

From: Paul Carter – Leader of the Council
Geoff Wild – Director of Governance & Law

To: Selection and Member Services Committee – 14 March 2012
County Council – 29 March 2012

Subject: New Governance Arrangements for Kent County Council

Summary: This report invites the Selection and Member Services Committee to consider and recommend to the County Council changes to the Constitution and other documents to implement the new governance arrangements approved by the Council on 15 December 2011.

Unrestricted

Introduction

1. (1) This report reflects the decisions taken by the County Council at its meeting on 15 December 2011, when it was agreed to implement new governance arrangements from 1 April 2012. The new governance arrangements are designed to:

- (a) streamline the committee infrastructure
- (b) make the decision-making process more transparent and inclusive
- (c) support Cabinet Members in making more effective and informed decisions
- (d) provide non-executive Members with a greater opportunity to shape the Council's policies and major decisions
- (e) have a cost neutral impact on the Members' Allowances Scheme

(2) The Committee is invited to consider and make recommendations to the Council on the:

- (a) revised committee structure (including the Cabinet Committees and the Scrutiny Committee)
- (b) allocation of seats to each political group and
- (c) proposed amendments to the Constitution and other documents to operate the new governance arrangements from 1 April 2012

Cabinet Committees

2. (1) The proposed sizes of each committee and the allocation of seats to each of the political groups for the new committee structure are set out in **Appendix 1**.

Allocation of Portfolio Functions to Cabinet Committees

(2) Cabinet Members, whilst not being members of the Cabinet Committees, will be expected to attend the Cabinet Committee to which their

portfolio functions are aligned. The Cabinet Members and whose portfolio functions include corporate themes will also be expected to attend the Policy and Resources Cabinet Committee as and when the agenda dictates their presence is required, e.g. should the Policy and Resources Cabinet Committee wish to look at the Big Society Bank, the Cabinet Member for Customer & Communities will attend, etc.

(3) Appendix 2 sets out a draft of how the portfolio functions have been aligned to each of the six Cabinet Committees.

Chairmanship of Cabinet Committees

(4) The Council acknowledged at its meeting on 15 December 2011 that the Leader intended to appoint a 'mixed economy' of chairmen for Cabinet Committees (including a Cabinet Member, Deputy Cabinet Member and non-executive Members of the administration). The Leader has decided, however, not to nominate any Cabinet member to be Chairman of a Cabinet Committee. He proposes instead to nominate the following as Chairmen for formal appointment at the first meeting of each Cabinet Committee:

- (a) *Eric Hotson* - Policy and Resources
- (b) *Chris Smith* - Social Care and Public Health
- (c) *Gary Cooke* - Education
- (d) *Alice Hohler* - Communities
- (e) *David Brazier* - Environment Highways and Waste
- (f) *Mark Dance* - Economic Development

(5) Each Cabinet Committee will elect a Chairman and Vice Chairman at the first meeting of the Cabinet Committee.

Schedule of Meetings of Cabinet Committees

(6) Meetings of the Cabinet Committees have provisionally been scheduled to take place in January, April, June, September and November each year (commencing in April 2012). These meetings will not be aligned to the meetings of the Cabinet as the majority of Cabinet decisions are taken by individual Cabinet Members. Attached as **Appendix 3** is the proposed schedule of Cabinet Committee meeting dates for the period 1 April 2012 to 30 April 2013.

(7) The challenge for the Cabinet and Corporate Management Team will be to ensure that proposed statutory Key Decisions and significant strategic decisions are, wherever possible, considered by the relevant Cabinet Committee prior to the decision being taken. This will require disciplined preparation to achieve an effective, robust and responsive decision-making process.

(8) Report authors, Corporate Directors and Cabinet Members will all need to ensure that the reports on which proposed decisions are based are published and submitted to the relevant Cabinet Committees five clear working days prior to the Cabinet Committee meeting, containing clear recommendations and reasons for those recommendations. Attached as

Appendix 4 is the form of model report that will be used by report authors for all such reports.

Terms of Reference of Cabinet Committees

(9) Appendix 5 sets out the terms of reference for the Cabinet Committees, which were approved by the County Council on 15 December 2011.

Forward Plan

(10) The Forward Plan sets out a rolling programme of Key Decisions and other significant strategic decisions for the following six month period. The Plan is published by the Leader on a monthly basis. Appendix 6 sets out the definition of a Key Decision.

(11) It is proposed that all decisions included in the Forward Plan will normally be considered by the appropriate Cabinet Committee prior to the decision being taken.

(12) Appendix 7 is an amended template for completion of an entry in the Forward Plan. It will be incumbent upon Cabinet Members and Corporate Directors to ensure that, as far as possible, all proposed Key Decisions and significant strategic decisions are included in the Forward Plan.

Mechanism for Cabinet Committee consideration and a Cabinet Member decision outside the Cabinet Committee cycle of meetings

(13) There will inevitably be occasions when a decision, although not required to be taken under the urgency procedures, nevertheless needs to be taken by a Cabinet Member between meetings of the relevant Cabinet Committee. In these circumstances, the relevant Cabinet Committee Chairman, Group Spokesmen and Opposition Members on the Cabinet Committee will be consulted prior to a decision being made and their views recorded on the Record of Decision. The decision will be published to all members of the Cabinet Committee and Scrutiny Committee and reported for information to the following meeting of the relevant Cabinet Committee.

(14) The use of the urgency procedures to take decisions should be a matter of last resort and only if action is required to be taken on a matter before the next meeting of the relevant Cabinet Committee and there is insufficient time for the normal scrutiny process to be followed.

(15) The suggested procedures for the taking of an urgent decision are as follows:

“(1) If a decision has to be taken or implemented for reasons of urgency before the procedures set out in xxxxxx have been completed, it may be taken and implemented provided that:

(a) the Chairman, and Group Spokesmen of the relevant Cabinet Committee and Scrutiny Committee have been consulted (unless the circumstances render this impractical) and

(b) the relevant Senior Manager and (in the case of a Key Decision that ought to be included in the Forward Plan) the Chairman and Group Spokesmen of the relevant Cabinet Committee and Scrutiny Committee agree that the making of the decision is urgent and cannot reasonably be deferred until after the next meeting of the relevant Cabinet Committee and Scrutiny Committee

(2) If any of the Chairmen or Group Spokesmen of the relevant Cabinet Committee and Scrutiny Committee is unable to act, the Chairman or Vice Chairman of the Council may be consulted instead.

(3) The reasons why it was not practical to comply with the relevant procedures and the agreement and any comments of the relevant Senior Manager and Chairmen, Group Spokesmen of the relevant Cabinet Committee and Scrutiny Committee must be included and published in the written statement of decision.

(4) The relevant Cabinet Member shall report to the next meeting of the Cabinet Committee giving details (including particulars of the matters in respect of which decisions were made) of any decisions that were taken as an urgent matter since the last Committee meeting.

Agenda Setting Process for Cabinet Committees

(16) At the County Council in December it was acknowledged that the agenda setting process for the Policy Overview and Scrutiny Committees has worked well. The process for the Cabinet Committees will be similar, in that the Chairman of the Cabinet Committee, the relevant Cabinet Members, Group Spokesmen and Opposition Members will meet to discuss the business for the Cabinet Committee, but the final agenda will be for the Chairman to determine in consultation with the Cabinet Members.

(17) In setting the agenda for a Cabinet Committee, consideration will be given to including any item which a member of the Committee wishes included on the agenda, provided it is relevant to the terms of reference of the Committee and notice has been given to the Clerk at least nine days before the meeting.

Decision Making Process

3. All the Cabinet Committees are scheduled to take place within a ten working day period (see **Appendix 3**). Three clear working days between a meeting of the Cabinet Committee and the Cabinet Member taking the decision will enable the Cabinet Member to reflect on the agreed written summary of the Cabinet Committee's deliberations. The decision making process will be elongated by three clear working days beyond the existing decision making process unless the "call-in" procedure is invoked (see **Appendix 8**).

Scrutiny Committee

4. (1) The following paragraphs relate to the Scrutiny Committee (but not to the Health Overview and Scrutiny Committee, which will remain separate within the new committee structure). The proposed terms of reference of the Scrutiny Committee are set out in **Appendix 9**. The Scrutiny Committee has the power to:

- (a) Require the Leader, Cabinet Members and senior officers to attend before it and answer questions
- (b) Question and gather evidence from any person (with their consent)
- (c) Appoint one or more sub-committees to discharge any of its functions

(2) Any non-Cabinet Member may serve as an ordinary or substitute member of the Scrutiny Committee unless the Scrutiny Committee is dealing with an item that has been considered by the Cabinet Committee on which they serve. In these circumstances, they would need to declare an interest and withdraw from the meeting whilst the item is considered.

(3) The Chairman and Vice Chairman of the Scrutiny Committee will be elected at the first meeting of the Committee.

Crime & Disorder Committee

(4) The Scrutiny Committee will also discharge the functions of s.19 of the Police and Justice Act 2006, which requires that the committee meets at least once in twelve months as the Crime and Disorder Committee.

Flood Risk Management

(5) For the purposes of the Localism Act 2011, the Scrutiny Committee will also have responsibility to review and scrutinise the exercise by risk management authorities of flood or coastal erosion risk management functions that may affect the local authority's area.

Police and Crime Panel (PCP)

5. (1) Members will be aware that the Police Reform and Social Responsibility Act 2011 is set to replace the Police Authorities with directly elected Police and Crime Commissioners (PCC), with the aim of improving police accountability. PCCs will be elected in November 2012.

(2) Each police force area will have to set up a Police and Crime Panel (PCP) to scrutinise and maintain a check and balance on the new PCC, although the Panel will not have direct control over the PCC's decisions. The PCP will have similar powers to an overview and scrutiny committee established in accordance with section 21 of the Local Government Act 2000, in that it will be able to require the PCC to attend public meetings; require information in the possession of the PCC; and make recommendations on the draft Police and Crime Plan (for which it is a statutory consultee) and expenditure proposals. The PCP will also have the ability to:

- (a) review and veto the proposed precept
- (b) review and veto the decision to appoint a Chief Constable
- (c) review but not veto the appointment of various other senior staff.

(3) The PCP will be established as a formal joint committee of KCC, Medway Council and all 12 District Councils in Kent and will include two independent members. The PCP will be bound by Schedule 12A of the Local Government Act 1972, as amended, in relation to the publication of agendas, minutes and reports.

(4) Guidance issued by the Local Government Association on the role and composition of PCPs states that there is no single, right approach to composition. In particular, it states that it would be possible to take a mixed approach, with the PCP comprising both executive and non-executive members.

(5) At its meeting on 8 February 2012, the Kent Forum endorsed the County Council as the lead authority for the purposes of the planning and delivery of the PCP's work programme and the provision of accommodation and officer support, subject to each local authority approving this via their own decision-making processes. In addition, the Kent Forum endorsed the setting up of a Shadow PCP by July 2012 and to delegate responsibility to the County Council, in consultation with Medway Council, to draft the procedure rules and panel arrangements for the PCP for discussion and refinement by the Shadow PCP, with a view to reporting back detailed operating arrangements to a future meeting of the Kent Forum for endorsement, subject to each local authority approving this via their own decision-making processes.

(6) The PCP will be a scrutiny body, with an external focus on the decisions and activities of the PCC. Accordingly, it is recommended that the PCP be regarded as a separate Joint Committee of the Council, as opposed to being an integral part of the proposed Scrutiny Committee.

Member Role Descriptions

6. (1) Following the Council's decision to delete the post of Managing Director, a number of amendments are proposed to the Member Role Descriptions. **Appendix 10** sets out revised Member Role Descriptions for the Leader, the Deputy Leader, Cabinet Members and Deputy Cabinet Members, in order to reflect their greater managerial and operational involvement in the running of the Council. It also includes a member role description for the Chairman of a Cabinet Committee, the Scrutiny Committee Chairman and Locality Lead/Vice Chairmen of Locality Boards.

(2) These proposed changes were recommended to the County Council for approval by the Independent Remuneration Panel on 1 March 2012 and the Standards Committee on 7 March 2012.

Impact on the Members' Allowances Scheme

7. (1) One of the objectives of the new scheme of governance is to ensure that its impact on the Members' Allowances Scheme is cost neutral.

(2) The Independent Remuneration Panel met on 1 March 2012 to consider proposed amendments to the Members Allowance Scheme to deliver the new governance arrangements. The Panel invited the Leaders of all three political groups to meet with them. The recommendations of the Panel on which the County Council's approval is sought are set out in **Appendix 11**. This appendix also includes the Leader's proposals for the Member Allowance Scheme for the period 1 April 2012 to the Annual Meeting in May 2013, which include paying an allowance to the Locality Lead for the County Council for each of the 12 Kent Districts.

Member Annual Reports

8. (1) **Appendix 11** also includes a summary of the discussion and conclusions with all Leaders on the Members' Annual Report process.

(2) The Leader has expressed disappointment at the Independent Remuneration Panel's request that the existing template for Annual Reports be circulated to all Members for their completion. The Leader made it clear to the Panel that the Administration was proposing to refresh and invigorate the template which was felt to be outdated and dull. Whilst he is keen to consult them going forward, it is for the County Council to determine whether or not the Council has Annual Reports and to agree their format.

(3) The Leader has therefore asked the Independent Remuneration Panel to accept a delay in the preparation and completion of the Annual Reports for 2011/12 to enable a new process and template to be prepared and shared with the Panel and others prior to approval by the County Council on 29 March 2012.

Changes to the Constitution

9. (1) The Council noted in December that work would be undertaken on the Constitution to make it easier to navigate.

(2) Attached as **Appendix 12** is the revised core sections of the Constitution for implementation of the new governance arrangements on 1 April 2012.

