

**SELECTION AND MEMBER SERVICES COMMITTEE**

**Thursday, 27th February, 2025**

**2:30pm**

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









## **AGENDA**

### **SELECTION AND MEMBER SERVICES COMMITTEE**

**Thursday, 27 February 2025, at 2:30pm**  
**Council Chamber, Sessions House, County Hall, Maidstone**

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

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

#### **Membership (8)**

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

Liberal Democrat (1): Mr A J Hook

Labour (1): Mr A Brady

Green and Independent (1): Mr R Lehmann

#### **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 of Previous Meeting (Pages 1 - 6)
- 4 Revisions to the Terms of Reference of the Kent and Medway NHS Joint Overview and Scrutiny Committee (Pages 7 - 14)

**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 2025**

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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 Friday, 13 December 2024.

PRESENT: Mr N J Collor (Chairman), Mr A Brady, Mr M C Dance, Mr R W Gough, Rich Lehmann, Mr D Jeffrey and Mr H Rayner

IN ATTENDANCE: Mr B Watts (General Counsel) Mr J Cook (Democratic Services Manager) Miss R Emberley (Democratic Services) Mr T Godfrey (Senior Governance Manager) Ms J Kennedy Smith (Operational Delivery Team Manager) and Mr O Streatfield (Member Hub Supervisor)

### UNRESTRICTED ITEMS

#### 1. Apologies and Substitutes

*(Item 1)*

Apologies were received from Mr A Hook and Mr C Simkins, with Mr Rayner attending as a substitute for Mr Simkins.

#### 2. Declarations of Interest

*(Item 2)*

Mr Brady announced that he and several other Members were part of the Governance Working Group.

#### 3. Minutes

*(Item 3)*

RESOLVED that the minutes of the meeting held on 28 October 2024 were correctly recorded and that a paper copy be signed by the Chair.

#### 4. Combined Member Grant Report

*(Item 4)*

1. The Item was presented by the General Counsel, Mr Ben Watts.
2. In answer to questions and comments from Members, it was said that:
  - a) The Terms of Reference needed to be revised in order to review the Combined Member Grant Fund allocation procedure. It was suggested that a cut off at the end of each year could be helpful in terms of the Council's budgetary position. It was noted that some Members are involved in projects that run over several years.

- b) It was indicated that a report could be produced before the end of the administrative cycle to allow Members the opportunity to reflect and change the guidance.
  - c) It was suggested that where Members were unable to utilise specific funds within their division, the reallocation of these funds could be examined within the review of the Terms of Reference.
3. RESOLVED to:
- a) NOTE the grant recipient list for the Combined Member Grants 2023/24.
  - b) APPROVE the upload to the KCC website.

## **5. Outside Bodies - Update**

*(Item 5)*

1. The report was presented by a Democratic Services Officer, Ruth Emberley.
2. In response to questions and comments from Members, Mr Watts commented as follows:
  - a) Local or adjacent Members would be approached to see there was interest in joining the Aylesham and District Community Workshop Trust.
  - b) Training was in place to support Members in Trustee posts.
  - c) It was suggested and agreed that, if there was no Member interest, the post would be held open as a vacancy until the May 2025 and then revisited.
3. RESOLVED to Delegate the management of the outside body appointment to the General Counsel, in consultation with the Group Leaders

## **6. Governance Working Party Updates**

*(Item 6)*

1. The Governance Working Party Updates paper was presented by the Cabinet Member for Communications and Democratic Services and Chair of Governance Working Party, Mr Dylan Jeffrey.
2. Mr Jeffrey drew Members' attention to an error contained in 1e of the Introduction; Mr Chard and Mr Bond were also Members of the Committee but had not been mentioned.
3. Mr Brady confirmed that he had been on the Governance Working Party since it was first formed.
4. Some of the key highlights were as follows:



