

SELECTION AND MEMBER SERVICES COMMITTEE

Wednesday, 1st March, 2017

2.30 pm

Darent Room, Sessions House, County Hall, Maidstone





AGENDA

SELECTION AND MEMBER SERVICES COMMITTEE

Wednesday, 1 March 2017, at 2.30 pm
Darent Room, Sessions House, County
Hall, Maidstone

Ask for: **Andrew Tait**
Telephone: **03000 416749**

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

Membership (9)

- Conservative (5): Mrs A D Allen, MBE (Chairman), Mr P B Carter, CBE, Mr G Cooke, Mr M C Dance and Mr B J Sweetland
- UKIP (2) Mr R A Latchford, OBE and Mr B E MacDowall
- Labour (1) Ms A Harrison
- Liberal Democrat (1): Mrs T Dean, MBE

Webcasting Notice

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UNRESTRICTED ITEMS

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

- 1 Substitutes
- 2 Declarations of Interests by Members in items on the Agenda for this meeting.
- 3 Minutes - 27 September 2016 (Pages 5 - 6)
- 4 Review of Members' Communication and Information Technology (ICT) (Pages 7 - 10)

- 5 Member Development Steering Group - Work Programme (Pages 11 - 38)
- 6 Constitutional Amendments to reflect recent decisions of the County Council (Pages 39 - 54)
- 7 Appointment of representative to the Chilmington Green Partnership Working Group (Pages 55 - 58)
- 8 Other items which the Chairman decides are Urgent

EXEMPT ITEMS

(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)

John Lynch
Head of Democratic Services
03000 410466

Tuesday, 21 February 2017

KENT COUNTY COUNCIL

SELECTION AND MEMBER SERVICES COMMITTEE

MINUTES of a meeting of the Selection and Member Services Committee held in the Darent Room, Sessions House, County Hall, Maidstone on Tuesday, 27 September 2016.

PRESENT: Mrs A D Allen, MBE (Chairman), Mr G Cooke, Mr M C Dance, Ms A Harrison, Mr R A Latchford, OBE, Mr B E MacDowall and Mr B J Sweetland

IN ATTENDANCE: Mr B Watts (Interim General Counsel), Mr J Pearson (Service Improvement Programme Manager), Mr P D Wickenden (Democratic Services Manager (Members)) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS**8. Minutes - 23 June 2016**

(Item 3)

(1) The Democratic Services Manager informed the Committee that he would report on the full charges for each of the County Cars (Minute 2016/2) to the next meeting of the Committee.

(2) The Democratic Services Manager informed the Committee that the Recruitment Panel had already agreed on two persons to recommend to the County Council for appointment to the Independent Member Remuneration Panel. The Recruitment Panel was due to meet again on 5 October 2016 in order to agree on the third person required.

(3) RESOLVED that the Minutes of the meeting held on 23 June 2016 are correctly recorded and that they be signed by the Chairman.

9. Information Point and Members' Area

(Item 4)

(1) In agreeing the recommendations, the Committee asked that a copy of the results of the Member survey be copied to all Members of the Committee as well as the Member Development Group.

(2) RESOLVED that:-

- (a) a survey be commissioned of all elected Members on member support;
- (b) research be carried out on what other local authorities do in terms of Member support to enable the County Council to learn from best practice elsewhere; and
- (c) the existing cross-party Member Development Group be invited to consider its views on Member support once the outcome of the survey is known, and to make recommendations to the Cabinet Members for

Communities and for Corporate and Democratic Services to enable them to report back to the Committee, with a view to changes being put in place after the County Council elections in May 2017.

10. Flood Risk Management Committee
(Item 5)

RESOLVED to note that the Independent Member Remuneration Panel unanimously agreed that it could not support payment of a Special Responsibility Allowance for the post of Chairman of the Kent Flood Risk Management Committee.

By: Gary Cooke, Cabinet Member for Corporate and Democratic Services
Rebecca Spore, Director of Infrastructure
John Lynch, Head of Democratic Services

To: Selection and Member Services Committee – 1 March 2017

Subject: Review of Members' Information and Communications Technology (ICT)

Summary: This report reviews the ICT Provision for County Council Members and how this fits with current requirements, new technology capability and future needs. It seeks the agreement of the Committee to the offer to be made to elected Members following the election in May 2017 to support them in the discharge of their role as an elected Member.

1. Introduction

The current Information and Communications Technology (ICT) provision for County Council Members was agreed by this Committee on 25 July 2012.

2. Member ICT Requirement as Defined in May 2009

(1) It is worth reaffirming that the ICT provision enables Members to:

- Access information and electronic methods of communication
- Access the systems required to efficiently fulfil their duties
- Reduce their dependency on hard copies of agendas etc

(2) In terms of communication all Members needed to have a @kent.gov.uk email address in addition to any personal email or District Council accounts. Access to the KNet information store including the Members' Area on KNet is considered essential.

3. Current Offer for One Piece of Member ICT Equipment

(1) In July 2012 the Selection and Member Services Committee agreed that the offer for elected Members following the election in May 2013 was one piece of ICT equipment allocated by the County Council from the following:

- (a) An HP Laptop; or
- (b) An iPad (not sim-enabled); or
- (c) An iPhone 5 with no sim

Enhanced offer

(2) Whilst it was intended that the selected ICT equipment in May 2013 was intended to be utilised until the election in 2017 the pace of change for technology remains high. Keeping pace with this change presents a challenge

to ensure that the needs of the elected Members are met to enable them to discharge their roles as effectively as possible whilst ensuring that the equipment does not become obsolete. Budgetary constraints are also relevant. The Cabinet Member has looked at this very carefully over the last three years and some enhancements were made to the offer following the election in May 2013. This included a sim card for those Members who had opted for an iPad to enable a Member to connect to their email accounts when they are on the move to provide Members with greater flexibility. Sims have also been offered to those Members with a KCC allocated iPhone.

i Phone – Telephones

- (3) In addition to the piece of selected ICT kit, a number of Members cross party have been trialling an i Phone 6 (16GB).

4. New Offer – May 2017

- (1) In preparation for the new intake of elected Members in May 2017 we have explored what might be an appropriate affordable offer that has a reasonable chance of covering the four year term of the County Council until the elections in 2021.

1. Microsoft Surface Pro 4 – Intel Core M3/4GBRAM/128GB SSSD
2. i pad pro (Space Grey) 32GB/Wi Fi
3. Standard Kent County Council Lenovo Laptop – Thinkpad 13
4. i Phone 7 (32GB)

Budget

- (2) Members' ICT equipment is funded from a revenue reserve fund held within Democratic Services. An annual contribution of £25,000 is made to the reserve to ensure that the fund is sufficient to undertake a wholesale replacement of all Members' ICT immediately following the four-yearly elections. However, the level of expenditure following the elections in 2013 was much less than anticipated. With a significant underspend the Corporate Director of Finance and Procurement has taken £50,000 as a contribution towards the budget challenges which the County Council face.
- (3) A table showing the current cost of this potential equipment that could make up the offer will be sent out to Members of the Committee prior to the meeting. The assumption has been made that all Members will have a new piece of kit. The reality is that some existing Members will be re-elected to the County Council and may not require new equipment immediately. There will be little or no residual value in the returned i Pads which are second generation and upwards.
- (4) Apart from the Standard KCC Lenovo Laptop – Thinkpad 13 all the other devices will require the mobile device management software Airwatch to be

installed which has an initial licence fee of £90 per device an annual data contract of £200 and an initial configuration fee of £75.