Conclusions

10. (1) Following the decisions taken by the Council on the recommendations of this Committee, work will be undertaken by officers to ensure that:

- (a) staff across the Council are aware of the new governance arrangements and
- (b) the new arrangements are embedded into the culture and working practices of the Council

(2) The County Council will review the operation of the new governance arrangements at its meeting on 25 October 2012.

Recommendations

11. The Selection and Member Services Committee is asked to:

- (a) comment on the proposals for the implementation of Cabinet Committees, which will be reported to the County Council for agreement;
- (b) comment on the Independent Remuneration Panel proposals on the Members' Allowances Scheme and make recommendations to the County Council for the Members' Allowances Scheme for the period 1 April 2012 to the Annual Council meeting in May 2013;
- (c) delegate authority to the Head of Democratic Services in consultation with the three political group leaders, the Independent Remuneration Panel and the Chairman of this Committee to develop a new template and process for Members' Annual Reports for approval by the County Council on 29 March 2012;
- (d) comment on the Independent Remuneration Panel and Standards Committee's views on the proposed changes to the Member Role Descriptions;
- (e) recommend to the County Council the consequential changes to the Constitution to implement the new governance arrangements from 1 April 2012;
- (f) recommend to the County Council:
 - (i) that KCC will be the lead authority for the Police and Crime Panel (PCP) for the purposes of planning and delivery of the PCP's work programme
 - (ii) the provision of accommodation and officer support, as described in paragraphs 3(6) to 3(9) of the report
 - (iii) that a Shadow PCP be established by July 2012
 - (iv) that KCC, in consultation with Medway Council, draft the procedure rules and panel arrangements for the PCP for discussion and refinement by the Shadow PCP, with a view to reporting back the detailed operating arrangements to a future meeting of the Kent Forum for endorsement, subject to each local authority approving this via their own decision-making processes at the appropriate time;
 - (v) and the County Council be asked to approve:
 - the establishment of the Police and Crime Panel for Kent as a formal Joint Committee with Medway Council and the 12 District Councils in Kent, and
 - note that the Panel will have two independent members appointed following a public advert.

New Committee Structure**Allocation of Seats to Political Groups**

Composition of County Council

Political Group		Number of seats			Proportion of seats	
Conservative		74			88% (88.10%)	
Liberal Democrat		7			8% (8.33%)	
Labour		2			3% (2.38%)	
Independent		1			1% (1.19%)	
Total		84			100%	
Committee	Con	Lib Dem	Lab	Ind	Total	
Scrutiny Committee	7	1	1	1	10	
Health Overview and Scrutiny Committee	10	1	1	0	12	
Governance and Audit Committee	12	1	0	0	13	
Electoral & Boundary Review Committee	7	1	0	0	8	
Personnel Committee	7	1	1	0	9	
Planning Applications Committee	16	1	0	1	18	
Regulation Committee	15	1	0	1	17	
Selection and Member Services Committee	7	1	1	0	9	
Corporate Parenting Panel	7	1	0	0	8	
Superannuation Fund Committee	7	1	0	0	8	
TOTAL	95	10	4	3	112	
Proportionate Share of Total	99	9	3	1	112	
Difference to Proportionate share	-4	+1	+1	+2	0	

Sub-Committees	Con	LD	Lab	Ind	Non KCC	Total
Select Committees	7	1	0	0		8
Regulation Committee Panels (School-related Appeals (mainly Transport); Enforcement, Public Rights of Way, Marriage Premises, Village/Town Greens)	4	1	0	0		5

Other Authorities, Joint Committees and Partnership Bodies

Authority, Joint Committee or Partnership Body	Con	Lib Dem	Lab	Ind	Total
Kent and Medway Fire and Rescue Authority	18	2	1	0	21
Kent Police Authority	6	1	0	0	7
Kent/Medway Joint Police Authority Appointments Committee	3	1	0	0	4
Kent and Essex Inshore Fisheries and Conservation Authority	3	0	0	0	3
Standing Advisory Committee on Religious Education	3	1	0	0	4
Adoption Panels	11	1	0	0	12
Kent & Medway NHS Joint Overview and Scrutiny Committee	10	2	0	0	12

NOTE: The Cabinet Committees are executive committees and do not form part of the Allocation of Seats to Political Groups

MEMBERSHIP OF CABINET COMMITTEES AND SCRUTINY COMMITTEE

Education (12) 10 Conservative 1 Liberal Democrat 1 Labour

Social Care and Public Health (12) 10 Conservative 1 Liberal Democrat 1 Labour

Communities (12) 10 Conservative 1 Liberal Democrat 1 Labour

Environment Highways & Waste (12) 10 Conservative 1 Liberal Democrat 1 Labour

Policy and Resources (12) 10 Conservative 1 Liberal Democrat 1 Labour

Economic Development (12) 10 Conservative 1 Liberal Democrat 1 Labour

Scrutiny Committee (10) 7 Conservative 1 Liberal Democrat 1 Labour 1 Independent

APPENDIX 2

ALIGNMENT OF PORTFOLIO FUNCTIONS TO CABINET COMMITTEES

	Functions	Cabinet Portfolio Holders	Corporate Director	
Policy and Resources	Kent Forum	Paul Carter	Amanda Honey	
	Local Enterprise Partnership (LEP)		David Cockburn	
	Vision for Kent		Alex King	Andy Wood
	Audit	Amanda Honey		
	District Relationships	David Cockburn		
	Democratic Services	John Simmonds		Andy Wood
	International			David Cockburn
	External Funding		David Cockburn	
	Financial Control			
	Income Generation & Charging Policy			
	Information Systems Group (ISG) applications and delivery of service		Andy Wood	
	Oracle Transition			
	Personnel Business operations (employee Services, Schools Personnel Service, Learning & Development)			
	Personnel Information Systems			
	Revenue and Capital			
	Procurement (including Transport Integration Unit)	Roger Gough	David Cockburn	
	Business Strategy			
	Legal Services			
	Property and Capital Programme delivery			
	Information, resilience, Data Protection Act & Transparency			
	ISG commissioning and infrastructure(including Kent Public Sector Network)			
	Policy, performance and risk management			
	Business Intelligence			
	Property and Capital Programme Delivery (including Kings Hill)			
	Health Transformation		Andrew Ireland	
	Primary Care Trust & health transition/response to reforms.		Amanda Beer	
	Employment Strategy, organisational development, business partners and health and safety		Mike Hill	Amanda Honey
Community Budgets				
Big Society				
Ambition & Locality Boards				
Communications, consultation and Community Engagement				
Localism/Locality Board	Kevin Lynes	Amanda Beer		
Equalities				
Commercial Services	Bryan Sweetland	Mike Austerberry		
Public Health (with the exception of LINKs)	Graham Gibbens	Andrew Ireland		

	Functions	Cabinet Portfolio Holders	Corporate Director
Customer and Communities	Ambition & Locality Boards	Mike Hill	Amanda Honey
	Community Learning and Skills		
	Big Society		
	Community Budgets		
	Communications, consultation and community engagement		
	Community Safety		
	Countryside Parks & public rights of way		
	Culture, arts & Kent Film office		
	Emergency Planning		
	Gateways and Contact Centre		
	Health watch (until 12/13)		
	Kent Drugs and Alcohol Action Team (KDATT)		
	Kent Scientific Services		
	Kent Scientific Services		
	Libraries and Archives		
	Registrars & Coroners		
	Business Transformation		
	Sport, Leisure & Olympics		
	Supporting People		
	Trading Standards		
	Voluntary Sector		
	Youth Services & YOS		
	Youth Employment Proposal (18-24)		
	Supporting People		
Environment, Highways and Waste	Development Management & Planning	Bryan Sweetland	Mike Austerberry
	Environment Programmes, Heritage and Areas of Outstanding Natural Beauty		
	Gypsy & Travellers Services		
	Highways		
	Waste		
	Flood Risk Management		
	Commissioning and delivery of Transportation Strategy		
Economic Development	Locate in Kent	Kevin Lynes	David Cockburn
	Produced in Kent		
	Regeneration & Economic Development Strategy/Policy/projects		
	Sector support (e.g. rural development)		
	Tourism		
	Visit Kent		
	Broadband rollout	Mike Hill	Amanda Honey
	Adult Apprenticeships		
Social Care	Kent Vulnerable Adults Board	Graham	Andrew
	Learning Disability Services		
	Mental Health Services		
	Occupational Therapy		
	Older People Services		

	Functions	Cabinet Portfolio Holders	Corporate Director
	Physical disability Services	Gibbens	Ireland
	Safeguarding Over 19s		
	Telehealth & Telecare		
	Transition of in house services to Community Foundation Trust		
	Transition Planning from under 19s		
	Supporting People	Mike Hill	Andrew Ireland
	Child and adolescent mental health services	Jennie Whittle	Andrew Ireland
	Children's Centres		
	Children's Social Care		
	Children's Trust		
	Corporate Parenting		
	Disabled Children's Services		
	Early Years and Childcare		
	Kent Safeguarding Children's Board		
	Looked After Children		
	Safeguarding under 19s		
	Teenage Pregnancy		
	Transition Planning over 19s		
	Unaccompanied asylum seeking children		
	Children's Social Services Improvement Plan		
	LINKs	Roger Gough	Andrew Ireland
	Local Healthwatch (12/13 onwards)		
Education	14-19 entitlement	Mike Whiting	Patrick Leeson
	Admissions and Transport		
	Attendance and Behaviour services		
	Governance & School Support		
	School Companies		
	School Finance		
	School Improvement and Standards		
	SEN & Specialist Services		
	Standards and quality assurance in early year settings		
	Apprenticeships		

DRAFT SCHEDULE OF CABINET COMMITTEE MEETINGS

1 APRIL 2012 – 30 APRIL 2013

May 2012

Communities	Thursday 3 May
Economic Development	Tuesday 1 May
Education	Wednesday 9 May
Environment Highways and Waste	Friday 11 May
Social Care and Public Health	Thursday 10 May
Policy and Resources	Wednesday 2 May

July 2012

Communities	Friday 6 July
Economic Development	Thursday 5 July
Education	Tuesday 10 July
Environment, Highways & Waste	Wednesday 4 July
Social Care & Public Health	Thursday 12 July
Policy & Resources	Wednesday 12 July

September 2012

Communities	Wednesday 19 September
Economic Development	Friday 21 September
Education	Wednesday 12 September
Environment Highways & Waste	Thursday 20 September
Social Care and Public Health	Friday 14 September
Policy and Resources	Thursday 27 September

November 2012

Communities	Wednesday 14 November
Economic Development	Thursday 8 November
Education	Wednesday 21 November
Environment Highways & Waste	Thursday 15 November
Social Care and Public Health	Friday 9 November
Policy and Resources	Thursday 22 November

January 2013

Communities	Thursday 17 January
Economic Development –	Wednesday 9 January
Education	Friday 18 January
Environment Highways & Waste	Tuesday 23 January
Social Care and Public Health	Friday 11 January
Policy and Resources	Tuesday 8 January

April 2013

Communities	Tuesday 16 April
Economic Development	Friday 19 April
Education	Tuesday 30 April
Environment Highways & Waste	Tuesday 23 April
Social Care and Public Health	Wednesday 24 April
Policy and Resources	Thursday 25 April

Note; The cycle of meetings in a normal year will be January, April, June, September and November.

MODEL REPORT

REPORT STRUCTURE

Drafting the Text

1. The standard paragraph numbering to be used is the Parliamentary System, that is 1(1) for the first paragraph of each major section, (2) for the second etc, (a) for indentations, (i) for sub-sub-paragraphs, e.g. 1(2)(c)(iv).
2. Use headings throughout the report to clarify contents and objectives.
3. Use Arial font size 12.
4. The following issues should be considered when drafting the report:
 - (1) Is the decision one for the Executive (Cabinet side) or the Council side of the Council (if in doubt consult the Constitution and/or Democratic Services).
 - (2) If an Executive (Cabinet) decision then you need to consider whether this is:
 - (a) a Key Decision or significant decision which must be included in the Forward Plan (see Appendix Section 5). If in doubt consult Democratic Services
(There is a procedure whereby a matter which is a Key Decision and which has not appeared in the Forward Plan can be taken as a matter of urgency, but this procedure should only be used in very exceptional circumstances)
 - (b) an Executive decision which is not a Key Decision
 - (c) a matter to be reported to a Committee (Council side), e.g. a Policy Overview & Scrutiny Committee
 - (3) Regardless of whether an Executive or Council-side decision, if it needs to be taken as a matter of urgency then it will be subject to the urgency provisions of the Access to Information Act. The Act sets out the limited circumstances under which it is permissible to take a matter as an urgent item and authors must be very clear on this point if the law is not to be infringed. If in any doubt consult Democratic Services.
 - (4) More detailed advice on decision making procedures is set out in the attached Appendix at Section 5.
5. All reports for CMT will adopt this template as well.
6. Bold Steps for Kent

All reports must take full account of the Council's Medium Term Plan (Bold Steps for Kent).

CHECKLIST

This checklist is designed to help authors consider the main areas that their report needs to cover and to ensure that all the necessary elements have been considered. The checklist is not intended to be comprehensive and can be added to with particular requirements, as necessary.

