

By: Alex King – Deputy Leader
Peter Sass – Head of Democratic Services

To: Selection and Member Services Committee – 20 October 2011

Subject: Proposed reorganisation of the Democratic Services Division

Summary: This report invites the Selection and Member Services Committee to approve a revised structure for the Democratic Services division in light of the redundancy of the Member Liaison Manager and the proposed changes to the County Council's governance structure at Member level.

Introduction

(1) The approval by the County Council of the Change to Keep Succeeding proposals in December 2010; the establishment of the new operating framework; and the impact of the revenue budget reductions over the short and medium term will result in Kent County Council becoming a much leaner and differently shaped organisation.

(2) The reorganisation will form the basis of Kent County Council as a single organisation, delivering shared priorities and a coherent service offer for the people of Kent.

(3) The impact of these significant changes to the way KCC works will also be seen at Member level in terms of ensuring that:

- (a) The Council decision-making and overview and scrutiny structure is appropriate to the risks and challenges we face;
- (b) the support to the Executive in its widest sense is properly co-ordinated and targeted; and
- (c) all elected Members are supported in the right ways to enable them to be as effective as possible in their various roles, including in their local divisions, particularly in the context of the developing localism agenda.

Context

(4) Outline proposals are being submitted to the County Council on 20 October for discussion and debate (see **Appendix 1**), which describe how:

- (a) existing legislation could be utilised to make changes to the decision-making structure at KCC;
- (b) more opportunities could be provided for backbench and opposition members to contribute to the formal Cabinet and Cabinet Member decision-making process
- (c) a consequent reduction in the number of Policy Overview and Scrutiny Committees could be made, whilst retaining the statutory minimum

number of Overview and Scrutiny and other (mainly Regulatory) Committees.

(5) If these are approved in principle, work will need to begin in earnest to flesh out the proposals, develop terms of reference for the new committees and draft the consequential changes to the Constitution for approval by the County Council. In this regard, it is intended to appoint a Transition Manager for an 18 month period to work directly to the Head of Democratic Services to ensure that the governance of the County Council remains clearly Member-led (see Job Description attached at **Appendix 2**). Interviews have been scheduled for 19 October.

(6) Leading on from the proposed revisions to the decision-making structure and in light of the departure of two out of the four senior Democratic Services managers, the duties and, reporting lines for staff within Democratic Services (which includes the Member Support Team) will need to be altered.

Principles of the Restructuring

(7) Democratic Services provides a wide range of constitutional, research and administrative support to the County Council's decision-making process and to Members in their various roles. On the decision-making support side, the division is currently organised into an Executive and Council Committees team (including school appeals) and a separate Overview and Scrutiny team. The existing structure of the unit is shown at **Appendix 3**.

(8) Given the developing shape of the decision-making process within KCC, the peaks and troughs in workloads and the new work likely to come the way of the Democratic Services team in the future, it is recommended that the existing team structure (Executive/Council Committees and Overview and Scrutiny) is reinforced by moving to more generic manager and Democratic Services Officer (DSO) posts. It is essential that the support to the decision-making process is flexible and more easily deployed where it is needed at different times. In consultation with staff, it is proposed, therefore, that executive, non-executive and overview and scrutiny support functions will be undertaken by all relevant and appropriately experienced staff but within reason to ensure that committee chairmen and spokespersons will still see (in most cases) just one or two familiar faces at their meetings, which will ensure consistency of approach.

(9) Following the decision by the Democratic Services Manager (Executive) to reduce his hours to 3 days per week with effect from 1 September 2011 and, in consultation with the portfolio holder for Democratic Services, a number of management changes to the support arrangements for the Executive and Council-side Committees have already been made, which are consistent with these principles.

Proposed Changes to Governance

(10) Subject to the County Council's consideration of the proposed changes to the governance arrangements, a number of further changes will be required to the support arrangements for the various Member-level bodies in the new

structure. These proposals will be developed by the Head of Democratic Services, in consultation with the portfolio holder, in due course.

Member Liaison and Support

(11) The redundancy of the Member Liaison Manager will mean that new line management arrangements need to be agreed for the Leader's office, Cabinet Support Team, the Civic Office, the Liberal Democrat Office, the Members' Desk and the backbench support officers.