- a) Thanks was given to everyone who took part in the group.
  - b) Cabinet Committees would be retained however, reform was necessary and this topic would need to return for further discussion.
  - c) It was agreed that the Children Young Persons and Education (CYPE) Cabinet Committee would be separated to reflect the individual portfolio holders. This would mean establishing an Education Cabinet Committee and a Children and Young People Cabinet Committee.
  - d) The Health Reform and Public Health Committee would be merged into the Adult Social Care Cabinet Committee.
  - e) An Annual State of the County item would be presented by the Leader and then open for debate by all Members. This would be facilitated by the Committee Chairmen, who would provide the Leader's report to the individual Committee and Members could debate in that arena.
  - f) The group were looking at a way to publish written responses to individual Member question asked at full Council.
  - g) Changes to Member training had been looked at, particularly the areas of critical thinking, diversity and the legal framework of the Council which would be fed into the Member Induction Programme.
  - h) The improvement and development of Member interaction and the quality of Committees was also looked at in detail.
  - i) Lengthy discussions had been held around the Scrutiny Committee, in particular the external auditor's report which implied that the Committee should be chaired by a Member of the Opposition. The discussions involved thresholds, which Opposition Party and how they should be selected and a model to conduct this had been created.
5. RESOLVED Members to:
- a) NOTE with thanks the contribution and efforts of the Members of the Governance Working Party.
  - b) NOTE and comment on the retention of Cabinet Committees.
6. RESOLVED the Leader to:
- a) CREATE an Education Cabinet Committee.
  - b) CONSOLIDATE the Health Reform and Public Health Cabinet Committee into the Adult Social Care Cabinet Committee.
  - c) ASK the General Counsel to carry out a review of the Terms of Reference of Cabinet Committees.
7. RESOLVED Members to recommend to the County Council:
- a) To DEBATE AND DECIDE whether the Constitution be changed so

- that the Chairman of Scrutiny be an opposition Member.
  - b) To AGREE the introduction of the “Annual State of the County” item at County Council.
  - c) To AMEND the constitution to provide an opportunity for the Proposer of Amendments to have a right of reply before the end of the debate on the amendment they proposed.
  - d) To NOTE the outputs of the Governance Working Party.
  - e) To NOTE ongoing work around further reporting from other Committees.
  - f) To AMEND the constitution to require the publication of all questions received in accordance with the constitution and their answers irrespective of whether the questioner attended County Council.
8. RESOLVED Members to note the recommendations regarding training and induction for May 2025.
  9. RESOLVED that discussions around hybrid/physical/remote meetings be paused until the Government determines any changes following the current consultation, with a further review by the Committee in six months if no changes are forthcoming.
  10. RESOLVED to ask the General Counsel to:
    - a) DEVELOP governance to support the annual reporting mechanism for all Committees.
    - b) PROVIDE support to the Governance Working Party to develop and finalise their further activity in time for the March County Council.
    - c) PROVIDE a report to the Committee on Democratic Engagement proposals.
    - d) PROVIDE a report on the changes to report templates.
    - e) REVIEW proposals around the Executive-Scrutiny Protocol and provide advice to the GWP that can be incorporate into future recommendation for the March County Council.
    - f) REVIEW agenda setting protocols.
  11. RESOLVED to note the ongoing work of the group and AGREE that a further report come to the Committee ahead of the March County Council.

## **7. Remote attendance and Proxy Voting** (Item 7)

1. The report was presented by Mr Watts.
2. Some of the key comments and responses to questions were as follows:

- a) The Members opposed to proxy voting highlighted issues for specific Committees, such as Planning and Regulation.
- b) Members in favour of remote attendance and proxy voting indicated that issues should be identified to enable most experienced individuals to participate and benefit the Council.
- c) In response to a Member question regarding proxy voting, the Leader of the Council commented that Members should listen to the merits of a debate and then make a decision based on that.
- d) The General Counsel reminded Members that it would be for the Local Authority to determine the arrangements and not central Government; Kent County Council would be responsible for deciding how and what they did with the powers bestowed on them. Members confirmed that they welcomed local discretion.
- e) Mr Jeffrey proposed the following change to the Recommendations:
  - Members to note the report
  - Members to debate the item at full Council and the Leader responds on behalf of the Council
- f) The proposal was seconded by Mr Rayner.
- g) Members voted as follows:
  - 4 Members in favour
  - 2 Members opposed
  - No abstains

3. RESOLVED that Members:

- a) NOTED the report.
- b) ASK full Council to consider and agree the response to the Consultation.