1. Author's Name and Unit
2. Contact details (email, tel)
3. Background Documents (if in doubt see Section 1 of the Appendix). *Background documents must be listed at the end of the report. If there are 'none' then that is what must be said*
4. Previous Council/Cabinet/Committee references. If YES, give details/dates
5. Does the report propose a Key Decision is taken? If YES, is the matter listed in the Forward Plan? If NO, give reasons.
6. Will further associated decisions be required? If YES outline the timetable.
7. Is this report proposing an amendment to the budget and/or policy framework? If not within an existing approved budget, have the financial implications (including any capital spend implications) been cleared by Corporate Finance? If YES, give details of who and when.
8. Has the report been cleared by the relevant Corporate Director and Director? If YES, list names and dates.
9. Has the relevant Cabinet Member(s) or Committee Chairman, as appropriate, cleared the report? If YES, list names and dates.
10. Which electoral Divisions do the subject of the report affect and have the relevant Local Members been consulted? Officers must consult the relevant Local Members when exercising delegated functions or when preparing a report for consideration by the Council, Cabinet or a Committee, and include in those reports the views of Local Members. If a Local Member objects to a proposed decision by an officer, the relevant Cabinet Member, Council or Committee Chairman must be consulted and the matter normally referred to the relevant Cabinet Member or Committee for decision. Local Members also have rights to receive information about the planning and delivery of services in their electoral divisions and may attend any formal meeting and speak about a local issue, with the permission of the Chairman. Local Members also have key roles in relation to the effective operation of both regulatory and overview and scrutiny committees, such as being the conduit for information and impact of the delivery of health, fire, police and probation services and may also exercise their statutory rights under the "Councillor Call for Action", or the Petition Scheme, as described in Annex D and E respectively of Appendix 4 Part 5 of the Constitution.
11. Has or will the relevant Cabinet Committee been consulted? If YES, list names and dates.
12. Is it proposed to consult with service users/the public? If YES, give details of Customer & Communities clearance.
13. Has the report been cleared by Legal Services? If YES, give details.
14. Has the matter been cleared in accordance with the Council's procurement rules (in 'Spending the Council's Money')? If YES, give details.

15. Are there any publicity or public relations issues which need to be cleared through Communications and Engagement? The Council has a statutory 'Duty to Involve, Consult and Inform' (see Appendix Section 2). Detail any consultations, both outside and inside the Council, and the outcomes. Include any relevant information or views from other Directorates, Local Members or Cabinet Members and Committees. State what publicity arrangements are proposed in order to communicate the decision and its effect to Members, officers, partners, the public and the media.
16. Has an Impact Assessment (Equality, Environmental, Privacy, Health) been carried out in relation to this report? If YES, give details (see Appendix Section 3).
17. Are there any strategic, operational or reputational risks and any mitigating factors associated with taking the decision? If YES, include any business continuity management issues that need to be drawn to Members' attention.
18. Are there any community safety implications? If YES, give details.
19. Are there any implications for Kent's rural communities? If YES, give details of the impact on environmental enhancement, social justice, sustainable, economy and climate change and Rural Proofing (see Appendix Section 4).
20. Are there any sustainability/environmental implications? If YES, give details.
21. Are there any health & safety implications? If YES, give details.
22. Are there any staffing implications? If yes, has the report been cleared with HR?

THE REPORT

Item XX/

Decision No (as appropriate)

Name and title of Cabinet Member(s)

Name and title of Chief Officer

To: **State who the report is going to e.g. name of Cabinet Member (if a portfolio decision) or to which meeting (e.g. Cabinet/Committee/Council/Corporate Management Team) and include the date.**

Subject: **a brief description of the subject matter**

Classification: **Unrestricted/Exempt [if Exempt, the report must say "Exempt - not for publication" and then go on to specify the relevant paragraph(s) of Part I of Schedule 12A of the Local Government Act 1972. Further advice is available from Democratic Services].**

Summary: Set out clearly the scope of the report and the required outcomes. *N.B. Formal reports are not to be submitted to member meetings "for information" only.*

Recommendations: Recommendations must state accurately and comprehensively what the decision encompasses and detail precisely all the necessary authority which is required in order to get approval to what is being recommended, i.e. the decision, delegation, resolution, authorisation or approval being sought.

1. Introduction

Set out the subject and general scope of the report and identify its objectives and purpose.

2. Financial Implications

State what impact the report/decision will have on Council's capital and revenue budgets and spending plans.

3 Bold Steps for Kent and Policy Framework

(1) State how the proposed decision links with the Council's Medium Term Plan (Bold Steps for Kent).

(2) State if the proposed decision relates to a plan or strategy set out in the Council's Policy Framework (see Appendix 3 of the Constitution). *[If this section*

applies and the decision is not in accordance with the Policy Framework then the subsequent decision will automatically be referred to either the Cabinet Scrutiny Committee or the Scrutiny Board].

4. The Report

The main body of the report should be inserted here.

5. Conclusions

Draw together the main strands of the report, briefly summarise the main points and any alternative options considered.

6. Recommendations

Members should be requested to agree/endorse the recommendations as printed on page 1 of the report

7. Background Documents

It is a legal requirement to include a reference to all background documents that have been taken into account in preparing the report. Anything that can be classified as 'exempt' or 'confidential' (as defined in Schedule 12A of the Local Government Act 1972) does not have to be listed. For further advice see the attached Appendix Section 1.

Under the law, the public has access on demand to any background documents listed in a report. The period for which such documents must be held is 6 years from the date on which the meeting was held or the decision was taken. It is the responsibility of the report author to ensure that the relevant background documents can be made available.

8. Contact details

State the name, title, telephone number and email address of the author and any other person to be contacted should anyone wish to find out more about the report and its content.

Terms of Reference of Cabinet Committees

LEADER AND CABINET

Cabinet Committees

Note: Each Cabinet Committee considers the functions of the Council that are the responsibility of a Cabinet Member and aligned to the Committee by a decision of the County Council on 29 March 2012, together with related matters affecting Kent or its residents.

TERMS OF REFERENCE

Cabinet Committees shall:

- (a) Consider and either endorse or make recommendations on the statutory key and significant decisions to be taken by the Cabinet Member(s) or the collective Cabinet
- (b) Assist and advise the Leader, Cabinet Members and the Cabinet in the development of the Policy Framework
- (c) Review the performance of the functions of the Council that fall within the remit of the Cabinet Committee in relation to its policy objectives performance targets and the customer experience
- (d) Make reports and recommendations to the Leader, Cabinet Members, the Cabinet or officers arising from the exercise of the preceding terms of reference or which affect Kent or its inhabitants within their allocated areas of responsibility

Cabinet Committees have the power to:

- (a) Request relevant Cabinet Members and Senior Managers to attend before them and answer questions
- (b) Question and gather evidence from any person (with their consent)
- (c) In exceptional circumstances appoint one or more sub-committees to discharge any of their functions
- (d) Co-opt individuals on a non-voting basis if there is a proven business need

Additional Term of Reference for the Policy and Resources Cabinet Committee:

- (a) The Policy and Resources Cabinet Committee will undertake policy development activity where this is of a cross cutting nature, or allocate this responsibility to a Cabinet Committee
- (b) The Policy & Resources Cabinet Committee may have occasions to ask other Cabinet Members to attend their meetings

DECISION DEFINITIONS

Statutory Key Decision

- (1) A Key Decision is an Executive (Cabinet) side decision which is likely to:
 - (a) result in the Council incurring expenditure which is, or making savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
 - (b) be significant in terms of its effects on communities living or working in an area comprising two or more electoral divisions in the area of the local authority.

- (2) Decisions which should be regarded as Key Decisions because they are likely to have a significant effect either in financial terms or on the Council's services to the community include:
 - (a) Decisions about expenditure or savings over £1,000,000 which are not provided for within the approved budget or Medium Term Financial Plan
 - (b) Adoption of major new policies not already included in the Policy Framework or changes to established policies
 - (c) Approval of management and business plans
 - (d) Decisions that involve significant service developments, significant service reductions, or significant changes in the way that services are delivered, whether County-wide or in a particular locality. For example, the closure of a council run home or school (as well as an amalgamation), approval of a major project (such as a highway scheme) or programme of works, major changes in the eligibility criteria for provision of a service, major changes in the fees charged for a service, or proposals that would result in a service currently provided in-house being outsourced.
 - (e) Decisions where the consequences are likely to result in compulsory redundancies or major changes in the terms and conditions of employment of a significant number of employees in any of the Council's functions.

Non Statutory Significant Decision

- (1) There are some decisions which whilst they are not Key Decisions are nonetheless significant strategic decisions which should be included in the Forward Plan. The type of decisions which fall into this category would be:
 - (a) to signpost the budget and Medium Term Financial Plan (MTFP) build leading to their adoption by the County Council.
 - (b) all Executive decisions to be taken by either the Cabinet or a Cabinet portfolio holder under the decision making procedures. This would likely include property transactions covered by the Property Management Protocol but which are outside the delegation to the Director of Property and Infrastructure Support and the award of contracts for which there is no existing authority.

- (c) draft plans and strategies which are covered by the Council's Policy Framework, upon which comments are sought prior to being submitted to the full Council for adoption
- (d) other Council or partner plans and strategies which need a Member decision or endorsement on behalf of the Council.

TEMPLATE FOR ENTRY TO FORWARD PLAN OF KEY DECISIONS

<p>Responsible Cabinet Member -</p> <p>Reference No:</p> <p>Key XXXXXXXXXXXXXXXXXXXX</p>
<p>Section 1 – the decision needed, how it relates to Bold Steps for Kent (BS4K) and the Corporate Objectives of the Council/ What is the impact, costs and risks involved. With this proposed decision.</p>
<p>Title: XXXXXXXXXXXXXXXXXXXXXXXXXXXX</p> <p>The Decision needed: (The title of the decision or narrative of the decision needs to be self explanatory so it is clear what the decision is being sought) XX</p> <p>How the decision relates to BS4K and Corporate Objectives</p> <p>Impact/costs and risks of proposed decision</p>
<p>Section 2 – Who is taking the final decision and when</p>
<p>Who is taking the Decision XX</p> <p>Date: XXXXXXXXXXXXXXXXXXXXXXXXXXXX</p> <p>If Key Decision - reason (see note on what constitutes a Key Decision) XX</p> <p>Reason if this decision has been delayed/withdrawn from a previous plan XXXXXXXXXXXXXXXXXXXXXXXXXXXX</p> <p>Notify all Members of the Council</p>
<p>Section 3 – Who is to be consulted? If no please provide reasons?</p>
<p>Please state if there are any additional legal requirements to consult other than those stated in the Local Government Act 1999 - Best Value Duty.</p> <p>XXXXXXXXXXXXXXXXXXXX</p> <p>Aims and level(s) of consultation (<i>KCC consultation levels attached</i>) XXXXXXXXXXXXXXXXXXXX</p> <p>Key consultee groups XXXXXXXXXXXXXXXXXXXX</p> <p>Start and finish dates of consultation. XXXXXXXXXXXXXXXXXXXX</p>

Equalities Impact Assessment included in the consultation documentation. Please state where this can be found.

XXXXXXXXXXXXXXXXXXXXXXX

Date of publication of consultation outcomes and updated Equalities Impact Assessment

Informing Only **(Who and when)**

XXXXXXXXXXXXXXXXXXXXXXX

Has the matter already been discussed by a Cabinet Committee? If not when will be it discussed by the Cabinet Committee and the date of the meeting

XXXXXXXXXXXXXXXXXXXXXXX

Is the matter referred to in your Business Plan or Medium Term Capital Programme?

XXXXXXXXXXXXXXXXXXXXXXX

Which Members and electoral Divisions are affected by this proposed decision? Is it All Members?

Section 4 – Responsible Officer – Who to contact for more information.

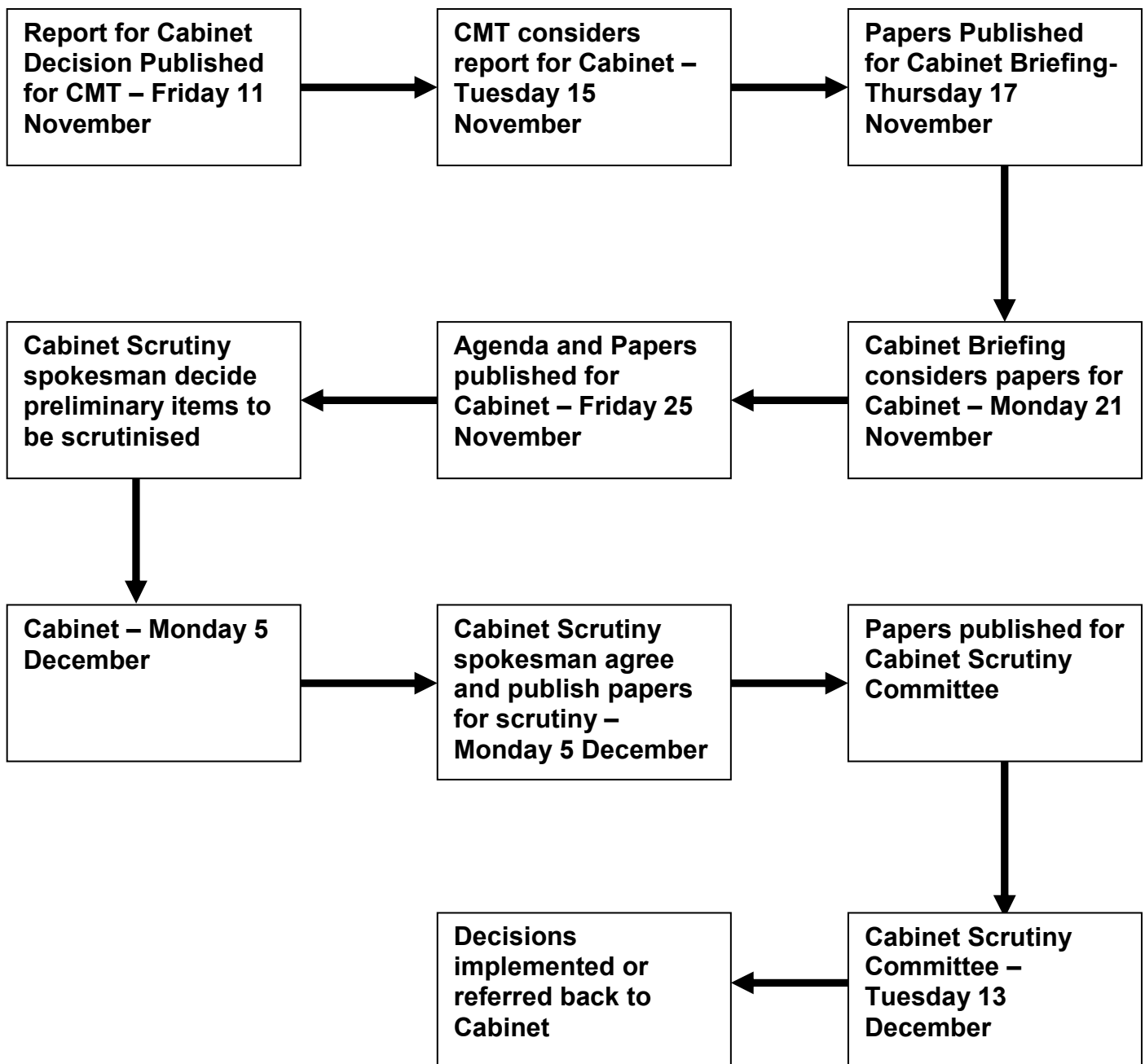
Your name, Your Service, Your phone number and email address:

