

SELECTION AND MEMBER SERVICES COMMITTEE

Wednesday, 14th November, 2018

2.30 pm

Darent Room - Sessions House





AGENDA

SELECTION AND MEMBER SERVICES COMMITTEE

Wednesday, 14 November 2018, at 2.30 pm
Darent Room - 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 D L Brazier (Substitute),
Mr P B Carter, CBE, Mr M C Dance, Mr E E C Hotson,
Mr J P McInroy and Mr B J Sweetland

Liberal Democrat (1): Mrs T Dean, MBE

Labour (1) Mr D Farrell

Webcasting Notice

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By entering the meeting room you are consenting to being filmed. If you do not wish to have your image captured please let the Clerk know immediately.

UNRESTRICTED ITEMS

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

- 1 Substitutes
- 2 Election of Chairman
- 3 Declarations of Interests by Members in items on the Agenda for this meeting.
- 4 Dates of future meetings
Tuesday, 29 January 2019
Tuesday, 5 March 2019
Friday, 3 May 2019

Thursday, 20 June 2019
Friday, 20 September 2019 (3 pm)
Thursday, 14 November 2019
Tuesday, 21 January 2020
Thursday, 27 February 2020
Thursday, 30 April 2020

All meetings commence at 2.30 pm unless otherwise stated.

- 5 Minutes - 2 July 2018 (Pages 5 - 6)
- 6 Officer Delegations - Amendments (Pages 7 - 10)
- 7 Member Hub - Oral Report
- 8 Other items which the Chairman decides are Urgent

EXEMPT ITEMS

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

Benjamin Watts
General Counsel
03000 416814

Tuesday, 6 November 2018

KENT COUNTY COUNCIL

SELECTION AND MEMBER SERVICES COMMITTEE

MINUTES of a meeting of the Selection and Member Services Committee held in the Council Chamber - Sessions House on Monday, 2 July 2018.

PRESENT: Mrs A D Allen, MBE (Chairman), Mr M C Dance, Mrs T Dean, MBE, Mr D Farrell, Mr E E C Hotson, Mr P J Oakford (Substitute for Mr P B Carter, CBE), Mrs S Prendergast (Substitute for Mr J D Simmonds, MBE) and Mr B J Sweetland

IN ATTENDANCE: Mr B Watts (General Counsel) and Ms D Fitch (Democratic Services Manager (Council))

UNRESTRICTED ITEMS

8. Minutes - 2 May 2018

(Item 3)

RESOLVED that the minutes of the meeting held on 2 May 2018 are correctly recorded and that they be signed by the Chairman.

9. Constitutional Amendments

(Item 4)

(1) Mr Watts introduced a report which invited the Committee to recommend to the County Council the adoption of the CIPFA/SOLACE "Delivering Good Governance in Local Government: Framework 2016 Edition" and necessary consequential changes to the Constitution. He put forward the following additional amendments to those proposed in Appendix 2 to the report

- Page 54 - Bullet point 1 – amended to read "Be the senior Council officer."
- Page 62 – Executive scheme of officer delegations – be updated to clarify the role of officers in day to day decision making within their own functions.

(2) Mr Watts stated that it was his intention to submit the new Constitution to this Committee for consideration prior to approval at County Council and, in response to a question, confirmed that this would include clarification of the role of Deputy Cabinet Members in relation to Scrutiny.

(3) RESOLVED that the County Council be requested to adopt the CIPFA/SOLACE 2016 Framework and the changes to the Constitution as set out in Appendix 2 of the report with the additions reported by the General Counsel at the meeting.

10. Members' Allowances and Expenses 2017/18

(Item 5)

(1) Mr Watts introduced a report which invited the Committee 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.

(2) RESOLVED that the report be noted and the allowances and expenses for 2017/18 as detailed in Appendix A to the report be published as required by the Local Authorities (Members' Allowances) (England) Regulations 2003.

.By: Benjamin Watts - Monitoring Officer

To: Selection and Member Services Committee
14 November 2018

Subject: Officer Delegations - amendments

Classification: Unrestricted

Summary: The Committee is requested to consider recommending to County Council the amendments to officer delegations as set out in the report.

1. Introduction

(1) This report requests the Committee to consider the delegation of a number of non-Executive functions to officers. As these are functions of the Council it will be necessary for any amendments to these delegations to be formally approved by the County Council.

2. Land Drainage Act 1991 - Section 64 - Powers of entry for internal drainage boards and local authorities

(1) Under section 64 of the Land Drainage Act 1991 the Council has powers to authorise officers to enter land for the purposes of exercising any flood management functions under this section which include inspecting any land and inspecting the condition of any drainage work.

(2) This delegation is not set out in the Constitution. In order for this to be exercised by officers it is recommended that, under section 64 of the 1991 Act the Director of Environment, Planning and Enforcement be authorised to enter land for the purposes of exercising any flood management functions. The delegation to the Director of Environment, Planning and Enforcement would be in line with the other Land Drainage Act delegations and, in accordance with the general scheme of officer delegations would enable the Director to sub-delegate this function to her officers under a signed notification lodged with the Monitoring Officer

3. Section 106 of the Town and Country Planning Act 1990 - Power to enter into agreements regulating development or use of land

(1) Currently in Appendix 2 Part 3 of the Constitution the power under Section 106 of the Town and Country Planning Act 1990 to enter into agreement regulating development or use of land is delegated to the Director of Environment, Planning and Enforcement, the Director of Economic Development or the Director of Property and Infrastructure. This power has not formally been delegated to the Director of Highways, Transport and Waste in the current version of the Constitution.

(2) In order to regularise this situation, the Committee is requested to recommend to the County Council that the power to enter into agreements under

Section 106 of the Town and Country Planning Act 1990 is extended to the Director of Highways, Transportation and Waste.

4. General non-executive delegation to enable senior officers to escalate the making of non- executive delegations to the relevant Corporate Director

(1) During initial work on the review of the Constitution an anomaly has been found between the way in which the executive delegations to officers and the way in which the non-executive delegations to officers can be exercised.

(2) Under the executive functions delegated to officers (Appendix 2 Part 4 of the Constitution paragraph 16 (c))

“Senior Managers exercising delegated powers will continue to be able to sub-delegate those functions to more junior officers, **or 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, as now”

(3) There is no explicit provision for the exercising of powers delegated to Directors to be escalated to the relevant Corporate Director. In order to regularise this situation, it is recommended that paragraph 1.4 of Appendix 2 Part 3 be amended to include this authority, see wording in bold below:

“Senior Managers may, in turn, delegate their powers to more junior officers, **or escalate the making of those decisions to the relevant Corporate Director**, but must ensure that such delegations are documented to the satisfaction of the Monitoring Officer and are regularly reviewed.”

5. Recommendations: That the Committee consider recommending the following Constitution amendments to County Council for approval:

- (a) Delegation of authority under Section 64 of the Land Drainage Act 1991 (powers of entry for internal drainage boards and local authorities) be given to the Director of Environment, Planning and Enforcement.
- (b) Delegated authority to enter into agreements under section 106 of the Town and Country Planning Act 1990 be extended to the Director of Highways, Transportation and Waste
- (c) Paragraph 1.4 of Appendix 2 of Part 3 of the Constitution be amended to read:
“Senior Managers may, in turn, delegate their powers to more junior officers, **or escalate the making of those decisions to the relevant Corporate Director**, but must ensure that such delegations are documented to the satisfaction of the Monitoring Officer and are regularly reviewed.”

Officer Denise Fitch
Tel No: 03000 416090
e-mail: denise.fitch@kent.gov.uk

Background Information: *none*

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