

**SELECTION AND MEMBER SERVICES COMMITTEE**

**Thursday, 29th June, 2023**

**2.30 pm**

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







## AGENDA

### SELECTION AND MEMBER SERVICES COMMITTEE

Thursday, 29 June 2023, at 2.30 pm  
Council Chamber, Sessions House, County  
Hall, Maidstone, ME14 1XQ

Ask for: **Joel Cook**  
Telephone: **03000 416892**

#### Membership (8)

Conservative (5): Mr N J Collor (Chairman), Mr M C Dance, Mr R W Gough,  
Mr C Simkins and Mr D Jeffrey

Labour (1): Dr L Sullivan

Green and  
Independent (1): Rich Lehmann

Liberal Democrat (1): Mr A J Hook

#### **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 (Pages 1 - 4)
- 4 Outside Bodies Review (Pages 5 - 8)
- 5 Appointment of Parent Governor Representative (Pages 9 - 10)
- 6 Petitions Review (Pages 11 - 18)
- 7 Monitoring Officer Update

Benjamin Watts  
General Counsel  
03000 416814

**Wednesday, 21 June 2023**

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**KENT COUNTY COUNCIL**

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**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 Thursday, 9 March 2023.

PRESENT: Mr N J Collor (Chairman), Mr M C Dance, Mr R W Gough, Mr A J Hook, Rich Lehmann, Mr C Simkins, Dr L Sullivan and Mr B J Sweetland

ALSO PRESENT: Mr P J Oakford

**UNRESTRICTED ITEMS****1. Declarations of Interest**

There were no declarations of interest.

**2. Apologies**

There were no apologies for absence.

**3. Minutes**

*(Item 3)*

RESOLVED that the minutes of the meeting held on 1 December 2022 were an accurate record and that they be signed by the Chair.

**4. Member Remuneration Panel: Arrangements and Terms of Reference**

*(Item 4)*

1) Tristan Godfrey, Senior Governance Manager, outlined the report.

2) Further to questions and comments from Members, it was noted:

- A benchmarking exercise had been undertaken with the conclusion that no one approach was taken by other councils to Member remuneration where a four-year scheme would start in relation to a Council term.
- It was noted that the current arrangement of agreeing the scheme after an election meant that that decisions were not taken in, or near, the pre-election period.
- Agreeing a scheme before an election could allow candidates more financial certainty, which in turn may potentially encourage a more diverse pool of candidates.
- The issue was raised around Members who were planning not to stand in the next election voting on allowances for the next term. It was noted that these Members would have experience of how allowances worked but would not benefit from the scheme.

- Making the decision after an election had the advantage of being less contentious but also meant asking newly elected Members to make a decision without having had prior experience of the scheme.
- The transitional arrangements for Option 2 as outlined in the report were discussed. For Option 2, County Council would agree a one-year scheme after the election, and then agree a four-year scheme starting the following spring, April 2026.

3) RESOLVED to agree option 2 as the preferred option on the start point of the next four-year allowances scheme and to recommend to County Council that the Terms of Reference of the Member Remuneration Panel be amended as set out in the appendix.

## **5. Member ICT Policy**

*(Item 5)*

1) Ben Watts, General Counsel, introduced the report. Members were asked to feedback on behalf of their groups. Updates to the Policy would be brought to the committee.

2) Thanks were given to Cantium Business Solutions' VIP Support for the assistance they had provided to Members with their devices.

3) Members had been provided with the same devices as it was easier to ensure that they all had access to the same software, as well as being easier to maintain and upgrade. Another reason for Members to be provided with devices is cyber security which was becoming increasingly important.

4) It was appreciated that Members sometimes had to 'juggle' working with a number of devices depending on what other roles they had whether at lower tier authorities or in workplaces.

5) RESOLVED to note the report and group leaders to promote the policy within their groups.

## **6. Monitoring Officer Update**

*(Item 6)*

1) Ben Watts, General Counsel gave an update.

2) Members were updated regarding proposals for 'going paperless' and advice was to be sent out to all Members. It was recognised that some Members, due to reasons recognised by The Equality Act would need special assistance to access their papers.

3) A report was to be brought to the next meeting of Selection and Member Services Committee regarding proportionality. A by election had been announced but it was not known whether this would take place on the same date as other local elections taking place on 4 May 2023.