XXXXXXXXXXXXXXXXXXXXXXX

Support documents

XXXXXXXXXXXXXXXXXXXXXXX

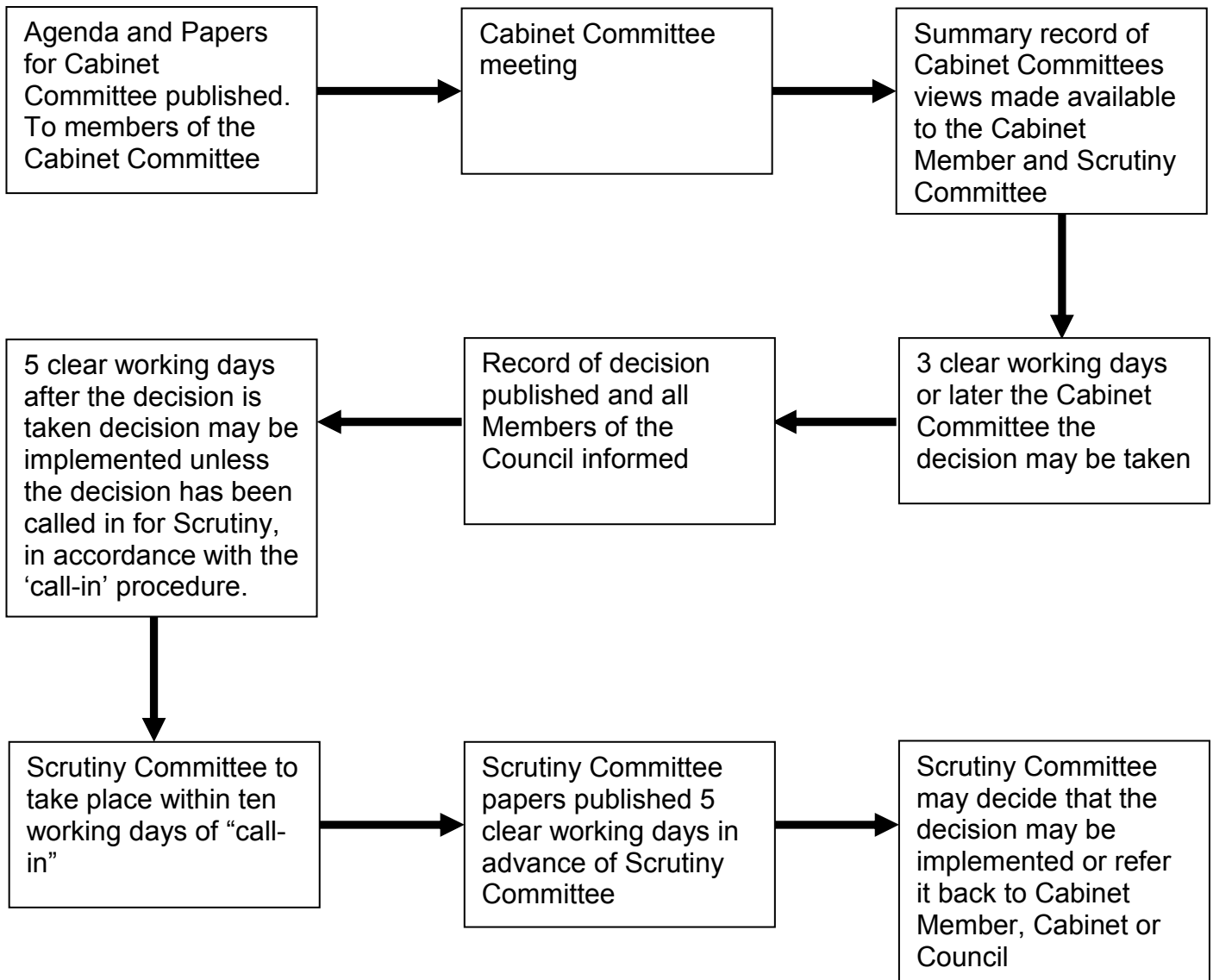
EXISTING DECISION MAKING PROCESS



Footnote: The decision making processes from beginning to end with no delays in any part of the decision making process takes 16 days. This assumes that:

- the report contains all the necessary information on which the formal decision can be based
- staff in the Democratic Services publish the report immediately it is received from the report author
- the Cabinet Member takes the decision on the earliest available date
- Democratic Services publish the notice of a decision immediately after it is taken by the Cabinet Member
- the decision is implemented 5 working days after the decision has been taken, assuming the overview and scrutiny call-in process has not been exercised.

DECISION MAKING PROCESS WITH CABINET COMMITTEES



Footnote:

- If a decision is not 'called-in' under the call in procedures this elongates the existing decision making process by three clear working days.
- If however a "call-in" is triggered then the decision making process may take up to 13 working days longer.

Scrutiny Committee (Call in Committee)

(1) The Council has appointed this Committee under section 21 of The Local Government Act 2000 to:

(a) review or scrutinise decisions made, or other action taken, in connection with the discharge of any executive or non executive functions.

(b) make reports or recommendations to the County Council or the executive, requiring them to consider and respond, indicating what (if any) action they propose to take, within 2 months.

(c) in the case of executive decisions made but not implemented, recommend the decision be reconsidered or refer the review of the decision to the County Council.

(d) request, but not require, that implementation of a decision be postponed when considering any decision taken by an officer or by a Committee exercising functions delegated by the Council.

(e) to make reports or recommendations to the County Council or the executive on matters which affect the authority's area or the inhabitants of the area.

(f) require the Leader, Cabinet Members and Senior Managers to attend before it and answer questions.

(g) invite other persons to attend meetings of the Committee to answer questions and gather evidence with their consent.

(h) hear evidence from an officer following the receipt of a petition signed by the required number of signatories (in accordance with the Petition Scheme) calling an officer to account.

(i) determine all requests from a lead petitioner for a review of the response to a petition in accordance with the Petition Scheme.

(j) co-ordinate the programme of Select Committee reviews during the year.

(k) appoint one or more sub-committees to discharge any of its functions.

(When exercising the powers in relation to education functions, this Committee will include persons nominated by the Diocesan Boards of Education of the Canterbury and Rochester Dioceses of the Church of England and the Roman Catholic Bishop whose diocese includes Kent (paragraph 7 of Schedule 1 to the 2000 Act), as well as persons elected as representatives of parent governors at schools maintained by the Council as the local education authority for Kent (paragraph 9 Schedule 1 to the 2000 Act)

Crime and Disorder Committee

(2) The Scrutiny Committee is responsible for the scrutiny of authorities responsible for Crime and Disorder strategies in accordance with section 19 of the Police and Justice Act 2006 and the Protocol at Appendix 4 Part 5 Annex C.

Flood Risk Management

(3) In accordance with the Localism Act 2011 (Schedule 2), the Scrutiny Committee is responsible for reviewing and scrutinising the exercise by risk management authorities of flood risk management functions or coastal erosion risk management functions which may affect the local authority's area.

(4) A risk management authority must comply with a request from the Scrutiny Committee for information and a response to a report.

Select Committees

(5) These are time limited, task specific sub-committees of the Scrutiny Committee, appointed to carry out reviews on behalf of the Scrutiny Committee with the same powers as the main committee.

(6) The general scope of each Select Committee review is agreed by the Scrutiny Committee and endorsed by Cabinet when it is included in the work programme. The detailed terms of reference of each Select Committee Review are developed by a cross party Member group (one from each group), for approval by the Select Committee and endorsement by the Scrutiny Committee.

MEMBER ROLE DESCRIPTIONS

LEADER OF THE COUNCIL

Responsible to: Kent County Council

Role Purpose: to take full responsibility for all the functions of the County Council which the Council does not reserve for itself (as required by legislation), appointing a Cabinet and providing overall leadership and direction to the Council.

Main Duties and Responsibilities

1. To manage and lead the work of the Cabinet and to chair meetings of the Cabinet and Corporate Board
2. To lead the Cabinet in decision making and make executive decisions that are not exercised by other Cabinet Members or officers.
3. To work closely with Cabinet Members to ensure the development of effective Council policies and the delivery of high quality services (reflecting the principles of Best Value) to local people.
4. To be the focus for leading the Kent community.
5. To represent the Council at national and local level, on outside bodies or in partnership with other agencies.
6. To lead the Cabinet's work in:
 - providing strategic direction to the Council by identifying a vision, corporate objectives and priorities for services;
 - providing a lead on the development of corporate policies and strategies; the development of the Council's Policy Framework
 - using the Council's objectives and priorities to drive the development of services and budget process;
 - seeing continuous improvement by establishing the appropriate culture within the Council and associated systems;
 - monitoring performance;
 - ensuring probity and financial monitoring;
 - keeping under review the organisation and management processes of the Council, including the democratic structures; and
 - developing, in consultation and partnership with others, a strategy for providing the social, economic and environmental well-being of the County of Kent.
7. To act as the principal spokesperson for the Council:
 - promoting its work and acting as its principal political spokesperson;
 - participating in consultation;
 - listening to, and taking account of, the views of organisations, the public and businesses; and
 - representing the Council at all appropriate levels.
8. To consult with and be accountable to non-executive Members.
9. To appear before, and respond to reports of, Scrutiny bodies.
10. To monitor the effectiveness of service delivery and the appropriateness of policy across the County and account for the efficient and effective delivery of services and functions within Council policies and budgets.
11. To lead and direct the Cabinet Members in working closely with the Corporate Management Team and Senior Managers of every function aligned to their portfolios in relation to the strategic vision and direction of the Council, the management roles of officers and the development and effective delivery of policy issues.

12. To work closely with the Corp[or]ate Board/Corporate Management Team and Senior Managers of every function to ensure that operationally the Council is providing an effective service to the residents of Kent

13. To work closely with Cabinet Committees in enabling them to contribute to policy development and decision making.

DEPUTY LEADER OF THE COUNCIL

Responsible to: The Leader of the Council

Role Purpose: To deputise for the Leader as required and to be the Council's main representative and spokesman on the delegated area of responsibility.

Main Duties and Responsibilities

1. To participate in the Cabinet in respect of all areas of work, including making certain individual executive decisions within the areas of responsibility.

2. To act as the Spokesman and advocate for the Council in respect of the delegated area of responsibility and on a wider basis as the Leader may require or in his absence.

3. To lead the development of the Council's Policy Framework within the area of responsibility and make recommendations to the Cabinet.

4. To provide guidance to the Cabinet on the management and implementation of functions in relation to activities within the area of responsibility.

5. To give guidance to the Cabinet on budget priorities within the areas of responsibility.

6. To ensure the delivery of policy through officers and monitor performance against agreed objectives within the defined area of responsibility.

7. To assist the Leader in keeping under review the organisation and management processes of the Council; including the governance structures.

8. To appear before, and respond to reports of Scrutiny bodies.

9. To lead the process of continuous improvement and responsiveness of Council services within the areas of responsibility.

10. To ensure that activities within their areas of responsibility take proper account of the Council's vision, core values and guiding principles.

11. To represent the Council at national and local level, on outside bodies or in partnership with other agencies.

12. To work closely with the Corporate Management Team and Senior Managers of every function to ensure that operationally the Council is providing an effective service to the residents of Kent.

13. To work closely with Cabinet Committees in enabling them to contribute to policy development and decision making.

CABINET MEMBER

Responsible to the Leader of the Council

Role Purpose: To undertake portfolio responsibilities as delegated by the Leader and be the Council's main representative and spokesman on their delegate areas of responsibility, determining the defined area of activity for Deputy Cabinet Members (if allocated) as appropriate.

Main Duties and Responsibilities

1. To participate in the Cabinet in respect of all areas of work, including making certain individual executive decisions within the defined area of responsibility and contributing to debate and strategic decision-making as part of the Cabinet as a whole.