Telephone

- (5) In addition to the elected Members preferred piece of equipment it is proposed that the elected Member will have the opportunity to have an iPhone 7 (32GB) as well. This will be provided to the elected Member with a contract. Those Members who opt for a telephone as well would be asked to sacrifice £10 per month from their basic allowance towards the £200 contract fee per annum. This would allow the elected Member to use the telephone for private use in the UK. This proposed sacrifice arrangement has been checked with the County Councils tax advisors who have confirmed that there is no taxable benefit whether the Member makes a contribution to the contract for the phone or not. A benefit in kind would only arise if the County Council was to allocate more than one telephone enabled device to an elected Member.
- (6) The views of the Member Remuneration Panel have also been sought and they are content with this proposal.
- (7) Should a Member not wish to take the telephone but ask for a laptop and a tablet instead this request will be considered if a business need to discharge the role of an elected Member can be demonstrated.

Mobile Device Management Software (MDM) (Airwatch)

- (8) The Committee will be aware that last year for those Members who have an iPad we installed on their device MDM software (Airwatch) which enables the County Council to remotely wipe the device should the device be lost.
- (9) This MDM solution has removed the two factor authentication of a user's credentials to gain access to exempt papers which has been welcomed by Members.
- (10) The installation of this software has also enabled the Head of Democratic Services to deploy an application on the ModernGov committee management system which enables an elected Member who is Member of the Committee to access restricted papers on their iPad without the need for the two factor authentication of a user's credentials.
- (11) There is now also the opportunity to engage with all elected Members to ascertain whether in accordance with the Local Government (Electronic Communications) (England) Order 2015 they wish to receive the summonses i.e. agendas and all the supporting papers electronically. Members must consent to receiving electronic summonses and are able to withdraw that consent at any time.
- (12) The ModernGov committee management system is now well established. It has been encouraging since the last election to see those Members who

opted for an iPad using the electronic papers for meetings in the meetings they attend.

- (13) We will continue to encourage Members who have an iPad to do this to move away from having printed copies of Committee papers. The Cabinet Member hopes that more members will decide to work in this way going forward.

Private Devices

- (14) In recent years a number of Members have also purchased their own pieces of equipment including tablets and smartphones on which they receive their Kent County Council emails.
- (15) To date ICT have supported requests to enable Members to receive their Kent County Council emails on personally supported devices. However, this presents a number of issues on which the County Council and the individual elected Member need to satisfy themselves does not present a security risk or fall foul of the Information Commissioners Office (ICO). The County Council has ensured that all elected Members are individually registered with the ICO as data controller.
- (16) Moving forward the Cabinet Member is of the view that it is no longer appropriate for the ICT service to support Members' personally owned devices because these devices do not have the required security, are not necessarily part of the corporate IT equipment brand and the device can become obsolete and not operate with the County Council servers and equipment.
- (17) However, the County Council does allow officers to use their own devices if they purchase an Airwatch MDM licence. Therefore, if a Member wished to use their own device whilst the County Council would not support that device we could provide the Airwatch MDM licence which will provide the level of security necessary to enable the Member to receive their Kent County Council e mails.

5. RECOMMENDATIONS

The Selection and Member Services Committee is asked to:

- (a) Agree the offer to made available to elected Members of the Council following the County Council election on 4 May 2017; and
- (b) Request that the Head of Democratic Services invites all elected Members to see if they are willing to consent to receiving electronic summonses and papers for all Committee meetings following the election in May 2017.

Officer Contact: Paul Wickenden
Democratic Services Manager (Members) 03000 418967

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

To: Selection and Member Services Committee – 1 March 2017

Subject: Member Development Steering Group – Work Programme

1. Introduction

- (1) The cross party Member Development Steering Group has been meeting regularly in recent months. Much of its work has been in preparation for the County Council elections on Thursday 4 May 2017.
- (2) This report summarises for the Committee the ongoing activity leading up to the election and beyond.

2. Activity Leading up to the election

- (1) The Member Development Steering Group has considered and looked at the following issues at recent meetings on which they seek the endorsement and agreement of this committee.

Member Development Policy

- (2) The Member Development Policy underpins all the member development activity. It is a key policy document in its commitment and focus to member development and the importance in providing elected Members with the tools and resources to discharge the elected Member role effectively.
- (3) The Member Development Policy is attached as Appendix 1 and contains one or two minor amendments set out as tracked changes which this Committee or its successor and the County Council following the election will be asked to approve.

Member Role Description

- (4) The Steering Group has taken the opportunity of looking at the Member Role description for all Members which is enshrined in the County Council constitution attached as Appendix 2 to ensure that it is fit for purpose for the evolving Council. Minor amendments have been suggested by the Steering Group which are set out as tracked changes in the Appendix.

Personal Development Plans and the Induction Programme

- (5) The Committee will be aware that each year the Democratic Services Manager (Members) invites each Member to sit down with him to discuss on a confidential one to one basis any personal development needs. This informal process has worked well and has served the Members and the Council well in

being recognised as one of the forward thinking Councils for Member Development.

- (6) In addition to a Members individual personal development the discussion this year has also been around the development of the induction programme for the new County Council.

Induction and Training Programme – May 2017 to May 2018

- (7) Attached as Appendix 3 is the current programme for induction and training developed by the Member Development Steering Group. The programme reflects the conversations with Members on the induction programme and the emerging requirements for bespoke or group training. Corporate Directors have been invited to bring forward items for inclusion in the programme that would be suitable for a briefing to all Members of the County Council.
- (8) This programme will be sent to all the prospective candidates following the closure of nominations early in April.

Training for serving on the Planning Applications Committee

- (9) At its meeting on 8 February the Planning Applications Committee had an excellent debate on the training provided to Members enabling them to serve on the Planning Applications Committee. The outcomes from the debate will be circulated separately to this report as a supplement.

E Induction Programme

- (10) The core skills for an elected Member which will be delivered on a face to face basis in the first few months of the Council will also be available as an e induction programme.
- (11) This programme has been refreshed and the modules are being tested by members of the Member Development Steering Group.

KNet Members Area

- (12) The KNet Members Area was developed by the Member Development Steering Group prior to the County Council election in 2013. Whilst the Area received in excess of 1,000 hits each month surveys of the elected Members have indicated that it is not as customer friendly as it could be primarily in terms of how it is accessed.
- (13) The Member Development Steering Group has refreshed the Area and the new pages will shortly 'go live'. The Steering Group will continue to engage with Members on the ways in which the Area can be improved.

Dedicated Resources Area for Candidates/Elected Members

- (14) The Chairman of the Committee Mrs Allen suggested that it would be useful for the Committee to view the work that has been undertaken in developing a web-page for candidates for the forthcoming election. This includes a library resource together with the forms they are required to complete should they be successful in their bid to be elected to the County Council. The information will assist the successful candidate on what needs to be done in the first day the first week the first month etc. It reflects what members said in their feedback following the 2013 election. A demonstration of the information in the area will be made presented to the Committee at its meeting.

Members Handbook

- (15) The Members Handbook has been seen as an excellent addition to the 'toolkit' to support an elected Member. It is intended that a new version with topical frequently asked questions will be produced every 6 months and made available in paper form.
- (16) The handbook will also be available for each District in the KNet Members Area where it can be updated immediately as any change occurs.

3. Vision of the Member Development Steering Group

Priorities for inclusion in the Work Programme

- (1) The Member Development Steering Group has identified a number of priorities that they recommend to the County Council to consider going forward. These include:
- Encouraging all elected Members to attend or participate in the e-induction programme of the core skills and knowledge base for which a certificate of accreditation will be awarded.
 - Continue to develop the accreditation scheme.
 - Use the opportunity of the newly elected County Council to strive to ensure that elected Members are making the best use of the technology and tools available to them. This includes:
 - Use of the modern.gov software for Committee papers
 - Use of the online self-service system for the completion of Member expenses, receipt of a P60
 - Opportunity to book attendance at a Member briefing or attendance at a training event from the KNet Members Area and complete a feedback questionnaire following the event.

