chairman of the Standards Committee) decides whether to take any action on your complaint. For example:

- You should be specific, wherever possible, about exactly what you are alleging the councillor said or did. For instance, instead of writing that the councillor has conducted himself in a manner which could reasonably be regarded as bringing his office or the Authority into disrepute you, you should state what it was they said or did.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

Only complete this next section if you are requesting that your identity is kept confidential. Please see the notes in the accompanying leaflet "How to make a complaint".

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

Signed: _____

Date: _____

Return Address: The Monitoring Officer
 c/o The Head of Democratic Services
 Kent County Council
 Sessions House
 County Hall
 Maidstone
 Kent ME14 1XQ

Complaints Form – Monitoring Information

In order to ensure we target our services in the most effective way for our community, we would appreciate if it you would give answers to the following questions. Please note that the information on this page will not be provided to the subject member of the complaint.

Q1. Ethnic Group

- White:**
British
 Irish
 Any other white background
- Black or black British:**
Caribbean
 African
 Any other black background
- Asian or Asian British:**
Indian
 Pakistani
 Bangladeshi
 Any other Asian background

Q2. Sex

- Male
 Female

Q3. Partnership Status

- Single
 Married/Civil Partner
 Separated
 Divorced
 Widow/Widower

Q4. Age Group

- Under 16
 16-19
 20-24
 25-59
 60-64
 65 and above

Q5. Do you have a disability?

- Yes
 No

Q6. What is the nature of your disability?

- Difficulty getting around
- Mental health problems
- Learning difficulty
- Difficulty seeing
- Hearing difficulty
- Other

Q7. To help us monitor issues for different sections of our community, we would appreciate it if you would tell us which faith group, if any, you belong to. If lack of faith is an issue in itself we would also like to know.

EXAMPLE TEMPLATE - DECISION NOTICE (of the Monitoring Officer): e.g. REFERRAL FOR INVESTIGATION

Parties should take care when passing on information that is in the notice or about the notice. For example, some details such as names and addresses may be confidential or private in nature, or may be personal information.

Complaint No:

Complaint

On [insert date], the Monitoring Officer considered a complaint from [insert name of complainant] concerning the alleged conduct of [insert name of councillor], a member of Kent County Council. A general summary of the complaint is set out below.

Complaint summary

[Summarise complaint in numbered paragraphs]

Consultation with Independent Person

[Summarise the Independent Person's views in numbered paragraphs]

Decision

Having consulted and taken into account the views of the Independent Person, the Monitoring Officer has decided to refer the complaint for investigation.

Potential breaches of the Code of Conduct identified

At this stage, the Monitoring Officer is not required to decide if the Code of Conduct has been breached. They are only considering if there is enough information which shows a potential breach of the Code of Conduct that warrants referral for investigation.

The Monitoring Officer considers that the alleged conduct, if proven, may amount to a breach of the following paragraphs of the Code of Conduct. The Monitoring Officer has appointed [insert name] as the Investigating Officer.

Please note that it will be for the Investigating Officer to determine which paragraphs are relevant, during the course of the investigation.

[detail relevant Code of Conduct paragraphs]

Notification of decision

This decision notice is sent to the:

- Complainant
- Member against whom the complaint was made
- [Borough] [District] [City] Council's Monitoring Officer (*applicable only where the Subject Member is serving at both [Borough] [District] [City] and County level*).

What happens now?

The complaint will now be investigated under the County Council's Arrangements for Dealing with Code of Conduct Complaints under the Localism Act 2011.

Appeal

There is no right of appeal against the Monitoring Officer's decision.

Additional Help

If you need additional support in relation to this decision notice or future contact with the County Council, please let us know as soon as possible. If you have difficulty reading this notice, we can make reasonable adjustments to assist you, in line with the requirements of the Equality Act 2010. We can also help if English is not your first language. Please refer to the attached Community Interpreting Service leaflet or contact our Customer Services on [insert telephone number] or email [insert email address].