4) Members were given an update regarding work that was being undertaken following the Annual Governance Statement. Updates were to be brought to future

meetings. Members were advised that they could expect to notice some changes in meetings. A team had been appointed to work on the actions and areas of work included:

- A review of the 'decision making journey', how advice was provided around the decision making processes and how to make the decision making journey as effective as possible;
- Minimisation of need for urgent decisions by making sure advice is sought early in the process and consideration of how the decision making process fed into the Cabinet Committee cycle of meetings.
- Assessment of operational level governance and the working of informal working parties.

5) It was noted that positive steps were being taken following the issuing of the Annual Governance Statement and the work on improvement was continuous, akin to the painting of the Forth Bridge.

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From: Tristan Godfrey, Senior Governance Manager  
To: Selection and Member Services Committee – 29 June 2023  
Subject: Outside Bodies: Review  
Status: Unrestricted

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## 1. Introduction

- a. As elected representatives, Members are formally appointed to formal Committees and Sub-Committees of the Council, Cabinet Committees, other Authorities, Joint Committees, Partnership Bodies, and Outside Bodies.
- b. This Committee has a different role in relation to each of these. It has oversight of the Committee structure as a whole; and it can make recommendations as and when necessary, on political proportionality as it applies to other Authorities, Joint Committees, and Partnership Bodies, usually when there has been some change to the structure of these.
- c. It is only to Outside Bodies that this Committee has the power of appointment. This does not include appointments to Outside Bodies made by the Leader of the Council where Executive functions are concerned.

## 2. Outside Body Review

- a. The current list of Outside Bodies has developed over time. The requests for appointment have come from different places and for different reasons. In some cases, there may have originally been direct support offered by the relevant directorate. In a small number of cases, it is possible for the Committee to appoint individuals who are not Members.
- b. As time has passed and the context in which each Outside Body appointment is made has changed, it is an appropriate time to review the list prior to the next election.
- c. As part of the review, we will contact the Outside Bodies and make sure we have the correct basic information – name and purpose of organisation, contact details. We will ask for information to enable each Outside Body to be clearly categorised according to the following key questions:
  - a. The basis for the appointment:
    - i. The nomination is a requirement of statute and/or the Trust Deed of a registered charity.
    - ii. The body requests such a nomination but there is no requirement upon the Council to do so.
  - b. The nature of the role to be undertaken:
    - i. The appointee is to represent the views of the authority and to speak on its behalf.

- ii. The appointee is to represent the best interests of the Outside Body to which they have been appointed.
- d. The results of the review will be brought back to this Committee. Where there is no mandatory requirement to make an appointment, the Committee will be asked to make a decision on whether to keep making the appointment in the future.

### **3. Outside Body Protocol**

- a. It is increasingly the practice at other authorities to agree an Outside Bodies Protocol (which may go by different names). This sets out the approach taken by the authority to Council appointments. Alongside the review, a Protocol for KCC appointments will be drafted for consideration by this Committee. It will provide clarity in terms of the following:
  - i. Making a distinction between appointments required by statute (or other formal direction) and those where the Council has discretion.
  - ii. Where the Council has discretion, what criteria will be considered before adding to the list of Outside Bodies and/or making an appointment.
  - iii. The different purposes for which an appointment is made.
  - iv. The narrow circumstances in which it is possible to appoint an individual who is not an elected Member at the time of appointment.
  - v. The need to be clear on the responsibilities the role entails, along with any potential legal and financial obligations.
  - vi. The process for regular review of the list of Outside Bodies.
- b. As indicated above, there is a legal and reputational risk to the Council where appointments are made without a clear understanding of the potential obligations, as well as potential risk to the person appointed. The Protocol will aim to minimise this risk.

### **4. Appointments to Other Authorities, Joint Committees, or Partnership Bodies**

- a. For clarification, the term Outside Bodies does not include the other Authorities, Joint Committees, or Partnership Bodies to which the Council makes appointments after each election. These are as follows:
  - i. Kent and Medway Fire and Rescue Authority.
  - ii. Standing Advisory Committee on Religious Education.
  - iii. Kent and Essex Inshore Fisheries and Conservation Authority.
  - iv. Kent and Medway NHS Joint Overview and Scrutiny Committee.
  - v. Pension Board.
  - vi. Adoption Panels.
- b. This has been set out for the avoidance of doubt as to whether or not these come under the remit of this Committee. The list of Outside Bodies on the [kent.gov.uk](http://kent.gov.uk) website will be restructured to make this distinction clearer.