- Explore with colleagues across the local authority family and the public sector the opportunities for shared training and briefings.
- Deliver appropriate training with Members and Officers collectively.
- Develop the KNet Members Area making greater use of 'You Tube' or a similar platform
- Develop the "thinking about being a councillor" programme

Personal Development Plans

- (2) The Democratic Services Manager (Members) will arrange in the first two months following the election a short meet and greet meeting with each of the Members and discuss with each Member on a confidential basis their personal development needs. This will help inform the training plan for elected Members.
- (3) The Democratic Services Manager (Members) has set aside the following dates for 1 to 1 discussions with the 81 elected Members following the election. They are:

10 May
12 May
17 May
19 May
22 May
26 May
1 June
7 June
8 June
9 June

4. Recommendation

The Committee is asked to note and comment on the proposed programme.

Appendix 1

KENT COUNTY COUNCIL ELECTED MEMBER DEVELOPMENT POLICY STATEMENT



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INTRODUCTION

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

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

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

PRINCIPLES/STANDARDS

The Council is committed to:

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

PURPOSE OF ELECTED MEMBER DEVELOPMENT

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

We will achieve this through a programme that:

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

INDUCTION

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

- Knowledge based learning
- Skill based learning
- E learning
- Community issues including leadership, planning and public engagement
- Regulatory functions
- Scrutiny
- The role of the elected Member as a Corporate Parent
- Dedicated half day member briefings

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

MANAGEMENT

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

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

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EVALUATION

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

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

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

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Appendix 2

Member Role Descriptions

ALL MEMBERS (as representatives elected by their division)

Responsible to: Kent County Council and the people of Kent.

Role purpose: To represent the views of their local community and the people of Kent generally within and outside the Council.

1. To represent the individual constituents within their Divisions, undertaking casework on their behalf and serving all equally.
2. To liaise with Cabinet Members, other Council Members, officers and other service providers in ensuring that local community needs are considered and identified.
3. To encourage and promote two-way communication within the local community about the decisions of Council, information about Council services and Council procedures.
4. To represent the views, aspirations and concerns of the people of Kent as a whole, providing the focus for local democracy.
5. To participate in full Council meetings to:
 - determine the strategic priorities and objectives of the Council;
 - approve the annual budget and capital programme and the Council's Policy framework;
 - approve the scheme of remuneration for Members;
 - appoint and remove the Leader of the Council;
 - appoint and dismiss the Head of Paid Service;
 - approve the Constitution and any amendment to it; and
 - approve any other matters which by law can only be determined by the Council or one referred to Council.
6. To hold the Leader and Cabinet to account through scrutiny.
7. To participate as a member of the Cabinet, committee or advisory panel to which they are appointed.
8. If appointed, to represent the Council on outside bodies.
9. To monitor the effectiveness of service delivery and the appropriateness of policy across the County.
10. To ensure the probity of Council financial and other transactions (including through audit and standards processes).
11. To develop and maintain a working knowledge of the Council's services, management arrangements, powers/duties and constraints and to develop good working relationships with the relevant officers of the Council.

12. To lead by example and uphold the highest standards of conduct in public life and comply with the Code of Conduct and the Council's Constitution

13. To undertake such training and development as the Council~~or~~, the ~~Standards Committee~~ or the Member's own Group recommend. ~~may recommend from time to time.~~

SECTION ONE : CORE INDUCTION**MEMBER DEVELOPMENT PROGRAMME
MAY 2017 to APRIL 2018**

Monday 8 May	9am to 4pm	General Induction Day
Thursday 11 May	9.30am to 1pm	Welcome to Kent, Your Role as a Councillor. An Overview of Local Government Finance, Governance and Decision Making
Tuesday 16 May	9.30am to 4pm	Democratic Services Showcase Event - This will include sessions on the procedural rules for County Council meetings, the pitfalls of webcasting, chairmanship skills and questioning techniques taster sessions, mandatory code of conduct training
Thursday 18 May	9.30am to 1pm	Code of conduct mandatory training, Member Officer Relations, Information Governance and Resilience, Bribery Act
Tuesday 23 May	9.30am to 1pm	Role of the elected member as a Corporate Parent, Equality and Diversity, Commissioning
Thursday 25 May		Annual Council Meeting

Tuesday 30 May	2pm	The Role of Organisation Development
Tuesday 6 June		Area Member Induction
Wednesday 7 June		Training for those Members who will be required to have mandatory training for serving on the Planning Applications Committee
Tuesday 13 June		Area Member Induction Event
Tuesday 20 June		Area Member Induction Event
Tuesday 27 June	9.30am to 4pm	One to one sessions on making the best use of the selected piece of ICT equipment. One to one sessions on self-service for Member Expenses. One to one sessions on the e-induction programme. One to one Sessions on getting the most out of the KNet Members Area
Tuesday 4 July	9.30am to 1pm	Chairmanship Skills training
	2pm to 4pm	Member Briefing on the Role of the elected Member as a Corporate Parent
Tuesday 11 July	9.30am to 1pm	Speed reading
	2pm to 4pm	Member Briefing on Equality and Diversity and Information Governance and Resilience

Tuesday 18 July	9.30am to 4pm	The Voice of Influence
Tuesday 25 July	9.30am to 1pm 2pm to 4pm	Dealing with constituent issues Member Briefing on Member/Officer Relations
Tuesday 5 September	9.30am to 1pm 2pm to 4pm	Financial Reports and Jargon explained Member Briefing on Governance and Decision Making
Tuesday 12 September	9.30am to 1pm 2pm to 4pm	One to one sessions on the use of ICT equipment and Member Expenses self-service. Member Briefing on Procedural Rules for the County Council Meeting
Tuesday 19 September	2pm to 4pm	Member Briefing on the role of the elected Member as a Corporate Parent
Tuesday 26 September	2pm to 3.30pm	Member Briefing on Treasury Management, Borrowing and Investing Money
Tuesday 3 October –	10am to 11.30am 2pm to 4pm	Member Briefing on Organisational risk Management and Insurance Member Briefing on Kent Pension Fund
Tuesday 10 October	9.30am to 12.30pm 1.30pm to 4.30pm	Becoming a Strategic Commissioning Authority (Tony Bovaird – 2 x half day workshop)

Tuesday 17 October	9.30am to 12.30pm 1.30pm to 4.30pm	Becoming a Strategic Commissioning Authority – Contract Management (Tony Bovaird – 2 x half day workshop)
Tuesday 24 October		Presentation skills with impact
Tuesday 31 October	2pm to 4pm	Member Briefing on the Winter Maintenance Policy
Tuesday 7 November		Voice of Influence
Tuesday 14 November	9.30am to 11am	How to Scrutinise the Budget and Hold the Organisation to Account
Tuesday 21 November	9.30am to 12.30pm 1.30pm to 4.30pm	Becoming a Strategic Commissioning Authority (Tony Bovaird – 2 half day workshop)
Tuesday 28 November	2pm to 4pm	Member Briefing on Information Governance and Resilience
Tuesday 5 December		Presentation skills with impact
Tuesday 12 December		Chairmanship skills

Tuesday 9 January - 2pm to 4pm

Member Briefing on School Appeals Policy and Transport Policy?