Signed:

Date

Print name:

Send to:

G D Wild
Monitoring Officer
Kent County Council
Sessions House
County Hall
Maidstone
Kent ME14 1XQ

Procedure For Investigating The Complaint

1. Preliminaries

- 1.1 The Investigating Officer will be appointed by the Monitoring Officer and will be aware of their obligations under the Data Protection Act 1998, Equality Act 2010, the Human Rights Act 1998 and other relevant legislation.
- 1.2 The Investigating Officer is responsible for gathering all the facts, documents and, where applicable, for interviewing witnesses with knowledge of the facts, and they should remain objective, impartial and unbiased at all times.
- 1.3 The Subject Member and the Complainant will be advised that the investigation is for fact finding purposes only.
- 1.4 Witnesses will be identified at the investigation stage and their evidence supported by signed and dated witness statements and/or notes of interview with the Investigating Officer. The Investigating Officer cannot compel the attendance of witnesses or their co-operation.
- 1.5 The Investigating Officer will not make recommendations on sanctions.
- 1.6 Within 10 working days of being appointed, the Investigating Officer will notify the Subject Member and the Complainant of their appointment and:
 - (a) provide details of the complaint to the Subject Member;
 - (b) detail the procedure to be followed in respect of the investigation and the relevant timescales for responses and concluding the investigation;
 - (c) detail the sections of the Code of Conduct that appear to be relevant to the complaint;
 - (d) request contact details of any potential witnesses;
 - (e) require that confidentiality is maintained and that details of the complaint not be disclosed to any third party, unless disclosure is to a representative, witness, immediate family members or otherwise as may be required by law or regulation. However, the fact that an investigation is being conducted does not need to remain confidential.
- 1.7 It may be necessary for the Investigating Officer to agree with the Subject Member which documents will be submitted in evidence. This will generally include documents that will be relied on, or in support of, the Subject Member's case and which are relevant to the complaint.
- 1.8 The Investigating Officer may terminate their investigation at any point, where they are satisfied that they have sufficient information to enable them to report to the Monitoring Officer or Hearing Panel.

2. The draft report

- 2.1 On the conclusion of their investigation the Investigating Officer will issue a draft report (clearly labelled 'DRAFT') to the Monitoring Officer for review.

2.2 Following review by the Monitoring Officer, the draft report will be sent in confidence to the Subject Member and the Complainant (not witnesses) for comment. The draft report will be clearly labelled 'CONFIDENTIAL' and will detail:

- (a) the relevant provisions of the law and the relevant paragraphs of the Code of Conduct;
- (b) a summary of the complaint;
- (c) the Subject Member's response to the complaint;
- (d) relevant information, explanations, etc, which the Investigation Officer has obtained in the course of the investigation;
- (e) a list of any documents relevant to the matter;
- (f) a list of those persons/organisations who have been interviewed;
- (g) a statement of the Investigating Officer's draft findings of fact and reasons;
- (h) the Investigating Officer's conclusion as to whether the Subject Member has or has not failed to comply with the Authority's Code of Conduct;
- (i) that the Investigating Officer will present a final report once they have considered any comments received on the draft.

2.3 Once the Investigating Officer has received any responses from the Subject Member and/or the Complainant, they will finalise the draft report and make their final conclusions and recommendations to the Monitoring Officer. The report will be clearly labelled 'FINAL'.

3. Consideration of Investigating Officer's final report

3.1 The Monitoring Officer will review the Investigating Officer's final report and any comments submitted by the Parties, in consultation with the Independent Person.

3.2 Where, on the basis of the Investigating Officer's report, the Monitoring Officer, having consulted with the Independent Person, concludes that there is no evidence of a failure to comply with the Code of Conduct; they will inform the Parties in writing that no further action is considered necessary. There is no right of appeal against the Monitoring Officer's decision.

3.3 Where, on the basis of the Investigating Officer's report, the Monitoring Officer, having consulted with the Independent Person, concludes that there is evidence of a failure to comply with the Code of Conduct, they will either:

- (a) take no action or
- (b) seek informal resolution or
- (c) refer the matter for consideration by the Hearing Panel in accordance with the relevant procedure detailed in Annex 43 to these Arrangements.