(12) In consultation with the Leader and Deputy Leader of the Council, the following proposals are made in relation to line management arrangements (see structure chart at **Appendix 4**). The Committee is asked to note that these arrangements might be subject to further change as the organisation develops. It is important, however, that line management arrangements are clear and unambiguous by the time the Member Liaison Manager leaves KCC. Accordingly, it is proposed that, with effect from 1 November 2011 until further notice:

- The Staff Officer to the Leader will line manage the remaining Cabinet Member Staff Officers and the four Executive Assistants, actively developing closer relationships with the central policy unit and other relevant managers
- The Head of the Civic Office through the two (1FTE) Civic Officers will line manage the Members' Desk staff, the backbench support staff and the Driver/Administrator
- The Staff Officer to the Leader, the Head of the Civic Office and the Staff Officer to the Liberal Democrat Leader will report directly to the Head of Democratic Services.

(13) In addition to the line management responsibilities of the current Member Liaison Manager, there are a number of specific non-managerial tasks that are required to be performed and re-allocated accordingly, as follows:

Function	Lead Officer
Link between Members and the Learning and Development team in Personnel and Development	The Member Learning and Development Manager (Coral Ingleton) will take a more involved role, reporting directly to the Head of Democratic Services on this issue
Approval and dispute resolution of Members' Expenses Claims	The Head of the Civic Office
Lead on Member Accommodation and equipment for Members	Facilities Manager, reporting directly to the Head of Democratic Services, in consultation with the portfolio holder and the Selection and Member Services Committee as appropriate
IT support for Members including breakages, upgrades, renewals	VIP IT officer (Ben Brand) reporting directly to the Head of Democratic Services

Rolling out “self service” expenses for Members	Personnel and Development reporting directly to the Head of Democratic Services
Recording system for Members’ Allowances, expenses and other expenditure incurred by or on behalf of Members	System in place. To be monitored by the Head of Democratic Services, supported by the Head of the Civic Office and finance colleagues
Cover for the Members’ Driver as appropriate	Head of the Civic Office
Pre-Election and post-election work, including induction planning, new IT, office accommodation changes etc.	Transition Manager
Custodian of Annual Reports, Register of Interests, gifts and hospitality and Related Party Transaction forms for all Members	Head of the Civic Office

Financial Implications:

(14) The total staffing cost of the Democratic Services division is £1.365m in 2011/12, which includes the reductions agreed as part of the budget savings in the Member Support function in the current year totalling £121.9k. The proposed structure for the division (see **Appendix 4**) can be funded from within the existing staffing budget, including the cost of the temporary Transition Manager, as a result of in-year savings on staffing and other budgets, expected staffing savings in 2012/13 and a greater than anticipated level of income.

Recommendations:

(15) The Selection and Member Services Committee is invited to:

- (i) approve the revised structure for the Member Support team in Democratic Services as set out in this paper and request the Head of Democratic Services to ensure that the changes are properly communicated to all Members by the end of October 2011;
- (ii) request that the Head of Democratic Services continue to review the operation and capacity within the division with a view to achieving further efficiencies in the light of the changing Council governance structure; and
- (iii) recognize, acknowledge and thank the Member Liaison Manager for her contribution to Kent County Council over the last 39 years

By: Paul Carter, Leader of the Council
Geoff Wild, Director of Governance & Law

To: County Council, 20 October 2011

Subject: Proposed revisions to the Council's governance arrangements

Classification: Unrestricted

Background

(1) Before the Local Government Act 2000, councils could either take all decisions at full council or could delegate decision-making to committees, sub committees, joint committees or officers.

(2) By the mid-1990s, the committee system was deemed to be inefficient, lacking in transparency, slow in decision-making, resource-intensive and overly focused on operational activities rather than policy strategy and results.

(3) The 2000 Act abolished the committee system and required all councils serving a population of 85,000 or more to adopt an executive model of governance with either an elected Mayor and Cabinet, a powerful council manager, or an indirectly elected Leader and Cabinet (the latter being the model adopted by most councils, including KCC in 2001).