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By: Kay Goldsmith, Scrutiny Research Officer

To: Selection and Member Services Committee – 27 February 2025

Subject: Revisions to the Terms of Reference of the Kent and Medway NHS Joint Overview and Scrutiny Committee (JHOSC)

Classification: Unrestricted

Previous Pathway : Health Overview and Scrutiny Committee, 17 December 2024

Future Pathway: County Council, 13 March 2025

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## 1. Introduction

- 1.1. NHS bodies must consult their local health scrutiny committee(s) when they are considering a proposal to change health services in the area. Health Overview and Scrutiny Committees (HOSCs) are required to determine if the proposed changes represent a substantial variation of service for their residents (there is no statutory definition of a 'substantial variation').
- 1.2. Prior to 31 January 2024, Local Authorities had the power to refer substantial variations to the Secretary of State, who could only intervene once a valid referral had been received and been accepted. The Health and Care Act 2022 removed this referral power from Local Authorities and gave the Secretary of State a new power of intervention in the operation of local health and care services – this is known as a 'call-in'.
- 1.3. Health Scrutiny's status as a statutory consultee on local reconfigurations remains in place, with NHS bodies required to engage as they did in the past. HOSCs also still need to decide if a proposal represents a significant variation of service.
- 1.4. These changes are explained in greater detail in [the report](#) that was presented to Selection and Member Services in February 2024. Changes to the Terms of Reference for HOSC were subsequently agreed by full Council on [28 March 2024](#).

## 2. Call-in requests

- 2.1. Under the Health and Care Act 2022, any interested party can *request* the Secretary of State call-in a proposed variation to local health services. The decision to issue a call-in rests with the Secretary of State. The guidance states that the purpose of intervention is to unblock local problems and disagreements, which suggests that use of the call-in power to intervene would in most cases be following a call-in request from an interested party.

- 2.2. The Secretary of State can intervene in a proposal at any point during a reconfiguration process, and once called-in, they have the power to make a final decision.
- 2.3. There are no timing requirements for when call-in requests should be submitted - as long as a proposal for reconfiguration exists, a request may be made at any point during that process. However, local attempts to resolve the issue must have been exhausted before this happens.

### **3. Joint health scrutiny**

- 3.1. Under both the old and new regulations, when a responsible body consults more than one local authority on a substantial variation or development, those authorities are required to form a joint scrutiny committee and scrutiny of the proposed change passes to that committee. This does not prevent the home health scrutiny committee from informally scrutinising the proposals, though consideration must be given to the impact on NHS resources this may have.
- 3.2. In order to expedite the scrutiny of variations of service where both Medway and Kent have deemed it substantial, there is a standing joint committee (JHOSC) and its terms of reference as found in the Council Constitution are set out in appendix 2 to this report. In light of the changes to the regulations, paragraph 3 of the Terms of Reference as set out in the appendix needs to be updated with reference to the referral power removed. The proposed changes are set out in Appendix 1.

### **4. Amendments to the Terms of Reference**

- 4.1. The following paragraphs set out the changes that are required to the JHOSC Terms of Reference along with the options available and their respective advantages and disadvantages.

#### **4.2. Responding to an NHS proposal for substantial change**

- 4.2.1. [Regulation 30 of the 2013 regulations](#) explains that where a joint overview and scrutiny committee has been appointed to scrutinise a substantial variation, only that committee may respond to the consultation and require attendance and information from the relevant NHS bodies. The guidance expands to say best practice would be for all affected scrutiny committees to be consulted before a joint committee response is made.

- 4.2.2. There are no changes required to the Terms of Reference.

#### **4.3. Requesting a call-in**

- 4.3.1. Leading on from section 2 of the report, Medway Council and Kent County Council must decide whether to delegate responsibility for submitting call-in

requests of jointly scrutinised proposals to the Secretary of State to the JHOSC. This will only apply to proposals that have been subject to scrutiny by the JHOSC.