Hearing Panel Procedure

1. Rules of procedure

- 1.1 The Hearing Panel consists of the Members of the Standards Committee.
- 1.2 The quorum for a meeting of the Hearing Panel is three.
- 1.3 The Independent Person's views must be sought and taken into consideration before the Hearing Panel takes any decision on whether the Subject Member's conduct constitutes a failure to comply with the Code of Conduct and as to any sanction to be taken following a finding of failure to comply with the Code of Conduct. The Independent Person should normally be present throughout the hearing (but not during the deliberations of the Hearing Panel in private) but in the event that this is not possible, may instead submit their views on the complaint to the Hearing Panel in writing.
- 1.4 The legal requirements for publishing agendas, minutes and calling meetings, will apply to the Hearing Panel. The hearing will be held in public no earlier than 14 working days after the Monitoring Officer has copied the Investigating Officer's final report to the complainant and the Subject Member. Schedule 12A Local Government Act 1972 (as amended) will be applied to exclude the public and press from meetings of the Hearing Panel where it is likely that confidential or exempt information will be disclosed.
- 1.5 Once a hearing has started, the County Council Rules of Substitution do not apply to the Hearing Panel's proceedings.
- 1.6 All matters/issues before the Hearing Panel will be decided by a simple majority of votes cast, with the Chairman having a second or casting vote.
- 1.7 Where the Subject Member fails to attend the Hearing Panel and where the Hearing Panel is not satisfied with their explanation for their absence from the hearing, the Hearing Panel may in the first instance, have regard to any written representations submitted by the Subject Member and may resolve to proceed with the hearing in the Subject Member's absence and make a determination or, if satisfied with the Subject Member's reasons for not attending the hearing, adjourn the hearing to another date. The Hearing Panel may resolve in exceptional circumstances, that it will proceed with the hearing on the basis that it is in the public interest to hear the allegations expeditiously.¹

2. Right to be accompanied by a representative

The Subject Member may choose to be accompanied and/or represented at the Hearing Panel by a fellow councillor, friend or colleague.

3. The conduct of the hearing

¹ Janik v Standards Board for England & Adjudication Panel for England (2007)

3.1 Subject to paragraph 3.2 below, the order of business will be as follows:

- (a) elect a Chairman;
- (b) apologies for absence;
- (c) declarations of interests;
- (d) in the absence of the Subject Member, consideration as to whether to adjourn or to proceed with the hearing (refer to paragraph 1.11 above);
- (e) introduction by the Chairman, of members of the Hearing Panel, the Independent Person, Monitoring Officer, Investigating Officer, legal advisor, complainant and the Subject Member and their representative;
- (f) to receive representations from the Monitoring Officer and/or Subject Member as to whether any part of the hearing should be held in private and/or whether any documents (or parts thereof) should be withheld from the public/press;
- (g) to determine whether the public/press are to be excluded from any part of the meeting and/or whether any documents (or parts thereof) should be withheld from the public/press.

3.2 The Chairman may exercise their discretion and amend the order of business, where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.

3.3 The Hearing Panel may adjourn the hearing at any time.

3.4 Presentation of the complaint

- (a) The Investigating Officer presents their report including any documentary evidence or other material and calls their witnesses. No new points will be permitted;
- (b) The Subject Member or their representative may question the Investigating Officer and any witnesses called by the Investigating Officer;
- (c) The Hearing Panel may question the Investigating Officer upon the content of their report and any witnesses called by the Investigating Officer.

3.5 Presentation of the Subject Member's case

- (a) The Subject Member or their representative presents their case and calls their witnesses;
- (b) The Investigating Officer may question the Subject Member and any witnesses called by the Subject Member;
- (c) The Hearing Panel may question the Subject Member and any witnesses called by the Subject Member.

3.6 Summing up

- (a) The Investigating Officer sums up the complaint;
- (b) The Subject Member or their representative sums up their case.

3.7 Views/Submissions of the Independent Person

The Chairman will invite the Independent Person to express their view on whether or not they consider that on the facts presented to the Hearing Panel, there has been a breach of the Code of Conduct.