### **5. Recommendation**

The Selection and Member Services Committee is asked to:

- a. Comment on the proposal to review the list of Outside Bodies appointments made by this Committee.
- b. Request that the outcome of this review, and a draft protocol, be presented to this Committee at the conclusion of the review.

## **6. Background Documents**

None.

## **7. Report Author and Relevant Director**

Ben Watts, General Counsel  
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Tristan Godfrey, Senior Governance Manager  
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Katy Reynolds, Democratic Services Officer  
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By: Anna Taylor, Scrutiny Research Officer

To: Selection and Member Services Committee – 29 June 2023

Subject: Appointment of Parent Governor Representative

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Summary: To appoint one Parent Governor representative onto the Scrutiny Committee as required by the Local Government Act 2000.

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## 1. Introduction

(1) The Local Government Act 2000 requires the County Council to appoint Parent Governor Representatives to serve on the Scrutiny Committee (when education matters are discussed). In accordance with the Constitution (Section 17.49) two Parent Governor Representatives in total are appointed for a four-year term.

(2) A vacancy was created when the previous Parent Governor was elected to Canterbury City Council.

(3) Nominations were sought from all Parent Governors at schools in the Kent Local Education Authority area. Three nominations were forthcoming by the stated closing date, so a secret ballot was held in June 2023. The successful candidate was Holly Carter, from Westgate-on-Sea.

(4) The supporting statement of Holly is available on request.

## 2. Recommendations

The Committee is asked to:

- (a) confirm the appointment of Holly Carter as Parent Governor representative on the Scrutiny Committee for a four year term.

Contact:

Anna Taylor  
Scrutiny Research Officer  
03000 416478

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From: Joel Cook – Democratic Services Manager  
To: Selection and Member Services Committee – 29 June 2023  
Subject: Petition Scheme Review  
Status: Unrestricted

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## 1. Introduction

- a) The County Council has had a petitions scheme since 1 September 2010. The scheme was last reviewed by this Committee in April 2014. In 2012 the County Council agreed to reduce the number of signatures required for a petition debate at County Council on a County wide matter to 10,000 and to introduce a requirement for a petition debate at a Cabinet Committee if 2,500 signatures were received. Since this time the petition scheme has worked effectively at an operational level, with a significant number of petitions being processed within required timeframes and either receiving a substantive written response or being subject to committee debate as appropriate under the Scheme. No further changes have been made to the scheme since the 2012 update. A copy of the current scheme is attached at **Appendix 1**.
- b) The Council, in the years following the adoption a Petition Scheme as required by the 2010 legislation, conducted initial periodic reviews as part of monitoring the implementation of the petitions scheme, however no significant concerns or issues have been raised since the last significant review in 2014. It may be considered, therefore, that committee consideration of the scheme is now timely and appropriate.
- c) It is good practice to review and consider the Council's approach to engaging with and capturing public views and petitions represent an important mechanism open to the public to raise issues, concerns or call for specific actions. Any petition scheme should be considered in terms of the wider constitutional and governance systems of the relevant body – in the case of Kent County Council, there are established decision-making arrangements for both Executive and Non-Executive matters. In line with these existing arrangements, where petitions call for actions or change, the ultimate decision on how to respond or whether to enact the requests made via petitions will and should remain with the decision-maker.
- d) Given the time passed since the last review, it is appropriate to seek direction from the Selection & Member Services Committee as to the need for and scope of any detailed review of the Petition Scheme. As detailed later in the report, Member discussion and Group activity has also put forward initial suggestions to be noted and taken into consideration as part of this item.

## 2. Petition Scheme

- a) The Petition Scheme is part of the Council's constitution and is therefore subject to consideration and review by this committee prior to any formal recommendations for change being made to County Council.

- b) The Scheme, in addition to being accessible within the main constitution, is available on the KCC Petitions webpages - [Current ePetitions \(kent.gov.uk\)](https://www.kent.gov.uk/petitions). It sets out the process for submission of petitions, the eligibility of signatories and the response types available to petitions depending on the number of signatures. It should also be noted that the Scheme sets out the process for complaining about how a petition is managed, which includes provision for consideration of the matter by the Selection and Member services Committee – it should be clarified here that this relates to the administration of any petition rather than handling complaints or dissatisfaction with the response provided by the relevant decision-maker or accountable body (e.g. Cabinet Member or Committee).
- c) A brief summary of the petition thresholds is set out below with brief commentary on how these operate in practice:
- All accepted petitions will receive a response from the responsible Cabinet Member (where further action such as committee debate is required under the process, the written response will commonly be confirmation that any detailed response will be deferred pending committee consideration).
  - (a) Where the petition relates to a County Council matter that relates to a specific District Council area and contains at least 1,000 signatures it will be debated at the most appropriate local meeting (e.g. Joint Transportation Board).
  - (b) Between 2500 and 9999 signatures, the petition will be debated at the appropriate Cabinet Committee.
  - 10,000 signatures or more, the petition will be debated at County Council
- d) The majority of petitions receive signature numbers at double or low three figure levels. As a result, the most common response to petitions is a written response from the relevant Cabinet Member.