(4) Since then, the power of the full council is limited to approving the annual budget, the council tax and the key strategies that form the Policy Framework, together with a number of other functions that are reserved to it or its committees by law (as listed in Appendix 2 Part 1 of the Constitution). Whilst a small number of cross-party committees are retained, particularly for quasi-judicial matters, all other decision-making responsibilities rest with the executive (the Leader). The Leader is given authority by the Council to allocate individual portfolio responsibilities to Cabinet Members, along with any executive powers in relation to these portfolios, although it would be open to the Council (instead of the Leader) to appoint those Cabinet Members.

(5) The Cabinet system has undoubtedly led to decisions being made more quickly and accountably, particularly given that individual Cabinet Members can make decisions. The executive/scrutiny split has also been effective in terms of calling decision-makers to account, whilst releasing backbench and opposition members from having to attend so many formal meetings and allowing them to concentrate more on their representative role in their communities.

(6) However, the speed of the decision-making process can sometimes lead to significant numbers of elected members feeling removed from the decision-making process. Some believe that too much power is concentrated in the hands of too few people and that, once made, executive decisions are rarely altered through the scrutiny process.

The Localism Bill

(7) The Localism Bill proposes to amend the Local Government Act 2000 to permit either of the following models of governance to be adopted:

- (a) An executive system
- (b) A committee system
- (c) Other arrangements proposed by the council and approved by the Secretary of State. Such approval is only likely to be given if they are an 'improvement' on current arrangements and ensure that decisions are taken in an efficient, transparent and accountable way

(8) In terms of the committee system proposals, details in the Bill currently include:

- (a) Provision for the Secretary of State to specify which functions of a council can be delegated under a committee system
- (b) That any council adopting a committee system may appoint one or more overview and scrutiny committees (OSCs)
- (c) Lead local flood authorities must carry out scrutiny of flood risk and coastal erosion risk management functions
- (d) Health scrutiny powers/duties will continue, but these may be taken on by a relevant committee rather than a specific OSC
- (e) For those councils that have adopted one or more OSCs, one of those committees must be designated as the Crime and Disorder Committee
- (f) The Secretary of State may make provisions about the function, composition and procedure of OSCs and the appointment of joint committees and sub committees of OSCs.

(9) Under the Localism Bill, it is proposed that the process for changing governance arrangements would be as follows:

- (a) A resolution of the full council
- (b) Approval by the Secretary of State (if 'other arrangements' are proposed)
- (c) Changes to governance arrangements come into effect immediately after the next local election (May 2013)

(10) Councils would not be permitted to pass another resolution to change governance arrangements within five years, unless that resolution is approved

by referendum. Proposals to change governance arrangements may be subject to a referendum in cases where:

- (a) The council's existing form of governance was approved by referendum and it wishes to change; or
- (b) The council resolves that a proposed change of governance be approved by referendum

Councils will not normally be permitted to hold another referendum on changes to governance within ten years. Given that a referendum (effectively an all-out election) would cost approximately £2m, it is not recommended.

Design considerations

(11) Under the Localism Bill, therefore, the earliest the Council would be able to implement a new system of governance would be 2013. Before introducing any changes, however, it would be important to establish:

- (a) That improvements could be made on the current system in terms of transparency, accountability, reduced bureaucracy, speed/quality of decision making and the better involvement of all Members
- (b) What a new system of governance would be designed to achieve and what the benefits would be in terms of service delivery and efficiency
- (c) What would be the benefits (real or perceived) to the people of Kent
- (d) How a scrutiny function would be built into the system (if at all), including existing responsibilities (e.g. HOSC)
- (e) How issues around partnership working and an increased focus on commissioning (rather than delivery) and localism would be administered and achieved by the new system
- (f) What changes to the Constitution would be necessary and what implications these would have
- (g) How the new system would interface with the Corporate Management Team, the Officer Scheme of Delegation and how the delivery of Bold Steps for Kent would be assured

The Kent Hybrid model

(12) The proposals contained in the Localism Bill present many opportunities around adopting a new form of governance and there is an opportunity to take the best of both the Cabinet and Committee systems and design a hybrid model. In addition, by examining and maximising existing legislative provisions, particularly around the overview and scrutiny function, such a hybrid alternative could be introduced immediately and without the need for an expensive referendum.