3.8 Deliberations of the Hearing Panel

Deliberation in private

- (a) The Hearing Panel will adjourn the hearing and deliberate in private (assisted on matters of law by a legal advisor) to consider whether or not, on the facts found, the Subject Member has failed to comply with the Code of Conduct.
- (b) The Hearing Panel may at any time come out of private session and reconvene the hearing in public, in order to seek additional evidence from the Investigating Officer, the Subject Member or the witnesses. If further information to assist the Panel cannot be presented, then the Panel may adjourn the hearing and issue directions as to the additional evidence required and from whom.

Announcing decision on facts found

- 3.9 (a) The Hearing Panel will reconvene the hearing in public and the Chairman will announce whether or not on the facts found, the Panel considers that there has been a breach of the Code of Conduct
- (b) Where the Hearing Panel finds that there has been a breach of the Code of Conduct, the Chairman will invite the Independent Person, the Subject Member and the Monitoring Officer to make their representations as to whether or not any sanctions should be applied and, if so, what form they should take.
- (c) When deciding whether to apply one or more sanctions, the Hearing Panel will ensure that the application of any sanction is reasonable and proportionate to the Subject Member's behaviour. The Hearing Panel will consider the following questions along with any other relevant circumstances or other factors specific to the local environment:
 - (i) What was the Subject Member's intention and did they know that they were failing to follow the County Council's Code of Conduct?
 - (ii) Did the Subject Member receive advice from officers before the incident and was that advice acted on in good faith?
 - (iii) Has there been a breach of trust?
 - (iv) Has there been financial impropriety, e.g. improper expense claims or procedural irregularities?
 - (v) What was the result/impact of failing to follow the County Council's Code of Conduct?
 - (vi) How serious was the incident?
 - (vii) Does the Subject Member accept that they were at fault?
 - (viii) Did the Subject Member apologise to the relevant persons?
 - (ix) Has the Subject Member previously been reprimanded or warned for similar misconduct?
 - (x) Has the Subject Member previously breached of the County Council's Code of Conduct?
 - (xi) Is there likely to be a repetition of the incident?
- (d) Having heard the representations of the Independent Person, the Subject Member and the Monitoring Officer on the application of sanctions, the Hearing Panel will adjourn and deliberate in private.
- (e) If evidence presented to the Hearing Panel highlights other potential breaches of the County Council's Code of Conduct, then the Chairman will outline the Hearing Panel's concerns and recommend that the matter be referred to the Monitoring Officer as a new complaint.

Formal Announcement of Decision

- 3.10 (a) Where the complaint has a number of aspects, the Hearing Panel may reach a finding, apply a sanction and/or make a recommendation on each aspect separately.
- (b) The Hearing Panel will make its decision on the balance of probabilities, based on the evidence before it during the hearing.
- (c) Having taken into account the representations of the Independent Person, the Subject Member and the Monitoring Officer's on the application of sanctions, the Hearing Panel will reconvene the hearing in public and the Chairman will announce:
- (i) the Panel's decision as to whether or not the Subject Member has failed to comply with the Code of Conduct, and the principal reasons for the decision;
 - (ii) the sanctions (if any) to be applied;
 - (iii) the recommendations (if any) to be made to the County Council or Monitoring Officer;
 - (iv) that there is no right of appeal against the Panel's decision and/or recommendations.