4.3.2. Table 1: Who will be responsible for submitting call in requests to the Secretary of State: Options

Option	Outline	Advantages	Disadvantages
A	No delegation – The JHOSC conducts the scrutiny of the proposal but each individual local authority health scrutiny committee retains the function of submitting call in requests.	This would mirror the previous system whereby the power to make a referral to the Secretary of State was not delegated to the JHOSC.	The home authorities may not have been involved in scrutiny of the proposal, and rely primarily on the recommendation of the joint committee.
B	Delegation - The JHOSC has delegated powers to request a call in without reference to the HOSC.	<p>The process would be streamlined.</p> <p>A decision will be made by those that have scrutinised the proposals.</p> <p>Should the JHOSC decide not to request a call-in, the option would still be open to the home authority (as any interested party can submit a request under the new regulations).</p> <p>The SoS may give greater weight to requests coming from the Committee which had carried out the scrutiny review (i.e., the JHOSC)</p>	Member involvement from the home authorities is potentially diminished. This could be reduced if the call in request first has to go through the local health scrutiny committee before being submitted.

4.4. **Procedure following the call-in of a decision**

4.4.1. Before making a decision on a called in reconfiguration proposal, the Secretary of State must provide the local authority (among others) the opportunity to make representations in relation to the proposal. The guidance strongly encourages a collaborative approach to representations where multiple authorities have been involved, recommending a lead organisation is appointed for the purposes of representation.

4.4.2. Medway Council and Kent County Council must decide who will make representations to the Secretary of State for a called in reconfiguration that was subject to joint scrutiny.

4.4.3. Table 2: Who will make representations to the Secretary of State for a called in reconfiguration

Option	Outline	Advantages	Disadvantages
<b>A</b>	Each local authority reserves the right to make separate representations.	<p>This allows for the involvement of a wider group of elected members.</p> <p>It allows for the option of a lead organisation to make a representation for both.</p>	<p>HASC and HOSC would not have scrutinised the issue in detail.</p> <p>Members would not have been involved over a period of time.</p> <p>Where both Councils make representations, these may conflict and potentially reduce the impact/influence.</p>
<b>B</b>	The JHOSC has delegated powers to respond to the Secretary of State with representations.	<p>As the JHOSC would have been involved in scrutinising the issue in detail, it would arguably be best placed to make representations.</p> <p>Representations coming from a JHOSC comprising two local authorities might have more weight.</p> <p>Mitigation of the risks associated with potentially having two authorities submit</p>	Member involvement from the home authorities is potentially diminished without a clear route for their comments to be included in any representations.



		conflicting representations.	
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## 5. Recommendations of overview and scrutiny

- 5.1. The options were considered by the KCC Health Overview and Scrutiny Committee at their meeting on [17 December 2024](#) and the Medway Health and Adult Social Care Overview and Scrutiny Committee (HASC) on [16 January 2025](#).
- 5.2. In relation to requesting a call in, both HOSC and HASC agreed their preference for option B, allowing the JHOSC to have call-in request powers. This preference recognised the ability of KCC and Medway Council to request such a call in even if the JHOSC decided against it.
- 5.3. In terms of who will make representations to the Secretary of State for a called in reconfiguration that had been subject to joint scrutiny, again both Committees preferred option B, allowing the JHOSC to respond directly.

## 6. Next steps

- 6.1. A report similar to this one will be presented to Medway's full Council meeting. The changes to the Constitution can only be enacted once both Councils have agreed.
- 6.2. It is proposed that the Monitoring Officer receives a delegation from full Council to make the necessary changes to the Constitution once Medway Council have agreed the same changes where Kent agrees the changes ahead of Medway. This will ensure both Councils have the same terms of reference at all times.
- 6.3. Where there are disagreements on the revisions, the clerks and Chairs will meet to discuss and further proposals brought forwards.

### Recommendation:

The Committee is requested to:

- Discuss and Comment on the report.
- Recommend to County Council that the changes to the Terms of Reference be adopted and the Constitution updated accordingly.

## **Report Author and Relevant Director**

Kay Goldsmith, Scrutiny Research Officer  
03000 416512

[Kay.goldsmith@kent.gov.uk](mailto:Kay.goldsmith@kent.gov.uk)

Tristan Godfrey, Senior Governance Manager  
03000 411704

[Tristan.godfrey@kent.gov.uk](mailto:Tristan.godfrey@kent.gov.uk)

Ben Watts, General Counsel  
03000 416814

[benjamin.watts@kent.gov.uk](mailto:benjamin.watts@kent.gov.uk)

## **Appendices:**

1. Proposed new sections - Kent and Medway NHS Joint Overview and Scrutiny Committee (JHOSC) Terms of Reference.
2. Current Kent and Medway NHS Joint Overview and Scrutiny Committee (JHOSC) Terms of Reference.

