

SELECTION AND MEMBER SERVICES COMMITTEE

Monday, 2nd July, 2018

1.00 pm

Council Chamber - Sessions House





AGENDA

SELECTION AND MEMBER SERVICES COMMITTEE

Monday, 2 July 2018, at 1.00 pm
Council Chamber - Sessions House

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

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

Membership (8)

Conservative (6): Mrs A D Allen, MBE (Chairman), Mr P B Carter, CBE,
Mr M C Dance, Mr E E C Hotson, Mr J D Simmonds, MBE and
Mr B J Sweetland

Liberal Democrat (1): Mrs T Dean, MBE

Labour (1) Mr D Farrell

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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 - 2 May 2018 (Pages 5 - 6)
- 4 Constitutional Amendments (Pages 7 - 68)
- 5 Members' Allowances and Expenses 2017/18 (Pages 69 - 76)
- 6 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)

Benjamin Watts
General Counsel
03000 416814

Friday, 22 June 2018

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 on Wednesday, 2 May 2018.

PRESENT: Mrs A D Allen, MBE (Chairman), Mr M C Dance, Mrs T Dean, MBE, Mr D Farrell, Mr E E C Hotson and Mr B J Sweetland

ALSO PRESENT: Mr R H Bird

IN ATTENDANCE: Mr B Watts (General Counsel) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

6. Minutes - 22 March 2018
(Item 3)

RESOLVED that the Minutes of the meeting held on 22 March 2018 are correctly recorded and that they be signed by the Chairman.

EXEMPT ITEMS

(Open access to Minutes)

(Members resolved under Section 100A of the Local Government Act 1972 that the public be excluded for the following business on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act.)

7. Democratic Services Oral Update
(Item 5)

(1) The Cabinet Member for Corporate and Democratic Services said that recent staff retirements had led to a review of the way in which support for Members was organised, including the potential to develop a career path within Democratic Services. The General Counsel had developed a proposal to make the service even more Member-friendly, including the use of space in the Members' Area for offices and committee meetings.

(2) The General Counsel gave a presentation setting out progress to date. The accompanying slides are contained within the electronic agenda papers on the KCC website. This presentation covered the areas of the Member Support Hub, the Member Support Officer role, additional member support provision within Democratic Services, Microsoft Teams and the development of a flexible resource to support backbench Members.

(3) The Committee discussed the report in the context of what was currently available including the strong wish expressed by Mrs Dean for support to continue for Local Members to deliver participatory budgeting.

(4) The General Counsel confirmed that he was familiarising himself in detail on the support currently provided to Members and that, in response to Members' expressed views, he was also investigating the potential for enabling KCC iPads to hold different email accounts.

(5) In response to a question from Mr Farrell, the General Counsel gave a personal commitment that members of staff providing services to individual political groups would be redeployed within the service as a whole if this proved necessary following the elections of 2021.

(6) RESOLVED that the report be noted.

From: Ben Watts, General Counsel

To: **Selection and Member Services Committee – 2nd July 2018**

Subject: Amendments to the Constitution

Classification: **Unrestricted**

Summary:

The purpose of this report to seek authority to adopt the CIPFA/SOLACE “Delivering Good Governance in Local Government: Framework 2016 Edition” and to make the necessary consequential changes to the constitution. The report also provides an update on progress on the complete rewrite of the constitution.

Recommendation:

That the Selection and Member Services Committee

- (1) Agree the adoption of the CIPFA/SOLACE 2016 Framework**
- (2) Endorse the changes to the Constitution as detailed in the report and recommend their adoption**
- (3) Agree to recommend (1) and (2) above to the County Council**

- 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 16 March 2017, the County Council agreed to ask the Monitoring Officer to review the entire Constitution. It was 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.
- 1.5 That review has taken longer than anticipated given the pace and scale of change within the Council during that period. It had been hoped that it would be possible to bring the new constitution to this meeting but given a need to reflect learning from the report into Northamptonshire County Council and imminent recommendations

anticipated in relation to local government scrutiny arrangements, this will now come forward in the autumn.

- 1.6 Ahead of that paper, the Monitoring Officer and Head of Internal Audit are of the view that the Council should move to adopt the CIPFA/SOLACE “Delivering Good Governance in Local Government: Framework 2016 Edition” and make the necessary consequential changes to the Code of Corporate Governance and the Constitution.
- 1.7 The previous version of the framework represents the foundations of the Council’s existing corporate governance arrangements. The Monitoring Officer has already implemented a range of elements of the new code in operational arrangements for the council including some of the Annual Governance Statement process.
- 1.8 It is recognised that the adoption of such a framework is a matter for Members and a copy of the framework is attached at Appendix 1.
- 1.9 In order to achieve compliance with the framework and to reflect the Member-Led nature of Kent County Council, amendments are proposed to the constitution and these are tracked on the document attached at Appendix 2. The opportunity has also been taken to modernise Appendix 3 of the Constitution regarding the policy framework and make amendments to accountabilities and responsibilities of senior officers as a result of previous decisions taken by the County Council.
- 1.10 Given the current constitution runs to more than 240 pages, the attached pages only include those with substantive amendments in an effort to reduce the cost of printing and for Member’s ease of reading.

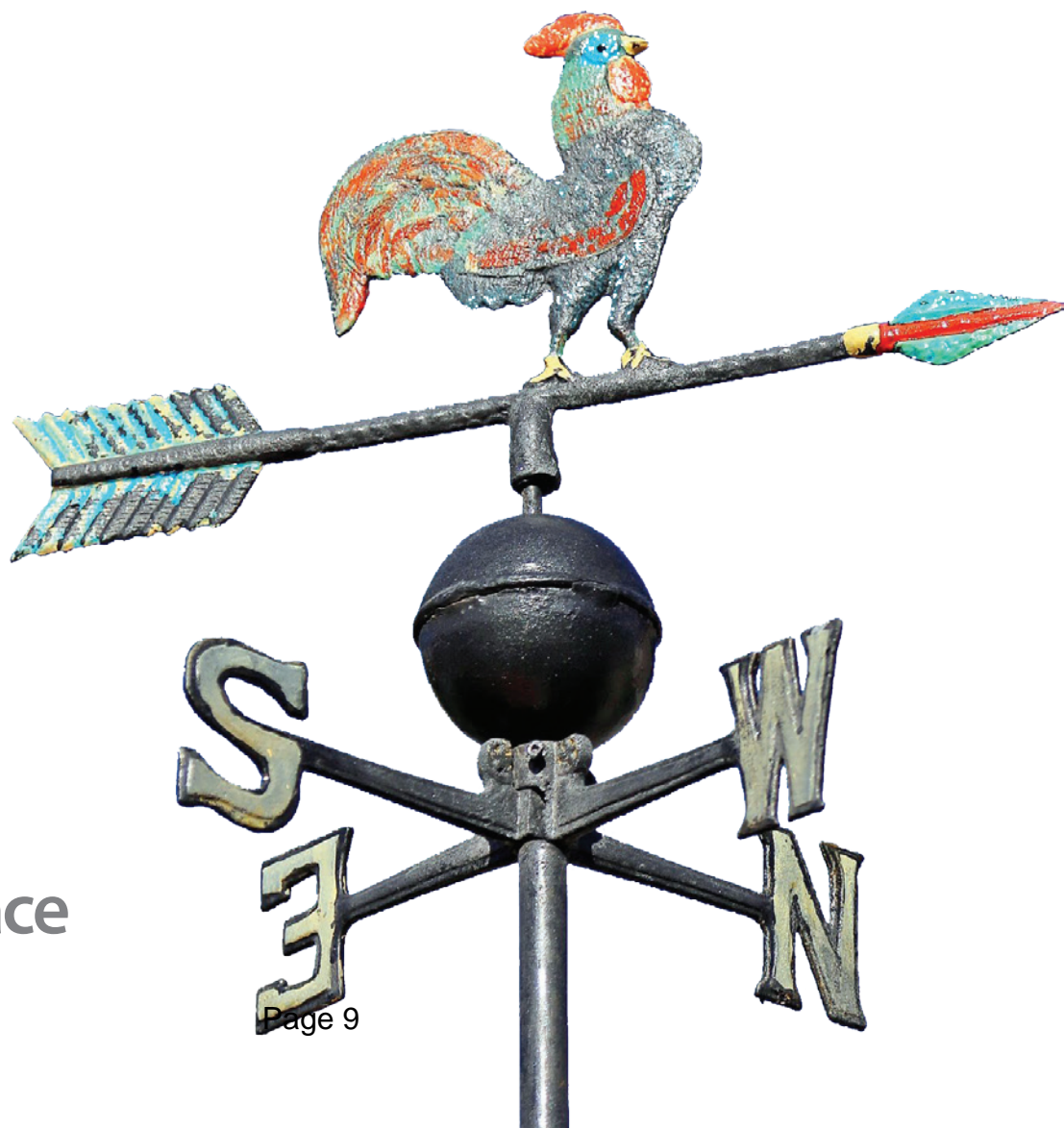
Recommendation:

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in Local Government
Framework
2016 Edition



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Published by:

CIPFA \ THE CHARTERED INSTITUTE OF PUBLIC FINANCE AND ACCOUNTANCY

77 Mansell Street, London E1 8AN

020 7543 5600 \ publications@cipfa.org \ www.cipfa.org

© April 2016 CIPFA

ISBN 978 1 84508 456 1

Designed and typeset by Ministry of Design, Bath
(www.ministryofdesign.co.uk)

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Acknowledgements

CIPFA and Solace have drawn together the following members of the Joint Working Group and are grateful to them and to their employing organisations for their time and assistance in preparing this *Delivering Good Governance in Local Government: Framework*.

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| David Aldous | <i>National Audit Office (NAO)</i> |
| Ivan Butler | <i>Denbighshire County Council</i> |
| Brenda Campbell | <i>Convention of Scottish Local Authorities (COSLA)</i> |
| Kirsty Cole | <i>Newark and Sherwood District Council/Lawyers in Local Government (LLG)</i> |
| Richard Feltham | <i>Kent Fire and Rescue Service</i> |
| Russell Frith | <i>Audit Scotland</i> |
| Alan Gay | <i>Leeds City Council</i> |
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| Jacqui McKinlay | <i>Centre for Public Scrutiny (CfPS)</i> |
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|---------------|---|

Solace, the Society of Local Authority Chief Executives and Senior Managers, is the representative body for senior strategic managers working in the public sector. We are committed to public sector excellence. We provide our members with opportunities for personal and professional development and seek to influence the debate about the future of public services to ensure that policy and legislation reflect the experience and expertise of our members.

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CHAPTER ONE

Introduction

- 1.1** Governance arrangements in the public services are keenly observed and sometimes criticised. Significant governance failings attract huge attention – as they should – and one significant failing can taint a whole sector. Local government organisations are big business and are vitally important to tax payers and service users. They need to ensure that they meet the highest standards and that governance arrangements are not only sound but are seen to be sound.
- 1.2** It is crucial that leaders and chief executives keep their governance arrangements up to date and relevant. The main principle underpinning the development of the new *Delivering Good Governance in Local Government: Framework* (CIPFA/Solace, 2016) ('the Framework') continues to be that local government is developing and shaping its own approach to governance, taking account of the environment in which it now operates. The Framework is intended to assist authorities individually in reviewing and accounting for their own unique approach. The overall aim is to ensure that resources are directed in accordance with agreed policy and according to priorities, that there is sound and inclusive decision making and that there is clear accountability for the use of those resources in order to achieve desired outcomes for service users and communities.
- 1.3** The Framework positions the attainment of sustainable economic, societal, and environmental outcomes as a key focus of governance processes and structures. Outcomes give the role of local government its meaning and importance, and it is fitting that they have this central role in the sector's governance. Furthermore, the focus on sustainability and the links between governance and public financial management are crucial – local authorities must recognise the need to focus on the long term. Local authorities have responsibilities to more than their current electors as they must take account of the impact of current decisions and actions on future generations.