2. To act as the spokesman and advocate for the Council in respect of the area of responsibility.
3. To lead the development of the Council's policy framework within the defined area of responsibility and make recommendations to the Cabinet as appropriate.
4. To provide guidance to the Cabinet on the management and implementation of functions in relation to activities within the defined area of responsibility.
5. To give guidance to the Cabinet on budget priorities within the defined area of responsibility.
6. To ensure the delivery of policy through officers and monitor performance against agreed objectives within the defined area of responsibility.
7. To assist the Leader in keeping under review the organisation and management processes of the Council; including the governance structures.
8. To work constructively and in an open and transparent way with backbench and Opposition Members, and Officers to ensure that the process of overview and scrutiny is appropriate, effective and proportionate
9. To appear before, and respond to reports of, Scrutiny bodies.
10. To lead the process of continuous improvement and responsiveness of Council services within the defined area of responsibility.
11. To ensure that activities within the defined area of responsibility take proper account of the Council's vision, core values and guiding principles.
12. To represent the Council at national and local level, on outside bodies or in partnership with other agencies.
13. To work closely with the Corporate Management Team and Senior Managers of every function aligned to their portfolio to ensure that operationally the Council is providing an effective service to the residents of Kent.
14. To work closely with Cabinet Committees in enabling them to contribute to policy development and decision making.

DEPUTY CABINET MEMBER

Responsible to: The Cabinet Member

Role Purpose: To support the work of their Cabinet Member and to be the Council's member champion for their areas of special responsibility.

Main Duties and Responsibilities

1. To support the Cabinet Member in respect of all activities connected with the area of special responsibility.
2. To act as the Member champion and spokesman for the area of special responsibility both within and outside the Council.
3. To support the Cabinet Member in the development of the Council's policy framework within the area of special responsibility and make recommendations to the Cabinet Member on the making of executive decisions.
4. To support the Cabinet Member in monitoring the management and implementation of functions in relation to activities within the area of special responsibility.
5. To give guidance to their Cabinet Member on budget priorities within the area of responsibility.
6. To ensure the delivery of policy through officers and monitor performance against agreed objectives within the defined area of responsibility.
7. To assist the Leader in keeping under review the organisation and management processes of the Council; including the governance structures.
8. To work constructively and in an open and transparent way with backbench and Opposition Members, and Officers to ensure that the process of overview and scrutiny is appropriate, effective and proportionate

9. To appear before, and assist the Cabinet Member to respond to reports of Overview and Scrutiny bodies.
10. To support the Cabinet Member in driving forward the process of continuous improvement and responsiveness of Council services within the area of special responsibility.
11. To ensure that activities within their areas of responsibility take proper account of the Council's vision, core values and guiding principles.
12. To represent the Council at national and local level, on outside bodies or in partnership with other agencies, as agreed with the Cabinet Member.
13. To support the Cabinet Member in working closely with the Corporate Management Team and Senior Managers of every function aligned to their portfolio to ensure that operationally the Council is providing an effective service to the residents of Kent.
14. To assist the Leader and Cabinet Member to work closely with Cabinet Committees in enabling them to contribute to policy development and decision making.

CHAIRMAN OF A CABINET COMMITTEE

Responsible to Kent County Council

Role Purpose: To lead the effective consideration of Cabinet Member decisions and to facilitate the Committee to endorse or make recommendations to the Cabinet Member prior to the decision being taken. Consider and make comment to the Cabinet and Cabinet Member on the development of County Council policy and review the performance of the Council in relation to its policy objectives and performance targets.

1. To ensure that the work of the Cabinet Committee are at all times conducted in a positive manner and in the interests of the Council and the people of Kent.
2. To work constructively and in an open and transparent way with the Executive Members and Officers
3. To assist the Council and Executive in the development of the policy framework and budget by an in-depth analysis of policy issues in the area/s for which they have special responsibility
4. To encourage and enhance community participation in the development of policy options in the areas for which they have special responsibility
5. To support the work of the Cabinet Committee in ensuring the effective operation of the Committee in their areas for which they have special responsibility which will:
 - examine and review proposed decisions to be made by the Cabinet Member(s) for the areas in which they have special responsibility
 - Question the Cabinet Member(s) and senior officers for the areas in which the Committee has special responsibility about their decisions and performance, whether generally in comparison with service plans and targets

ADDITIONAL RESPONSIBILITIES FOR THE CHAIRMAN OF THE SCRUTINY COMMITTEE

Role purpose: To lead the effective scrutiny of the Council's decisions and actions and monitor policy development within appropriate areas of responsibility.

Main Duties and Responsibilities

1. To ensure that the work of the Scrutiny Committee (and any sub-committees thereof) are at all times conducted in a positive manner and in the best interests of the Council and the people of Kent.

2. To work constructively and in an open and transparent way with Executive Members, the Cabinet Committees and Officers to ensure that the process of overview and scrutiny is appropriate, effective and proportionate
3. To lead and support the Scrutiny Committee in ensuring the effective operation of a scrutiny function which will:
 - examine and review decisions made by the Cabinet, Cabinet Members other committees and Council officers exercising executive functions;
 - question Members of the Cabinet, other appropriate committees and senior officers about their decisions
 - make recommendations to the Cabinet, a Cabinet Member and/or Council arising from the outcome of the scrutiny process, the performance management of functions and service delivery;
4. To scrutinise and review the County Council budget process.
5. To lead and support the Committee in scrutinising authorities responsible in Kent for
 - Crime and Disorder Strategies
 - Risk management authorities of flood risk management functions or coastal risk functions
6. To support the Committee in the development of an annual scrutiny work programme including the Select Committee Work Programme

LOCALITY LEAD/VICE CHAIRMAN OF A LOCALITY BOARD

Role Purpose: Working closely with the Senior Officer Leads (KCC Director) and Community Engagement Officers to develop on behalf of the County Council with all partners the effective delivery of services.

1. To co-ordinate and lead the County Council representation and support partners within the locality to develop:
 - The effective co-design and delivery of services within the locality;
 - Work with the Locality Board Chairman/District Leader to lead on behalf of the County Council discussions and negotiations which may lead to the devolvement of partner budgets and the joint commissioning of services
 - To assist in the development of a governance framework which delivers outcomes for the residents of the locality recognising the wishes of the partners
 - To immediately report to the County Council Leader when they feel that the Locality Board is not acting in a manner acceptable to the Council or in the public interest.
2. Working closely with the District Leader/ Locality Board Chairman, Senior Officer Lead and Community Engagement Manager as the conduit for the County Council within the locality to ensure the partners within the locality are working in a collegiate manner.
3. To help to shape the priorities of the Locality Board and to ensure that these are supported, where appropriate, by the Council.
4. To guide the work of other County Council Members participating on Locality Boards in their roles:
 - To be advocates for the Council and the communities they serve on Locality Boards
 - To make contributions to Locality Boards based on both their local knowledge and their wider knowledge of Kent wide issues.
5. To have an oversight of the Local Children's Trusts, Youth Advisory Groups, the emerging public health agenda and any local governance structures in which the County Council is one of the partners.

SUMMARY AND CONCLUSIONS OF THE INDEPENDENT REMUNERATION PANEL

The Independent Remuneration Panel - Mrs F Leathers (Chairman) Mrs L Frampton and Mrs E Tullberg met on Thursday 1 March to consider:

1. The Leader's proposed revisions to the Members' Allowances Scheme in relation to the new governance structure for the County Council which is planned to come into operation on 1 April 2012
2. The Member Role Descriptions for the Leader of the Council, the Deputy Leader of the Council, Cabinet Member and Deputy Cabinet Member and Chairmen of the Cabinet Committees.
3. The Members' Annual Report Process

The Leader's proposed amendments to the Members' Allowance Scheme for the County Council's New Governance Arrangements

(The Panel interviewed, Mr Cowan, Leader of the Labour Group, Mrs Dean, Leader of the Opposition and Mr Carter, Leader of the Council)

The Independent Remuneration Panel noted that all Leaders were supportive of the introduction of Cabinet Committees as part of the new governance arrangements. However, the Panel did express some concern at the speed with which the Council was proposing to implement the new governance arrangements.

Whilst recognising that it was not part of the Panel's role, the Panel noted that it was intended that the Scrutiny Committee would be chaired by a member of the majority group and not the Leader of the Opposition, which they viewed as being against best practice and it also undermined the inquisitorial purpose of the role. The Panel had not seen a member role description for this post.

The Panel noted that the establishment of Locality Boards was patchy across the County and would continue to evolve over the coming months. The Panel had not seen a Member role description for the post of Locality Lead for the County Council/Vice Chairman of a Locality Board. The Panel concluded, therefore, that it was impossible on the basis of the information they had to recommend the payment of a Special Responsibility Allowance (SRA) for the Locality Board lead at the current time and proposed instead that this is reviewed in 12 months' time, when the role, functions, power and responsibility of the Locality Boards might be clearer.

The Panel was not satisfied that the proposed Members' Allowance Scheme was cost neutral as the Leader had advised that it was predicated on several Members holding more than one SRA position but only being allowed to claim one SRA. If the proposed changes to the scheme were approved, the Panel was concerned that, for workload and other reasons, individual Members appointed to certain SRA positions may well change, which might increase the overall cost of the scheme.

The Panel was also concerned that the proposed scheme, if approved, would result in 68% of Members being in receipt of an SRA which was a significant increase above the guidance of not more than 50%. The Panel was cognisant that SRAs should only be paid to those Members with *significant* additional responsibilities, over and above the generally expected duties of councillors. Concern was expressed at how functional and effective a Member could be if they had a number of posts which attract an SRA.

The Panel also indicated that in a year's time it would like to review the SRAs for the post of Chairman of the Planning Applications, Regulation and Selection and Member Services Committees, to ensure that the current level of the SRA remained appropriate on the basis of workload and responsibility.

Member Role Descriptions

The Independent Remuneration Panel endorsed the changes to the Member Role Descriptions for the Leader, Deputy Leader, Cabinet Member, Deputy Cabinet Member and the new role for the Cabinet Committee Chairman.

However, the Panel would recommend that a Member Role Description is prepared for the post of:

- 1 Chairman of the Scrutiny Committee; and
2. Locality Leads/Vice Chairman of the Locality Board

Annual Reports

The Panel noted that the County Council had approved a job description for elected members and Annual Reports on 13 December 2001.

The Panel noted the views expressed by all Leaders:

- Strongly in favour of a reporting mechanism for Members
- Reports were generally good and effective
- Reports provided the opportunity for the public to see how Members discharged their roles as County Councillors
- The reports were useful and provided a disciplined approach for one to one discussions Leaders have with individual Members on their role, contribution, personal development etc

With the completion of the Annual reports for the period 1 April 2011 to 31 March 2012 expected to be completed by 31 March 2012 the Panel was disappointed to learn that a revised template was thought about and that consideration was being given to abandoning the process which has received national recognition without consultation with the Panel. The Panel have always made it clear that they were open to discussions on the format.

The Panel also wished to advise the County Council that the standard of the Members' Annual Reports for the previous year (2010/11) had been the best ever and the Panel was keen to discuss with the County Council the way forward for the future development of the annual reporting.

Taking into account that the requirement for all Members to complete annual reports was approved by the County Council on 13 December 2001, the Panel asked that the existing template be circulated to all Members for their completion as soon as possible. The Panel has agreed to meet on Wednesday 9 May 2012 to look at the completed Annual reports received.

Proposed Members' Allowances Scheme

For the period 1 April 2012 to the Annual Meeting of the County Council in May 2013

BASIC ALLOWANCE - £12,805 per annum (inclusive of an element for routine subsistence expenditure on KCC duties).

SPECIAL RESPONSIBILITY ALLOWANCES

	%	£
Executive		
Leader	100	42,108.64
Cabinet Members (maximum 9)	65	27,370.32
Deputy Cabinet Members (maximum 10, of whom 2 share an SRA)	30	12,632
Cabinet Committee Chairman (6)	17.5	7,366.72
Council		
Chairman	33	13,878.02
Vice-Chairman	17.5	7,366.72
Planning Applications Committee Chairman	22	9,268
Other Committee Chairmen and Vice Chairmen (17) ^(a)	17.5	7,366.72
Scrutiny Committee Chairman	17.5	7,366.72
Select Committee Chairmen (for period of review)	17.5	7,366.72
Opposition		
Leader of largest Opposition Group	20.48	8,624
Deputy Leader of largest Opposition Group	10.24	4,312
Opposition Spokesmen (maximum 8)	7.68	3,235

Notes:

- (a) Other Committee Chairmen: Governance & Audit, Health Overview & Scrutiny, Regulation, Selection & Member Services, Superannuation Fund and 12 Locality leads for the County Council/Locality Board Vice Chairmen*
- (b) No Member to receive more than one Special Responsibility Allowance.
- (c) No other allowance to be payable.

TRAVEL EXPENSES

Travel by private vehicles will be reimbursed at the rates set for tax allowance purposes by the Inland Revenue for business travel. Currently, these are 45p per mile for the first 10,000 miles and 25p a mile thereafter.

Parking fees, public transport fares and any hotel expenses will be reimbursed at cost, but only on production of a valid ticket or receipt - the cheapest available fare for the time of travel should normally be purchased.

Taxi fares will only be reimbursed on production of a valid receipt and if use of public transport or the Member's own car is impracticable

Travel expenses will be reimbursed for any journey on council duties between premises as agreed for tax purposes (normally excluding journeys to constituents' homes).

Air travel and rail travel other than to/from London or within Kent should be booked through officers to enable use of discounting arrangements.

Journeys undertaken in accordance with the following descriptions are allowed to be claimed for:

- (a) attendance at KCC premises to undertake KCC business, including attendance at Council, Cabinet and Committees, etc (including group meetings) and to undertake general Member responsibilities;
- (b) representing KCC at external meetings, including Parish and Town Councils and those of voluntary organisations where the member is there on behalf of KCC;
- (c) attendance at events organised by KCC and/or where invitations have been issued by County Officers or Members (including Chairman's events and other corporate events); and
- (d) attendance at meetings/events where the Member is an official KCC representative (as determined by the Selection and Member Services Committee) or requested by the Leader or the relevant Cabinet Member.

SUBSISTENCE EXPENSES

These are not normally reimbursed. Hotel accommodation should be booked through officers. Any other reasonably unavoidable costs related to overnight stays, excluding normal subsistence, will be reimbursed on production of a receipt.

