

SELECTION AND MEMBER SERVICES COMMITTEE

Thursday, 27th February, 2020

2.30 pm

Darent Room, Sessions House, County Hall, Maidstone





AGENDA

SELECTION AND MEMBER SERVICES COMMITTEE

Thursday, 27 February 2020, at 2.30 pm
Darent Room, Sessions House, County
Hall, Maidstone

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

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

Membership (8)

Conservative (6): Mr M C Dance, Mr R W Gough, Mr E E C Hotson, Mr G Lymer,
Mr C Simkins and Mr B J Sweetland

Liberal Democrat (1): Mrs T Dean, MBE

Labour (1) Mr D Farrell

Webcasting Notice

Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site or by any member of the public or press present. The Chairman will confirm if all or part of the meeting is to be filmed by the Council.

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 Declarations of Interests by Members in items on the Agenda for this meeting.
- 3 Election of Chairman
- 4 Minutes - 2 December 2019 (Pages 1 - 4)
- 5 The future role of the Selection and Member Services Committee - Oral Update
- 6 Independent Person (Standards) (Pages 5 - 6)

- 7 Recruitment of the Independent Member Remuneration Panel (Pages 7 - 12)
- 8 Appointment of Trustee to the Yalding Educational Foundation (Pages 13 - 18)
- 9 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

Wednesday, 19 February 2020

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, County Hall, Maidstone on Monday, 2 December 2019.

PRESENT: Mr R H Bird (Substitute for Mrs T Dean, MBE), Mr D L Brazier (Substitute for Mr B J Sweetland), Mrs M E Crabtree (Substitute for Mr J P McInroy), Mr D Farrell, Mr R W Gough, Mr G Lymer and Mr P J Oakford (Substitute for Mr E E C Hotson)

IN ATTENDANCE: Mr B Watts (General Counsel), Mr T Godfrey (Scrutiny Research Officer) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS**10. Election of Chairman**

(Item)

(1) Mrs M E Crabtree moved seconded by Mr D L Brazier that Mr G Lymer be elected Chairman for the meeting.

Carried with no opposition.

(2) Mr G Lymer thereupon took the Chair.

11. Minutes - 3 October 2019

(Item 3)

RESOVED that the Minutes of the meeting held on 3 October 2019 are correctly recorded and that they be signed by the Chairman.

12. Review of the Members' Allowances Scheme

(Item 4)

(1) Mr P J Oakford, Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services introduced the report which set out the changes proposed to the Members' Allowances Scheme for consideration by the Member Remuneration Panel, taking account of the Leader's decisions on Executive arrangements and ongoing developments in the governance of the Council.

(2) The General Counsel explained the role of the Committee within the process. It had to decide whether to refer the four recommended areas for review to the Member Remuneration Panel. This Panel would consider those items which were referred to them and submit a report with its own recommendations for consideration by the County Council and a subsequent decision.

(3) The General Counsel went on to explain the rationale for each of the proposals. The Leader had abolished the post of Cabinet Lead for Traded Services which, under the current scheme was eligible to receive a single Special

Responsibilities Allowance (SRA) at the same level as the Cabinet Members. He had now established the post of Lead Member for Partnerships which was entitled to an SRA as a Deputy Cabinet Member. The Committee needed to decide in the light of the nature and responsibilities of this new role, whether to ask the Member Remuneration Panel to consider whether the current scheme should be amended to increase its SRA.

(4) The Committee was also being asked to consider whether there should be an SRA for the position of Chair of the Selection and Member Services Committee. It was likely that this Committee's role would be bolstered so that it took on a greater role in respect of the work currently carried out as part of informal governance mechanisms. Consequently, the responsibilities of its Chairman were likely to increase. The report was therefore recommending that the Member Remuneration Panel should be asked to consider whether this position should be eligible for an SRA.

(5) The report also recommended that the Member Remuneration Panel should be asked to consider the wording relating to the SRA for the Leader of each of the two Opposition Groups with at least five Members. This was because the wording could be interpreted in a different way to what had actually been intended.

(6) The General Counsel concluded by saying that the fourth recommended review was in respect of any non-executive Member appointed by the Executive to support the oversight of traded activities.

(7) Members of the Committee discussed whether consideration of the Chair of Selection and Member Services' possible SRA should be delayed until the future role of this Committee had become clear. The Committee had only met on 8 out of the scheduled 17 occasions since the elections in May 2017.

(8) The Leader agreed to provide all Members of the Committee with a detailed breakdown of the of the roles of the Lead Member for Partnerships and the Charman of the Selection and Member Services Committee once they were finalised.