CHAPTER TWO

Status

- 2.1** Section 3.7 of the CIPFA/LASAAC Code of Practice on Local Authority Accounting in the United Kingdom 2016/17 notes:

Regulation 6(1)(a) of the Accounts and Audit Regulations 2015, Regulation 4(2) of the Local Government (Accounts and Audit) Regulations (Northern Ireland) 2015, Regulation 5(2) of the Local Authority Accounts (Scotland) Regulations 2014 and Regulation 5(2) of the Accounts and Audit (Wales) Regulations 2014 require an authority to conduct a review at least once in a year of the effectiveness of its system of internal control and include a statement reporting on the review with any published Statement of Accounts (England) (as a part of the Annual Accounts (Scotland)). Regulation 6(1)(b) of the Accounts and Audit Regulations 2015, Regulation 4(4) of the Local Government (Accounts and Audit) Regulations (Northern Ireland) 2015 and Regulation 5(4) of the Local Authority Accounts (Scotland) Regulations 2014 require that for a local authority in England, Northern Ireland and Scotland the statement is an Annual Governance Statement.

The preparation and publication of an Annual Governance Statement in accordance with Delivering Good Governance in Local Government: Framework (2016) would fulfil the statutory requirements across the United Kingdom for a local authority to conduct a review at least once in each financial year of the effectiveness of its system of internal control and to include a statement reporting on the review with its Statement of Accounts. In England the Accounts and Audit Regulations 2015 stipulate that the Annual Governance Statement must be “prepared in accordance with proper practices in relation to accounts”. Therefore a local authority in England shall provide this statement in accordance with Delivering Good Governance in Local Government: Framework (2016) and this section of the Code.

- 2.2** This Framework applies to annual governance statements prepared for the financial year 2016/17 onwards.

CHAPTER THREE

Requirements

- 3.1** The Framework defines the principles that should underpin the governance of each local government organisation. It provides a structure to help individual authorities with their approach to governance. Whatever form of arrangements are in place, authorities should therefore test their governance structures and partnerships against the principles contained in the Framework by:
- reviewing existing governance arrangements
 - developing and maintaining an up-to-date local code of governance, including arrangements for ensuring ongoing effectiveness
 - reporting publicly on compliance with their own code on an annual basis and on how they have monitored the effectiveness of their governance arrangements in the year and on planned changes.
- 3.2** The term ‘local code’ essentially refers to the governance structure in place as there is an expectation that a formally set out local structure should exist, although in practice it may consist of a number of local codes or documents.
- 3.3** To achieve good governance, each local authority should be able to demonstrate that its governance structures comply with the core and sub-principles contained in this Framework. It should therefore develop and maintain a local code of governance/governance arrangements reflecting the principles set out.
- 3.4** It is also crucial that the Framework is applied in a way that demonstrates the spirit and ethos of good governance which cannot be achieved by rules and procedures alone. Shared values that are integrated into the culture of an organisation, and are reflected in behaviour and policy, are hallmarks of good governance.

Applicability and terminology

APPLICABILITY

- 4.1** The Framework is for all parts of local government and its partnerships, including:
- county councils
 - district, borough and city councils
 - metropolitan and unitary councils
 - the Greater London Authority and functional bodies
 - combined authorities, city regions, devolved structures
 - the City of London Corporation
 - combined fire authorities
 - joint authorities
 - police authorities, which for these purposes since 2012 includes both the police and crime commissioner (PCC) and the chief constable
 - national park authorities.
- 4.2** The Framework is applicable to a system involving a group of local government organisations as well as to each of them individually. The Framework principles are therefore intended to be relevant to all organisations and systems associated with local authorities, ie joint boards, partnerships and other vehicles through which authorities now work. However, a one-size-fits-all approach to governance is inappropriate. Not all parts of the Framework will be directly applicable to all types and size of such structures, and it is therefore up to different authorities and associated organisations to put the Framework into practice in a way that reflects their structures and is proportionate to their size.

TERMINOLOGY

- 4.3** The terms ‘authorities’, ‘local government organisations’ and ‘organisations’ are used throughout this Framework and should be taken to cover any partnerships and joint working arrangements in operation.
- 4.4** In the police service, where the accountabilities rest with designated individuals rather than a group of members, terms such as ‘leader’ should be interpreted as relating to the PCC or the chief constable as appropriate.

CHAPTER FIVE

Guidance notes

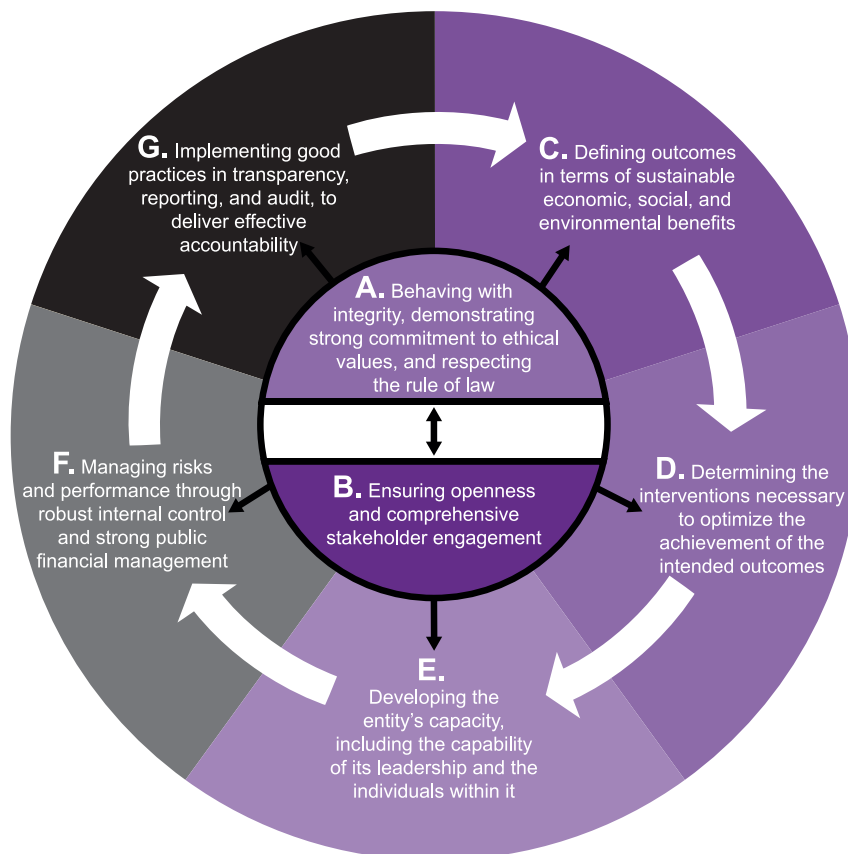
- 5.1** In recognition of the separate legislation applicable to different parts of local government, guidance notes to accompany the Framework have been developed for:
- local government in England (excluding police)
 - local government in Wales (excluding police)
 - police in England and Wales
 - local government in Scotland.
- 5.2** The guidance notes, which should be used in conjunction with the Framework, are intended to assist authorities across their governance systems, structures and partnerships in reviewing their governance arrangements. It will also help them in interpreting the overarching principles and terminology contained in the Framework in a way that is appropriate for their governance structures, taking account of the legislative and constitutional arrangements that underpin them.

The principles of good governance – application

DEFINING THE CORE PRINCIPLES AND SUB-PRINCIPLES OF GOOD GOVERNANCE

6.1 The diagram below, taken from the *International Framework: Good Governance in the Public Sector* (CIPFA/IFAC, 2014) (the ‘International Framework’), illustrates the various principles of good governance in the public sector and how they relate to each other.

Achieving the Intended Outcomes While Acting in the Public Interest at all Times



The International Framework notes that:

Principles A and B permeate implementation of principles C to G. The diagram also illustrates that good governance is dynamic, and that an entity as a whole should be committed to improving governance on a continuing basis through a process of evaluation and review.

DEFINING GOVERNANCE

6.2 The International Framework defines governance as follows:

Governance comprises the arrangements put in place to ensure that the intended outcomes for stakeholders are defined and achieved.

The International Framework also states that:

To deliver good governance in the public sector, both governing bodies and individuals working for public sector entities must try to achieve their entity's objectives while acting in the public interest at all times.

Acting in the public interest implies primary consideration of the benefits for society, which should result in positive outcomes for service users and other stakeholders.

6.3 In local government, the governing body is the full council or authority. In the police, PCCs and chief constables are corporations sole and are jointly responsible for governance. The many references to 'members' in the tables which follow should be read in the context that the principles set out apply equally in the police.

PRINCIPLES OF GOOD GOVERNANCE IN LOCAL GOVERNMENT

6.4 The core principles and sub-principles of good governance set out in the table below are taken from the International Framework. In turn they have been interpreted for a local government context.

It is up to each local authority or local government organisation to:

- set out its commitment to the principles of good governance included in this Framework
- determine its own governance structure, or local code, underpinned by these principles
- ensure that it operates effectively in practice.

Core principles and sub-principles of good governance

| Core principles (shown in bold) | Sub-principles (shown in bold) |
|---|---|
| <p>Acting in the public interest requires a commitment to and effective arrangements for:</p> | <p>Behaviours and actions that demonstrate good governance in practice are illustrated in the bullet points.</p> |
| <p>A. Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law</p> <p>Local government organisations are accountable not only for how much they spend, but also for how they use the resources under their stewardship. This includes accountability for outputs, both positive and negative, and for the outcomes they have achieved. In addition, they have an overarching responsibility to serve the public interest in adhering to the requirements of legislation and government policies. It is essential that, as a whole, they can demonstrate the appropriateness of all their actions across all activities and have mechanisms in place to encourage and enforce adherence to ethical values and to respect the rule of law.</p> | <p>Behaving with integrity</p> <ul style="list-style-type: none"> ■ Ensuring members and officers behave with integrity and lead a culture where acting in the public interest is visibly and consistently demonstrated thereby protecting the reputation of the organisation ■ Ensuring members take the lead in establishing specific standard operating principles or values for the organisation and its staff and that they are communicated and understood. These should build on the Seven Principles of Public Life (the Nolan Principles) ■ Leading by example and using the above standard operating principles or values as a framework for decision making and other actions ■ Demonstrating, communicating and embedding the standard operating principles or values through appropriate policies and processes which are reviewed on a regular basis to ensure that they are operating effectively <p>Demonstrating strong commitment to ethical values</p> <ul style="list-style-type: none"> ■ Seeking to establish, monitor and maintain the organisation’s ethical standards and performance ■ Underpinning personal behaviour with ethical values and ensuring they permeate all aspects of the organisation’s culture and operation ■ Developing and maintaining robust policies and procedures which place emphasis on agreed ethical values ■ Ensuring that external providers of services on behalf of the organisation are required to act with integrity and in compliance with ethical standards expected by the organisation |

| Core principles (shown in bold) | Sub-principles (shown in bold) |
|---|---|
| | <p>Respecting the rule of law</p> <ul style="list-style-type: none"> ■ Ensuring members and staff demonstrate a strong commitment to the rule of the law as well as adhering to relevant laws and regulations ■ Creating the conditions to ensure that the statutory officers, other key post holders, and members, are able to fulfil their responsibilities in accordance with legislative and regulatory requirements ■ Striving to optimise the use of the full powers available for the benefit of citizens, communities and other stakeholders ■ Dealing with breaches of legal and regulatory provisions effectively ■ Ensuring corruption and misuse of power are dealt with effectively |
| <p>B. Ensuring openness and comprehensive stakeholder engagement</p> <p>Local government is run for the public good, organisations therefore should ensure openness in their activities. Clear, trusted channels of communication and consultation should be used to engage effectively with all groups of stakeholders, such as individual citizens and service users, as well as institutional stakeholders.</p> | <p>Openness</p> <ul style="list-style-type: none"> ■ Ensuring an open culture through demonstrating, documenting and communicating the organisation’s commitment to openness ■ Making decisions that are open about actions, plans, resource use, forecasts, outputs and outcomes. The presumption is for openness. If that is not the case, a justification for the reasoning for keeping a decision confidential should be provided ■ Providing clear reasoning and evidence for decisions in both public records and explanations to stakeholders and being explicit about the criteria, rationale and considerations used. In due course, ensuring that the impact and consequences of those decisions are clear ■ Using formal and informal consultation and engagement to determine the most appropriate and effective interventions/ courses of action <p>Engaging comprehensively with institutional stakeholders</p> <p>NB institutional stakeholders are the other organisations that local government needs to work with to improve services and outcomes (such as commercial partners and suppliers as well as other public or third sector organisations) or organisations to which they are accountable.</p> <ul style="list-style-type: none"> ■ Effectively engaging with institutional stakeholders to ensure that the purpose, objectives and intended outcomes for each stakeholder relationship are clear so that outcomes are achieved successfully and sustainably |