4. Range of possible sanctions

- 4.1 Subject to paragraph 4.4 below, where the Hearing Panel determines that the Subject Member has failed to comply with the Code of Conduct, any one or more of the following sanctions may be applied/recommended:
- (a) Recommending to the County Council that the Subject Member be issued with a formal censure (i.e. the issue of an unfavourable opinion or judgement or reprimand) by motion;
 - (b) Recommending to the Subject Member's Group Leader, or in the case of a ungrouped Subject Member, to the County Council that they be removed from committees or sub-committees of the Council;
 - (c) Recommending to the Leader of the County Council that the Subject Member be removed from the Cabinet or removed from particular Portfolio responsibilities;
 - (d) Instructing the Monitoring Officer to arrange training for the Subject Member;
 - (e) Recommending to the County Council that the Subject Member be removed from one or more outside appointments to which they have been appointed or nominated by the County Council;
 - (f) Recommending to the County Council that it withdraws facilities provided to the Subject Member by the Council, such as a computer, website and/or email and internet access;
 - (g) Recommending to the County Council the exclusion of the Subject Member from the County Council's offices or other premises, with the exception of meeting rooms as necessary for attending County Council committee and sub-committee meetings;
 - (h) Reporting the Panel's findings to the County Council for information;
 - (i) Instructing the Monitoring Officer to apply the informal resolution process;
 - (j) Sending a formal letter to the Subject Member;
 - (k) Recommending to the County Council to issue a press release or other form of publicity;
 - (l) Publishing its findings in respect of the Subject Member's conduct in such manner as the Panel considers appropriate.
- 4.2 The Hearing Panel has no power to suspend or disqualify the Subject Member or to withdraw basic or special responsibility allowances.

4.3 The Hearing Panel may specify that any sanction take effect immediately or take effect at a later date and that the sanction be time limited.

5. Publication and notification of the Hearing Panel's decision and recommendations

5.1 Within 10 working days of the Hearing Panel's announcement of its decision and recommendations, the Monitoring Officer will publish the name of the Subject Member and a summary of the Hearing Panel's decision and recommendations and reasons for the decision and recommendations on the County Council's website.

5.2 Within 10 working days of the announcement of the Hearing Panel's decision, the Monitoring Officer will provide a full written decision and the reasons for the decision, including any recommendations, in the format of the Decision Notice template below to:

- (a) the Subject Member;
- (b) the Complainant;
- (c) the relevant Borough, District or City Council's Standards Committee (*applicable only where the Subject Member is serving at both Borough/District/City and County level*).

5.3 The Monitoring Officer will report the Hearing Panel's decision and recommendations to ~~a~~ the next ordinary meeting of the Standards Committee for information.

TEMPLATE - DECISION NOTICE (of Hearing Panel)

Complaint No: xxxx

On [insert date], the Hearing Panel of the Kent County Council considered a report of an investigation into the alleged conduct of [insert name of councillor], a member of Kent County Council. A general summary of the complaint is set out below.

Complaint summary

[Summarise complaint in numbered paragraphs as set out in the Investigating Officer's report to the Hearing Panel]

Consultation with Independent Person

[Summarise the Independent Person's views in numbered paragraphs]

Findings

After considering the submissions of the parties to the hearing and the views of the Independent Person, the Hearing Panel reached the following decision(s):

[Summarise the finding of facts and the Hearing Panel's decision against each finding of fact in numbered paragraphs as set out in the Investigating Officer's report to the Hearing Panel, but substitute the Investigating Officer for the Hearing Panel. Please note that the Hearing Panel's findings may differ from that of the Investigating Officer]

The Hearing Panel also made the following recommendation(s)

[Detail recommendations]

Sanctions applied

The breach of the Kent County Council's Code of Conduct warrants a [detail sanctions applied].

Appeal

There is no right of appeal against the Hearing Panel's decision.

Notification of decision

This decision notice is sent to the:

- Councillor [name of councillor]
- Complainant
- the relevant Borough, District or City Council's Standards Committee (*applicable only where the Subject Member is serving at both Borough/District/City and County level*).

Additional help

If you need additional support in relation to this decision notice or future contact with the County Council, please let us know as soon as possible. If you have difficulty reading this notice, we can make reasonable adjustments to assist you, in line with the requirements of the Equality Act 2010. We can also help if English is not your first language. Please refer to

the attached Community Interpreting Service leaflet or contact our Customer Services on [insert telephone number] or email [insert email address].