Proposals in more detail

(13) The creation of Cabinet Committees, possibly linked to portfolios or aligned with existing POSCs:

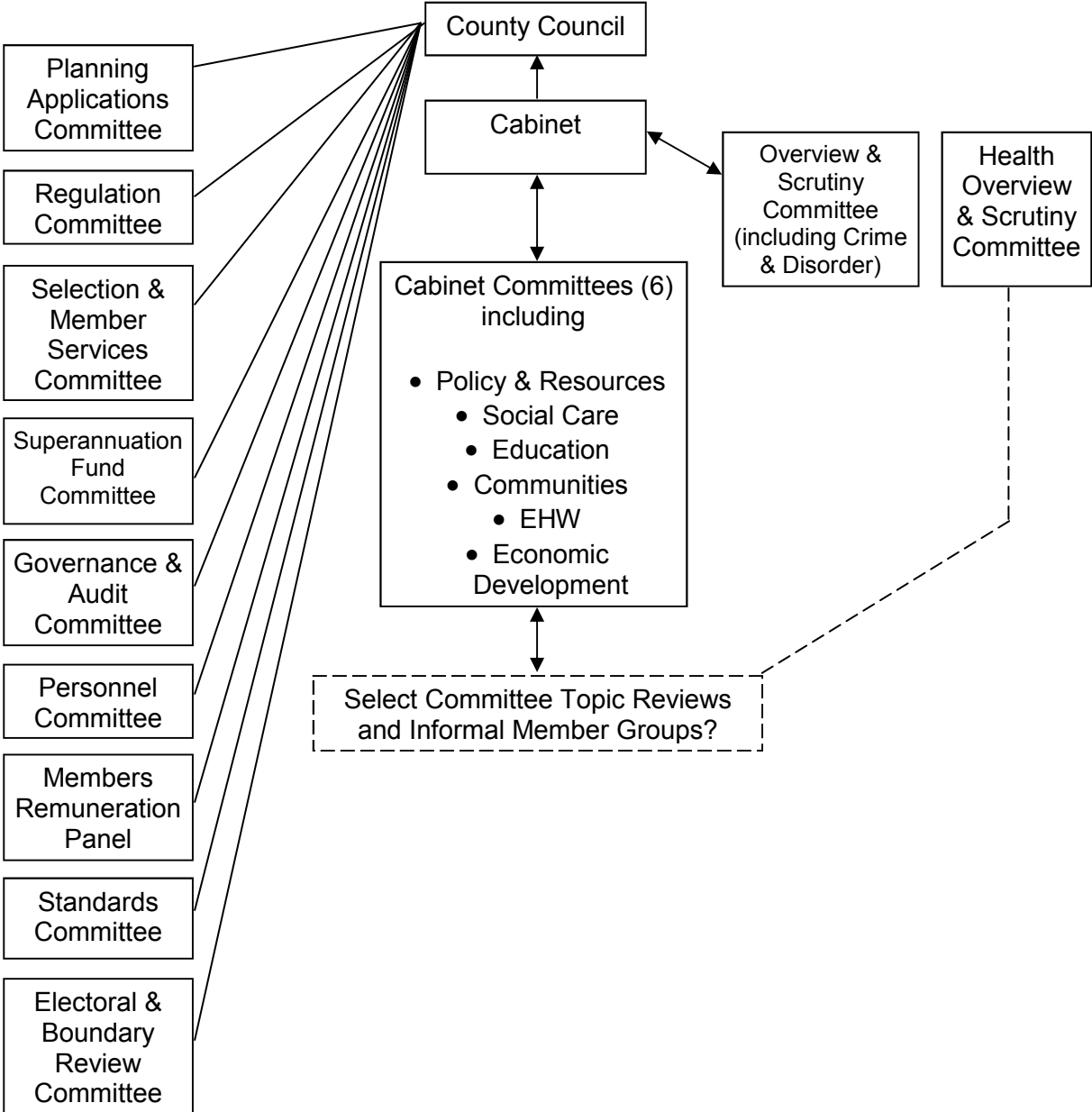
- (a) Possibly chaired by the Cabinet Member (but see questions below) with cross-party membership, designed to ensure a wider Member involvement in shaping policy and forthcoming executive decisions
- (b) Proportionality rules need not apply, thus allowing both Opposition Groups the opportunity of a seat on all of the committees
- (c) Formal decisions would continue (as now) to be made by the Cabinet Member (or Cabinet) following the relevant Cabinet Committee meeting, but no formal decisions (other than urgent decisions) would be made on a matter that had not been considered through one of these committees
- (d) Care would be required to ensure that the papers submitted to the Cabinet Committees were sufficiently detailed so that the committee was fully aware of the impending decision, i.e. not a loose and inexact report with unclear conclusions so that the committee might not be aware of what is really being proposed
- (e) Cabinet Committees would also have a performance management and policy development role (similar to old-style committees)
- (f) Terms of Reference and Procedure Rules would need to be developed for the Cabinet Committees
- (g) It would have the effect of reducing the number of formal committees by one-third, from 29 to 19 (see diagrams below):