Core principles (shown in bold)**Sub-principles (shown in bold)**

- Developing formal and informal partnerships to allow for resources to be used more efficiently and outcomes achieved more effectively
- Ensuring that partnerships are based on:
 - trust
 - a shared commitment to change
 - a culture that promotes and accepts challenge among partners

and that the added value of partnership working is explicit

Engaging with individual citizens and service users effectively

- Establishing a clear policy on the type of issues that the organisation will meaningfully consult with or involve communities, individual citizens, service users and other stakeholders to ensure that service (or other) provision is contributing towards the achievement of intended outcomes
- Ensuring that communication methods are effective and that members and officers are clear about their roles with regard to community engagement
- Encouraging, collecting and evaluating the views and experiences of communities, citizens, service users and organisations of different backgrounds including reference to future needs
- Implementing effective feedback mechanisms in order to demonstrate how views have been taken into account
- Balancing feedback from more active stakeholder groups with other stakeholder groups to ensure inclusivity
- Taking account of the impact of decisions on future generations of tax payers and service users

| Principles (shown in bold) | Sub-principles (shown in bold) |
|---|---|
| <p>In addition to the overarching requirements for acting in the public interest in principles A and B, achieving good governance also requires a commitment to and effective arrangements for:</p> | <p>Behaviours and actions that demonstrate good governance in practice are illustrated in the bullet points.</p> |
| <p>C. Defining outcomes in terms of sustainable economic, social, and environmental benefits</p> | <p>Defining outcomes</p> |
| <p>The long-term nature and impact of many of local government’s responsibilities mean that it should define and plan outcomes and that these should be sustainable. Decisions should further the organisation’s purpose, contribute to intended benefits and outcomes, and remain within the limits of authority and resources. Input from all groups of stakeholders, including citizens, service users, and institutional stakeholders, is vital to the success of this process and in balancing competing demands when determining priorities for the finite resources available.</p> | <ul style="list-style-type: none"> ■ Having a clear vision, which is an agreed formal statement of the organisation’s purpose and intended outcomes containing appropriate performance indicators, which provide the basis for the organisation’s overall strategy, planning and other decisions ■ Specifying the intended impact on, or changes for, stakeholders including citizens and service users. It could be immediately or over the course of a year or longer ■ Delivering defined outcomes on a sustainable basis within the resources that will be available ■ Identifying and managing risks to the achievement of outcomes ■ Managing service users’ expectations effectively with regard to determining priorities and making the best use of the resources available |
| | <p>Sustainable economic, social and environmental benefits</p> |
| | <ul style="list-style-type: none"> ■ Considering and balancing the combined economic, social and environmental impact of policies and plans when taking decisions about service provision ■ Taking a longer-term view with regard to decision making, taking account of risk and acting transparently where there are potential conflicts between the organisation’s intended outcomes and short-term factors such as the political cycle or financial constraints ■ Determining the wider public interest associated with balancing conflicting interests between achieving the various economic, social and environmental benefits, through consultation where possible, in order to ensure appropriate trade-offs ■ Ensuring fair access to services |

| Principles (shown in bold) | Sub-principles (shown in bold) |
|---|---|
| <p>D. Determining the interventions necessary to optimise the achievement of the intended outcomes</p> <p>Local government achieves its intended outcomes by providing a mixture of legal, regulatory, and practical interventions (courses of action). Determining the right mix of these courses of action is a critically important strategic choice that local government has to make to ensure intended outcomes are achieved. They need robust decision-making mechanisms to ensure that their defined outcomes can be achieved in a way that provides the best trade-off between the various types of resource inputs while still enabling effective and efficient operations. Decisions made need to be reviewed frequently to ensure that achievement of outcomes is optimised.</p> | <p>Determining interventions</p> <ul style="list-style-type: none"> ■ Ensuring decision makers receive objective and rigorous analysis of a variety of options indicating how intended outcomes would be achieved and associated risks. Therefore ensuring best value is achieved however services are provided ■ Considering feedback from citizens and service users when making decisions about service improvements or where services are no longer required in order to prioritise competing demands within limited resources available including people, skills, land and assets and bearing in mind future impacts <p>Planning interventions</p> <ul style="list-style-type: none"> ■ Establishing and implementing robust planning and control cycles that cover strategic and operational plans, priorities and targets ■ Engaging with internal and external stakeholders in determining how services and other courses of action should be planned and delivered ■ Considering and monitoring risks facing each partner when working collaboratively, including shared risks ■ Ensuring arrangements are flexible and agile so that the mechanisms for delivering goods and services can be adapted to changing circumstances ■ Establishing appropriate key performance indicators (KPIs) as part of the planning process in order to identify how the performance of services and projects is to be measured ■ Ensuring capacity exists to generate the information required to review service quality regularly ■ Preparing budgets in accordance with objectives, strategies and the medium term financial plan ■ Informing medium and long term resource planning by drawing up realistic estimates of revenue and capital expenditure aimed at developing a sustainable funding strategy |

| Principles (shown in bold) | Sub-principles (shown in bold) |
|---|---|
| | <p>Optimising achievement of intended outcomes</p> <ul style="list-style-type: none"> ■ Ensuring the medium term financial strategy integrates and balances service priorities, affordability and other resource constraints ■ Ensuring the budgeting process is all-inclusive, taking into account the full cost of operations over the medium and longer term ■ Ensuring the medium term financial strategy sets the context for ongoing decisions on significant delivery issues or responses to changes in the external environment that may arise during the budgetary period in order for outcomes to be achieved while optimising resource usage ■ Ensuring the achievement of ‘social value’ through service planning and commissioning |
| <p>E. Developing the entity’s capacity, including the capability of its leadership and the individuals within it</p> <p>Local government needs appropriate structures and leadership, as well as people with the right skills, appropriate qualifications and mindset, to operate efficiently and effectively and achieve intended outcomes within the specified periods. A local government organisation must ensure that it has both the capacity to fulfil its own mandate and to make certain that there are policies in place to guarantee that its management has the operational capacity for the organisation as a whole. Because both individuals and the environment in which an organisation operates will change over time, there will be a continuous need to develop its capacity as well as the skills and experience of individual staff members. Leadership in local government is strengthened by the participation of people with many different types of backgrounds, reflecting the structure and diversity of communities.</p> | <p>Developing the entity’s capacity</p> <ul style="list-style-type: none"> ■ Reviewing operations, performance and use of assets on a regular basis to ensure their continuing effectiveness ■ Improving resource use through appropriate application of techniques such as benchmarking and other options in order to determine how resources are allocated so that defined outcomes are achieved effectively and efficiently ■ Recognising the benefits of partnerships and collaborative working where added value can be achieved ■ Developing and maintaining an effective workforce plan to enhance the strategic allocation of resources <p>Developing the capability of the entity’s leadership and other individuals</p> <ul style="list-style-type: none"> ■ Developing protocols to ensure that elected and appointed leaders negotiate with each other regarding their respective roles early on in the relationship and that a shared understanding of roles and objectives is maintained ■ Publishing a statement that specifies the types of decisions that are delegated and those reserved for the collective decision making of the governing body ■ Ensuring the leader and the chief executive have clearly defined and distinctive leadership roles within a structure whereby the chief executive leads in implementing strategy and managing the delivery of services and other outputs set by members and each provides a check and a balance for each other’s authority |

Principles (shown in bold)**Sub-principles (shown in bold)**

- Developing the capabilities of members and senior management to achieve effective leadership and to enable the organisation to respond successfully to changing legal and policy demands as well as economic, political and environmental changes and risks by:
 - ensuring members and staff have access to appropriate induction tailored to their role and that ongoing training and development matching individual and organisational requirements is available and encouraged
 - ensuring members and officers have the appropriate skills, knowledge, resources and support to fulfil their roles and responsibilities and ensuring that they are able to update their knowledge on a continuing basis
 - ensuring personal, organisational and system-wide development through shared learning, including lessons learnt from governance weaknesses both internal and external
- Ensuring that there are structures in place to encourage public participation
- Taking steps to consider the leadership’s own effectiveness and ensuring leaders are open to constructive feedback from peer review and inspections
- Holding staff to account through regular performance reviews which take account of training or development needs
- Ensuring arrangements are in place to maintain the health and wellbeing of the workforce and support individuals in maintaining their own physical and mental wellbeing

| Principles (shown in bold) | Sub-principles (shown in bold) |
|---|---|
| <p>F. Managing risks and performance through robust internal control and strong public financial management</p> <p>Local government needs to ensure that the organisations and governance structures that it oversees have implemented, and can sustain, an effective performance management system that facilitates effective and efficient delivery of planned services. Risk management and internal control are important and integral parts of a performance management system and are crucial to the achievement of outcomes. Risk should be considered and addressed as part of all decision making activities.</p> <p>A strong system of financial management is essential for the implementation of policies and the achievement of intended outcomes, as it will enforce financial discipline, strategic allocation of resources, efficient service delivery and accountability.</p> <p>It is also essential that a culture and structure for scrutiny are in place as a key part of accountable decision making, policy making and review. A positive working culture that accepts, promotes and encourages constructive challenge is critical to successful scrutiny and successful service delivery. Importantly, this culture does not happen automatically, it requires repeated public commitment from those in authority.</p> | <p>Managing risk</p> <ul style="list-style-type: none"> ■ Recognising that risk management is an integral part of all activities and must be considered in all aspects of decision making ■ Implementing robust and integrated risk management arrangements and ensuring that they are working effectively ■ Ensuring that responsibilities for managing individual risks are clearly allocated <p>Managing performance</p> <ul style="list-style-type: none"> ■ Monitoring service delivery effectively including planning, specification, execution and independent post implementation review ■ Making decisions based on relevant, clear objective analysis and advice pointing out the implications and risks inherent in the organisation’s financial, social and environmental position and outlook ■ Ensuring an effective scrutiny or oversight function is in place which provides constructive challenge and debate on policies and objectives before, during and after decisions are made thereby enhancing the organisation’s performance and that of any organisation for which it is responsible (Or, for a committee system) Encouraging effective and constructive challenge and debate on policies and objectives to support balanced and effective decision making ■ Providing members and senior management with regular reports on service delivery plans and on progress towards outcome achievement ■ Ensuring there is consistency between specification stages (such as budgets) and post implementation reporting (eg financial statements) |

Principles (shown in bold)**Sub-principles (shown in bold)****Robust internal control**

- Aligning the risk management strategy and policies on internal control with achieving objectives
- Evaluating and monitoring risk management and internal control on a regular basis
- Ensuring effective counter fraud and anti-corruption arrangements are in place
- Ensuring additional assurance on the overall adequacy and effectiveness of the framework of governance, risk management and control is provided by the internal auditor
- Ensuring an audit committee or equivalent group/function, which is independent of the executive and accountable to the governing body:
 - provides a further source of effective assurance regarding arrangements for managing risk and maintaining an effective control environment
 - that its recommendations are listened to and acted upon