(9) On being put to the vote, the recommendations contained in the report were agreed with no opposition.

(10) RESOLVED that the Member Remuneration Panel be requested to convene and report to the County Council on:-

- (a) the appropriate level of SRA for the position of Lead Member for Partnerships reporting to the Leader;
- (b) the appropriate level of SRA, if any, for the position of Chair of the Selection and Member Services Committee;
- (c) clarification of the wording relating to the SRA for the Leader of each Opposition Group (of at least five Members); and
- (d) the appropriate level of SRA, if any, for those Non-Executive Members appointed by the Executive to support the oversight and scrutiny of traded activities.

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By: Ben Watts, Monitoring Officer
To: Selection and Member Services Committee – 27 February 2020
Subject: Independent Person (Standards)
Classification: Unrestricted
Future Pathway of Paper: County Council

Summary: In accordance with the Localism Act 2011 the County Council is required to appoint an Independent Person with whom the Monitoring Officer can engage on alleged breaches of the Kent Member Code of Conduct.

Recommendation: The Selection and Member Services Committee is asked to recommend to the County Council the appointment of Michael George as the Independent Person for the Members Code of Conduct for the four-year term 1 July 2020 to 30 June 2024

1. Introduction

1.1 The Localism Act 2011 requires that the County Council appoint an Independent Person to whom the Monitoring Officer can seek advice when they are in receipt of an alleged breach of the Kent Member Code of Conduct.

1.2 The legislation came into operation on 1 July 2012 just a few days after it was published. Therefore, the County Council approved at its meeting in October 2012 the appointment of Mr Michael George retrospectively for a four-year term expiring 30 June 2016. In July 2016, following the recommendation of the Selection and Member Services Committee and consultation with Group Leaders, County Council agreed to reappoint Mr George to a further four-year term.

2. Reappointment of Mr George

2.1 It is proposed that, subject to the agreement of the Leaders of all the Political Groups, this Committee recommend that County Council reappoint Mr George to a further term of office as the Independent Person. This four-year period will run from 1 July 2020 to 30 June 2024.

2.2 Mr George has said verbally that he would be delighted to accept the appointment for a further term of four years.

2.3 The remuneration for this post is a £500 annual retainer (payable over 12 months) plus a daily rate of £100 (pro rata for part of a day) when required to

undertake any duties, and travel expenses at the same rate as for elected Members (currently 45p per mile)

3. Kent and Medway Fire and Rescue Authority

3.1 The Committee is reminded that the County Council works in co-operation with the Kent and Medway Fire and Rescue Authority. Should Mr George not be available or have a conflict of interest the Kent and Medway Fire and Rescue Authority Independent Person would act. The Kent and Medway Fire and Rescue Authority are due to appoint a new Independent Person shortly with a parallel four-year term beginning 1 July 2020.

4. Recommendation

The Selection and Member Services Committee is asked to recommend to the County Council the appointment of Michael George as the Independent Person for the Member Code of Conduct for the four-year term 1 July 2020 to 30 June 2024.

Background Documents

None

Report Author:

Tristan Godfrey
Scrutiny Research Officer
Tel:03000 411704

By: Ben Watts, Monitoring Officer

To: Selection and Member Services Committee – 27 February 2020

Subject: Recruitment of the Independent Member Remuneration Panel

Classification: Unrestricted

Previous Pathway of Paper: None

Future Pathway of Paper: Selection and Member Services Committee 22 June 2020; County Council 22 October 2020

Summary: This report invites the Committee to determine the process for the recruitment of a new Independent Member Remuneration Panel when the terms of office for the current panel members expire on 31 October 2020.

Recommendation: The Committee is asked to:

- a. agree the recruitment process for the Member Remuneration Panel for the period 1 November 2020 to 31 October 2024; and
 - b. ask the Group Leaders to nominate an Honorary Alderman or a person who is not an existing Member or an individual planning to seek election to the County Council to be on the selection Panel by 5pm Monday 1 June 2020.
-

1. Introduction

- a) Independent members of the Member Remuneration Panel are recommended to the Council for appointment by a panel of three people appointed by this Committee.
- b) The term of office for the current Panel members expires on 31 October 2020. The current members are:
 - Mr Stephen Wiggett (Chair)
 - Mr Haider Khan
 - Ms Margaret Ryder

2. Proposed Recruitment Process

- a) The Selection and Member Services Committee is responsible for appointing the selection Panel for the independent members of the Members

Remuneration Panel. The selection Panel is to be composed of three people who are not Members of the Council (section 17.10 of the Constitution).