Tuesday 16 January

Tuesday 23 January

Tuesday 30 January

Tuesday 6 February

Tuesday 13 February

Tuesday 20 February

Tuesday 27 February 2pm to 4pm

Member Briefing on the Budget 2018/19

Tuesday 7 March

Tuesday 14 March

Tuesday 21 March

Tuesday 28 March

Tuesday 4 April

Tuesday 11 April

Tuesday 18 April

Tuesday 25 April

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SECTION TWO MEMBER DEVELOPMENT PLAN

BECOMING A STRATEGIC COMMISSIONING AUTHORITY

JOINT MEMBER/OFFICER WORKSHOPS

2017/2018



Context:

As we apply a commissioning approach throughout Kent County Council, we need to ensure that we have a clear focus on improving outcomes for the lowest possible cost, maximising social value for the resources that we and our partners have available

WORKSHOP 1 : KCC: A Strategic Commissioning Authority

Date: tbc

Time: tbc

Venue: tbc

Format: 4 x 3 hour interactive training for Members, approximately 20 members per session

Outcome: To enable Members to have a joint understanding of our ambition to become a strategic commissioning Authority

Facilitator: Tony Bovaird

KCC Officers in Attendance: (to be confirmed)

Topics to Cover:

- **What does it mean to be a 'commissioning authority'?**
 - **Recent developments in strategic commissioning**

- The commissioning cycle
 - Why do we need a commissioning cycle?
 - Analyse, Plan, Do, Review
 - The KCC commissioning cycle
 - Balancing accountability with innovation and maintaining an effective (honest and collaborative) relationship with the provider
 - Aligning the KCC commissioning cycle with commissioning by the NHS, police and other partners
 - **Group discussion: Which bits of the commissioning cycle are working best at the moment, which are working less well?**

- Difference between commissioning, procurement and contract management
 - Commissioning – how do we best use the total resource to improve outcomes
 - Procurement – how we purchase goods or services on behalf of KCC
 - Contract management – ensuring that we get what we specified

- The Intelligent Client

- How does this look within a commissioning authority?
- **What does this mean for the role of Members?**
- What are the different roles in the commissioning, procurement and contract management processes, aligned to KCC's framework?
 - Commissioner
 - Contract manager
 - Members
 - Residents / service users
 - Providers
 - **Group discussion: How this is working in practice – what is working well, what is working less well?**
- Outcome-based commissioning
 - Focusing on outcomes as well as inputs and outputs
 - Making sure we say clearly what we want – 'this is what we want, now deliver it!'
 - Different types of outcome
 - Designing pathways to outcomes, recognising that multiple factors affect outcomes
 - Prioritising outcomes
 - Testing which pathways to outcomes work best
 - Understanding length of time to see outcomes change
 - Need to build innovation and creativity into contracts, as well as risk management
- Key questions that Members should ask in the commissioning process, for example:
 - What are the needs of our residents and/or service users and how are these likely to change?
 - What is driving demand for these services?
 - What are the outcomes we are seeking to achieve through this new commissioning exercise?
 - How will local priorities and differences be considered and addressed through the service, including findings from the equality impact assessment?
 - **Group discussion: What other questions do you think Members need to be asking in the commissioning process?**
- How Members can help to ensure that providers are held to account

- Reviewing performance at regular intervals
 - Providing feedback to commissioning leads
 - Learning lessons about which approaches are most likely to improve outcomes
 - Early decommissioning of non-performing services
 - Mobilising communities to support their local services and to co-produce innovations and improvements
-
- *Final discussion: What lessons about critical success factors for effective Member involvement in commissioning have we learnt from this workshop to take forward in Kent County Council?*

WORKSHOP 2 : Contract Management

Date: tbc

Time: 09.30 -12.30

13.15 – 4.15

Venue: tbc

Format & Approach: 4 x 3 hour interactive training for Members and relevant Directors and contract managers

Outcome: To enable Members to have a joint understanding and awareness of effective contract management in KCC

Facilitator: Tony Bovaird

KCC Officers in Attendance: To be confirmed

Topics to Cover:

- What we mean by good contract management?
 - Making sure we say clearly what we want - focusing on outcomes as well as activity
 - Making sure that we get what we pay for
 - Ensuring that all stakeholders contribute to making contracts work
 - Clarifying role of Members in contract management
 - **Group discussion: What are Members' main concerns with current contract management?**

- Confirm different roles in the contract management processes
 - Commissioner – ensuring appropriate specification, followed by periodic checks on outcomes achieved and learning lessons
 - Contract manager – monitoring performance, aligning contributions of KCC and other public partners, and helping to tackle problems
 - Members – ensuring that the contracts remain appropriate and taking action when it is concluded that they are not
 - Residents / service users – contributing to the co-production of services, learning how they can do more in the future
 - Providers – focusing on outcomes desired by KCC (and other KCC partners), learning from best practice elsewhere, gaining and passing on efficiency savings
 - Rest of supply chain – ensuring that contractor's supply chain is co-ordinated
 - Rest of public sector – ensuring that KCC partners are supporting, not hindering contract delivery and performance
 - **Group discussion: Which of these roles are being appropriately played at the moment, and which are being played less well?**

- Effective relationship with the provider – honest and collaborative
 - Understanding what each side wants from the contract
 - Developing flexible specifications which allow innovation and learning, so that improvements are continuous in the contracts
 - Ensuring that variations are managed efficiently and client is not highly penalised
 - Aligning KCC departments (and partners) to support the contract and contribute to its success

- **Group discussion: Examples of good, productive relationships with providers – are these the contracts with most collaborative relationships?**
- Key questions that Members should be asking of any contract, for example:
 - Do we have evidence this contract is meeting the outcomes we want?
 - What do service users tell us about the impact of the service/s commissioned?
 - Does this reflect what our service users are telling us about our services?
 - Have we specified the right contract in the first place to hold providers accountable against?
 - **Group discussion: What other questions should Members be asking of contracts?**
- How Members can help to ensure that providers are held to account
 - Reviewing performance at regular intervals
 - Providing feedback from service users and residents to contract manager
 - Exploring approaches from elsewhere that might improve outcomes
- Challenges of managing outcome-based contracts
 - Need to find right balance of outputs and outcomes – e.g. ensuring that ‘payments by results’ doesn’t penalise small specialist providers through cash flow problems
 - Need to build innovation and creativity into contracts, as well as risk management
 - Need to ensure that other KCC partners are supporting (and not hindering) outcomes being sought in KCC contracts
- ***Final discussion: What lessons have we learnt from this workshop about critical success factors for effective Member involvement in contract management in Kent County Council?***

WORKSHOP 3 : Improving Service performance through commissioning

Date: tbc

Time: 09.30 -12.30

13.15 – 4.15

Venue: tbc

Format & Approach: 4 x 3 hour interactive training for Members and relevant Directors and Officers

Outcome: To enable Members to have a joint understanding and awareness of how to improve service performance in KCC, focusing on performance measurement and management and gaps identified in previous two workshops around commissioning and contract management

Facilitator: Tony Bovaird

KCC Officers in Attendance: to be confirmed

Topics to Cover:

- What we mean by performance improvement?
 - Outcomes – outputs – activities - inputs
 - Economy – efficiency – effectiveness – impact on outcomes
 - Clarifying role of Members in performance improvement of services
 - **Group discussion: What are Members' main concerns with current levels of service improvement?**

- Measuring service improvement
 - What do we need in an effective outcome measurement framework?
 - Outcome framework in KCC
 - Outcome frameworks in public sector partners
 - What do we need in an effective performance indicator framework?
 - Performance indicator framework in KCC and in public partners
 - **Group discussion: In which areas do Members need more appropriate performance measures?**

- Reporting and understanding performance
 - Understanding what influences outcomes and performance indicators
 - Ensuring that performance reporting leads to a discussion with relevant decisions clearly taken and recorded
 - Ensuring that KCC departments and partners align their performance reporting procedures so that poor performance can be identified, challenged and improved
 - **Group discussion: Examples of good performance reporting processes in KCC – and examples where performance reporting is weaker**

- Key questions that Members should be asking in performance improvement of services, for example:
 - Is there evidence this service is achieving the outcomes we want?