### **3. Petitions Received**

- a) The petition scheme is administered by Democratic Services. The majority of petitions received are e-petitions hosted on Kent.gov. Most significant petitions are hosted via KCC's own e-petition system but externally hosted online petitions are also accepted, providing they are closed and submitted for response with relevant verification data. Where duplicate online and paper petitions (organised and run by the same individual) are submitted, these may be merged to be taken as a single petition and the numbers combined (providing they do not include duplicate signatures).
- b) The majority of petitions received continue to relate to highways and transportation matters at district or ward level but there have also been petitions submitted relating to a range of high-profile issues, several of which have resulted in debate by a relevant committee.
- c) KCC is in the process of regularising and updating its recording approach for all petitions across all directorates. This will allow for further quantitative assessment and consideration in future as required.



#### **4. Review arrangements**

- a) This paper is presented to Selection and Member Services to facilitate Member consideration of the scheme generally and in particular, some of the issues raised previously by the Green & Independent Group as part of a potential Motion for Time Limited Debate. As referred to at the relevant Council meeting, the Motion sought to explore reducing the signature thresholds for the different types of response available to petitioners under the scheme. In accordance with arrangements made at the time with the relevant Group, the proposals are set out here for information. They are not presented here for specific consideration as a proposal but are a key point to support the committee's consideration of the issue and to inform any direction the committee may wish to give officers for further review.

G&I Group suggested changes:

- Reduction of County Council debate petition signature threshold from 10,000 to 2000
  - Reduction of the Cabinet Committee debate petition signature threshold from 2500 to 1500.
- b) Members are invited to consider the merits and implications of any changes to the thresholds as well as other elements of the scheme. Through debate, any areas requiring further review or investigation may be highlighted and Officers will progress with relevant review activity to provide proposals for consideration at a future meeting.
- c) It is important to highlight that the petition scheme is about providing an effective mechanic to support formalised public engagement with Council business in a manner compatible with the other formal governance processes and political arrangements of the Council. It is therefore an intrinsically political and Member-led process and any substantive review or potential changes should be based on directions from the Selection and Member Services Committee, rather than Officers, as the responsible body for making any future recommendations to County Council.
- d) Subject to the committee directing specific areas of review, detailed proposals and review information will be provided to a future meeting.

#### **5. Conclusion**

Selection and Member Services is asked to:

- a) Note the report.
- b) Comment on the current scheme arrangements.
- c) Advise Officers of any required review activity to be brought back for further consideration.

## **6. Appendices**

Appendix 1 – Petition Scheme

## **7. Background Documents**

Agenda Item, Petition Scheme Review, Selection and Member Services meeting 25 April 2014, [Agenda for Selection and Member Services Committee on Friday, 25th April, 2014, 2.30 pm \(kent.gov.uk\)](#)

Agenda Item, Petition Scheme Review, Selection and Member Services meeting 10 July 2012, [Agenda for Selection and Member Services Committee on Tuesday, 10th July, 2012, 11.00 am \(kent.gov.uk\)](#)

Agenda item, Proposed changes to the Constitution (a) Adoption of a Petition Scheme, County Council meeting 22 July 2010, [Agenda for County Council on Thursday, 22nd July, 2010, 10.00 am \(kent.gov.uk\)](#)

## **8. Report Author and Relevant Director**

Joel Cook  
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## **Kent County Council - Petition Scheme**