DEPENDENTS' CARERS' ALLOWANCE

Members with care responsibilities in respect of dependent children under 16 or dependent adults certified by a doctor or social worker as needing attendance will be reimbursed, on production of valid receipts, for actual payments to a carer while the Member is on Council duties, up to a maximum of £10 per hour

for each dependent child or adult. Money paid to a member of the claimant Member's household will not be reimbursed.

PENSIONS

Members are not eligible for admission to the superannuation scheme.

CO-OPTED MEMBERS

An allowance is payable to the Independent Chairman of the Standards Committee of £1,000 per annum and the daily rate for the remaining co-opted Members of the Standards Committee is payable at £200 per day.

ELECTION TO FORGO ALLOWANCES

In accordance with Regulation 13 of the Local Authorities (Members' Allowances) (England) Regulations 2003, any Member may elect to forgo all or any part of their entitlement to allowances, by notice in writing to the Head of Democratic Services.

SUBMISSION OF CLAIMS

In accordance with Regulation 14 of the Local Authorities (Members' Allowances) (England) Regulations 2003, the time limit for the submission of claims relating to travel, subsistence, co-optees and dependent carers allowances is four months from the date the expense was incurred.

NO OTHER ALLOWANCES ARE PAYABLE

CONSEQUENTIAL CHANGES TO THE CONSTITUTION

Appendix 3:
Policy Framework

PLANS AND STRATEGIES INCLUDED IN THE POLICY FRAMEWORK

Requiring Council debate and approval

Name of Plan
Strategic Statement (Bold Steps for Kent)
Community Strategy (Vision for Kent)

Requiring consideration by Cabinet Committees and Scrutiny Committee, and Cabinet recommendation to the Council for approval

Name of Plan	Statutory	Duration of Plan	Next Plan Due	Notes
Crime and Disorder Reduction Strategy (KCC Community Safety Framework)	Yes	2012 -14	2012	
Local Transport Plan 3 <i>(Local Transport Plan for Kent 2011-16)</i>	Yes	5 years	1 April 2016	DfT Guidance requires LTP3 to consist of a Strategy and Implementation Plan(s). Local authorities decide duration of each to suit their needs. Progress reporting is not required.
Local Transport Plan 4 <i>(Local Transport Plan for Kent 2016-21)</i>	Yes	5 years (Tentative)	1 April 2021	Normally, Dept. for Transport LTP guidance is issued 2 years before submission but since all local authorities have decided their own LTP3 timescales, not clear if this approach will continue.
Kent Minerals and Waste Development Framework	Yes	At least 15 year timeframe from adoption, i.e. until	(Estimated dates of adoption in this column)	In preparation. Development Scheme and Programme agreed by KCC and Communities and Local Government in December 2011.

Name of Plan	Statutory	Duration of Plan	Next Plan Due	Notes
(Minerals and Waste Core Strategy - Mineral site Allocations		2030	2013 2014	Submission of key document (core strategy and site plans) to Government respectively in 2012 and 2013. Subject to regular (approximately five yearly) reviews.
Waste Management Site Allocations			2014	
Youth Justice Plan	Yes	1 Year	July 2012	Annual Operating Plan submitted for approved by County Council.

Appendix 4:
Procedure Rules

This Appendix sets out the rules governing the meetings of the Council, its Committees and the Cabinet, and the procedures for the taking and minuting of decisions.

The rules are approved by the Council, except for the Cabinet Procedure Rules in Part 5 (agreed by the Leader).

The Appendix is in seven parts:

- Part 1 Council Meetings**
- Part 2 Council and Committee Meetings**
- Part 3 Cabinet Committees**
- Part 4 Scrutiny and Select Committee**
- Part 5 Cabinet**
- Part 6 Access to Information**
- Part 7 Decision Making**

Definitions

1.1 “Chairman” means the Chairman of the Council or the Member presiding at the meeting of the Committee or Sub-Committee.

“Clerk” means an officer appointed for that purpose by the Monitoring Officer.

“Political group” means a group formed under Section 15 of the Local Government and Housing Act 1989.

The “quorum” for a meeting of the Council is 21 Members.

1.2 The Chairman’s ruling on the meaning or application of these Procedure Rules or any other aspect of the proceedings of a Council or Committee meeting cannot be challenged.

1.3 The Chairman may give any directions he considers appropriate to deal with an emergency or ensure compliance with these Procedure Rules or a resolution of the Council related to them.

Planning of the Council Meeting

1.4 The Council normally meets in County Hall, Maidstone, on such days as it determines. In particular, it will meet during February (to consider the Budget and set the County Council contribution to Council Tax), April, May (as its annual meeting), July, September, October and December each year.

1.5 Meetings normally begin at 10:00am.

1.6 If a meeting cannot begin or has to cease because there is no quorum, it shall be reconvened at a date and time to be decided by the Chairman.

1.7 The Chairman may vary the day, time and place of a meeting or convene an additional meeting if he considers it necessary, after consultation with the political group leaders.

1.8 (1) The Chairman, allocates seats at Council meetings to each Member. Members must sit in their allocated seat.

(2) Members attending Council meetings must sign an attendance list.

1.9 The Clerk summons all Members to meetings by sending an agenda and accompanying papers to each Member’s nominated address. The agenda and papers are normally sent out at least seven clear days before the meeting.

Agendas for Meetings

1.10 The agenda for each meeting, except the Budget meeting, will include:

(1) minutes of the previous meeting for approval and signing

(2) an item for questions to be asked by Members

(3) reports on items for decision

- (4) policy items for discussion referred by the Leader prior to the preparation of final proposals
- (5) reports by the Leader, the Cabinet, Cabinet Committees, the Scrutiny Committee, the Health Overview & Scrutiny Committee or Select Committees
- (6) one item for full debate
- (7) up to three items for time-limited debate
- (8) minutes of the Planning Applications and Regulation Committees for information only
- (9) minutes of the Governance & Audit Committee for time-limited debate
- (10) any other relevant reports or papers
- (11) a debate on a petition which has reached the required threshold level as set out in the Petition Scheme (which should normally take place immediately after the lunch break)

1.11 The Chairman determines the topic of the item for full debate, the order of items and a timetable for each Council meeting after consultation with the political group leaders.

1.12 (1) The Council adjourns for lunch at a convenient point after 12:45pm decided by the Chairman. The lunch adjournment will not exceed an hour and a quarter.

(2) Each meeting shall end by 4:30pm unless otherwise agreed by the Council by a vote without a debate. Any recommendations by the Leader or the Cabinet that have not been dealt with at the end of the meeting shall be deemed to have been agreed as recommended. Any other motions or recommendations that have not been put to the vote shall fall.

1.13 The agenda for the Budget meeting is limited to:

(1) consideration of the Leader's recommendations for the Budget, Capital Programme, Borrowing Policy, Council Tax and the limits defining key financial decisions

(2) other items the Chairman agrees be taken as urgent.

1.14 Additional (extraordinary) meetings, including meetings requisitioned by groups of Members under Schedule 12 of the Local Government Act 1972, will only consider the items of business for which they have been called and any other items the Chairman considers appropriate.

Chairman and Vice-Chairman

1.15 (1) The Chairman and Vice-Chairman of the Council are elected at the annual meeting of the County Council. They remain in office until the election of their successor, they resign or the Council votes their removal. In the latter two cases, an election for their successor shall be held as soon as possible.

(2) No Member, who has a disclosable pecuniary interest (or other disclosable interest as defined in the Code of Member Conduct) in any matter being considered by the Council, may preside at a meeting while that matter is under discussion.

(3) If neither the Chairman nor Vice-Chairman is present or able to preside, the Council shall elect another Member to preside for that meeting or item.

Minutes of Council Meetings

1.16 The Chairman shall ask the Council to agree the minutes of the previous meeting as a true record. No discussion may take place except on their accuracy.

Questions

1.17 (1) Any Member may ask one question at each meeting. Questions must be signed and delivered to the Clerk before 5:00pm on the Friday before the meeting. The Clerk gives each question a number and informs the Member of this number and records the time of receipt.

(2) Questions must not:

(a) ask for information already in the Member's possession or which has been published to Members either in a Committee report or otherwise

(b) be about something that is outside the responsibilities or powers of the Council

(c) criticise the motives or personal character of any Member or employee of the Council.

(3) The Chairman can decide that a question shall not be asked or answered if it would not be in the public interest or on any other reasonable ground.

(4) Questions will be called in their numbered order and be answered in the order they are received by the Clerk unless the Chairman decides otherwise.

(5) If the questioner is not present when called by the Chairman, the Chairman shall call the next question.

(6) Answers to questions will be given by the Leader, the relevant Cabinet Member, Committee Chairman, the Member nominated by the Police or Fire Authorities or by another Member designated by the Chairman of the Council.

(7) The Member giving the answer has discretion as to the content of the reply and how it is given. In particular, he may decline to answer in full if this would involve an unreasonable amount of work or cost, or be contrary to the public interest. All oral answers to questions should be brief and relevant, with any detailed background or statistics given in writing.

(8) After the answer has been read out the questioner may put one supplemental question in order to clarify a point given in the answer.

(9) After the Council meeting, a copy of the question and the answer will be given to the Member asking the question and made available to all other Members of the Council.

(10) Questions that have not been answered before the end of the 30 minutes allowed will not be called but all questions will be answered in writing.

Reports on matters for decision or debate

1.18 The Chairman shall normally call on the Leader, relevant Cabinet Member or Committee Chairman to move any recommendation in a report before the Council with or without such amendment as that Member thinks fit.

Leader's Report

1.19 (1) The Leader may make an oral report on key issues arising since the last meeting.

(2) The Leader of the Opposition and the other political group leaders may comment on the Leader's report, but no other Member may speak except with the consent of the Chairman.

(3) The Leader has a right of reply to any comments made on his report.

(4) No motions may be moved nor resolutions passed under this item.

(5) The Leader's report shall not exceed ten minutes; his reply shall not exceed five minutes; and other speeches on this item shall not exceed seven minutes in length, except with the consent of the Council, which shall be given or refused without debate.

Item for Full Debate

1.20 (1) **The Chairman, in consultation with the political group leaders, shall determine the topic of the item for full debate at each meeting.**

(2) **Each debate will be on the basis of a motion proposing an outcome (e.g. that the Council notes the information presented to it, or takes some specified action).**

Items for Time-Limited Debate

1.21 (1) Each political group may place a motion on the agenda for time-limited debate by giving notice (including the written consent of a seconder) to the Clerk at least fourteen days before the meeting. The motion must relate to the work of the Council or to a matter of concern to the County of Kent. The Clerk shall place all such items on the agenda in the order that they are received.

(2) Debate on each motion shall not exceed forty-five minutes.

(3) No speech shall exceed three minutes in length.

Petition debate

1.22 (1) The petition organiser, or a named representative, will be given the opportunity to present the petition at the meeting and speak for up to 5 minutes.

(2) If the lead petitioner, or their named representative, does not attend the County Council meeting then the petition may be considered in their absence.

(3) Local Members will be given the opportunity to speak for up to three minutes each.

(4) If the Petition relates to an executive matter then the Cabinet Member will be given the opportunity to respond at the end of the debate for up to 5 minutes.

(5) All other speakers will speak for up to three minutes each.

(6) Debate on the petition shall not exceed forty-five minutes. The Chairman has discretion to hold a combined debate on more than one petition if the subject matters are similar.

(7) In responding to the petition, the County Council may decide to:

(a) take the action the petition requests

(b) not to take the action requested for reasons put forward in the debate

(c) to commission further investigation into the matter, for example by a relevant committee or

(d) where the issue is one on which the Cabinet is required to make the final decision, to make recommendations to inform that decision.

Minutes of Governance & Audit, Planning Applications and Regulation Committees

1.23 (1) The Clerk shall include in the agenda for ordinary meetings of the Council the minutes of every meeting of the Governance & Audit, Planning Applications and Regulation Committees that have taken place since the previous meeting.

(2) Exempt minutes will not be submitted; instead, the Clerk shall include the written summary of proceedings prepared under section 100C(2) of the Local Government Act 1972 for public inspection.

(3) Debate on the minutes of the Governance & Audit Committee shall not exceed 15 minutes.

(4) The minutes of the Planning Applications and Regulation Committees are submitted to the Council for information only. No discussion shall be permitted on any such minute.

Voting at meetings of the County Council

1.24 (1) Whenever a vote is required at meetings of the Council it will be taken using the electronic voting system.

(2) Any vote cast from a delegate unit other than a Member's own is not a valid vote unless the Chairman is satisfied that a Member's delegate unit is not in working order and/or has directed that a Member sit in a seat other than his own and use another delegate unit.

(3) Before a vote is taken the Chairman shall announce that a vote is to be taken and the division bell shall be rung for 60 seconds unless the Chairman is satisfied that all Members are present in the Chamber.

(4) 20 seconds will be allowed for electronic voting to take place.

(5) The Chairman shall announce that the vote is closed and declare the result.

(6) The Clerk shall make the record of how votes were cast available for Member and public inspection and record in the minutes how each Member voted.

(7) If the votes for and against are equal, the Chairman shall immediately declare if he is using his casting vote and, if so, whether for or against the proposal.

(8) If the electronic voting system is not in working order, or the meeting is not taking place in the Council Chamber, Members shall vote by show of hands. Immediately before or after a vote is taken, ten Members may require a written ballot be conducted by rising in their places. The written ballot shall use forms distributed and collected by the Clerk.

1.25 No vote or debate shall be allowed on earlier business once the Council has proceeded to the next business.

Conduct of Debate

1.26 If the Chairman rises during a debate any Member then standing shall resume his seat and all Members except the Chairman shall be silent.