Existing Mode of Operations	County Council	
Health Overview & Scrutiny Committee	Cabinet	Cabinet Scrutiny

Policy Overview & Scrutiny Committees		
<u>Not</u> including the Informal Member Group (IMGs) for each POSC	Scrutiny Board	Adult Social Care & Public Health POSC
Corporate POSC	Customer & Communities POSC (Crime & Disorder Cttee)	Education, Learning & Skills POSC
Environment, Highways & Waste POSC	Regeneration & Economic Development POSC	Specialist Children's Services POSC

Other/Support Committees*		
Personnel Committee	Planning Applications Committee	Electoral & Boundary Review Committee
Flood Risk Management Committee	Governance & Audit Committee	Regulation Committee
Superannuation Fund Committee	Standards Committee	Selection & Member Services Committee
Corporate Parenting Panel	Governor Appointments Panel	School Organisation Advisory Board
Kent Schools Admissions Forum	Joint Appointments Committee – Kent Police Authority	Gypsy & Traveller Advisory Board
Supporting People in Kent Commissioning Body	* Not including: Select Committees, Local Neighbourhood Forums, Member Panels, Sub-Groups and Sub-Committees	

Proposed structure



(14) **Overview and Scrutiny:** Under existing legislation, the council has to have at least one Overview and Scrutiny Committee (OSC) plus an OSC for Health and it is proposed that KCC adopts the statutory minimum model. It is suggested that the membership of the main OSC is made up of Members who are not Members of any of the Cabinet Committees, to ensure complete separation of roles and to maintain a single, independent scrutiny function for formal Cabinet, Cabinet Member and Officer decisions. It is also suggested that the relevant parts of the Constitution should be tightened up to ensure that any decision called-in to scrutiny meets a more robust test of reasonableness than has existed hitherto. There would be an expectation of fewer call-ins if improved 'pre-decision scrutiny' at Cabinet Committees took place. Crime and disorder will also be undertaken by the single OSC, although the HOSC would be retained in its current form as a separate committee.

(15) **Other Committees:** Executive Advisory Boards, e.g. Gypsy and Traveller Advisory Board, School Organisation Advisory Board, Flood Risk Management, etc, would be subsumed into the new Cabinet Committees, but all current council-side committees, particularly quasi-judicial committees such as Planning and Regulation, would remain, although the opportunity exists to re-examine the terms of reference and delegated powers of these committees. Other committees, e.g. Governance and Audit are not required by statute but are recommended by bodies like CIPFA as good practice and would remain.

(16) **Locality Boards:** Locality Boards could give much greater backbench engagement and, subject to the existing pilots being successful, Locality Boards could be placed on a more formal footing, perhaps as Joint Committees, with commissioning powers. This was envisaged some time ago by the work done by the "Going Local" IMG and reflects the Government's aspirations in the Localism Bill.

(17) **Impact on Members' Allowances:** It is suggested that the impact on the Members' Allowances Scheme would be neutral. Under these proposals, 8 SRAs would disappear (7 POSC chairmen and 1 spokesman on Cab Scrutiny). These could be replaced by 12 new SRAs for the KCC Vice-Chairmen of Locality Boards, although it is likely that there would be a gap between the dissolution of POSCs and the creation of some Locality Boards.