Managing data

- Ensuring effective arrangements are in place for the safe collection, storage, use and sharing of data, including processes to safeguard personal data
- Ensuring effective arrangements are in place and operating effectively when sharing data with other bodies
- Reviewing and auditing regularly the quality and accuracy of data used in decision making and performance monitoring

Strong public financial management

- Ensuring financial management supports both long term achievement of outcomes and short-term financial and operational performance
- Ensuring well-developed financial management is integrated at all levels of planning and control, including management of financial risks and controls

| Principles (shown in bold) | Sub-principles (shown in bold) |
|---|---|
| <p>G. Implementing good practices in transparency, reporting, and audit to deliver effective accountability</p> <p>Accountability is about ensuring that those making decisions and delivering services are answerable for them. Effective accountability is concerned not only with reporting on actions completed, but also ensuring that stakeholders are able to understand and respond as the organisation plans and carries out its activities in a transparent manner. Both external and internal audit contribute to effective accountability.</p> | <p>Implementing good practice in transparency</p> <ul style="list-style-type: none"> ■ Writing and communicating reports for the public and other stakeholders in a fair, balanced and understandable style appropriate to the intended audience and ensuring that they are easy to access and interrogate ■ Striking a balance between providing the right amount of information to satisfy transparency demands and enhance public scrutiny while not being too onerous to provide and for users to understand <p>Implementing good practices in reporting</p> <ul style="list-style-type: none"> ■ Reporting at least annually on performance, value for money and stewardship of resources to stakeholders in a timely and understandable way ■ Ensuring members and senior management own the results reported ■ Ensuring robust arrangements for assessing the extent to which the principles contained in this Framework have been applied and publishing the results on this assessment, including an action plan for improvement and evidence to demonstrate good governance (the annual governance statement) ■ Ensuring that this Framework is applied to jointly managed or shared service organisations as appropriate ■ Ensuring the performance information that accompanies the financial statements is prepared on a consistent and timely basis and the statements allow for comparison with other, similar organisations <p>Assurance and effective accountability</p> <ul style="list-style-type: none"> ■ Ensuring that recommendations for corrective action made by external audit are acted upon ■ Ensuring an effective internal audit service with direct access to members is in place, providing assurance with regard to governance arrangements and that recommendations are acted upon ■ Welcoming peer challenge, reviews and inspections from regulatory bodies and implementing recommendations ■ Gaining assurance on risks associated with delivering services through third parties and that this is evidenced in the annual governance statement ■ Ensuring that when working in partnership, arrangements for accountability are clear and the need for wider public accountability has been recognised and met |

Annual review and reporting

THE ANNUAL GOVERNANCE STATEMENT

- 7.1** Local authorities are required to prepare an annual governance statement (see Chapter two) in order to report publicly on the extent to which they comply with their own code of governance, which in turn is consistent with the good governance principles in this Framework. This includes how they have monitored and evaluated the effectiveness of their governance arrangements in the year, and on any planned changes in the coming period. The process of preparing the governance statement should itself add value to the effectiveness of the governance and internal control framework.
- 7.2** The annual governance statement is a valuable means of communication. It enables an authority to explain to the community, service users, tax payers and other stakeholders its governance arrangements and how the controls it has in place manage risks of failure in delivering its outcomes. It should reflect an individual authority's particular features and challenges.
- 7.3** The annual governance statement should provide a meaningful but brief communication regarding the review of governance that has taken place, including the role of the governance structures involved (such as the authority, the audit and other committees). It should be high level, strategic and written in an open and readable style.
- 7.4** The annual governance statement should be focused on outcomes and value for money and relate to the authority's vision for the area. It should provide an assessment of the effectiveness of the authority's governance arrangements in supporting the planned outcomes – not simply a description of them. Key elements of an authority's governance arrangements are summarised in the next section.
- 7.5** The annual governance statement should include:
- an acknowledgement of responsibility for ensuring that there is a sound system of governance (incorporating the system of internal control) and reference to the authority's code of governance
 - reference to and assessment of the effectiveness of key elements of the governance framework and the role of those responsible for the development and maintenance of the governance environment, such as the authority, the executive, the audit committee, internal audit and others as appropriate
 - an opinion on the level of assurance that the governance arrangements can provide and that the arrangements continue to be regarded as fit for purpose in accordance with the governance framework

- an agreed action plan showing actions taken, or proposed, to deal with significant governance issues
 - reference to how issues raised in the previous year's annual governance statement have been resolved
 - a conclusion – a commitment to monitoring implementation as part of the next annual review.
- 7.6** The annual governance statement should be signed by the leading member (or equivalent) and chief executive (or equivalent) on behalf of the authority.
- 7.7** The annual governance statement should be approved at a meeting of the authority or delegated committee (in Scotland, the authority or a committee with a remit including audit or governance).
- 7.8** Local authorities are required to include the annual governance statement with their statement of accounts. As the annual governance statement provides a commentary on all aspects of the authority's performance, it is appropriate for it to be published, either in full or as a summary, in the annual report, where one is published. It is important that it is kept up to date at time of publication.

GOVERNANCE ARRANGEMENTS

- 7.9** Key elements of the structures and processes that comprise an authority's governance arrangements are summarised below. They do not need to be described in detail in the annual governance statement if they are already easily accessible by the public, for example through the authority's code of governance.
- Developing codes of conduct which define standards of behaviour for members and staff, and policies dealing with whistleblowing and conflicts of interest and that these codes and policies are communicated effectively.
 - Ensuring compliance with relevant laws and regulations, internal policies and procedures, and that expenditure is lawful.
 - Documenting a commitment to openness and acting in the public interest.
 - Establishing clear channels of communication with all sections of the community and other stakeholders, ensuring accountability and encouraging open consultation.
 - Developing and communicating a vision which specifies intended outcomes for citizens and service users and is used as a basis for planning.
 - Translating the vision into courses of action for the authority, its partnerships and collaborations.
 - Reviewing the effectiveness of the decision-making framework, including delegation arrangements, decision-making in partnerships, information provided to decision makers and robustness of data quality.
 - Measuring the performance of services and related projects and ensuring that they are delivered in accordance with defined outcomes and that they represent the best use of resources and value for money.

- Defining and documenting the roles and responsibilities of members and management, with clear protocols for effective communication in respect of the authority and partnership arrangements.
- Ensuring that financial management arrangements conform with the governance requirements of the [CIPFA Statement on the Role of the Chief Financial Officer in Local Government \(2015\)](#) or [CIPFA Statement on the Role of the Chief Financial Officer of the Police and Crime Commissioner and the Chief Financial Officer of the Chief Constable \(2014\)](#) as appropriate and, where they do not, explain why and how they deliver the same impact.
- Ensuring effective arrangements are in place for the discharge of the monitoring officer function.
- Ensuring effective arrangements are in place for the discharge of the head of paid service function.
- Providing induction and identifying the development needs of members and senior officers in relation to their strategic roles, supported by appropriate training.
- Reviewing the effectiveness of the framework for identifying and managing risks and for performance and demonstrating clear accountability.
- Ensuring effective counter fraud and anti-corruption arrangements are developed and maintained in accordance with the [Code of Practice on Managing the Risk of Fraud and Corruption \(CIPFA, 2014\)](#).
- Ensuring an effective scrutiny function is in place.
- Ensuring that assurance arrangements conform with the governance requirements of the [CIPFA Statement on the Role of the Head of Internal Audit \(2010\)](#) and, where they do not, explain why and how they deliver the same impact.
- Undertaking the core functions of an audit committee, as identified in [Audit Committees: Practical Guidance for Local Authorities and Police \(CIPFA, 2013\)](#).
- Ensuring that the authority provides timely support, information and responses to external auditors and properly considers audit findings and recommendations.
- Incorporating good governance arrangements in respect of partnerships and other joint working and ensuring that they are reflected across the authority's overall governance structures.



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APPENDIX 2

ARTICLES OF THE CONSTITUTION

Article 1 – The Constitution

1.1 The Role of the Council

The overriding role of the County Council is to improve the quality of life of the people of Kent by:

- (1) arranging delivery of responsive, accessible and cost-effective services with policies driven by the sole purpose of serving all Kent residents and Council Tax payers
- (2) providing clear and accountable community leadership
- (3) championing the county's interests, supporting the local economy and enhancing the environment
- (4) consulting and involving the Kent public in planning ahead and making decisions on their behalf
- (5) influencing and working in partnership with other organisations

1.2 Powers of the Council

The Council exercises its powers and duties in accordance with the law and this Constitution.

1.3 The Constitution

These articles comprise the Constitution of the Kent County Council and should be read in conjunction with the Appendices.

1.4 Interpretation and Review of the Constitution

- (1) Where the Constitution permits the Council to choose between different courses of action, the Council will choose that option which is closest to the role and purposes stated in 1.1, above.
- (2) The Council monitors and reviews the operation of the Constitution, as set out in Article 15.
- (3) References in this Constitution to male persons shall be deemed to include male and female persons.

1.5 Informal Governance

This constitution makes provision for the formal governance and meetings of the Council. It is recognised that arrangements at an operational level are necessary and that these are not reflected in the constitution but must be consistent with it.

(1) Arrangements for informal governance involving Members and Officers shall be agreed between the Leader and the Head of Paid Service and lodged with the Monitoring Officer who shall make them available to all Members.

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(2) The Head of Paid Service is responsible for making arrangements for the operation of the organisation from an officer perspective and is required to provide the Leader and the Monitoring Officer with a copy of these arrangements.

Article 2 – Members of the Council

2.1 Composition and eligibility

(1) The Council comprises 81 Members. Members are elected by the voters of each electoral division in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State.

(2) Only registered voters of Kent or those living or working there are eligible to hold the office of Member.

2.2 Election and terms of Members

(1) The election of all Members is held on the first Thursday in May every four years. The terms of office of Members start on the fourth day after being elected and finish on the fourth day after the date of the next all-Member election.

(2) A list of the names, addresses and electoral divisions of current Members is set out in Appendix 9, together with a description of the Register of Members' Interests and the procedures for publicising, maintaining and updating that Register, the amounts paid in allowances and expenses to Members, and Members' Annual Reports.

2.3 Roles and functions of Members

(1) Non-executive Members may participate in:

- (a) developing policies for the delivery of services for the whole of the community of Kent
- (b) approving Kent-wide policies and budgets
- (c) monitoring the effectiveness of service delivery and the appropriateness of policy across the County
- (d) holding the Leader and Cabinet to account through scrutiny
- (e) ensuring the probity of Council financial and other transactions (including through audit and standard processes)
- (f) regulatory and other direct functions of the Council (planning applications, appeals, etc)
- (g) appointing Senior Officers
- (h) appointing people to serve on outside bodies

and as Local Members should:

- (i) seek to ensure the application of Council policies and the delivery of services in their own locality meet the needs of the local community

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- (j) represent and support individual constituents in their dealings with the Council

(2) The Leader and Cabinet Members should:

- (a) be the focus for leading the Kent community
- (b) consult with and be accountable to non-executive Members
- (c) propose the annual Budget to the full Council
- (d) participate in the approval by the full Council of Kent-wide policies and budgets
- (e) lead the development of policies for the delivery of services to the whole community of Kent
- (f) monitor the effectiveness of service delivery and the appropriateness of policy across the County
- (g) ensure they account for the efficient and effective delivery of services and functions within Council policies and budgets
- (h) support and contribute to the probity of Council financial and other transactions

and may participate in the ordinary committees of the Council (with the exception of Governance & Audit Committee) that:

- (i) discharge regulatory and other direct functions of the Council (planning applications, appeals, etc)
- (j) appoint Senior Officers
- (k) appoint people to serve on outside bodies

and as Local Members should:

- (l) seek to ensure the application of Council policies and the delivery of services in their own locality meet the needs of the local community
- (m) represent and support individual constituents in their dealings with the Council. In the absence of a Member for reasons of ill health or otherwise, the Local Member concerned (or, if they are unwilling or unable to do that, the relevant Group Leader) should nominate another Member to act on their behalf in relation to representing their constituents.