1.27 (1) When speaking Members must stand.

(2) Members may speak only when called by the Chairman.

(3) Members must address all their remarks to the Chairman.

(4) Speeches must be relevant to the matter under discussion, must not be unnecessarily repetitive, use unbecoming language, question the motives of any other Member, make personal comments about another Member, criticise an officer of the Council nor commit or incite any breach of order. The Chairman may call the Member to order for doing any of these things and may direct him to stop speaking.

(5) If a Member disregards the authority or ruling of the Chairman or behaves irregularly, improperly or offensively or wilfully obstructs the business of the meeting, the Chairman may propose that the Member leave the meeting.

(6) The Chairman will immediately seek for that motion to be seconded by another Member; if seconded, the motion is put to the vote without discussion.

(7) If the motion is carried, the named Member must leave the room for the remainder of the meeting or until the Council agrees, by vote taken without debate, he may return.

Points of Order and Personal Explanation

1.28 (1) Members must confine their speeches to the matter under discussion or to a point of order or to a personal explanation.

(2) A point of order is an allegation that there has been a breach of these Procedure Rules.

(3) A personal explanation is a correction of an inaccurate statement about the Member's past action or speech or his personal circumstances.

(4) A Member who wishes to raise a point of order or make a personal explanation may stand to attract the Chairman's attention.

(5) The Chairman may allow a Member who stands for these reasons to speak immediately if he considers it may be necessary as a result of a statement just made by the Member speaking. Otherwise he will wait until the Member speaking has finished before calling the Member who has stood up.

(6) The ruling of the Chairman on a point of order or personal explanation and when the Member may speak is final and not open to discussion.

Timing of Speeches

1.29 No speech shall exceed three minutes in length, except:

- (1) as provided in the preceding paragraphs; or
- (2) by consent of the Council, which shall be given or refused without debate; or
- (3) if the Chairman agrees that the Leader or other Member responding formally to debate may speak for up to seven minutes; or
- (4) if the Chairman agrees that the leader of each political group at the start of the Budget debate may speak for up to ten minutes.

Motions and Amendments

1.30 (1) Motions, amendments and recommendations must be worded so that, if they are agreed by the Council, they can be passed as a valid resolution. If a motion, amendment or recommendation is not so worded, the Chairman may instruct the Clerk to omit it from the agenda or rule that the motion or amendment be not put.

(2) If a motion:

- (a) proposes to rescind the whole or part of any resolution passed by the County Council or a Committee in the preceding six months; or
- (b) has the same effect as a motion which has been rejected by the Council in the preceding six months; or
- (c) has been proposed in Council but not seconded in the preceding six months;

it must be signed by at least 22 Members before it can be accepted.

(3) If any such motion is considered and rejected by the Council or falls at the end of debate, no motion to the same effect can be proposed for a further 12 months.

period. At the end of that further period, a motion to the same effect as that rejected or fallen may only be accepted if it is signed by 32 Members of the Council.

(4) This Procedure Rule does not apply to any motion proposed by the Chairman or the Leader or to any motion proposed by a Member moving the recommendation of a Committee to the Council.

Motions

1.31 (1) Only the following motions may be proposed at Council meetings:

- (a) motions proposed by the Chairman
- (b) motions to correct an inaccuracy in the minutes
- (c) motions related to an item on the agenda for decision or debate
- (d) procedural motions under Procedure Rule 1.35
- (e) a motion to exclude the media and public.

(2) Motions under (c) above must comply with Procedure Rule 1.34.

Amendments

1.32 (1) An amendment must:

- (a) either add or delete a word or words
- (b) be relevant to and intelligible with the motion
- (c) not introduce a new topic
- (d) not negate the motion
- (e) not amend the motion so it no longer complies with Procedure Rule 1.25

(2) All amendments must be seconded. If there is no seconder the amendment falls.

1.33 (1) Once an amendment has been moved and seconded, no further amendment may be proposed until that amendment has been dealt with.

(2) If an amendment is rejected, further amendments may be proposed to the original motion.

(3) If an amendment is carried, the motion as amended then becomes the motion for debate. This revised motion may be subject to proposals for further amendment provided these do not reinstate the sense of the original motion.

(4) No amendment may be proposed after the Chairman has called the proposer of the original motion to reply to the debate.

Written Copy of Motions and Amendments

1.34 (1) The text of any motion or amendment must be given to the Chairman. If it is not he may rule that it falls.

(2) A proposer may withdraw or change a motion or amendment provided:

(a) in the case of a motion, there are no amendments outstanding

(b) the seconder agrees

(c) the Council consents, if necessary by a vote taken without debate.

Procedural Motions

1.35 (1) The following procedural motions may be proposed at any time during a Council meeting:

(a) that the question be put

(b) that consideration of the matter be referred to a later meeting, to the Leader, or to a committee

(c) that the debate be adjourned for a stated time

(d) that the Council proceeds to next business

(e) that debate continues beyond the times determined under Procedure Rules 1.12 and 1.29

(f) that a Procedure Rule or Rules be suspended in whole or in part

(g) to exclude the public from the meeting.

(2) Motions (a)-(d) above may not be proposed by any Member who has proposed or seconded or spoken about a motion or amendment under discussion.

(3) No debate shall take place on any of these procedural motions (except for a motion to suspend the Procedure Rules or exclude the public, if the Chairman thinks it appropriate). If proposed and seconded, the Chairman shall put them immediately to the vote without further debate.

Rights to Speak and Reply

1.36 (1) Members may speak no more than once on each item, motion or amendment, except to:

(a) exercise a right of reply

(b) make a personal explanation

(c) raise a point of order.

(2) The proposer of any motion, other than a procedural motion under Procedure Rule 1.36, has a right to reply at the close of the debate upon the motion and upon any amendment to it. The Chairman will call the Member to make a reply immediately before the amendment or motion is put to the vote or a vote is taken on a procedural motion to refer the matter, adjourn the debate or proceed to next business.

(3) The proposer of an amendment does not have a right to reply to the debate on that amendment.

(4) A Member seconding a motion or amendment may reserve their speech until later in the debate on that motion or amendment, but must declare they are doing so. If they have not spoken previously, the Chairman will give them an opportunity (unless it is in response to a procedural motion under 1.35(1)(a) or (d)) to make their speech immediately before asking the proposer of the motion to reply to the debate.

(5) A Member replying to a debate must confine his speech to commenting on points made during the debate.

(6) The Chairman of the Standards Committee (or another independent member of that committee nominated by him) may attend a meeting of the Council, including any part of the meeting from which the public and press are excluded, to speak to and answer questions on a report by the Standards Committee.

Appointment of the Leader

1.37 (1) The Leader is elected at:

(a) the annual meeting of the Council following an election of all Members, or

(b) the next meeting following the resignation, dismissal or vacation of office by the Leader.

(2) The election of the Leader shall be conducted by the Chairman on the basis of nominations being made and seconded and put to the vote. In the event of there being more than two nominations and no one candidate receiving an absolute majority of votes of all Members present and voting, there will be a second vote solely between the two candidates with the largest number of votes.

(3) Dismissal of the Leader can only be made on the basis of a motion signed by five Members of the Council and included on the agenda for a Council meeting. The motion shall indicate the reasons for the proposed dismissal. The motion shall take precedence over any other item of business but is otherwise subject to the same rules as other motions.

(4) If a motion to dismiss the Leader is carried, it takes effect immediately.

Appointment of the Leader of the Opposition

1.38 The Council confirms the nomination of the Leader of the Opposition put forward by the leaders of the political groups not represented in the Cabinet.

Public Misconduct

2.1 If a member of the public interrupts a meeting or otherwise behaves irregularly, improperly or offensively, the Chairman may request that he leave the room or order that he is removed. In the event of a general disturbance, the Chairman may suspend the meeting or direct that the public be excluded from it. No one so removed or excluded will be permitted to return to the meeting.

Recording Meetings

2.2 (1) No audio or visual recording shall be made at meetings except for the official recording made by the Clerk or recordings agreed by the Chairman to be made by a media organisation.

(2) Recordings of Council proceedings will be made available by the Clerk to any Member who requests them.

Discussion of Individual Officers

2.3 No discussion shall take place in a meeting about the terms or conditions of employment or the conduct of any officer of the Council unless the meeting has first considered whether to exclude the public.

Non-Attendance at Meetings

2.4 Any Member who is not likely to meet the requirement in the Local Government Act 1972 to attend at least one meeting of either the Council, a Committee or a Sub-Committee in any period of six consecutive months should write to the Clerk explaining their non attendance. The Clerk will report to the Council, which will decide whether the Member can remain a Member of the Council. Approval to continue in office must be given before the six months expires.

Members' Interests

2.5 The Chairman may instruct a Member to leave the room while an item is under discussion if he has reason to believe the Member has failed to declare a disclosable pecuniary interest.

The Party Whip

2.6 Any instruction given by or on behalf of a political group to any Member who is a member of that group as to how that Member shall speak or vote on any matter before the Council, or any Committee or Sub-Committee, or the application or threat to apply any sanction by the group in respect of that Member should he speak or vote in any particular manner, shall be notified to the Clerk by the group before the debate on that item commences and recorded in the minutes.

Suspension of Procedure Rules

2.7 The Council, Cabinet or a Committee may agree to suspend any Procedure Rule in whole or in part for any item of business.

Appointment of Committees/Terms of Office

2.8 (1) The Council determines the number and terms of reference and allocates the number of places on each Committee to each political group.

(2) Either the Council or the Committee allocates the number of places on each Sub-Committee to each political group.

(3) The political groups nominate the Members to serve on Committees or Sub-Committees to the Clerk, who makes the appointment on behalf of the Council and records it in the minutes.

(4) Members, once confirmed as Members of a Committee or Sub-Committee, continue to hold office until they:

(a) resign

(b) cease to be Members of the Council (unless re-elected for a further term)

(c) are removed from membership by the Council or appointing Committee.

2.9 (1) Once appointed, Committees continue in office until the Council appoints a successor Committee or resolves the Committee ceases.

(2) Committees may not appoint Sub-Committees except for Select Committees as referred to in Article 7 of the Constitution or as the Council may agree.

(3) Sub-Committees cease on completion of the task set out in their terms of reference.

Procedures at Committee Meetings

2.10 (1) The following Procedure Rules (2.11 - 2.23) apply to all Committees and Sub-Committees of the Council (including Cabinet, Scrutiny and Corporate Governance Committees) although only the word "Committee" is used. "Sub-Committees" include any Panels, Boards or group of Members to which a Committee delegates a function under Section 101 of the Local Government Act 1972.

(2) These Procedure Rules do not apply to Select Committees, Panels, Boards or other groups of Members appointed by a Committee or Sub-Committee only to provide advice or guidance to Members or officers. Procedures for the operation of such advisory bodies will be determined either by the appointing Committee or the group itself.

(3) These Procedure Rules do not apply to Joint Committees with other authorities. Their rules are set out by the resolution appointing them.

Quorum

2.11 (1) The quorum for a meeting of a Committee is one third of its total voting membership.

(2) A Committee may still exercise its functions validly even if Members have not been appointed to all the places on it.

Substitutes

2.12 (1) If a Member cannot attend a meeting of a Committee, a nominated spokesman of his political group may nominate a substitute by written notice to the Clerk.

(2) Political groups should only nominate Members as substitutes on the Personnel, Planning Applications and Regulation Committees (and on Panels of such committees) if they have had training in the relevant procedures.

(3) The notice of substitute Members must be given to the Clerk before the meeting begins and will be announced by him at the beginning of the meeting. Once the meeting has been informed of the appointment of a substitute Member, the original Member may not resume membership of the Committee until after the conclusion of the meeting.

Attendance List

2.13 Members attending Committee meetings must sign the attendance list or ensure the Clerk records their presence.

Election of Chairman and other Office Holders

2.14 (1) Unless the Council has resolved otherwise, each Committee shall elect a Chairman (other than the Cabinet Committees and Personnel Committees) and Vice-Chairman at its first meeting after the annual meeting of the Council immediately following an election of all Members.

(2) The Chairman and Vice-Chairman remain in office until the election of their successors, they resign or the Committee votes their removal. In the latter two cases, an election for their successor should be held as soon as possible.

(3) If the Chairman or Vice-Chairman is not present or able to preside, the Committee shall elect another Member to preside for that meeting or item.

(4) A political group whose membership on a Committee does not include a Chairman or Vice-Chairman may appoint a spokesman to act on behalf of their group in relation to the business of the Committee; that appointment must be notified in writing to the Clerk.

Meeting Planning

2.15 (1) The dates, times and venues of Committee meetings shall be decided either by the Committee or the Chairman within any guidelines set by the Council.

(2) The Clerk will summon all Members of a Committee to meetings by sending an agenda and accompanying papers to each Member's nominated address. The agenda and papers will normally be sent out at least seven clear days before the meeting.

Agenda

- 2.16 (1) The agenda for each meeting of a Committee will normally include:
- (a) minutes of the previous meeting for approval and signing
 - (b) reports seeking a decision from the Committee
 - (c) consideration will be given to including any item which a Member of the Committee wishes included on the agenda provided it is relevant to the terms of reference of the Committee and notice has been given to the Clerk at least nine days before the meeting.

(2) The Chairman may decide that there are special circumstances that justify an item of business, not included on the agenda, being considered as a matter of urgency. He must state these reasons at the meeting and the Clerk shall record them in the minutes.

2.17 Committees normally consider items in the order that they appear on the agenda. The Chairman may vary the order if he thinks it appropriate and will explain his reasons to the Committee.

Consideration of Reports

2.18 The Chairman may:

(1) ask the Committee to agree a recommendation without a motion being proposed or seconded or a vote being taken or

(2) seek a motion to agree, reject, defer consideration or vary the recommendation.