- What do service users tell us about the quality of this service and the outcomes being achieved?
 - Where performance is below our expectations, what are the main causes?
 - Who are the key players who should be acting to improve this performance?
 - What can Members do to support performance improvement ?
 - **Group discussion: What other questions should Members be asking in relation to improving service performance?**
- How Members can help to ensure that service performance is improved
 - Ensuring that key outcomes and performance indicators are built into commissioning processes and contract specifications
 - Reviewing performance at regular intervals
 - Providing feedback on performance from service users and residents to commissioners and contract managers
 - Exploring approaches from elsewhere that might improve outcomes and performance
 - Mobilising communities to support their local services and to co-produce innovations and improvements
 - Encouraging innovation and learning, so that improvements are continuous in all services
 - Enabling appropriate risks to be taken, where the service innovation is likely to improve long-term performance
 - Ensuring that other KCC partners are supporting (and not hindering) improved outcomes and performance in KCC services

Final discussion: What lessons have we learnt from this workshop about effective Member involvement in performance improvement in Ken

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From: Gary Cooke, Cabinet Member for Corporate and Democratic Services
Ben Watts, General Counsel

To: **Selection and Member Services Committee**

Subject: Constitutional Amendments to reflect recent decisions of the County Council

Classification: **Unrestricted**

Summary:

The purpose of this report to seek authority to amend the Constitution to reflect the recent changes to chief officer roles as agreed by the full council.

Recommendation:

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

1. Introduction

1.1 The Constitution has served the Council well since it was first written in 2001. It has gone through a significant number of iterative versions driven by ad-hoc legislative, regulatory changes required of all local authorities and the changes that have been consequential from decisions that are taken by the Council.

1.2 The process for making changes to the Constitution is set out in Article 14.2:

“Changes to the Articles of the Constitution must be approved by the full Council after consideration of the proposal by the Selection & Member Services Committee and appropriate public consultation. Changes to factual references or changes required by a change in the law will be made by the Monitoring Officer. Changes to the Appendices of the Constitution will be published by the Monitoring Officer to reflect decisions duly taken by the Council, Leader, Cabinet, a Committee or Senior Officer.”

1.3 This process rightly reserves to Members any changes to the Articles of the Constitution which are the basic rules governing the Council’s business. It requires any amendment to the Articles to be approved by the full Council after consideration of the proposal by Selection and Member Services Committee.

1.4 At the County Council meeting on 26 January 2017, members made decisions that affected the management structure of the council and a number of the designated officer posts in Article 11 of the Constitution. This paper proposes the consequential changes that are required to give

constitutional effect to the decision taken by Members in January. At the same time, Article 11 is also amended to reflect changed job titles and responsibilities as a result of previous decisions taken by the County Council.

- 1.5 The paper also provides an update on work that will be undertaken over the course of the next year to review the entire Constitution. It is recognised that, whilst legally sound, the document is long and could benefit from a review to consider what improvements could be made to benefit those who might read it, including elected members, our partners, residents and staff.

2. Financial Implications

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

3. Proposed Amendments to the Articles of the Constitution

- 3.1 At the County Council meeting on 26 January 2017, Members approved two new Corporate Director posts to deliver the statutory functions of the Director of Adult Social Services and the Director of Children's Services.
- 3.2 The constitutional provisions for these two roles are set out in Articles 11.6 and 11.7 of the Constitution.
- 3.3 Proposed changes to Article 11.6 and 11.7 to reflect the decision are marked in red on Appendix 1 to this report. These include factual changes and some amendments that are consequential to the decision that was taken, which were reflected in the County Council paper and the job descriptions for these new roles.
- 3.4 Article 11.3 also includes proposed changes marked in red on Appendix 1 to this report. These extend the responsibilities placed on the monitoring officer to ensure good governance around the Council's portfolio of companies. Responsibilities are also extended to reflect decisions made by the Council in relation to commissioning activity and the creation of Invicta Law.
- 3.5 Other amendments to Article 11 are proposed to reflect changed job titles and reporting lines as a result of the decisions of the County Council on 26 January 2017 and 11 December 2014 (Facing the Challenge: Commissioning Framework). Again, these changes are marked in red on Appendix 1 to this report.

4. Modernising the Constitution

- 4.1 Over the course of the next nine months, the General Counsel and Head of Democratic Services are carrying out a complete review of the Constitution. This work will focus on making the Constitution easier to understand and use for those who might read it. The General Counsel and Head of Democratic Services have been reflecting upon conversations with Members and Officers about the possibility for improvements and changes.
- 4.2 Although the requirement to have a Constitution, as well as a significant degree of what should be included in it (e.g. members' allowance scheme, procedure rules etc) is set out through legislation, the Constitution should be more than just an organisational rule book. It should also reflect the character

and culture of the council and support the effective operation of Council business. It must be locally driven, and be fit for purpose to support KCC in the delivery of its objectives. As such, it should be, and has been periodically reviewed and updated to ensure it is fit for purpose to meet the Council's requirements, as well as any statutory requirements.

- 4.3 Importantly, the Constitution has not been significantly reviewed and updated since KCC began the process of becoming a Strategic Commissioning Authority. Whilst the move to an operating model that focusses on commissioning does not fundamentally change the formal decision making process, committee procedures or wider statutory requirements set out in the Constitution, it has changed KCC business model in important ways. Similarly, the member role in commissioning has matured significantly. The roles of bodies like the Commissioning Advisory Board have been important in driving forward the member role in commissioning.
- 4.4 The operating environment for the council has changed significantly in recent years. That environment and reducing budgets has led to an increased focus on new operating models and different types of service delivery. Our increasing commercial focus has changed the structure of the council's services, through the creation of trading vehicles like GEN2, Invicta Law and the Business Service Centre (BSC). It has also put in place new accountability structures like Shareholder Boards to ensure there is appropriate democratic oversight of company performance.
- 4.5 The above examples highlight how the operating model has changed at a strategic level. Reviewing the Constitution is necessary to reflect the reality of the operating model of the Council as it is in practice, but also to protect the interests of the Council, its Members and Officers.
- 4.6 The review of the Constitution will include careful consideration of how the document is presented to address specific concerns about the length and usability of the document.
- 4.7 Any amendments to the Articles of the Constitution will continue to be approved by the full Council after consideration of the proposal by the Selection & Member Services Committee. The County Council will also receive updates in relation to the progress of the review including a final report in December 2017.

Recommendation:

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

5. Contact details

Report Author and Relevant Director:

Ben Watts, General Counsel 03000 416814 benjamin.watts@kent.gov.uk

Appendix 1

Proposed changes are marked in red.

Article 11 – Officers

11.1 Management Structure

- (1) **General.** The Council engages those officers it considers necessary to carry out its functions.
- (2) **Structure.** The overall management structure is determined by the Council on the advice of the Head of Paid Service and the Leader. The Head of Paid Service reports to the Cabinet and the Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers. A description of the overall directorate structure of the Council showing the management structure and deployment of officers is set out at Appendix 8.
- (3) **Chief Officers.** The most senior posts in the structure are designated as Chief Officers within the terms of the Local Government Acts; these are set out in Appendix 8. The most senior officer is the Head of Paid Service
- (4) **Appointment of Officers.** The Head of Paid Service is appointed by the full Council on the recommendation of the Personnel Committee. Other Senior Managers (Chief and Deputy Chief Officers in terms of the Local Government Act 1972) are appointed by the Personnel Committee acting on its behalf. Appointment of all other officers is delegated by the Council to Senior Managers. The recruitment, selection and dismissal of officers will comply with the Personnel Management Rules set out in Appendix 2.
- (5) **Head of Paid Service, Monitoring Officer, Chief Finance Officer, Director of Adult Social Services and Director of Children's Services.** The Council will designate officers to act as each of the following:
 - (a) Head of Paid Service (Corporate Director Strategic & Corporate Services)
 - (b) Monitoring Officer (~~General Counsel Director of Governance & Law~~)
 - (c) Chief Finance Officer (Corporate Director of Finance & Procurement)
 - (d) Director of Adult Social Services (~~Corporate Director Social Care, Health & Wellbeing~~)
 - (e) Director of Children's Services (~~Corporate Director Social Care, Health & Wellbeing~~)

The officers designated are listed in Appendix 8 and will have the functions described in Article 11.2–11.7 below.