## **Appendix 1 – Proposed Kent and Medway NHS Joint Overview and Scrutiny Committee (JHOSC) Terms of Reference (section 3)**

(NB: The proposed changes set out in the report require paragraph 3 below replacing the paragraph set out in bold in Appendix 2. Paragraph 4 below would be an additional / new section to the JHOSC terms of reference).

3. To consider whether any proposal for a substantial development of, or variation to, the health service affecting the areas covered by Kent and Medway should be referred for a call in to the Secretary of State under regulation 23(9) of the 2013 Regulations. The JHOSC has delegated powers to request such a call in.

NEW 4. Where the Secretary of State makes contact with the JHOSC to make representations about the call in of a reconfiguration proposal that has been under the previous scrutiny of the Committee, the JHOSC can respond to the request directly.

## **Appendix 2 – Current Kent and Medway NHS Joint Overview and Scrutiny Committee (JHOSC) Terms of Reference**

(NB: Paragraph 3, set out in bold, will need to be removed to bring it in line with legislative changes. The proposed change replaces this with paragraph 3 and 4 from Appendix 1).

### *Membership*

Membership: 8 Members: - Kent County Council Members: 4; Medway Council representatives: 4.

### *Terms of Reference*

1. To receive evidence in relation to proposals for a substantial development of, or variation to, the health service which affect both Kent and Medway under consideration by a relevant NHS body or relevant health service provider where both the relevant Overview and Scrutiny Committees of Medway Council and Kent County Council have determined proposals to be a substantial development of, or variation to, the health service.

2. To exercise the right to make comments under regulations 23(4) and 30(5) of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (the 2013 Regulations) on behalf of the relevant Overview and Scrutiny Committees of Medway Council and Kent County Council on any such proposals under the consideration by the relevant NHS body or relevant health service provider.

**3. To consider whether any proposal for a substantial development of, or variation to, the health service affecting the areas covered by Kent and Medway should be referred to the Secretary of State under regulation 23(9) of the 2013 Regulations and to recommend this course of action, if deemed as appropriate by the relevant Overview and Scrutiny Committees of both Medway Council and Kent County Council in line with their respective Constitutions. (Note: the exercise of the power to make a referral to the Secretary of State has not been delegated to the JHOSC).**

4. To undertake other scrutiny reviews of health services if requested to do so by the relevant Overview and Scrutiny Committees of both Medway Council and Kent County Council.

5. To report on such other scrutiny reviews to the relevant Overview and Scrutiny Committees of Medway Council and Kent County Council.

### *Rules*

6. Regulation 30 of the 2013 Regulations states that where a relevant NHS body or a relevant health service provider consults more than one local authority on any proposal which they have under consideration for a substantial development of, or variation to, the provision of a health service in the local authorities' areas, those local authorities must appoint a Joint Overview and Scrutiny Committee (JHOSC) for the purposes of the review.

7. There will be a Kent and Medway NHS Joint Overview and Scrutiny Committee comprising of members appointed by Medway Council and Kent County Council. These rules apply to the JHOSC and any Sub-Committee established by it.

8. The JHOSC will appoint a Chair at its first meeting in each municipal year, and that Chair will normally be drawn in rotation from Kent County Council and Medway Council members. Where a review is unfinished at the end of a municipal year, members may agree that the previous year's Chair (if still a member of the Committee) may continue to preside over consideration of matters relating to that review.

9. The formal response of the JHOSC will be decided by a majority vote. If the JHOSC cannot agree a single response to a proposal under consideration for a substantial development of, or variation to, the provision of a health service by an NHS body or a relevant health service provider, then a minority response which is supported by the largest minority, but at least three members, may be prepared and submitted for consideration by the NHS body or a relevant health service provider with the majority response. The names of those who dissent may, at a member's request, be recorded on the main response.