(3) Rights and duties

- (a) All Members have such rights of access to documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law

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- (b) Members will not make public information that is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Member or officer entitled to know it. For these purposes, “confidential” and “exempt” information are as defined in the Access to Information Procedure Rules in Part 6 of Appendix 4
- (c) All Members commit to undertaking training and development to assist them in fulfilling their roles and responsibilities in accordance with the Elected Member Development Policy Statement

(4) Member-Led Authority

- (a) Kent County Council is a Member-Led Authority. Accordingly, Members are responsible for all formal decision-making save for those decisions that are delegated to officers through this Constitution or those where the officer has a statutory duty that takes precedence.
- (b) Members define and agree the policy and budgetary framework of the council in accordance with applicable laws providing sufficiency of resources.
- (c) Members are also responsible for the scrutiny of the decisions that are made. This is done through pre-scrutiny of decisions at Cabinet Committees, the formal scrutiny process and the review of decisions and activity in Cabinet Committees, Non-Executive committees and the Governance and Audit Committee specifically.
- (d) Officers are responsible for advising Members in relation to proposed decision-making, acting in accordance with this constitution and on areas where they have professional expertise. Officers are responsible for delivering and managing the activity that flows from decisions that are taken by Members.
- (e) All officers are managed under the direction and control of the Head of Paid Service. The Head of Paid Service is responsible for ensuring the accountability of officers.

2.4 Conduct

Members will at all times observe the Code of Member Conduct set out in Part 1 of Appendix 6 and related advice issued by the Council’s Standards Committee.

2.5 Allowances

Members will be entitled to receive allowances and reimbursement of expenses in accordance with the Members’ Allowances Scheme set out in Appendix 7. This scheme is approved by the full Council with advice from an independent Member Remuneration Panel.

2.6 Disabled Members

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The Council will make reasonable adjustments, or take positive steps, to make services accessible to disabled Members so that they are able to fully participate in the affairs of the Council. This includes assessing and meeting physical and sensory requirements as reasonably required by such Members.

Article 3 – The Public and the Council

3.1 Public rights

Members of the public have the following rights:

(1) **Voting and petitions.** People on the electoral roll for Kent have the right to vote and sign a petition to request a referendum for an alternative form of Constitution.

(2) People who live, work or study in the County Council's area have the right to submit or sign a petition in accordance with the County Council's Petition Scheme as set out in Appendix 4 Part 5 Annex E.

(3) **Information.** Representatives of the media and members of the public have the right to:

- (a) attend meetings of the Council, the Cabinet and Council committees, except where confidential or exempt information is likely to be disclosed and the meeting is held in private. The Council will make reasonable adjustments, or take positive steps, to make its premises accessible to disabled members of the public.
- (b) find out from the list of Forthcoming Executive Decisions (FED) what key decisions will be taken by the Leader and Cabinet and when
- (c) access agendas for meetings, reports by officers, background papers and records of decisions in a variety of different formats
- (d) inspect the Council's accounts and make representations to the external auditor
- (e) see all information included in the Council's Publication Scheme issued under the Freedom of Information Act 2000

(4) **Public Rights.** Public rights to information and to participate are explained in more detail in the Access to Information Procedure Rules in Part 6 of Appendix 4.

(5) Members of the public also have the opportunity to address committees of the Council exercising regulatory or final appellate powers.

(6) **Complaints.** Members of the public have the right to complain to:

- (a) the Council under its complaints scheme
- (b) the Local Government Ombudsman after using the Council's complaints scheme

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- (c) the Council's Standards Committee about a breach of the Members' Code of Conduct.

Article 4 – The Full Council

4.1 Meanings

(1) **Policy Framework.** The Policy Framework means the plans and strategies selected by the Council annually within the framework set by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and set out in Appendix 3.

(2) **Budget.** The Budget includes the allocation of financial resources to different services and projects, contingency and other funds, the Council Tax base, setting the Council Tax and decisions relating to the control of the Council's borrowing requirement and the planning of its capital expenditure.

4.2 Functions of the full Council

Only the full Council exercises those functions set out in Part 1 of Appendix 2.

4.3 Council meetings

There are three types of Council meeting:

- (1) the annual meeting
- (2) ordinary meetings
- (3) extraordinary meetings

and they will be called and conducted in accordance with the Procedure Rules set out in Appendix 4.

4.4 Responsibility for functions

The Council discharges other functions through committees and officers. Appendix 2 sets out the committees and officers who discharge those functions. The Schedule in Part 3 of Appendix 2 sets out the functions of the Council that are not the responsibility of the Leader and Cabinet.

Article 5 – Chairing the Council

5.1 Role and function of the Chairman

- (1) The Chairman and Vice-Chairman are elected annually by the Council.
- (2) The Chairman of the Council or, in his absence, the Vice-Chairman has the following responsibilities:
 - (a) to uphold and promote the purposes of the Constitution and to interpret the Constitution when necessary

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- (b) to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Members and the interests of the community
- (c) to ensure that the Council meeting is a forum for the debate of matters of importance to Kent and for non-executive Members to hold the Leader, Cabinet Members and committee chairmen to account
- (d) to attend such civic and ceremonial functions as the Council and the Chairman determines appropriate.

Article 6 –Scrutiny Committees

6.1 Scrutiny Committee

Under section 21 of the Local Government Act 2000, the Council has appointed the Scrutiny Committee from among the non-executive Members to perform the roles and functions set out in Part 2 of Appendix 2. Their terms of reference cover all the main services of the Council and also meets at least once a year as the Crime and Disorder Committee. In addition, the Scrutiny Committee co-ordinates the Select Committee work programme.

6.2 Health Overview and Scrutiny Committee

The Health Overview and Scrutiny Committee is appointed by the Council under the Health and Social Care Act 2012 to scrutinise the health services across Kent and to perform the functions set out in Appendix 2 Part 2.

6.3 All Scrutiny Committees shall:

- (1) exercise overall responsibility for the resources made available to them by the Council
- (2) exercise overall responsibility for the work programme of the officers employed to support their work
- (3) conduct their proceedings in accordance with the Procedure Rules set out in Appendix 4.

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Article 7 – The Leader and Cabinet

7.1 Role of the Leader and Cabinet

The Leader with the Cabinet comprise the Executive and are responsible for all of the Council's functions that are not the responsibility of any other part of the Council, whether by law or under this Constitution, as set out in Part 4 of Appendix 2.

7.2 Proceedings of the Cabinet

Proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules determined by the Leader and set out in Part 5 of Appendix 4.

Article 8 – Regulatory and Ordinary Committees

8.1 Regulatory and other Council functions

The Council appoints committees to discharge functions that are not the responsibility of the Cabinet as set out in Part 2 of Appendix 2.

Article 9 – The Standards Committee

9.1 Standards Committee

The Council appoints the Standards Committee to support the proper conduct of the Council's business by Members.

9.2 Role and Function

The Standards Committee has the composition, roles and functions as set out in Part 2 of Appendix 2.

Article 10 – Partnership and Joint Working Arrangements

10.1 Promotion of Economic, Social and Environmental Well-being

The Council or the Leader, in order to promote or improve the economic, social and environmental well-being of Kent, may:

- (1) enter into arrangements or agreements with any person or body
- (2) co-operate with, or facilitate or co-ordinate the activities of, any person or body
- (3) exercise on behalf of that person or body any functions of that person or body
- (4) appoint Joint Committees or establish other partnership bodies
- (5) delegate to or accept the delegation of functions from another local authority.

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10.2 Joint arrangements and Committees

Details of joint arrangements, including any delegations to Joint Committees, are set out in Part 5 of Appendix 2.

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)
- (c) Chief Finance Officer (Corporate Director of Finance & Procurement)
- (d) Director of Adult Social Services (Corporate Director Adult Social Care and Health)
- (e) Director of Children's Services (Corporate Director Children, Young People and Education)

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:

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- (a) overall corporate management and operational responsibility (including overall management responsibility for all staff including Corporate Directors)
- (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.
- (f) make arrangements for the operation of the organisation from an officer and delivery perspective.

(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.

(3)

The Head of Paid Service will:

- Be the senior Council officer for supporting the Cabinet
- Support the Leader of the Council to develop and implement a corporate strategy and relevant business priorities for the council
- Provide regular advice on the corporate performance of the Council as well as provide written briefings on key corporate and strategic issues to enable effective political leadership and control
- Support the Leader of the Council represent the needs of Kent at a local, regional and national level.
- In conjunction with the General Counsel, support opposition Leaders and backbench Members in ensuring that they receive information, advice and assistance from officers.

(d)

11.3 Functions of the Monitoring Officer

The Monitoring Officer will:

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(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.

(9) In conjunction with the Head of Paid Service, support opposition Leaders and backbench Members in ensuring that they receive information, advice and assistance from officers.

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

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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.

(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

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(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.

(m) Working with the Strategic Commissioner and the Corporate Director for Children, Young People and Education to ensure services work effectively, lawfully and commercially at all times with demonstrable governance.

(+)

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.

(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

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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.

(i) Working with the Strategic Commissioner and the Corporate Director for Adult Social Care and Health to ensure services work effectively, lawfully and commercially at all times with demonstrable governance.

(h)

11.8 Working Arrangements for the Director of Children's Services, Director of Adult Services and Lead Members for Children's Services, Education and Adult Services

The relevant Corporate Directors and Cabinet Members shall ~~make formalise~~ such working arrangements as necessary to ensure statutory compliance and maintain service delivery to vulnerable children, young people and adults. The relevant post-holders are responsible for ensuring these arrangements are kept up to date with a copy of the arrangements being provided to the Leader, the Head of Paid Service and the General Counsel for their approval prior to adoption. ~~and~~ These obligations must also form part of the job descriptions and employment contracts for both Corporate Director posts.

11.9 Functions of the Director of Public Health

- (1) The Director of Public Health will:
 - (a) ensure the County Council exercises its public health functions including but not limited to improving and protecting public health across the county and championing health matters throughout the County Council;
 - (b) act as the principal adviser on health matters, advise the County Council on all matters relating to public health: health improvement, health protection and healthcare and such other areas as may be prescribed;
 - (c) act as a statutory member of the Health and Wellbeing Board, advise and contribute to the development of the Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategy and the commissioning of services;
 - (d) be accountable for the public health grant being used to gain public health outcomes for the population of Kent through the commissioning of public health services, particularly those mandated; and
 - (e) have direct access to and work with the Head of Paid Service in line with national guidance in order to discharge the functions of the Director of Public Health.

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11.10 Conduct

Officers will comply with the Officers' Code of Conduct set out in Appendix 6.

Article 11.11 Statutory and Proper Officers:

It is the function of the Personnel Committee to recommend to the County Council for approval the designation of individuals as statutory and proper officers. The schedule of statutory and proper officers is contained in Appendix 2 Part 7.

Article 12 – Decision Making

12.1 Responsibility for decision making

A record of what part of the Council or individual has responsibility for particular decisions is set out in Appendix 2.

12.2 Principles of decision making

All decisions of the Council will be made in accordance with the following principles:

- (1) action proportionate to the desired outcome
- (2) due consultation and the taking of professional advice from officers
- (3) respect for human rights in all its forms
- (4) a presumption in favour of openness
- (5) clarity of aims and desired outcomes
- (6) explanation of the options considered and giving reasons for decisions.