11.2 Functions of the Head of Paid Service

- (1) The core roles of the Head of Paid Service are:
 - (a) overall corporate management and operational responsibility (including overall management responsibility for all staff **including Chief Officers**)

- (b) the provision of professional advice to all parties in the decision making process (the executive, overview and scrutiny, full council and other committees)
 - (c) together with the Monitoring Officer, responsibility for a system of record keeping for all the local authority's decisions (executive or otherwise)
 - (d) representing the council on partnership and external bodies (as required by statute or the council)
 - (e) arrangements for internal control and the inclusion of the Annual Governance Statement in the annual accounts.
- (2) The Head of Paid Service will report to the Council on:
- (a) the manner in which the discharge by the authority of its functions is co-ordinated
 - (b) the number and grades of staff required by the authority for the discharge of its functions
 - (c) the organisation of the authority's staff
 - (d) the appointment and proper management of the authority's staff.

11.3 Functions of the Monitoring Officer

The Monitoring Officer will:

- (1) Maintain an up-to-date version of the Constitution and will ensure that it is widely available for inspection by Members, officers and the public.
- (2) After consulting with the Head of Paid Service and the Chief Finance Officer, report to the full Council (or to the Leader or Cabinet in relation to an executive function) if he considers that any proposal, decision or omission would give, is likely to give, or has given, rise to a contravention of any enactment or rule of law, or any maladministration or injustice. Such a report has the effect of stopping the proposal or decision being implemented until the report has been considered.
- (3) Contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- (4) 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.
- (5) Ensure that records of executive decisions, including the reasons for those decisions and relevant officer reports and background papers, are made publicly available.
- (6) Provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Members.

- (7) Ensure appropriate governance for the council in the execution of its role as a shareholder of its portfolio of companies
- (8) Contribute to the corporate management of the Council, in particular through the provision and commissioning of professional legal advice.

11.4 Functions of the Chief Finance Officer

The Chief Finance Officer will:

- (1) After consulting with the Head of Paid Service and the Monitoring Officer, report to the full Council (or to the Leader or Cabinet in relation to an Executive function) and the Council's external auditor if he considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency, or if the Council is about to enter an item of account unlawfully.
- (2) Have responsibility for the administration of the financial affairs of the Council.
- (3) Maintain an adequate and effective internal audit.
- (4) Contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (5) Provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Members and will support and advise Members and officers in their respective roles.
- (6) Provide financial information about the Council to Members of the Council, the media, members of the public and the community.

11.5 Duty to provide sufficient resources to the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer

The Council will provide the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer with such staff, accommodation and other resources as are, in their opinion, sufficient to allow their statutory duties to be performed.

11.6 Functions of the Director of Adult Social Services

- (1) The Director of Adult Social Services is known in Kent as the **Corporate Director Adult Social Care and Health** ~~Corporate Director Social Care, Health & Wellbeing~~.
- (2) The functions of the Director of Adult Social Services include:
 - (a) Providing accountability for assessing local needs and ensuring availability and delivery of a full range of quality adult social services
 - (b) Providing professional leadership, including workforce planning
 - (c) Championing the rights of adults with social care needs and their carers in the wider community, including proactive and person-centred services
 - (d) Leading the implementation of standards to drive up the quality of care

- (e) Promoting local access and ownership and driving partnership working to delivering a responsive whole system approach to social care
- (f) Delivering an integrated whole systems approach to supporting communities, in particular by working closely with the Director of Children's Services to support individuals with care needs through the different stages of their lives
- (g) Promoting social inclusion and well-being to deliver a proactive approach to meeting the care needs of adults in culturally sensitive ways
- (h) Discharging all statutory obligations, requirements and responsibilities on behalf of the council regarding the safeguarding and protection of vulnerable adults
- (i) Ensuring that the obligations and responsibilities at (h) above are complied with by the directorate as well as internal and external commissioned providers.
- (j) Immediately notifying the Head of Paid Service and Monitoring Officer in relation to a failure to discharge statutory obligations, requirements and responsibilities by the Corporate Director, the directorate or an internal or external commissioned provider
- (k) Ensuring that appropriate training is in place for all staff within the directorate around discharging statutory obligations and statutory guidance relating to vulnerable adults and that appropriate contractual provisions are in place to apply the same requirement to internal and external commissioned providers.
- (l) Implementing such working arrangements as are necessary with the Corporate Director Children, Young People and Education and Lead Cabinet Members to ensure that statutory compliance is achieved and any overlaps are managed effectively and in compliance with legislation and best practice.

11.7 Functions of the Director of Children's Services

- (1) The Director of Children's Services is known in Kent as the **Corporate Director Children, Young People and Education. ~~Corporate Director Social Care, Health & Wellbeing~~**
- (2) The functions of the Director of Children's Services include:
 - (a) professional responsibility and accountability for the effectiveness, availability and value for money of all local authority children's services;
 - (b) leadership both within the local authority to secure and sustain the necessary changes to culture and practice, and beyond it so that services improve outcomes for all and are organised around children and young people's needs; and
 - (c) building effective partnerships with and between those local bodies, including the voluntary and community sectors, who also provide children's services in order to focus resources (financial, human, physical or any other) jointly on improving outcomes for children and young people.

- (d) Discharging all statutory obligations, requirements and responsibilities on behalf of the council regarding the safeguarding and protection of vulnerable young people between the ages of 0 and 25.
- (e) Ensuring that the obligations and responsibilities at (d) above are complied with by the directorate as well as internal and external commissioned providers.
- (f) Immediately notifying the Head of Paid Service and Monitoring Officer in relation to a failure to discharge statutory obligations, requirements and responsibilities by the Corporate Director, the directorate or an internal or external commissioned provider
- (g) Ensuring that appropriate training is in place for all staff within the directorate around discharging statutory obligations and statutory guidance relating to vulnerable adults and that appropriate contractual provisions are in place to apply the same requirement to internal and external commissioned providers.
- (h) Implementing such working arrangements as are necessary with the Corporate Director Adult Social Care and Health and Lead Cabinet Members to ensure that statutory compliance is achieved and any overlaps are managed effectively and in compliance with legislation and best practice.

From: Gary Cooke, Cabinet Member for Corporate and Democratic Services
Ben Watts, General Counsel

To: **Selection and Member Services Committee**

Subject: Constitutional Amendments to reflect recent decisions of the County Council

Classification: **Unrestricted**

Summary:

The purpose of this report to seek authority to amend the Constitution to reflect the recent changes to chief officer roles as agreed by the full council.

Recommendation:

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

1. Introduction

1.1 The Constitution has served the Council well since it was first written in 2001. It has gone through a significant number of iterative versions driven by ad-hoc legislative, regulatory changes required of all local authorities and the changes that have been consequential from decisions that are taken by the Council.

1.2 The process for making changes to the Constitution is set out in Article 14.2:

“Changes to the Articles of the Constitution must be approved by the full Council after consideration of the proposal by the Selection & Member Services Committee and appropriate public consultation. Changes to factual references or changes required by a change in the law will be made by the Monitoring Officer. Changes to the Appendices of the Constitution will be published by the Monitoring Officer to reflect decisions duly taken by the Council, Leader, Cabinet, a Committee or Senior Officer.”

1.3 This process rightly reserves to Members any changes to the Articles of the Constitution which are the basic rules governing the Council’s business. It requires any amendment to the Articles to be approved by the full Council after consideration of the proposal by Selection and Member Services Committee.