From: Ben Watts, General Counsel  
Katy Reynolds, Governance Advisor

To: Selection and Member Services Committee, 27 February 2025

Subject: Governance and Audit Committee Terms of Reference: Update

Previous Pathway: Governance and Audit Committee, 23 January 2025

Future Pathway: County Council, 13 March 2025

Status: Unrestricted

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## **1) Introduction**

- 1.1. It is best practice to conduct an annual review of the effectiveness of the Governance and Audit Committee. This should include different aspects, such as terms of reference and work plans.
- 1.2. Given the Council's current operating context (as outlined in the 2023/24 Annual Governance Statement), it was timely to review the Committee's effectiveness ahead of the May 2025 elections. The intention was to ensure that the terms of reference, Committee support and work plans assist the Committee in carrying out its role in ensuring that the authority's corporate governance framework meets recommended practice, is embedded across the whole Council, and is operating throughout the year with no significant lapses.
- 1.3. Further to the survey responses received and the reflection on the CIPFA 2022 review, it was recommended that the Committee's terms of reference be updated to ensure that the Committee is properly constituted and has a clear remit. The Governance and Audit Committee reviewed the proposed changes on 23 January 2025 and agreed to ask this Committee to review the proposals and recommend them to County Council. The proposed changes are outlined in the following section.

## **2) Proposed Updates to the Committee's Terms of Reference**

- 2.1. It has previously been highlighted that updating the terms of reference is an iterative revision process based on the need to continuously improve Kent County Council's governance. Further to the review of effectiveness, the proposed revised version of the terms of reference is set out in Appendix A. The current terms of reference with tracked changes are also set out in Appendix B for comparison.

- 2.2. The proposed changes are intended to provide the Committee with a more coherent, strategic, terms of reference. The objective is to improve the readability of the text whilst ensuring that this does not inadvertently diminish any of the Committee's powers. Therefore, where appropriate, headline phrases have been used to bring together and clarify roles and responsibilities, instead of listing individual reports. This is in response to feedback received via the survey that not all respondents had fully read the Governance and Audit Committee's Terms of Reference. It also helps remove some areas of possible ambiguity.

### **3) Recommendations**

The Selection and Member Services Committee is asked to recommend the proposed changes to the Governance and Audit Committee's terms of reference to County Council for agreement and for the Constitution to be updated accordingly.

### **4) Appendices**

Appendix A - Proposed Updated Terms of Reference

Appendix B – Proposed Updated Terms of Reference With Tracked Changes.

### **5) Background Documents**

[Governance and Audit Effectiveness Review December 2024](#)

### **6) Relevant Director and Report Authors**

Ben Watts, General Counsel  
03000 416814  
[benjamin.watts@kent.gov.uk](mailto:benjamin.watts@kent.gov.uk)

Tristan Godfrey, Senior Governance Manager  
03000 411704  
[tristan.godfrey@kent.gov.uk](mailto:tristan.godfrey@kent.gov.uk)

Katy Reynolds, Governance Advisor  
03000 422252  
[katy.reynolds@kent.gov.uk](mailto:katy.reynolds@kent.gov.uk)

## **Appendix A: Proposed Updated Terms of Reference**

- 17.2 Membership: 11 Members; plus, 2 (non-voting) co-opted members.
- 17.3 Members may not serve as ordinary or substitute members of the Governance and Audit Committee, or any sub-committees, where any of the following apply:
- a) They have not had the training required for this Committee.
  - b) They are an Executive Member or a Deputy Cabinet Member.
  - c) They are the Chair of the Scrutiny Committee.
  - d) They have served as an Executive Member at any time within the two years preceding the date of the meeting.
- 17.4 The Committee may appoint or remove up to two non-voting Co-Opted Members (independent of the elected membership) who may participate in the business of the Committee in accordance with the rules set out in the Constitution.
- 17.5 There is an expectation that Members not on the Committee, and Officers, attend in relation to material matters on the agenda. However, Officers below Senior Manager level are not required to attend meetings except with their agreement and that of the relevant Senior Manager.
- 17.6 The purpose of this Committee is to provide independent and high-level focus on the adequacy of governance, risk, finance, and control arrangements. Towards this purpose, its role is to:
- a) ensure there is sufficient assurance over governance risk and control and provide reports to full Council on the effectiveness and adequacy of these arrangements;
  - b) have oversight of both internal and external audit together with the financial and governance reports, helping to ensure that there are adequate arrangements in place for both internal challenge and public accountability,
  - c) through a and b above, give greater confidence to all those charged with governance for Kent County Council that its arrangements are effective and reporting to full Council or other Committees as necessary where the Committee has concerns that these arrangements are not effective; and
  - d) ensure that the County Council is sighted on the activity of the Committee alongside the importance of financial probity, good governance and learning lessons from audit activity through an annual report.
- 17.7 The Governance and Audit Committee is responsible for the following:
- a) monitoring the development and operation of the Council's corporate governance, financial, risk, and assurance frameworks and

arrangements to ensure it meets recommended practice, is embedded across the whole Council and is operating consistently throughout the year,