12.3 Decision Making Procedure Rules

Subject to Article 12.4, the Council, Council Committees and Sub-Committees, the Leader, the Cabinet, Cabinet Committees and Cabinet Members may only make decisions in accordance with the relevant Procedure Rules set out in Appendix 4.

12.4 Decision making by Council bodies acting as tribunals

The Council, a Committee or Sub-Committee, a Member or an officer acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the Human Rights Act 1998.

Article 13 – Finance, Contracts, Resource Management and Legal Matters

13.1 Code of Corporate Governance

The Council seeks to follow best practice in corporate governance for local authorities. Appendix 10 lists the documents agreed by the Governance & Audit Committee to form the Council's Code of Corporate Governance.

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13.2 Financial management

The management of the Council's financial affairs will be conducted in accordance with the Resource Management Responsibilities Statement set out in Appendix 5, the Council's Financial Regulations and the other procedures approved under those Regulations.

13.3 Legal proceedings

The Monitoring Officer is authorised to institute, defend or participate in and settle any legal proceedings, or authorise others to do so, in any case where such action is necessary to give effect to decisions of the Council or in any case where he considers that such action is necessary to protect or pursue the Council's interests or where he considers it expedient for the promotion or protection of the interests of the inhabitants of Kent.

13.4 Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Monitoring Officer or other person authorised by him, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

13.5 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Monitoring Officer. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which, in the opinion of the Monitoring Officer, should be sealed. The affixing of the Common Seal will be attested by the Monitoring Officer or some other person authorised by him, provided that in any transaction relating to land to which The Regulatory Reform (Execution of Deed and Documents) Order 2005 applies, the Common Seal shall be attested by a Member of the County Council and an authorised signatory.

Article 14 – Review and Revision of the Constitution

14.1 Duty to monitor and review the Constitution

The Council regularly monitors and reviews the operation of the Constitution to ensure that its aims and principles are given full effect.

14.2 Changes to the Constitution

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.

Article 15 – Suspension, Interpretation and Publication of the Constitution

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15.1 Suspension of the Constitution

(1) The Articles of this Constitution may not be suspended.

(2) Rules of the Council set out in the Appendices to the Constitution may be suspended in accordance with the law and the procedures set out in those rules.

15.2 Interpretation

The ruling of the Chairman of the Council as to the interpretation or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

15.3 Publication

The Monitoring Officer will:

(1) give a copy of this Constitution to each Member upon delivery of that individual's declaration of acceptance of office on first being elected to the Council.

(2) ensure that copies of the Constitution are available for inspection at council offices, libraries and other appropriate locations, and can be purchased by Members of the local media and the public on payment of a reasonable fee.

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Within Appendix 2 Part 4:

Executive Scheme of Officer Delegation

1. Principles

1.1 This scheme operates from 12 July 2018 ~~1 April 2012~~.

1.2 In this scheme “officer” means the holder of any post named in this scheme as having delegated powers and duties.

1.3 This scheme delegates powers and duties in relation to Executive functions which are the responsibility of Leader and Cabinet Members.

1.4 This scheme delegates powers and duties within broad functional descriptions and includes powers and duties under all legislation within those descriptions and all powers and duties incidental to that legislation.

1.5 This scheme operates under Section 14 of the Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (‘the Regulations’) and all other enabling powers.

1.6 This scheme includes the obligation on officers to keep Members (notably Cabinet Members) properly informed of activity arising within the scope of these delegations.

1.7 Any exercise of these delegated powers shall be subject to the policies approved by the Leader from time to time and shall be guided by the relevant Codes of Conduct.

1.8 Any exercise of delegated powers shall be subject to any statutory restrictions, provisions made in the revenue or capital budgets, Standing Orders, Financial Regulations or other Procedure Rules as contained within the Constitution.

1.9 This scheme assumes that once a Member-level decision has been taken, the implementation of that decision will normally be delegated to officers, so that multiple Member decisions are not required in respect of the same matter.

1.10 However, Cabinet Members may at any time require officers to refer a matter that would otherwise be taken under this scheme of delegation to either themselves or Cabinet for decision.

1.11 This scheme includes the power for officers to further delegate in writing all or any of the delegated functions to other officers (described by name or post) either fully or under the general supervision and control of the delegating officer. Sub-delegations may be made across service boundaries.

1.12 Officers to whom matters have been sub-delegated may escalate the making of those decisions to the relevant Corporate Director, who can then (if appropriate) refer the matter to the Cabinet Member or Cabinet.

1.13 A power specifically delegated by this scheme to one officer shall not be exercised by another officer without the consent of the former.

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1.14 Sub-delegations shall be recorded in a register kept by each Directorate and notified to the Monitoring Officer under Section 100G of the Local Government Act 1972.

1.15 Any officer exercising powers or duties in pursuance of full sub-delegation will be politically restricted under Section 2(1)(g) of the Local Government and Housing Act 1989.

1.16 All action taken under the terms of these delegations shall be properly discussed in advance with the relevant Cabinet Members and documented.

1.17 In each case, the delegated authority to officers includes management of the human and material resources made available for the service areas and the functions concerned within the limitations of this scheme and subject to specific delegations in this scheme or elsewhere to another officer.

1.18 In each case the delegated authority excludes the determination by the officer concerned of policy, exceptions to policy and budgets.

2. Delegations to officers

2.1 The powers delegated to officers exclude the authority to take Key Decisions.

2.2 Officers are accountable and responsible for the management of their services and the implementation, management and delivery of Council and Cabinet policies and Executive Decisions.

2.3 Decisions which an officer takes under delegated powers **must**:

- (a) implement a policy or decision previously approved or taken by the Cabinet or a Cabinet Member or
- (b) facilitate or be conducive or incidental to the implementation of a policy or decision previously taken by the Cabinet or a Cabinet Member or
- (c) relate to the management of the human, material and financial resources made available for the functions for which they are responsible

2.4 It shall always be incumbent on an officer to consult in advance with the appropriate Cabinet Member on the exercise of a delegated Executive Function, or agree with them not to exercise a delegated Executive Function but to refer the matter instead to the Cabinet or relevant Cabinet Member.

2.5 Given the seniority of these officers the Constitution has been predicated on the following expectations:

- Officers advise on the delivery of the agenda of the executive but support all Members
- Officers whilst leading their Directorate will always prioritise the global needs of Kent County Council rather than their individual service
- Officers will work together to ensure seamless service delivery for the benefit of Kent residents.

2.6 Officers will transparently, proactively and in a timely manner raise concerns and difficulties with Corporate Management Team, Head of Paid Service, Section 151 Officer or the Monitoring Officer as appropriate. Corporate Directors are required

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throughout the year to provide ongoing assurance and proactively raise matters of concern.

2.7 Officers are also responsible for ensuring that decision makers, Committees and Members receive appropriate, full and impartial advice to support lawful, reasonable and proportionate decision making. Officers are expected to deploy their professional expertise honestly and directly in the best interests of Kent County Council.

2.8 All Chief Officers must work with the Head of Paid Service to discharge the Council's statutory and discretionary responsibilities. The sharing of all relevant information, particularly at the early stages of any decision-making by Statutory Chief Officers and their services will assist in fulfilling those responsibilities.

3. Subject to the provisions of paragraph 2.3 (above), the Executive Functions to be the Responsibility of Chief Officers are as follows:

3.1 TO THE HEAD OF PAID SERVICE

(i) To exercise the relevant functions of the Leader of the Council (Cabinet Member for Business Strategy, Audit & Transformation) in relation to the overall strategic direction, policies and priorities of the Cabinet and of Council, including the overall corporate revenue and capital budget strategy and ensuring that the appropriate systems are in place to assure the performance management of the authority.

(ii) To exercise the relevant functions of the Cabinet Member Corporate & Democratic Services, the Cabinet Member Adult Social Care & Public Health, the Cabinet Member Commercial & Traded Services and the Cabinet Member Economic Development in relation to their portfolios.

(iii) To exercise in cases of urgency the Executive Functions delegated to other Chief Officers.

(iv) To incur expenditure in the event of a civil emergency.

(v) On behalf of the County Council, to receive assurance from other Chief Officers that they have discharged their delegated functions in accordance with the provisions of this constitution and at all times lawfully, reasonably and proportionately.

3.2 TO THE CORPORATE DIRECTOR, CHILDREN, YOUNG PEOPLE AND EDUCATION

(i) To exercise the functions conferred on or exercisable pursuant to Section 18 of the Children Act 2004 and Regulations made thereunder.

~~(ii)~~

(ii) To exercise the relevant functions of the Cabinet Member Specialist Children's Services, Cabinet Member Education & Health Reform and the Cabinet Member Adult Social Care & Public Health in relation to their portfolios.

(iii) To exercise the relevant functions conferred on or exercisable pursuant to Section 532 of the Education Act 1996 and Regulations made thereunder.

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3.3 TO THE CORPORATE DIRECTOR, ADULT SOCIAL CARE AND HEALTH

- (i) To exercise the relevant functions of the Cabinet Member Specialist Children's Services, Cabinet Member Education & Health Reform and the Cabinet Member Adult Social Care & Public Health in relation to their portfolios.
- (ii) To exercise the functions conferred on or exercisable pursuant to Section 6(A1) of the Local Authority Social Services Act 1970 and Regulations made thereunder.

3.4 TO THE CORPORATE DIRECTOR, GROWTH, ENVIRONMENT & TRANSPORT

- (i) To exercise the relevant functions of the Cabinet Member Environment & Transport, the Cabinet Member Economic Development and the Cabinet Member for Community Services in relation to their portfolios.

3.5 TO THE CORPORATE DIRECTOR FINANCE & PROCUREMENT

- (i) To exercise the relevant functions conferred on or exercisable pursuant to Section 151 of the Local Government Act 1972 and Regulations made thereunder.
- (ii) To exercise the relevant functions of the Leader of the Council (Cabinet Member for Business Strategy, Audit & Transformation), the Cabinet Member Finance & Procurement, the Cabinet Member Corporate & Democratic Services, the Cabinet Member Commercial & Traded Services and the Cabinet Member Education & Health Reform in relation to their portfolios.

3.6 TO THE CORPORATE DIRECTOR HUMAN RESOURCES

- (i) To exercise the relevant functions of the Leader of the Council (Cabinet Member for Business Strategy, Audit & Transformation) and the Cabinet Member Corporate & Democratic Services in relation to their portfolios.

3.7 TO THE GENERAL COUNSEL

- (i) To exercise the relevant functions conferred on or exercisable pursuant to Section 5 of the Local Government and Housing Act 1989, as amended by Schedule 5 paragraph 24 of the Local Government Act 2000.
- (ii) To exercise the relevant functions of the Leader of the Council (Cabinet Member for Business Strategy, Audit & Transformation), the Cabinet Member Corporate & Democratic Services, and the Cabinet Member Commercial & Traded Services in relation to their portfolios.

3.8 TO ALL CHIEF OFFICERS

- a) Request for written explanation

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In discharging responsibilities under paragraphs 1.16 and 2.4-~~2.8~~ above, where a Chief Officer considers the direction or specific course of action proposed by the Leader or Cabinet Member in:

- a) policy or budgetary development ahead of a Key or other decision; or
- b) implementing an already agreed Key decision,

Will not meet minimum standards of:

- a) Regularity and Propriety; or
- b) Feasibility; or
- c) Value for money

Then the Chief Officer is required to write to the Leader or Cabinet Member asking for a written explanation as to the reasons for that direction or proposed course of action.

When a request for written explanation is made under this provision to the Leader or Cabinet Member, then they will respond to the Chief Officer in writing within 7 days.

When a request for written explanation is made by a Chief Officer and responded to by the Leader or Cabinet Member, the Head of Paid Service will be notified.

b) Requirement to report any request for written explanation

The Head of Paid Service will report, at the next appropriate meeting of the Governance and Audit Committee, on any use of this provision for written explanation from the Leader or a Cabinet Member.

