

SELECTION AND MEMBER SERVICES COMMITTEE

Monday, 2nd December, 2019

1.30 pm

**Council Chamber, Sessions House, County Hall,
Maidstone**





AGENDA

SELECTION AND MEMBER SERVICES COMMITTEE

Monday, 2 December 2019, at 1.30 pm Ask for: **Andrew Tait**
Council Chamber, Sessions House, County Telephone: **03000 416749**
Hall, Maidstone

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

Membership (8)

Conservative (6): Mr J P McInroy (Chairman), Mr M C Dance, Mr R W Gough,
 Mr E E C Hotson, Mr G Lymer 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 Minutes - 3 October 2019 (Pages 7 - 8)
- 4 Review of the Members' Allowances Scheme (Pages 9 - 12)
- 5 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 November 2019

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KENT COUNTY COUNCIL

SELECTION AND MEMBER SERVICES COMMITTEE

MINUTES of a meeting of the Selection and Member Services Committee held in the Darent Room, Sessions House, County Hall, Maidstone on Thursday, 3 October 2019.

PRESENT: Mr J P McInroy (Chairman), Mr P B Carter, CBE, Mr N J D Chard (Substitute for Mr M C Dance), Mrs T Dean, MBE, Mr D Farrell, Mr E E C Hotson, Mr G Lymer and Mr B J Sweetland

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

UNRESTRICTED ITEMS

8. Minutes - 1 July 2019
(Item 3)

RESOLVED that the Minutes of the meeting held on 1 July 2019 are correctly recorded and that they be signed by the Chairman.

9. Structural Revision of the Constitution
(Item 4)

(1) The General Counsel introduced the report on the draft structural revision of the Constitution. He explained that it was consistent with the current version in that there was no change to its content. The draft version before the Committee was therefore merely aimed at rationalisation and simplification.

(2) The General Counsel then informed the Committee of the intention to modernise the Constitution following discussions with Members, including workshops.

(3) During discussion of this item, the following points were raised by Members of the Committee:-

(a) Paragraph 11.16 of the draft Constitution should clarify that the executive functions referred to were those relating to data, democracy and law.

(b) Paragraph 13.1 of the draft Constitution should not state that there could be no new policy or policy change.

(c) Paragraph 17.113 should be amended by the deletion of one of the references to Kent Police.

(d) The covering report to the County Council should explain that areas such as the role of Members in Highways Consultations, and the interface of Members and Trading Companies would be dealt with at a later stage.

(e) Either of the two identical paragraphs 10.6 and 10.13 of the draft Constitution should be deleted.

(4) RESOLVED that subject to (3) above, the draft revised version of the Constitution be endorsed and recommended to the County Council for adoption.

From: Peter Oakford, Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services
Ben Watts, General Counsel

To: **Selection and Member Services Committee – 2 December 2019**

Subject: Review of the Members' Allowances Scheme

Classification: **Unrestricted**

Summary:

The purpose of this report is to note the changes required of the Members' Allowances Scheme consequent on the Leader's decisions of Executive arrangements and ongoing developments in the governance of the Council.

Recommendation:

That the Selection and Member Services Committee request that the Member Remuneration Panel convene and prepare a report for County Council on the following matters:

- 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).
- d. The appropriate level of SRA, if any, for non-executive Members appointed by the executive to support oversight and scrutiny of traded activities.

1. Introduction

- 1.1 The election of the Leader of Kent County Council took place on 17 October 2019. Under Sections 9.5 and 9.6 of the Constitution, the Leader made determinations about the allocation of responsibilities between the Executive Members and made arrangements for the discharge of Executive functions.
- 1.2 The structural revision of the Constitution was also agreed by County Council on 17 October. This was part of the ongoing broader review of the governance of the County Council.
- 1.3 In the context of the above points, several issues have arisen with the Members' Allowances Scheme as adopted by the Council on 23 May 2019. These are as follows:

- (a) The current scheme allows for a single Special Responsibilities Allowance (SRA) for the 'Lead Member for Traded Services' at the same level as that of Cabinet Members. This SRA was specifically approved by the Council for the holder of this post. This post no longer exists. The post of 'Lead Member for Partnerships reporting to the Leader' has been established and the holder is currently entitled to an SRA as a Deputy Cabinet Member. Given the nature, responsibilities and scope of the new role, the Member Remuneration Panel should be approached to review the role to determine whether the current scheme needs to be amended to increase the SRA for the 'Lead Member for Partnerships reporting to the Leader'.
- (b) The Chair of the Selection and Member Services (SMS) Committee does not receive an SRA under the current scheme although they have done on occasions previously. As the development of the Council's governance arrangements are likely to involve bolstering the role of the SMS Committee, the commensurate responsibilities of the Chair will also increase. The question is whether the current scheme needs to be amended to allow for an SRA for the Chair of the SMS Committee in line with that made to the appropriately equivalent Chairs of other Committees.
- (c) The current scheme gives the Leader of each Opposition Group (of at least five Members) £7,675.84 plus £607.65 for each additional Group Member. This has been interpreted in the past as meaning the number of additional Group Member payments equals the number of Group Members minus 1 (the one being the Group Leader), subject to there being at least five Members in the Group. However, the wording is ambiguous and could be interpreted to mean that there are only additional payments made for each Group Member over the number of five (so that the Leader of a Group with exactly 5 Members would get the basic £7,675.84 only, and not four additional payments as would be current practice). The question is whether to add a few words to the Scheme to clarify KCC practice rather than change the practice.
- (d) The Council has recently reviewed the governance arrangements for the trading companies that KCC wholly owns. As part of that process, the Council has established a holding company (Kent Holdco Ltd) to control and manage our investments on a commercial basis. The Council exercises our interest in Kent Holdco Ltd through reserved matters and the activities of the Shareholder Board. Given the deletion of the Cabinet Lead for Traded Services, the Executive is keen to utilise the commercial expertise of non-executive Members. It is therefore proposed that the Member Remuneration Panel be approached to provide a view in relation to any allowances for additional roles were they to be created to support the Executive discharging these responsibilities given the potential for considerable additional work and responsibility. The question is whether the current scheme needs to be amended to allow for such an SRA.

2. Revising the Scheme

- 2.1 Under section 21.13 of the Constitution, the Members' Allowances Scheme "is approved by the full Council with advice from an Independent Member Remuneration Panel."

2.2 Section 17.13 of the Constitution confirms the role of the Member Remuneration Panel: “It has responsibility for making 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.”

2.3 It is important to note that the role of the Panel is to advise on the Members’ Allowances Scheme, it is not to decide it. Furthermore, whilst the Council has a legal duty to operate an Independent Members Remuneration Panel, must publish and have regard to their recommendations, it need not follow them. There is no statutory requirement to agree or follow the recommendations of the Panel.

3. Financial Implications

3.1 There are potential financial implications to the changes that may be made to the Scheme as a result of the final decision of County Council. These will be calculated as part of the report going to County Council.

4. Recommendation:

That the Selection and Member Services Committee request that the Member Remuneration Panel convene and prepare a report for County Council on the following matters:

- 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).**
- 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.**

5. Background Documents

Report of the Independent Remuneration Panel, County Council 13 July 2017, <https://democracy.kent.gov.uk/documents/s77593/Member%20Remuneration%20Panel%20-%20FINAL.pdf>

6. Contact details

Report Author and Relevant Director:

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