- b) monitoring the development and operation of the Council's Internal Audit function, including review of the internal audit charter and annual audit plan, and reviewing assurances that it is effective and independent of the activities it audits,
- c) oversight of the appointment and remuneration of external auditors to ensure they are approved in accordance with relevant legislation and guidance, and the function is independent and objective,
- d) monitoring the effectiveness of the external audit process, to help ensure that it is of appropriate scope and depth, gives value for money taking into account relevant professional and regulatory requirements, and is undertaken in liaison with Internal Audit,
- e) considering the external auditor's annual letter/report, and any other specific reports by, and with the agreement of, the external auditors,
- f) monitoring the arrangements and preparations for financial reporting to ensure that statutory requirements and professional standards can be met,
- g) receiving reports on the effectiveness of financial management arrangements, including Productivity Plans, saving plans, and compliance with the Financial Management Code,
- h) monitoring the Council's arrangements to secure value for money and reviewing assurances and assessments on the effectiveness of these arrangements,
- i) considering reports on the effectiveness of internal controls and monitor the implementation of agreed actions,
- j) reviewing assurances that accounting policies are appropriately applied across the Council,
- k) monitoring the robustness of the Council's counter-fraud arrangements, including the assessment of fraud risks, and reviewing assurances that the Council effectively monitors the implementation of the whistle-blowing policy and Bribery Act policy,,
- l) reviewing assurances that the Council has appropriate governance arrangements in place to manage the relationship between the Council and significant partnerships or collaborations, as well as any company in which the Council has majority control,
- m) reviewing assurances that the Council has appropriate arrangements in place to ensure that the commercial opportunities and risks presented through company ownership are managed effectively,
- n) oversight of the Executive's shareholder strategy regarding companies in which the Council has an interest,
- o) Approval of Spending the Council's Money, sending this document to full Council for noting.
- p) review and approval of the Statement of Accounts, with related reports, and the Annual Governance Statement, and



- q) reporting to full Council for assurance on the Accounts and Annual Governance Statement approval.

17.8 The Corporate Director of Finance has delegated authority from the Committee to make minor corrections and updates to Spending the Council's Money where it does not affect the meaning of the Sections.

## Appendix B: Proposed Updated Terms of Reference with Tracked Changes

- 17.2. Membership: 11 Members; plus, 2 (non-voting) co-opted members.
- 17.3. Members may not serve as ordinary or substitute members of the Governance and Audit Committee, or any sub-committees, where any of the following apply:
- a) They have not had the training required for this Committee.
  - b) They are an Executive Member or a Deputy Cabinet Member.
  - c) They are the Chair of the Scrutiny Committee. any other formal Committee set out in section 17 or 18 of the Constitution, or any of their sub-committees.
  - d) They have served as an Executive Member at any time within the two years preceding the date of the meeting.
- 17.4. The Committee may appoint or remove up to two non-voting Co-Opted Members (independent of the elected membership) who may participate in the business of the Committee in accordance with the rules set out in the Constitution.
- 17.5. There is an expectation that Members not on the Committee, and Officers, attend in relation to material matters on the agenda. However, Officers below Senior Manager level are not required to attend meetings except with their agreement and that of the relevant Senior Manager.
- 17.5.17.6. The purpose of this Committee is to provide independent and high-level focus on the adequacy of governance, risk, finance, and control arrangements. Towards this purpose, its role is to:
- a) ensure there is sufficient assurance over governance risk and control and provide reports to full Council on the effectiveness and adequacy of these arrangements;
  - b) have oversight of both internal and external audit together with the financial and governance reports, helping to ensure that there are adequate arrangements in place for both internal challenge and public accountability, ~~and~~
  - c) through a and b above, give greater confidence to all those charged with governance for Kent County Council that its arrangements are effective and reporting to full Council or other Committees as necessary where the Committee has concerns that these arrangements are not effective; and
  - d) ~~through an annual report,~~ ensure that the County Council is sighted on the activity of the Committee alongside the importance of financial probity, good governance and learning lessons from audit activity through an annual report.