3.9 Involvement of Local Members

(1) In exercising any delegations or in preparing a report for consideration by the Cabinet or a Cabinet Member, where appropriate officers shall consult the relevant Local Member(s) on any matter that appears to specifically affect their division.

(2) Any formal objection by a Local Member to a proposed course of action shall be immediately raised by the Local Member with the relevant Cabinet Member.

(3) All reports to the Cabinet or a Cabinet Member shall include the views of Local Members.

(4) In providing views on issues to officers, Local Members are respectfully reminded of their obligations under the member code of conduct and the need to consider any conflict or disclosable personal or pecuniary interest when representing local issues.

(5) In responding to external consultations, the process for involvement of local members as set out in the consultation protocol at Appendix 11 shall apply.

**Appendix 3:
Policy Framework**

PLANS AND STRATEGIES INCLUDED IN THE POLICY FRAMEWORK

The Following Policies and Procedures Rrequiring Council debate and approval:

- The Strategic Statement
- The Minerals and Waste Development Framework
- The Youth Justice Plan
- Community Strategy
- Community Safety Framework
- The Local Transport Plan
- Pay Policy
- Medium Term Financial Plan
- Annual Budget

| Name of Plan |
|---|
| Strategic Statement (Bold Steps for Kent) |
| Community Strategy (Vision for Kent) |
| Commissioning Framework for Kent County Council |

Requiring consideration by Cabinet Committees and Scrutiny Committee, and Cabinet recommendation to the Council for approval

| Name of Plan | Statutory | Duration | Next Due | Notes |
|--|------------------|------------------------|-----------------|--|
| Crime and Disorder Reduction Strategy (KCC Community Safety Framework) | Yes | 2012–14 | 2012 | |
| Local Transport Plan 3 (Local Transport Plan for Kent 2011-16) | Yes | 5 years | 1 April 2016 | DfT Guidance requires LTP3 to consist of a Strategy and Implementation Plan(s). Local authorities decide duration of each to suit their needs. Progress reporting is not required. |
| Local Transport Plan 4 (Local Transport Plan for Kent 2016-21) | Yes | 5 years (Tentative) | 1 April 2021 | Normally, Dept. for Transport LTP guidance is issued 2 years before submission but since all local authorities have decided their own LTP3 timescales, not clear if this approach will continue. |

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| Name of Plan | Statutory | Duration | Next Due | Notes |
|--|------------------|---|--|--|
| Kent Minerals and Waste Development Framework (Minerals and Waste Core Strategy – Mineral site Allocations Waste Management Site Allocations | Yes | At least 15 year timeframe from adoption, i.e. until 2030 | (Estimated dates of adoption in this column) 2013 2014 2014 | In preparation. Development Scheme and Programme agreed by KCC and Communities and Local Government in December 2011. Submission of key document (core strategy and site plans) to Government respectively in 2012 and 2013. Subject to regular (approximately five yearly) reviews. |
| Youth Justice Plan | Yes | 1 Year | July 2012 | Annual Operating Plan submitted for approved by County Council. |

By: Ben Watts, General Counsel
To: Selection and Member Services Committee -
Subject: MEMBERS' ALLOWANCES AND EXPENSES 2017/2018
Classification: Unrestricted

Summary: The Committee is invited to note and approve for publication the annual return for Members' allowances and expenses, together with details of the costs of the County Car service and taxis for Members for 2017/18.

FOR INFORMATION

Introduction

1. In accordance with paragraph 15 of The Local Authorities (Members' Allowances) (England) Regulations 2003, Kent County Council is required to publish annually the allowances paid to Members, which includes the Basic, Special Responsibility, Travelling and Subsistence, Dependent Carers and Co-optees Allowances. The Committee will also be aware of the legal requirement for the County Council to have a Member Remuneration Panel to advise the Council on the level of allowances and expenses Members should receive.

Details for 2017/18

2. The schedule of Members' Allowances and Expenses for the period 1 April 2017 to 31 March 2018 is attached as **Appendix A**. The total gross cost (including VAT) of all allowances and expenses for Members in 2017/18 is **£1,940,929** which represents a **£195,951** increase in total costs compared to 2016/17 of **£1,744,978**. As the VAT element can be reclaimed, Member's allowances and expenses have been reported monthly throughout the year on a net basis (excluding VAT) in order to demonstrate the true cost to the authority.

3. At its meeting on 13 July 2011, this Committee agreed that the costs incurred by Members using the County Cars and taxis that were booked directly by KCC should also be reported on an annual basis. The total net cost of the County Car service in 2017/18 was £26,980, compared to £35,749 in 2016/17, as detailed in **Appendix B**.

Recommendation:

4. The Committee is requested to note this report and agree to the publication of the allowances and expenses for 2017/18 as detailed in **Appendix A** as required by the Local Authorities (Members' Allowances) (England) Regulations 2003

Ben Watts
General Counsel
Tel No: 03000 416814
e-mail: benjamin.watts@kent.gov.uk

Background Information: *Members' Expenses records for 2017/18 held by Kent County Council*

Council Members Expenses and Allowances Paid April-March 2017/2018

| Name | Initials | Public Transport | Casual User Allowance | Professional Membership | Postage | Subsistence | Carers Attendance Allowance | Total Expenses | Basic Allowances | Special Responsibility Allowance | Total Remuneration | Grand Total |
|-----------------|----------|------------------|-----------------------|-------------------------|---------|-------------|-----------------------------|----------------|------------------|----------------------------------|--------------------|-------------|
| | | £ | £ | £ | £ | £ | £ | £ | £ | £ | £ | £ |
| Allen | A D | | 2,679 | | | | | 2,679 | 14,530 | 14,212 | 28,741 | 31,421 |
| Angell | M J | 3 | 1,708 | | | | | 1,711 | 14,530 | 7,971 | 22,501 | 24,212 |
| Baldock | M | | | | | | | 0 | 1,342 | | 1,342 | 1,342 |
| Balfour | M A | 23 | 210 | | | | | 233 | 14,530 | 23,600 | 38,130 | 38,363 |
| Barrington-King | P | 84 | 769 | | | | | 853 | 13,182 | | 13,182 | 14,035 |
| Bartlett | P | 3 | 272 | | | | | 275 | 13,182 | | 13,182 | 13,457 |
| Bell | C | | | | | | | 0 | 11,634 | | 11,634 | 11,634 |
| Beresford | P | | 829 | | | | | 829 | 13,182 | | 13,182 | 14,011 |
| Binks | R | | 1,022 | | | | | 1,022 | 13,182 | | 13,182 | 14,204 |
| Bird | R H | 100 | | | | 290 | | 390 | 14,406 | 6,412 | 20,817 | 21,208 |
| Birkby | H G | | 690 | | | | | 690 | 1,342 | 356 | 1,699 | 2,389 |
| Bond | N | | 125 | | | | | 125 | 1,342 | | 1,342 | 1,467 |
| Bond | T | 22 | 1,016 | | | | | 1,039 | 13,182 | | 13,182 | 14,220 |
| Booth | A | | 817 | | | | | 817 | 13,182 | | 13,182 | 13,999 |
| Bowles | A H | | 1,794 | | | | | 1,794 | 14,530 | 9,851 | 24,381 | 26,175 |
| Brazier | D L | 4 | 3,655 | | | | | 3,659 | 14,530 | 14,684 | 29,214 | 32,873 |
| Brivio | P M | | 232 | | | | | 232 | 1,342 | 73 | 1,416 | 1,648 |
| Burgess | L | | | | | | | 0 | 1,342 | 116 | 1,458 | 1,458 |
| Butler | D | 194 | | | | | | 194 | 13,182 | | 13,182 | 13,376 |
| Caller | C W | | | | | | | 0 | 1,342 | 73 | 1,416 | 1,416 |
| Carey | S J | 42 | 2,813 | | | | | 2,855 | 14,530 | 30,792 | 45,322 | 48,176 |
| Carter | P B | 36 | 1,354 | | | 268 | | 1,658 | 14,530 | 47,831 | 62,361 | 64,018 |
| Chandler | S | | 2,043 | | | | | 2,043 | 13,182 | 7,221 | 20,403 | 22,447 |
| Chard | N J | 73 | 151 | | | | | 224 | 14,530 | 7,221 | 21,751 | 21,975 |

| Name | Initials | Public Transport | Casual User Allowance | Professional Membership | Postage | Subsistence | Carers Attendance Allowance | Total Expenses | Basic Allowances | Special Responsibility Allowance | Total Remuneration | Grand Total |
|-------------|----------|------------------|-----------------------|-------------------------|---------|-------------|-----------------------------|----------------|------------------|----------------------------------|--------------------|-------------|
| | | £ | £ | £ | £ | £ | £ | £ | £ | £ | £ | £ |
| Chittenden | I | | | | | | | 0 | 14,530 | | 14,530 | 14,530 |
| Clark | B | | | | | | | 0 | 1,342 | | 1,342 | 1,342 |
| Cole | P T | 14 | 1,574 | | | | | 1,588 | 14,530 | 8,546 | 23,075 | 24,664 |
| Collor | N | | 1,558 | | | | | 1,558 | 13,182 | | 13,182 | 14,740 |
| Constantine | K | | 666 | | | | | 666 | 13,182 | 300 | 13,482 | 14,148 |
| Cook | A | | 873 | | | | | 873 | 13,182 | | 13,182 | 14,055 |
| Cooke | G | | | | | | | 0 | 14,530 | 10,091 | 24,621 | 24,621 |
| Cooper | P C | 35 | | | | | | 35 | 13,182 | | 13,182 | 13,217 |
| Cowan | G | | 435 | | | | | 435 | 1,342 | 662 | 2,005 | 2,440 |
| Crabtree | M E | 146 | 1,599 | | | | | 1,745 | 14,530 | 14,212 | 28,741 | 30,486 |
| Crowther | A D | | | | | | | 0 | 1,342 | | 1,342 | 1,342 |
| Dagger | V J | | | | | | | 0 | 1,342 | | 1,342 | 1,342 |
| Daley | D S | | | | | | | 0 | 14,530 | | 14,530 | 14,530 |
| Dance | M C | 5 | 3,595 | | | | | 3,600 | 14,530 | 30,792 | 45,322 | 48,922 |
| Davies | J A | 16 | 500 | | | | | 516 | 1,342 | 971 | 2,314 | 2,830 |
| Dawson | E | 21 | 299 | | | | | 320 | 13,182 | | 13,182 | 13,502 |
| Dean | T | 212 | 396 | | | | | 608 | 14,406 | 3,694 | 18,100 | 18,708 |
| Dhesi | T | | | | | | | 0 | 13,182 | | 13,182 | 13,182 |
| Eddy | M R | | 223 | | | | | 223 | 1,342 | 73 | 1,416 | 1,638 |
| Elenor | J | | | | | | | 0 | 1,342 | | 1,342 | 1,342 |
| Elenor | M | | | | | | | 0 | 1,342 | | 1,342 | 1,342 |
| Farrell | D | 129 | 2,481 | | | 454 | | 3,065 | 13,182 | 7,274 | 20,456 | 23,521 |
| Game | L | | 1,140 | | | | | 1,140 | 13,182 | 4,113 | 17,294 | 18,435 |
| Gates | T | | 560 | | | | | 560 | 2,114 | 2,092 | 4,205 | 4,766 |
| Gent | S | | 355 | | | | | 355 | 13,182 | | 13,182 | 13,537 |
| Gibbens | G K | 2,239 | 1,540 | | | | | 3,780 | 14,530 | 30,792 | 45,322 | 49,102 |
| Gough | R W | 468 | 4,044 | | | | | 4,512 | 14,530 | 30,792 | 45,322 | 49,834 |
| Gregory | K | | 1,274 | | | | | 1,274 | 6,492 | | 6,492 | 7,766 |
| Hamilton | S | | 692 | | | | | 692 | 13,182 | | 13,182 | 13,874 |
| Harman | P M | | | | | | | 0 | 14,530 | | 14,530 | 14,530 |