Signed:

Date

Print name:

Send to:

Chairman of the Hearing Panel
Kent County Council
Sessions House
County Hall
Maidstone
Kent ME14 1XQ

Standards Committee Terms of Reference

To discharge the functions (other than those which are reserved to Council) as set out in Part 1, Chapter 7 of the Localism Act 2011 including:

1. To promote and maintain high standards of conduct by Members and Co-opted Members of the County Council and to make recommendations to Council on improving standards.
2. To advise the County Council on the adoption of or revisions to its Code of Conduct.
3. To advise, train or arrange to train County Members and Co-opted Members on matters relating to the Code of Conduct.
4. To assist the County Councillors and Co-opted Members to observe their respective Codes of Conduct.
5. To monitor and assess the operation and effectiveness of the Code of Conduct and to review and manage the Arrangements for dealing with Code of Conduct Complaints.
6. To advise on local ethical governance protocols and procedures.
7. To maintain oversight of the County Council's arrangements for dealing with Code of Conduct complaints.
8. To act as an advisory body in respect of ethical governance matters.
9. To monitor and review the procedures for the Register of Members' Interests and declaring gifts and hospitality.
10. To receive reports from the Monitoring Officer on the number and nature of complaints received and action taken as a result in consultation with the Independent Person.
11. To receive an annual report on the County Council's ethical governance arrangements.
12. To appoint a sub-committee to deal with Code of Conduct complaints, following investigation.
13. To grant dispensations pursuant to section 33(2) of the Localism Act 2011 and paragraph 8 of the adopted Code of Conduct where:
 - (i) without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter.
 - (ii) that the authority considers that the dispensation is in the interests of persons living in its area; or
 - (iii) where the Committee considers that it is otherwise appropriate to grant a dispensation.

PROCEDURE RULES

1. A Member with a Disclosable Pecuniary Interest or Other Significant Interest in a matter to be considered, or being considered at a meeting must:
 - (a) disclose the interest; and
 - (b) explain the nature of that interest at the commencement of that consideration or when the interest becomes apparent (subject to paragraph 5 of this Procedure Rule); and unless they have been granted a dispensation:
 - (c) not participate in any discussion of, or vote taken on, the matter at the meeting; and
 - (d) withdraw from the meeting room whenever it becomes apparent that the business is being considered; and
 - (e) not seek improperly to influence a decision about that business.

2. A Member with an Other Significant Interest, may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. The Member will withdraw from the meeting room immediately after making representations, answering questions or giving evidence.
3. Where a Member with a Disclosable Pecuniary Interest or Other Significant Interest in a matter under discussion (unless a dispensation has been granted in accordance with paragraph 1 of this Procedure Rule), chooses to participate in the discussion and vote, the Chairman will refuse to count the 'vote' of the Member concerned, for the 'vote' will have been cast illegally and cannot be considered to be a vote at all.
4. The Chairman may request that a Member declare a Disclosable Pecuniary Interest or an Other Significant Interest and, if appropriate, leave the meeting room, should they have reason to believe that the provisions of the Code of Conduct and/or this Procedure Rule are being breached.
5. Where a Disclosable Pecuniary Interest, or an Other Significant Interest has been agreed by the Monitoring Officer as being a Sensitive Interest, the Member need only disclose the existence of the interest but not its nature.
6. This Procedure Rule applies to a Cabinet member acting alone under portfolio powers and to a local Member who discharges functions at divisional level.
7. Disclosable Pecuniary Interests and Other Significant Interests will be reported to the Standards Committee on an annual basis.

MONITORING OFFICER DELEGATIONS

1. Appointed as Proper Officer for the purposes of receiving applications for dispensation pursuant to section 33(1) of the Localism Act 2011.
2. To grant dispensations to Members pursuant to section 33(2) of the Localism Act 2011 and paragraph 8 of the adopted Code of Conduct to speak only or to speak and vote where:
 - (iv) so many members of the decision-making body have disclosable pecuniary interests in a matter that it would impede the transaction of the business; or
 - (v) without a dispensation, no member of the executive would be able to participate on a particular item of business.
3. Appointed to receive complaints relating to alleged breaches of the adopted Code of Conduct and to process complaints in accordance with the adopted Arrangements for dealing with Code of Conduct Complaints.
4. The right to depart from the arrangements for dealing with code of conduct complaints, where considered expedient to do so in order to secure the effective and fair consideration of any matter.

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