1. All petitions under this scheme should relate to the work, functions or responsibilities of the Council, including the Executive. It excludes the following as other procedures apply:
  - (a) petitions relating to a planning application,
  - (b) matters where there is already an existing right of appeal (such as Council tax banding or non-domestic rates),
  - (c) statutory petitions (such as requesting a referendum on having an elected mayor).
2. Petitions will not be considered if they do not comply with the requirements of this scheme or are vexatious, abusive or otherwise inappropriate.
3. If the petition is about something over which the County Council has no direct control (for example the local railway or hospital) the Council will consider making representations on behalf of the community to the relevant body.
4. Petitions may be submitted on paper or by using the e-petition facility available through the Council website.
5. All accepted petitions will receive a response from the relevant Cabinet Member, to be sent to the petition organiser and published on the website. At all further stages, the petition organiser will receive updates and this information will be published.
6. The following thresholds apply for further action on the petition:
  - (a) Where the petition relates to a County Council matter that relates to a specific District Council area and contains at least 1,000 signatures it will be debated at the most appropriate local meeting (e.g. Joint Transportation Board).
  - (b) Between 2500 and 9999 signatures, the petition will be debated at the appropriate Cabinet Committee.
  - (c) 10,000 signatures or more, the petition will be debated at County Council.

### *Paper Petitions*

7. Petitions submitted to the County Council must include:
  - (a) a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the County Council to take,

- (b) the name, address and contact details of the petition organiser (this is the person the Council will contact to explain how it will respond to the petition), and
  - (c) the name and address and signature of any person supporting the petition.
8. Where a petition has passed the threshold for debate at either Cabinet Committee or Council, the petition must be submitted to Democratic Services at least 14 days before the next relevant meeting to enable consideration to be given to its eligibility for inclusion on the agenda.

#### *E-petitions*

9. The requirements under paragraph 8 above for paper petitions also apply for e-petitions and this information will be gathered through the e-petition creation and signing process. In addition, the petition organiser will be asked to decide how long the petition will be open for. The default is 3 months, but a different timescale can be agreed with the organiser.
10. Publication of an e-petition created online can take up to ten days. The organiser will be contacted if the petition cannot be published and ten days will be given to make any changes. Where a petition is not accepted, or appropriate changes not made, the reasons for rejection will be published on the website.

#### *Receipt of the Petition*

11. Receipt of a paper petition will be acknowledged within 5 days, or within 5 days of a e-petition closing.
12. The decision as to how the Council will proceed will be communicated to the petition organiser within 20 working days.

#### *Petition Debates*

13. Where a petition is accepted for debate at Council or Cabinet Committee, the procedure set out below will be followed.
14. Where a petition is eligible for discussion at a full Council or Committee meeting these rules apply, excepting that the County Council or Cabinet Committee will not debate a petition on the same decision/issue as one debated by it within the previous six months.
15. The total time for a single debate shall be 45 minutes.
16. The petition organiser, or their named representative, will be invited to attend the meeting and to submit a written statement of no more than 500 words, which should be sent to the Democratic Services Unit (preferably by e-mail to [petitions@kent.gov.uk](mailto:petitions@kent.gov.uk)) to arrive by 5:00pm on the Monday of the week before the County Council or Cabinet Committee meeting. The relevant Directorate

should also submit a brief position statement/briefing note by the same deadline. The Clerk shall also prepare a short report containing the full text of the petition and the number of signatures.

17. At the meeting of the County Council or Cabinet Committee the petition organiser, or their named representative, will be given five minutes to present the petition at the meeting and the petition will then be discussed by Members. The relevant Cabinet Member will be invited to speak for up to five minutes on the Petition. If the petition organiser or their named representative are not present, then the petition will be debated in their absence.
18. The County Council or Cabinet Committee will decide how to respond to the petition at this meeting. Where it has the authority to do so, it may take the action the petition requests, or may choose not to for reasons put forward during the debate. It may commission further investigation into the matter, for example by the relevant Cabinet Member or Committee. Where the issue is one on which the Executive is required to make the final decision, the County Council or Cabinet Committee will decide whether to make recommendations to inform that decision.
19. The petition organiser will receive written confirmation of the Council or Cabinet Committee's decision, which will also be published.

#### *Other Provisions*

20. The petition organiser has the right to request that the steps that the County Council has taken in response to their petition are reviewed. All reviews will be considered by the Selection and Member Services Committee.
21. The petition organiser will be asked to provide a short explanation of the reasons why the County Council's response is not considered to be adequate.
22. The Selection and Member Services Committee will consider the request to review at the next appropriate meeting.
23. Once any appeal has been considered, the petition organiser will be informed of the results within 5 working days. The results of any review will also be published on our website.

Please email [petitions@kent.gov.uk](mailto:petitions@kent.gov.uk) with any questions.

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