1.4 At the County Council meeting on 26 January 2017, members made decisions that affected the management structure of the council and a number of the designated officer posts in Article 11 of the Constitution. This paper proposes the consequential changes that are required to give

constitutional effect to the decision taken by Members in January. At the same time, Article 11 is also amended to reflect changed job titles and responsibilities as a result of previous decisions taken by the County Council.

- 1.5 The paper also provides an update on work that will be undertaken over the course of the next year to review the entire Constitution. It is recognised that, whilst legally sound, the document is long and could benefit from a review to consider what improvements could be made to benefit those who might read it, including elected members, our partners, residents and staff.

2. Financial Implications

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

3. Proposed Amendments to the Articles of the Constitution

- 3.1 At the County Council meeting on 26 January 2017, Members approved two new Corporate Director posts to deliver the statutory functions of the Director of Adult Social Services and the Director of Children's Services.
- 3.2 The constitutional provisions for these two roles are set out in Articles 11.6 and 11.7 of the Constitution.
- 3.3 Proposed changes to Article 11.6 and 11.7 to reflect the decision are marked in red on Appendix 1 to this report. These include factual changes and some amendments that are consequential to the decision that was taken, which were reflected in the County Council paper and the job descriptions for these new roles.
- 3.4 Article 11.3 also includes proposed changes marked in red on Appendix 1 to this report. These extend the responsibilities placed on the monitoring officer to ensure good governance around the Council's portfolio of companies. Responsibilities are also extended to reflect decisions made by the Council in relation to commissioning activity and the creation of Invicta Law.
- 3.5 Other amendments to Article 11 are proposed to reflect changed job titles and reporting lines as a result of the decisions of the County Council on 26 January 2017 and 11 December 2014 (Facing the Challenge: Commissioning Framework). Again, these changes are marked in red on Appendix 1 to this report.

4. Modernising the Constitution

- 4.1 Over the course of the next nine months, the General Counsel and Head of Democratic Services are carrying out a complete review of the Constitution. This work will focus on making the Constitution easier to understand and use for those who might read it. The General Counsel and Head of Democratic Services have been reflecting upon conversations with Members and Officers about the possibility for improvements and changes.
- 4.2 Although the requirement to have a Constitution, as well as a significant degree of what should be included in it (e.g. members' allowance scheme, procedure rules etc) is set out through legislation, the Constitution should be more than just an organisational rule book. It should also reflect the character

and culture of the council and support the effective operation of Council business. It must be locally driven, and be fit for purpose to support KCC in the delivery of its objectives. As such, it should be, and has been periodically reviewed and updated to ensure it is fit for purpose to meet the Council's requirements, as well as any statutory requirements.

- 4.3 Importantly, the Constitution has not been significantly reviewed and updated since KCC began the process of becoming a Strategic Commissioning Authority. Whilst the move to an operating model that focusses on commissioning does not fundamentally change the formal decision making process, committee procedures or wider statutory requirements set out in the Constitution, it has changed KCC business model in important ways. Similarly, the member role in commissioning has matured significantly. The roles of bodies like the Commissioning Advisory Board have been important in driving forward the member role in commissioning.
- 4.4 The operating environment for the council has changed significantly in recent years. That environment and reducing budgets has led to an increased focus on new operating models and different types of service delivery. Our increasing commercial focus has changed the structure of the council's services, through the creation of trading vehicles like GEN2, Invicta Law and the Business Service Centre (BSC). It has also put in place new accountability structures like Shareholder Boards to ensure there is appropriate democratic oversight of company performance.
- 4.5 The above examples highlight how the operating model has changed at a strategic level. Reviewing the Constitution is necessary to reflect the reality of the operating model of the Council as it is in practice, but also to protect the interests of the Council, its Members and Officers.
- 4.6 The review of the Constitution will include careful consideration of how the document is presented to address specific concerns about the length and usability of the document.
- 4.7 Any amendments to the Articles of the Constitution will continue to be approved by the full Council after consideration of the proposal by the Selection & Member Services Committee. The County Council will also receive updates in relation to the progress of the review including a final report in December 2017.

Recommendation:

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

5. Contact details

Report Author and Relevant Director:

Ben Watts, General Counsel 03000 416814 benjamin.watts@kent.gov.uk

Appendix 1

Proposed changes are marked in red.

Article 11 – Officers

11.1 Management Structure

- (1) **General.** The Council engages those officers it considers necessary to carry out its functions.
- (2) **Structure.** The overall management structure is determined by the Council on the advice of the Head of Paid Service and the Leader. The Head of Paid Service reports to the Cabinet and the Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers. A description of the overall directorate structure of the Council showing the management structure and deployment of officers is set out at Appendix 8.
- (3) **Chief Officers.** The most senior posts in the structure are designated as Chief Officers within the terms of the Local Government Acts; these are set out in Appendix 8. The most senior officer is the Head of Paid Service
- (4) **Appointment of Officers.** The Head of Paid Service is appointed by the full Council on the recommendation of the Personnel Committee. Other Senior Managers (Chief and Deputy Chief Officers in terms of the Local Government Act 1972) are appointed by the Personnel Committee acting on its behalf. Appointment of all other officers is delegated by the Council to Senior Managers. The recruitment, selection and dismissal of officers will comply with the Personnel Management Rules set out in Appendix 2.
- (5) **Head of Paid Service, Monitoring Officer, Chief Finance Officer, Director of Adult Social Services and Director of Children's Services.** The Council will designate officers to act as each of the following:
 - (a) Head of Paid Service (Corporate Director Strategic & Corporate Services)
 - (b) Monitoring Officer (~~General Counsel Director of Governance & Law~~)
 - (c) Chief Finance Officer (Corporate Director of Finance & Procurement)
 - (d) Director of Adult Social Services (~~Corporate Director Social Care, Health & Wellbeing~~)
 - (e) Director of Children's Services (~~Corporate Director Social Care, Health & Wellbeing~~)

The officers designated are listed in Appendix 8 and will have the functions described in Article 11.2–11.7 below.

11.2 Functions of the Head of Paid Service

- (1) The core roles of the Head of Paid Service are:
 - (a) overall corporate management and operational responsibility (including overall management responsibility for all staff **including Chief Officers**)

- (b) the provision of professional advice to all parties in the decision making process (the executive, overview and scrutiny, full council and other committees)
 - (c) together with the Monitoring Officer, responsibility for a system of record keeping for all the local authority's decisions (executive or otherwise)
 - (d) representing the council on partnership and external bodies (as required by statute or the council)
 - (e) arrangements for internal control and the inclusion of the Annual Governance Statement in the annual accounts.
- (2) The Head of Paid Service will report to the Council on:
- (a) the manner in which the discharge by the authority of its functions is co-ordinated
 - (b) the number and grades of staff required by the authority for the discharge of its functions
 - (c) the organisation of the authority's staff
 - (d) the appointment and proper management of the authority's staff.

11.3 Functions of the Monitoring Officer

The Monitoring Officer will:

- (1) Maintain an up-to-date version of the Constitution and will ensure that it is widely available for inspection by Members, officers and the public.
- (2) After consulting with the Head of Paid Service and the Chief Finance Officer, report to the full Council (or to the Leader or Cabinet in relation to an executive function) if he considers that any proposal, decision or omission would give, is likely to give, or has given, rise to a contravention of any enactment or rule of law, or any maladministration or injustice. Such a report has the effect of stopping the proposal or decision being implemented until the report has been considered.
- (3) Contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- (4) 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.
- (5) Ensure that records of executive decisions, including the reasons for those decisions and relevant officer reports and background papers, are made publicly available.
- (6) Provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Members.

- (7) Ensure appropriate governance for the council in the execution of its role as a shareholder of its portfolio of companies
- (8) Contribute to the corporate management of the Council, in particular through the provision and commissioning of professional legal advice.