Outstanding issues

(18) There remain many unanswered questions that will require careful consideration, including:

- (a) Chairmanship of Cabinet Committees – Cabinet Members, Deputy Cabinet Members or backbenchers?
- (b) Who sets agendas – Cabinet Members or backbenchers?
- (c) How many Cabinet Committees and how many Members on each?
- (d) What size Cabinet – fewer Members to mirror Cabinet Committees?

- (e) Future role of Cabinet meetings
- (f) Frequency and size of Cabinet Committees? Currently POSCs meet five times per year. If the Cabinet Committees only met five times a year the decision-making process would be slow. If monthly, decision-making quicker but results in an increase (not decrease) in the number of formal meetings
- (g) Public or private meetings? Confidentiality during policy development?
- (h) Would Cabinet Committees be permitted to co-opt? e.g. parent governors and church representatives on Education Cabinet Committees
- (i) Cabinet Sub Committees? Should they be avoided for reasons of resources and too much demand on Member time?
- (j) Chairmanship of OSC?
- (k) Future of IMGs (good for examining detail but not public or transparent part of decision-making process). Could they be disbanded?
- (l) Future of Select Committees?
- (m) What consultation would be required?

Recommendations

(19) The Council is invited to debate the proposed hybrid model of governance outlined above, based on a retention of the Cabinet; the creation of a number of cross-party Cabinet Committees; the scaling back of the overview and scrutiny function; and recognising the future significance of Locality Boards.

(20) If approved in principle, consideration should be given to how this is taken forward and the timescale for proposals to be made to the Council for formal adoption.

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Kent County Council

Job Description: Democratic Services Transition Manager

Directorate	Business Strategy and Support
Unit	Governance and Law
Location	Sessions House, County Hall, Maidstone
Grade	KR12
Responsible to	Head of Democratic Services

Purpose of the job:

Working directly to the Head of Democratic Services, to lead on the detailed design and implementation of any revised governance arrangements at Member level within KCC and other complementary work streams, such as revisions to the arrangements for Member Support and Development, within an environment of new and emerging legislation and new organisational and political priorities and preparation for the full County Council elections in May 2013.

Main duties and Responsibilities:

- (1) Support the Head of Democratic Services in dealing with (1) any changes in governance arrangements at Member level; (2) the structure, reporting arrangements and activities of the Democratic Services team before, during and after the period of transition; and (3) in preparing robust succession planning arrangements for all areas of the work of the Democratic Services team
- (2) Working closely with the elected members and the Learning and Development Manager on a range of methods of training and development to ensure that the elected Members are equipped and able to respond to the complex change agenda, as well as leading on a number of related Member support strategies;
- (3) Assist and support the Head of Democratic Services in the planning and management of the County Council's four-yearly elections, together with any by-elections in the intervening period, in conjunction with the County Returning Officer and the relevant District and Borough Councils;
- (4) Assist and support the Monitoring Officer and Deputy Monitoring Officer in relation to their statutory roles.

Person Specification: Democratic Services Transition Manager

Qualifications	<ul style="list-style-type: none"> • Educated to degree level or equivalent • Evidence of continuous training and development in relevant parts of the job description
Experience	<ul style="list-style-type: none"> • Manager with a solid track record of leading and managing change within complex internal and external political environments • In-depth knowledge of the KCC Constitution and the law relating to local authority governance and decision-making. • Experience and proven track record of working closely with elected Members, both within KCC and the local government community in Kent. • Experience of local government elections and the various processes that need to be put in place for both new and returning Members.
Skills and Abilities	<ul style="list-style-type: none"> • Skilled and experienced in inter-personal, organisation, communication (oral and written), negotiation and co-ordinator skills. • Proven project management skills. • Proven problem-solver, including the understanding and ability to make use of IT systems. • Proven experience of being part of a successful team, working with others in a collegiate way to achieve clear objectives • Proven ability as someone who can adapt easily to changing circumstances in a flexible and constructive way, whilst never losing sight of team goals