- b) In line with the practice used in 2016, it is proposed that the Group Leaders be asked to nominate an Honorary Alderman or a person who is not either an existing Member or an individual planning to seek election to the County Council to be on the selection Panel.
- c) These nominations are to be sent to both the Chair of the Selection and Member Services Committee and Monitoring Officer by 5pm on Monday 1 June. The Selection and Member Services Committee shall meet on 22 June to confirm the appointment of the selection Panel. If there are more than three nominations made by the stated deadline, the Selection and Member Services Committee shall make the final determination at this meeting.
- d) Following confirmation of the selection Panel, the role of Independent Member of the Remuneration Panel will be publicly advertised from mid-July to the end of August.
- e) The selection Panel will meet and shortlist candidates for interview soon after and will conduct the interviews by the end of September.
- f) The recommendations of the selection Panel shall be presented to full Council at its meeting of 22 October 2020 when the new members of the new Member Remuneration Panel shall be appointed for the period 1 November 2020 to 31 October 2024.
- g) A copy of the job profile and specification is attached in the Appendix.

3. Legislation

- a) The statutory basis for the independent Members Remuneration Panel is contained in 'The Local Authorities (Members' Allowances) (England) Regulations 2003'.¹
- b) The legislation requires that "Before the beginning of each year, an authority shall make the scheme... for the payment of basic allowance for that year."² The scheme needs to make provision for the following where it is intended that they shall be paid:
 - Special responsibility allowance(s)
 - Dependants' carers' allowance
 - Travelling and subsistence allowance
 - Co-optees allowance³

¹ SI 2003 1021, <http://www.legislation.gov.uk/ukxi/2003/1021/contents/made>

² Ibid. section 10(1).

³ Ibid. section 10(2) & 21

- c) Before a scheme is made or amended, the authority must have before it recommendations made by an independent remuneration panel. This panel must consist of at least three people, none of whom may be a Member of an authority, or one if it's committees or sub-committees, and must not be disqualified from being or becoming a Member of an authority.⁴

4. Recommendation

The Committee is asked to:

- a. agree the recruitment process for the Member Remuneration Panel for the period 1 November 2020 to 31 October 2024; and
- b. ask the Group Leaders to nominate an Honorary Alderman or a person who is not an existing Member or an individual planning to seek election to the County Council to be on the selection Panel by 5pm Monday 1 June 2020.

Background Documents

None

Report Author:

Tristan Godfrey
Scrutiny Research Officer
Tel:03000 411704

⁴ Ibid. section 20(2).

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Kent County Council Job Description: Independent Member of the Remuneration Panel

Directorate:	Three separate posts.
Unit/Section:	N/A
Location:	Maidstone
Remuneration:	£100 per day (pro rata for part of day) and travel expenses when required to undertake any duties
Responsible to:	Kent County Council

Purpose of the Job:

The Panel of three independent people drawn from the community advises the Council on all matters to do with the allowances of the elected Members of the Council. A copy of the current scheme of allowances is enclosed.

Main duties and responsibilities:

The role of an Independent Member serving on this Panel is to make recommendations to the Council on a scheme of allowances and expenses for Council members and for reviewing that scheme in whole or in part as required by law, or requested by the Selection and Member Services Committee.

The Panel is not a Committee of the Council. No Member of the Council has a right to attend its meetings and its procedures are determined by the Panel itself,

1. The persons appointed as an Independent Person must:
 - be committed to the need for high standards in public life
 - demonstrate that they can remain independent in their thinking and decision making
 - be able to make judgments based on evidence or information presented
 - have questioning skills

- be assertive
 - be able to work within an area of public life which is open and transparent
- 2 To attend meetings of the authority when required.
 - 4 To participate in any forum established for Independent Members.
 5. Meetings are normally held in the daytime.

Other information:

6. Kent County Council will meet travel and subsistence expenses in accordance with their set rates.
7. Applicants should:
 - (a) live or work in the Kent County Council area
 - (b) be of good character
 - (c) be able to demonstrate a good understanding of ethics and probity in public services
- 8 The Independent Members MUST NOT
 - (a) be, or have been during the last 5 years, a member, co-opted member or officer of Kent County Council; or
 - (b) be a relative or a close friend of a member, co-opted member or officer of KCC or KMFRA.
(A person is defined by the Localism Act 2011 as a relative if they are:
 - *The spouse or civil partner or living as if they were a spouse or civil partner;*
 - *A grandparent;*
 - *A lineal descendant of a grandparent;*
 - *A parent, sibling or child;*
 - *The spouse or civil partner of a grandparent, lineal descendant of a grandparent, or a parent, sibling or child; or*
 - *Living with a grandparent, lineal descendant of a grandparent, or a parent, sibling or child as if they were a spouse or civil partner.**of a member, co-opted member or officer of KCC or KMFRA.)*