11.4 Functions of the Chief Finance Officer

The Chief Finance Officer will:

- (1) After consulting with the Head of Paid Service and the Monitoring Officer, report to the full Council (or to the Leader or Cabinet in relation to an Executive function) and the Council's external auditor if he considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency, or if the Council is about to enter an item of account unlawfully.
- (2) Have responsibility for the administration of the financial affairs of the Council.
- (3) Maintain an adequate and effective internal audit.
- (4) Contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (5) Provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Members and will support and advise Members and officers in their respective roles.
- (6) Provide financial information about the Council to Members of the Council, the media, members of the public and the community.

11.5 Duty to provide sufficient resources to the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer

The Council will provide the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer with such staff, accommodation and other resources as are, in their opinion, sufficient to allow their statutory duties to be performed.

11.6 Functions of the Director of Adult Social Services

- (1) The Director of Adult Social Services is known in Kent as the ~~Corporate Director Adult Social Care and Health~~ ~~Corporate Director Social Care, Health & Wellbeing~~.
- (2) The functions of the Director of Adult Social Services include:
 - (a) Providing accountability for assessing local needs and ensuring availability and delivery of a full range of quality adult social services
 - (b) Providing professional leadership, including workforce planning
 - (c) Championing the rights of adults with social care needs and their carers in the wider community, including proactive and person-centred services
 - (d) Leading the implementation of standards to drive up the quality of care

- (e) Promoting local access and ownership and driving partnership working to delivering a responsive whole system approach to social care
- (f) Delivering an integrated whole systems approach to supporting communities, in particular by working closely with the Director of Children's Services to support individuals with care needs through the different stages of their lives
- (g) Promoting social inclusion and well-being to deliver a proactive approach to meeting the care needs of adults in culturally sensitive ways
- (h) Discharging all statutory obligations, requirements and responsibilities on behalf of the council regarding the safeguarding and protection of vulnerable adults
- (i) Ensuring that the obligations and responsibilities at (h) above are complied with by the directorate as well as internal and external commissioned providers.
- (j) Immediately notifying the Head of Paid Service and Monitoring Officer in relation to a failure to discharge statutory obligations, requirements and responsibilities by the Corporate Director, the directorate or an internal or external commissioned provider
- (k) Ensuring that appropriate training is in place for all staff within the directorate around discharging statutory obligations and statutory guidance relating to vulnerable adults and that appropriate contractual provisions are in place to apply the same requirement to internal and external commissioned providers.
- (l) Implementing such working arrangements as are necessary with the Corporate Director Children, Young People and Education and Lead Cabinet Members to ensure that statutory compliance is achieved and any overlaps are managed effectively and in compliance with legislation and best practice.

11.7 Functions of the Director of Children's Services

- (1) The Director of Children's Services is known in Kent as the **Corporate Director Children, Young People and Education. ~~Corporate Director Social Care, Health & Wellbeing~~**
- (2) The functions of the Director of Children's Services include:
 - (a) professional responsibility and accountability for the effectiveness, availability and value for money of all local authority children's services;
 - (b) leadership both within the local authority to secure and sustain the necessary changes to culture and practice, and beyond it so that services improve outcomes for all and are organised around children and young people's needs; and
 - (c) building effective partnerships with and between those local bodies, including the voluntary and community sectors, who also provide children's services in order to focus resources (financial, human, physical or any other) jointly on improving outcomes for children and young people.

- (d) Discharging all statutory obligations, requirements and responsibilities on behalf of the council regarding the safeguarding and protection of vulnerable young people between the ages of 0 and 25.
- (e) Ensuring that the obligations and responsibilities at (d) above are complied with by the directorate as well as internal and external commissioned providers.
- (f) Immediately notifying the Head of Paid Service and Monitoring Officer in relation to a failure to discharge statutory obligations, requirements and responsibilities by the Corporate Director, the directorate or an internal or external commissioned provider
- (g) Ensuring that appropriate training is in place for all staff within the directorate around discharging statutory obligations and statutory guidance relating to vulnerable adults and that appropriate contractual provisions are in place to apply the same requirement to internal and external commissioned providers.
- (h) Implementing such working arrangements as are necessary with the Corporate Director Adult Social Care and Health and Lead Cabinet Members to ensure that statutory compliance is achieved and any overlaps are managed effectively and in compliance with legislation and best practice.

By: Mark Dance, Cabinet Member for Economic Development
 Gary Cooke, Cabinet Member for Corporate Services
 John Lynch, Head of Democratic Services

To: Selection and Member Services Committee – 1 March 2017

Subject: Appointment of Representative to the Chilmington Green Partnership Working Group

Classification Unrestricted

FOR DECISION

Introduction

1. Ashford Borough Council has granted outline planning approval for a comprehensive mixed use development at Chilmington Green, Ashford, including 5,750 homes. Kent County Council has been working closely with the Borough Council and the developer consortium to ensure that a high quality, sustainable development is delivered.

2. A unique feature of the development will be the establishment of the Chilmington Green Community Trust that will manage many of the community assets as well as help to develop the new community.

3. A Partnership Working Group (PWG) has been established as part of the accompanying Section 106 Agreement. Its terms of Reference are set out below. Please note that “Community Management Organisation (CMO)” is the former title of the Chilmington Green Community Trust:-

“A working group of persons drawn from the entities [described below] in the numbers [referred below] whose function pending creation of the Community Management Organisation (CMO) is to assist the Consortium Members in an advisory capacity

- a) *With the production of the CMO Operating Business Plan by the Consortium Members pursuant to [the submission obligation in the Section 106 – that is not to carry out a Material Operation unless and until the business plan is submitted to the council for approval]*
- b) *Contributing towards the creation of the CMO as an organisation*
- c) *Liaison with the consortium members the local community the parish councils within the site the borough council the county council pending creation of the CMO as an entity*
- d) *Inputting to the detailed design of any non-residential building or facilities that are due to be transferred to the CMO in respect of such*

buildings and/or facilities [to be transferred] made prior to the creation of the CMO

- e) *Holding workshops for the local community pending creation of the CMO as an entity*

“That pending creation of the CMO the consortium members shall convene and hold monthly meetings of the PWG at the offices of ABC or such other local venue and frequency as may be otherwise unanimously agreed between the Council and the Consortium.

“That the consortium members shall invite the following bodies to send one representative to PWG meetings at least 10 working days in advance:

- f) *One [borough] council member [that is councillor] who may be supported by senior officer(s)*
- g) *One representative of the county council (to be nominated by the county council) who may be supported by senior officers*
- h) *One representative of all the parish councils within the site together (to be nominated by the parish councils)*
- i) *and one representative of the voluntary sector*

“That the [PWG] shall be advisory only but shall keep and circulate minutes of its meetings and record areas of agreement and disagreement of those attending

“That the meetings of the [PWG] will be chaired by the consortium and are to be held in private, with ten days’ notice of any meeting...and notes of such meetings will be kept which shall be made available to the public by the council on receipt of a request to do so subject to lawful redaction... and [observing] the [law].”

4. It is intended that the legal agreements which will have the effect of granting planning permission and bringing forward the development will be finalised by the end of February 2017. It is therefore important that a formal appointment is made immediately in order to cover the period up to the May elections.

5. The Cabinet Member for Economic Development has recommended that the Local Member, Mr Charlie Simkin should be appointed, for the period until a post-election appointment is made.

Duration of the Partnership Working Group

6. The Partnership Working Group will continue until the Chilmington Green Community Trust is established as a legal entity. This is expected to

happen before the end of 2017. Once the Trust is formed, a decision on the membership of the Trust will need to be taken by this Committee.

RECOMMENDATIONS:

7. The Committee is invited to appoint Mr Charlie Simkin as its representative on the Chilmington Trust Partnership Working Group for the remainder of the Council's term until the position is reviewed following the May Local Government elections.

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