| Name | Initials | Public Transport | Casual User Allowance | Professional Membership | Postage | Subsistence | Carers Attendance Allowance | Total Expenses | Basic Allowances | Special Responsibility Allowance | Total Remuneration | Grand Total |
|-----------|----------|------------------|-----------------------|-------------------------|---------|-------------|-----------------------------|----------------|------------------|----------------------------------|--------------------|-------------|
| | | £ | £ | £ | £ | £ | £ | £ | £ | £ | £ | £ |
| Harrison | A | | 232 | | | | | 232 | 1,342 | | 1,342 | 1,574 |
| Harrison | M J | | 120 | | | | | 120 | 1,342 | 773 | 2,115 | 2,235 |
| Heale | M | | 42 | | | | | 42 | 1,342 | 126 | 1,469 | 1,511 |
| Hill | P M | 165 | 3,767 | | | | | 3,932 | 13,092 | 28,729 | 41,821 | 45,752 |
| Hills | T | 212 | 981 | | | | | 1,193 | 13,182 | | 13,182 | 14,375 |
| Hoare | C | | 130 | | | | | 130 | 1,342 | | 1,342 | 1,472 |
| Hohler | S V | 36 | 1,560 | | | | | 1,596 | 14,530 | 14,212 | 28,741 | 30,337 |
| Holden | S | 141 | 2,188 | | | | | 2,329 | 14,530 | 14,212 | 28,741 | 31,070 |
| Homewood | P J | | 122 | | | | | 122 | 14,530 | 7,221 | 21,751 | 21,873 |
| Hook | A | | | | | | | 0 | 13,182 | | 13,182 | 13,182 |
| Horwood | M | | 454 | | | | | 454 | 14,530 | | 14,530 | 14,983 |
| Hotson | E E | | 900 | | | | | 900 | 13,955 | 27,371 | 41,325 | 42,225 |
| Howes | S J | | | | | | | 0 | 1,342 | 73 | 1,416 | 1,416 |
| Howst | E | | 200 | | | | | 200 | 3,008 | | 3,008 | 3,208 |
| Howe | A J | | | | | | | 0 | 1,342 | 773 | 2,115 | 2,115 |
| Howe | J A | | | | | | | 0 | 14,530 | 13,550 | 28,079 | 28,079 |
| Koowaree | S J | | 324 | | | | | 324 | 14,530 | | 14,530 | 14,854 |
| Lake | P | | 1,500 | | | | | 1,500 | 13,182 | 7,221 | 20,403 | 21,903 |
| Latchford | R A | | 644 | | | | | 644 | 1,342 | 630 | 1,972 | 2,616 |
| Lewis | B | | 1,869 | | | | | 1,869 | 13,182 | 100 | 13,282 | 15,151 |
| Linfield | I | 3 | 717 | | | | | 720 | 13,182 | | 13,182 | 13,902 |
| Long | R L | 60 | 1,527 | | | | | 1,587 | 14,530 | 28,695 | 43,225 | 44,812 |
| Love | R | | 1,015 | | | | | 1,015 | 13,182 | | 13,182 | 14,197 |
| Lymer | G | | 4,073 | | | | | 4,073 | 14,530 | 8,546 | 23,075 | 27,148 |
| Macdowall | B | 14 | 473 | | | | | 487 | 1,342 | | 1,342 | 1,829 |
| Maddison | T A | | 332 | | | | | 332 | 1,342 | | 1,342 | 1,674 |
| Manion | S C | 3 | 2,879 | | | 8 | | 2,890 | 14,530 | | 14,530 | 17,419 |
| Marsh | D | 134 | 1,004 | | | | | 1,138 | 14,530 | 12,887 | 27,417 | 28,555 |
| Marsh | R A | 24 | 1,900 | | | 268 | | 2,192 | 14,530 | 10,386 | 24,915 | 27,108 |
| Mclnroy | J | 98 | 1,149 | | | | | 1,247 | 13,182 | | 13,182 | 14,429 |

| Name | Initials | Public Transport | Casual User Allowance | Professional Membership | Postage | Subsistence | Carers Attendance Allowance | Total Expenses | Basic Allowances | Special Responsibility Allowance | Total Remuneration | Grand Total |
|-------------|----------|------------------|-----------------------|-------------------------|---------|-------------|-----------------------------|----------------|------------------|----------------------------------|--------------------|-------------|
| | | £ | £ | £ | £ | £ | £ | £ | £ | £ | £ | £ |
| McKenna | F | | | | | | | 0 | 1,342 | | 1,342 | 1,342 |
| Messenger | P | | 2,563 | | | | | 2,563 | 13,182 | | 13,182 | 15,745 |
| Monk | D | | | | | | | 0 | 13,182 | | 13,182 | 13,182 |
| Murphy | D | 585 | | | | | | 585 | 13,182 | | 13,182 | 13,767 |
| Neaves | R G | | | | | | | 0 | 1,342 | | 1,342 | 1,342 |
| Northey | M J | 79 | 2,521 | | | | | 2,600 | 14,530 | 14,212 | 28,741 | 31,341 |
| Oakford | P J | 78 | 3,684 | | | | | 3,762 | 14,530 | 30,792 | 45,322 | 49,084 |
| Ozog | J M | | | | | | | 0 | 14,530 | | 14,530 | 14,530 |
| Parry | R J | | 575 | | | | | 575 | 1,342 | 773 | 2,115 | 2,690 |
| Pascoe | D | | 818 | | | | | 818 | 13,182 | | 13,182 | 14,000 |
| Payne | M | 403 | 2,956 | | | | | 3,359 | 14,109 | 12,106 | 26,215 | 29,575 |
| Pearman | C R | 26 | 481 | | | | | 507 | 1,342 | 1,324 | 2,667 | 3,174 |
| Prendergast | S | | 1,695 | | | | | 1,695 | 13,182 | 12,887 | 26,069 | 27,764 |
| Pugh | K | | 648 | | | | | 648 | 13,182 | | 13,182 | 13,830 |
| Rankin | C | | 1,001 | | | | | 1,001 | 13,182 | 12,887 | 26,069 | 27,071 |
| Rayner | H | | | | | | | 0 | 13,182 | | 13,182 | 13,182 |
| Ridgers | A | | 710 | | | | | 710 | 13,182 | | 13,182 | 13,892 |
| Ridings | L B | 37 | 756 | | | | | 793 | 1,342 | 773 | 2,115 | 2,908 |
| Rowbotham | E D | | 532 | | | | | 532 | 1,342 | | 1,342 | 1,874 |
| Scholes | J E | 94 | | | | | | 94 | 1,342 | 773 | 2,115 | 2,209 |
| Scobie | W | | 94 | | | | | 94 | 1,342 | | 1,342 | 1,436 |
| Shonk | T L | | 767 | | | | | 767 | 1,342 | | 1,342 | 2,109 |
| Simkins | C E | 280 | 987 | | | | | 1,267 | 14,530 | 7,221 | 21,751 | 23,018 |
| Simmonds | J D | | 2,528 | | | | | 2,528 | 14,530 | 30,792 | 45,322 | 47,850 |
| Smith | C P | | 46 | | | | | 46 | 1,342 | 1,324 | 2,667 | 2,713 |
| Smyth | D | 471 | 92 | | | | | 563 | 1,342 | 73 | 1,416 | 1,978 |
| Stockell | P A | | | | | | | 0 | 14,530 | 14,212 | 28,741 | 28,741 |
| Sullivan | L | 9 | 939 | | | | 829 | 1,777 | 13,182 | 600 | 13,782 | 15,559 |
| Sweetland | B | | | | | | | 0 | 14,530 | 7,221 | 21,751 | 21,751 |
| Terry | N A | | | | | | | 0 | 1,342 | | 1,342 | 1,342 |

| Name | Initials | Public Transport | Casual User Allowance | Professional Membership | Postage | Subsistence | Carers Attendance Allowance | Total Expenses | Basic Allowances | Special Responsibility Allowance | Total Remuneration | Grand Total |
|--------------------|----------|------------------|-----------------------|-------------------------|----------|--------------|-----------------------------|----------------|------------------|----------------------------------|--------------------|------------------|
| | | £ | £ | £ | £ | £ | £ | £ | £ | £ | £ | £ |
| Thandi | N S | | 43 | | | | | 43 | 1,342 | | 1,342 | 1,386 |
| Thomas | I | | 1,421 | | | | | 1,421 | 13,182 | | 13,182 | 14,603 |
| Truelove | R | | | | | | | 0 | 1,342 | 210 | 1,552 | 1,552 |
| Vye | M J | | 189 | | | | | 189 | 1,342 | | 1,342 | 1,531 |
| Waters | C | | | | | | | 0 | 1,342 | | 1,342 | 1,342 |
| Wedgbury | J N | | | | | | | 0 | 1,342 | | 1,342 | 1,342 |
| Whiting | M | | 602 | | | | | 602 | 13,182 | 12,477 | 25,659 | 26,261 |
| Whittle | J | | | | | | | 0 | 1,342 | 773 | 2,115 | 2,115 |
| Whybrow | M E | 536 | | | | | | 536 | 14,530 | | 14,530 | 15,065 |
| Wickham | M A | | 128 | | | | | 128 | 1,342 | 773 | 2,115 | 2,243 |
| Wiltshire | Z P | 101 | 28 | | | | | 129 | 1,342 | 116 | 1,458 | 1,587 |
| Wright | J | 94 | 810 | | | | | 904 | 13,182 | | 13,182 | 14,086 |
| Grand Total | | 7,552 | 103,697 | 0 | 0 | 1,288 | 829 | 113,366 | 1,174,921 | 652,643 | 1,827,563 | 1,940,929 |

Running Costs of Members Cars

| | 2017-18 | 2016-17 | 2015-16 | 2014-15 | 2013-14 | 2012-13 | 2011-12 | 2010-11 | 2009-10 | 2008-9 | 2007-08 |
|--|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| | £ | £ | £ | £ | £ | £ | £ | £ | £ | £ | £ |
| Vehicle Repairs & Maintenance | 3,376.70 | 6,700.48 | 6,486 | 4,066 | 4,248 | 7,436 | 4,873 | 7,063 | 2,749 | 2,573 | 4,306 |
| Petrol | 2,941.22 | 5,113.93 | 4,440 | 4,997 | 5,588 | 6,786 | 6,612 | 9,222 | 7,617 | 10,287 | 9,443 |
| Insurance | 16.27 | | 200 | | | | | | | | |
| Congestion Charges | 869.50 | 518.50 | 1,173 | 529 | 472 | 933 | 759 | 833 | 842 | 778 | 744 |
| Employee costs - Management | 7,924.99 | 8,291.53 | 14,423 | 12,520 | 13,921 | 14,558 | 13,799 | 13,823 | 13,890 | 14,346 | 12,671 |
| Chauffeurs Employment costs | 11,851.24 | 15,124.86 | 21,456 | 16,870 | 19,364 | 22,362 | 25,393 | 34,887 | 32,709 | 44,345 | 53,749 |
| Less Chauffeur Recharges | | | | (140) | | (490) | (1,057) | (380) | (2,645) | (3,714) | (9,196) |
| | 26,980 | 35,749 | 48,178 | 38,842 | 43,593 | 51,585 | 50,379 | 65,448 | 55,162 | 68,615 | 71,717 |
| Lease Charges - 4 cars until 24/10/06 then 3 cars only | | | | | | | | | 11,514 | 21,970 | 21,020 |
| Purchase of 3 cars (invoice date 14/12/09) spread over 2 years | | | | | | | | 10,000 | 10,620 | | |
| | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10,000 | 22,134 | 21,970 | 21,020 |