~~17.6-17.7.~~ The Governance and Audit Committee is responsible for the following:

- ~~a) monitoring the development and operation of governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions in the Council,~~
- ~~b)a) monitoring the development and operation oversight~~ of the Council's corporate governance, financial, risk and assurance frameworks and arrangements to ensure it meets recommended practice, is embedded across the whole Council and is operating consistently throughout the year,
- ~~e) oversight of the Council's framework of assurance, to ensure that it adequately addresses the risks and priorities of the Council,~~
- ~~d)b) monitoring the development and operation oversight~~ of the Council's Internal Audit function, including review of the internal audit charter and annual audit plan, and reviewing assurances that it is effective and independent of the activities it audits, ~~is effective, has sufficient experience and expertise and the scope of work to be carried out is risk-based, and appropriate,~~
- ~~e) reviewing the annual audit plan and considering reports from the Head of Internal Audit on internal audit's performance during the year, including the performance of any external providers of internal audit services,~~
- ~~f)c) oversight of the appointment and remuneration of external auditors to ensure they are approved in accordance with relevant legislation and guidance, and the function is independent and objective,~~
- ~~g)d) monitoring the effectiveness of the external audit process, to help ensure that it is of appropriate scope and depth, and gives value for money taking into account relevant professional and regulatory requirements, and is undertaken in liaison with Internal Audit,~~
- ~~h)e) considering the external auditor's annual letter/report, and any other specific reports by, and with the agreement of, the external auditors,~~
- ~~i)f) monitoring the arrangements and preparations for financial reporting to ensure that statutory requirements and professional standards can be met,~~
- ~~j)g) receiving reports on the effectiveness of financial management arrangements, including Productivity Plans, saving plans, and compliance with the Financial Management Code,~~
- ~~k)h) monitoring the Council's arrangements to secure value for money and reviewing assurances and assessments on the effectiveness of these arrangements,~~
- ~~h)i) considering reports on the effectiveness of internal controls and monitor the implementation of agreed actions,~~
- ~~m) monitoring any public statements in relation to the Council's financial performance to help ensure they are accurate, and the financial judgements contained within those statements are sound,~~

- ~~h)j)~~ reviewing assurances that accounting policies are appropriately applied across the Council,
- ~~e)k)~~ \_\_\_\_\_ monitoring the robustness of the Council's counter-fraud arrangements, including the assessment of fraud risks, backed by well designed and implemented controls and procedures which define the roles of management and Internal Audit,
- ~~p)~~ ~~reviewing assurances that the Council monitors the implementation of the whistle-blowing policy and Bribery Act policy to ensure that they are adhered to at all times,~~
- ~~e)l)~~ reviewing assurances that the Council has appropriate governance arrangements in place to manage the relationship between the Council and significant partnerships or collaborations, as well as any company in which the Council has majority control,
- ~~r)m)~~ \_\_\_\_\_ reviewing assurances that the Council has appropriate arrangements in place to ensure that the commercial opportunities and risks presented through company ownership are managed effectively,
- ~~n)~~ oversight of the Executive's shareholder strategy regarding companies in which the Council has an interest,
- ~~s)o)~~ Approval of Spending the Council's Money, sending this document to full Council for noting.
- ~~t)p)~~ review and approval of the Statement of Accounts, with related reports, and the Annual Governance Statement, ~~and ensure that they properly reflect the risk environment and supporting assurances of the Council, and~~
- ~~u)q)~~ \_\_\_\_\_ reporting to full Council for assurance on the Accounts and Annual Governance Statement approval, ~~and where appropriate on the Committee's performance in relation to the terms of reference and the effectiveness of the Committee in meeting its purpose.~~

17.8. The Corporate Director of Finance has delegated authority from the Committee to make minor corrections and updates to Spending the Council's Money where it does not affect the meaning of the Sections.