By: Benjamin Watts, General Counsel

To: Selection and Member Services Committee –27 February 2020

Subject: Appointment of Trustee to the Yalding Educational Foundation

Classification Unrestricted

FOR DECISION

Introduction

1. The Yalding Educational Foundation is a Charity which makes grants to local university students to help with tuition fees and maintenance, with a small amount being spent on prizes for spoken English in the local primary schools.
2. The Charity’s Constitution provides for Kent Council to nominate a representative to become one of its seven Trustees for a ten-year period. This duty has been carried out by the Local Member, Mrs Paulina Stockell who was appointed by this Committee in March 2010.
3. The Yalding Educational Foundation’s constitution only allows its Trustees to serve for a maximum of two 5-year terms. Mrs Stockell’s term is therefore due to expire in March 2020. The 10-year time limit applies to all Trustees and there is no provision for this term to be extended.
4. As Mrs Stockell is the Local Member, there is no County Councillor within her Constituency who can fulfil this role. The Chairman of the Foundation has therefore written to the County Council (**Appendix 1**) with a request to appointment Mr Nicholas Arthur to the Foundation. Mr Arthur’s is attached at **Appendix 2**.
5. It is suggested that, under the prevailing circumstances, Mr Arthur should be appointed to serve the next 5-year term on behalf of the County Council.

RECOMMENDATIONS:

6. The Committee is invited to appoint Mr Nicholas Arthur as the County Council’s Trustee on the Yalding Educational Foundation for a five-year term.

Benjamin Watts: General Counsel

Officer Contact: Andrew Tait: Democratic Services Officer 03000 416749

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Tait, Andrew - ST GL

From: [REDACTED]
Sent: 05 January 2020 15:21
To: Tait, Andrew - ST GL
Cc: [REDACTED]
Subject: Yalding Educational Foundation - KCC nominated Trustee

Importance: High

Dear Andrew,

Happy New Year!

You may recall that we spoke last November regarding the Yalding Educational Foundation. As we discussed the charity's constitution provides for KCC to appoint one of the Foundation's 7 Trustees; Paulina Stockwell is KCC's current Trustee.

The constitution allows a Trustee to serve for a maximum of 10 years and Paulina's term expires in March this year. KCC therefore need to appoint a new Trustee and you asked the Foundation to suggest an appropriate candidate.

The current Trustees have carefully considered who would be suitable and would like to recommend that KCC appoint the following Collier Street resident as their Trustee:

Nicholas James Arthur

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

If you would like to discuss this recommendation or require any further information please do not hesitate to contact me.

I look forward to hearing from you.

Many thanks and kind regards,

Sally Wilson

[REDACTED]

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Tait, Andrew - ST GL

From: [REDACTED]
Sent: 07 January 2020 21:46
To: Tait, Andrew - ST GL
Cc:
Subject: RE: Yalding Educational Foundation - KCC nominated Trustee

Hi Andrew,

Hope all's well.

I'm in my late forties, and have lived in Collier Street for 6 years (Marden for 10 years previously) with my wife Jo and three boys. The boys have all attended St Margaret's in Collier St, the two youngest are still there whilst our eldest Rufus has just moved on to Bennett Memorial.

Since graduating in Electronic Engineering I've worked all my life in both Television Post Production and the Music Industry (creating corporate video content) and have been freelance for the last 13 years - a Company Director for the last 9 years of that. Whilst that may not seem immediately relevant, I've had the pleasure to work with a number of charitable organisations and trusts over the last two decades producing event, fundraising and other marketing video content. Primarily the BRIT Trust, which supports a number of educational and music charitable concerns - the two main being the BRIT school in Croydon and Nordoff Robbins the music therapy charity. All the charities under the umbrella of the BRIT Trust are either focussed on the use of music to support children in need, or to enhance the availability of arts education as widely as we can.

I've really valued being a small part of their work, so when the call came from the YEF I was delighted that there may be an opportunity to help them in any way I can on a local level.

We're very lucky to live in such a good nurturing community. Our experience of education here via our children has been extremely positive. The friends and wider network I've encountered reveal a superb positive energy, so I would be hugely proud to get involved with the foundation and help with what it does for the next generation of our community.

If you need any specific information alongside this, or anything else - do please let me know.

All the best,
Nick.

NICK ARTHUR EDITING LIMITED

[NAME AND CONTACT DETAILS SUPPLIED]

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