2.19 (1) Any motion or amendment:

(a) must be relevant to the item under discussion

(b) must not seek to rescind any resolution of the Council or the Committee passed within the previous six months

(c) must not be to the same effect as a motion that has been defeated at a meeting of the Council or the Committee within the previous six months

(d) must not introduce a new item of business without the Chairman's consent.

(2) Sub-paragraphs (b) and (c) above do not apply to motions proposed by the Chairman; nor where a matter has been referred from one Committee to another or from a Committee to the Council; nor do they prevent the Leader or officers recommending a change to a previous decision.

(3) If any motion is formally proposed and seconded, the rules of debate in the Council meeting Procedure Rules 1.27 to 1.36 will apply.

Voting

2.20 (1) If any Member requests, the Chairman will call a vote on any recommendation or a motion or amendment. The vote will be by a show of hands by Members of the Committee present, including substitute Members.

(2) If the votes for and against are equal, the Chairman shall immediately declare if he is using his casting vote and, if so, whether for or against the proposal.

(3) Immediately after a vote has been taken, an individual Member may ask that the way he cast his vote either for or against the proposal or to abstain be recorded in the minutes.

(4) One-third of the voting Members present may require that the way all Members cast their vote for or against or to abstain shall be recorded in the Minutes; such a request must be made before the vote is taken.

(5) Additionally, the votes of each individual Member of the Planning Applications Committee (whether for, against or in abstention) will be recorded whenever the Committee votes against the Head of Planning Applications Group's recommendation for permission or refusal of a planning application, together with the grounds and reasons for overturning the recommendation.

Rights to Attend and Speak

2.21 (1) Any Member of the Council may attend any meeting of a Committee, including those parts of the meeting from which the public and press are excluded. They do not have a right to vote or move a motion or amendment, but may speak with the consent of the Chairman (such consent to be sought before the meeting and should not normally be withheld).

(2) If a Committee is considering an item of business in private that relates to the personal or financial affairs of an individual employee or a member of the public, it may resolve to exclude from the meeting any Member who is not a member of the Committee. Before doing so, a Member representing a member of the public must be given the opportunity to speak.

2.22 To ensure a fair and proper debate the Chairman may:

(1) prevent any Member from speaking more than once on any item, motion or amendment (except in the circumstances set out in Procedure Rule 1.35)

(2) require a Member to cease speaking if he has spoken for more than five minutes

(3) if requested, allow a Member of the Council who is not a member of the Committee to speak on any particular item (but not vote).

2.23 (1) Members of a Committee who have voting rights on that Committee but are not Members of the Council, may propose or second motions and amendments as if they were Members of the Council.

(2) Members of Committees who do not have voting rights on that Committee have the same rights to speak as any Member of the Council but may not vote nor propose nor second a motion or amendment.

2.24 The Planning Applications and Regulation Committees may permit members of the public interested in their decisions to address their meetings, in accordance with the principles of decision making contained in Article 12.2 of this Constitution.

Chairman and Vice Chairman

- 3.1 The Chairmen of Cabinet Committees are nominated by the Leader of the Council and elected by the Committee
- 3.2 The Committee will elect a Vice Chairman from its Members
- 3.3 If a Cabinet Committee in exceptional circumstances proposes to establish a sub-committee, the Chairman will be nominated by the Leader of the Council and elected by the sub-committee
- 3.4 The sub-committee will elect a Vice Chairman from its members

Membership

- 3.5 Cabinet Committee members may not serve as ordinary or substitute members of the Scrutiny Committee when the latter is dealing with issues that are within their Cabinet Committee's area of responsibility.

Access to Information Act

- 3.6 The Access to Information Act procedure rules will apply to these Committees

Agenda Setting Meeting

- 3.7 An agenda setting meeting will be held at least xxx weeks before each Cabinet Committee meeting, at which the following will attend:
- (a) The Cabinet Committee Chairman, Vice Chairman and the party spokesmen
 - (b) Relevant Cabinet and Deputy Cabinet Members
 - (c) Relevant Senior Managers
- 3.8 At this meeting a first draft of the agenda will be discussed. This initial draft will consist of:
- (a) Standard items, e.g. the draft capital and revenue budget and Policy Framework
 - (b) Documents or issues that it has been agreed the Cabinet Committee will monitor or review
 - (c) Items that have been previously agreed by Members as items for future meetings
 - (d) Items that have been proposed by a member of the Cabinet Committee which are relevant to the functions of that Cabinet Committee
- 3.9 Relevant Cabinet Members and officers will be present at the meeting to brief committee members on what the reports will cover, which will give Members the opportunity to ensure that the reports cover all the issues they require.
- 3.10 The Chairman of the Cabinet Committee, in consultation with relevant Cabinet Members, will determine the final agenda.

Appendix 4 Part 4:
Additional Rules applying to
the Scrutiny Committee and Select Committees

4.1 (1) These rules apply only to the Scrutiny Committee and Select Committees).

(2) Members of a Cabinet Committee may serve as an ordinary or substitute member of the Scrutiny Committee unless the Scrutiny Committee is dealing with an item that has been considered by the Cabinet Committee on which they serve. In these circumstances they will need to declare an interest and take no further part in the debate or vote on the item.

(3) Deputy Cabinet Members may not serve as ordinary or substitute members of the Scrutiny Committee, or of Select Committees dealing with issues that are within their own areas of responsibility.

(4) Cabinet Committee members may not serve as ordinary or substitute members of the Scrutiny Committee or of Select Committees dealing with issues that are within their Cabinet Committee's area of responsibility.

(5) Reports or recommendations to the Leader, Cabinet Member, Cabinet, Council or officer may include the views of Members dissenting from the majority recommendation of the Committee.

(6) These committees may:

(a) require Members and officers of the authority to attend before them to answer questions and

(b) invite other persons to attend meetings

(7) It is the duty of any Member or officer to comply with a requirement in (6)(a) above. However, officers below Senior Manager level are not required to attend meetings except with their agreement and that of the relevant Senior Manager.

(8) If a Cabinet Member is unable to attend as requested, a Deputy Cabinet Member may attend on their behalf. Cabinet Members and officers will normally attend together for questioning.

Requests for information

4.2 (1) This procedure shall be used by Members when seeking information on matters that the Scrutiny Committee is capable of considering.

(2) Any requests for information shall be made in writing through the Clerk who will acknowledge receipt.

(3) Members are encouraged to use the resources of the KCC Intranet and Corporate Library to identify information that is already available before instigating a request under this procedure.

(4) A request for information will be forwarded by the Clerk to the relevant Senior Manager. The information requested will be supplied to the Clerk as soon as possible or an indication given when it will be available.

(5) If an officer feels unable to supply information requested, or considers it inappropriate to do so, the Senior Manager must be consulted. If the Senior Manager agrees, he will then supply to the Clerk a written explanation of why the information requested cannot be supplied. The Clerk will give this explanation to the Member and inform the Member of his right to request the Chairman of the Scrutiny Committee or their group spokesman on the Committee to have the matter considered by that Committee.

Agenda Planning

4.3 The agenda for ordinary meetings of the Scrutiny Committee shall be set through the procedure set out in Procedure Rules 8.9-8.13, below.

Questioning

4.4 The Chairman may permit a Member not on the Scrutiny Committee (including Cabinet Members and Deputy Cabinet Members) to speak and ask questions if a matter on the agenda has a particularly significant impact on the Member's division or if the Member has not been supplied with information under Procedure Rule 4.2(5).

4.5 Members should endeavour not to request detailed information from officers at meetings of the Committee, unless they have given prior notice through the Clerk. If, in the course of question and answer at a Committee meeting, it becomes apparent that further information would be useful, the officer being questioned may be required to submit it in writing to the Scrutiny Committee members through the Clerk.

4.6 In the course of questioning at meetings, officers other than Senior Managers may decline to give information or respond to questions on the ground that it is more appropriate that the question be directed to the relevant Senior Manager.

4.7 Cabinet Members and officers may decline to answer questions in an open session of the Committee on the grounds that the answer might disclose information that would be exempt or confidential as defined in the Access to Information Procedure Rules. In that event, the Committee may resolve to exclude the media and public in order that the question may be answered in private session.

Formulation of Recommendations and Reports

4.8 After answering questions, the Cabinet Member, Deputy Cabinet Member and Officers may remain but should not normally be invited to speak during debate unless it seems likely the Committee will be proposing an action on which they have not commented and on which advice is either sought or should be given in order to protect the Council's interests or for the purposes of clarification.

4.9 At the debate stage, the Committee has to decide whether to express comments on the proposal(s) to the Leader, Cabinet, Cabinet Member, the relevant officer or the Council.

(1) The Chairman shall first explore through debate if there is a consensus on the views to be expressed by the Committee.

(2) If there is no consensus, the Chairman will ask if any Member wishes to move a formal proposal as to the view to be expressed by the Committee. If seconded, a debate will take place under normal Procedure Rules applying to committees, including the possibility of amendments to the motion before the Committee.

(3) If the motion is passed, it will become the formal view of the Committee.

(4) If the motion is lost, but no other motion is put forward, the Committee will be deemed to have decided to make no comment.

4.10 The Committee may not criticise or adversely comment on any individual officer by name.

4.11 Committee meetings shall be recorded by the Clerk unless the Committee decides it is inappropriate. Procedure Rule 2.2(2) on making transcripts available shall apply to these recordings.

Topic Review Plans

4.12 A rolling two year Select Committee Work Programme will be set by the Scrutiny Committee subject to the endorsement of Cabinet which will be mindful of the resources available as soon as possible after the Annual Council meeting following County Council elections and will be kept under review and added to on a rolling programme basis. In setting out the programme, the Scrutiny Committee and Cabinet will be mindful of the resources and officer and Member time required to implement it.

(1) the terms of reference of the review, including the general nature of the expected outcomes, which should be developed by a cross-party Member group (one from each political group) for approval by the Select Committee

(2) the names of any co-opted person from outside the Council to serve on the Select Committee (such co-opted Members will not have a vote)

(3) the staff and other resources required to deliver the review including, if required, the ability to appoint an adviser to the Select Committee

(4) an approximate timetable of meetings and final reporting date (normally within 6 months of the review commencing)

(5) the main witnesses and information sources expected to be involved in the review.

Meeting Arrangements

4.14 Select Committees shall ensure that:

(1) dates and arrangements for witnesses to attend their meetings (or otherwise give evidence to Committee members) are agreed with witnesses in advance

(2) **advance notice is given to witnesses of the areas to be covered in questioning**

(3) **information is, wherever possible, distributed to the Committee Members in writing before the witness attends.**

Questioning

4.15 Members should endeavour not to request detailed information from officers at Select Committee meetings unless they have given prior notice through the Clerk. If, in

the course of question and answer at a meeting, it becomes apparent that further information would be useful, the officer being questioned may be required to submit it in writing to the Committee Members through the Clerk.

4.16 In the course of questioning at meetings, officers other than Senior Managers may decline to give information or respond to questions on the ground that it is more appropriate that the question be directed to the relevant Senior Manager.

4.17 Cabinet Members, officers and other witnesses may decline to answer questions in an open session of a Committee on the grounds that the answer might disclose information that would be exempt or confidential as defined in the Access to Information Procedure Rules. In that event, the Committee may resolve to exclude the media and public in order that the question may be answered in private session.

4.18 The Clerk shall record meetings of a Select Committee unless the Select Committee decides it is inappropriate. A written summary of evidence given at Select Committee meetings will be prepared by the Clerk and agreed with the witness prior to its publication.

Review Reports

4.19 During Topic Reviews, Select Committees shall ensure that relevant Cabinet Members and officers are kept informed of the progress of the review and have full opportunity to comment and inform the deliberations of the Committee.

4.20 Select Committees shall ensure that relevant officers are consulted on any statistics, data and information which are to be included in their reports or on which they intend to base conclusions. The report should include all such data and information or state where it is available to Members

4.21 Reports shall include all summaries of evidence given to the Committee during the Topic Review.

4.22 When producing their reports, Select Committees should make explicit the likely resource implications of their proposals and have due regard to their affordability and deliverability, taking account of the resources available to the Council.

4.23 Select Committees may not in their reports criticise or adversely comment on any individual officer by name.

4.24 Once the draft report is prepared with its conclusions and recommendations, the Select Committee must ensure that relevant Cabinet Members and officers have the opportunity to comment on the draft report before it is published.

4.25 The Chairman of the Select Committee, the Chairman of the Scrutiny Committee and relevant Cabinet Members, in discussion with the Leader of the Council, will agree the order of the submission of the report to the Cabinet/Scrutiny Committee/Council/or any other Committee.

4.26 The Scrutiny Committee will monitor and review the Executive's response to Select Committee reports, as set out below.

Monitoring of Select Committee recommendations

4.27 (1) When a Select Committee has produced its report and Cabinet has endorsed its recommendations, it is essential that monitoring takes place in relation to progress with the recommendations.

(2) Three months after Cabinet has endorsed the Select Committee report, the Scrutiny Committee should receive an action plan from officers setting out how they propose to take the recommendations forward.

(3) One year after Cabinet has endorsed the Select Committee report, the Select Committee will be reconvened to receive a report which details progress with each of the recommendations.

(4) The Minutes from this meeting of the Select Committee will be presented to the next meeting of the Scrutiny Committee by the Chairman of the Select Committee for comments and noting.

(5) It is assumed that once this process has been carried out, the recommendations become embedded in the work of the Directorate, or an explanation will have been accepted by Members as to why this not possible. Therefore, in normal circumstances, it should not be necessary to receive a further report specifically on progress with the recommendations.

Publicising and Launching Select Committee Reports

4.28 All communications between Select Committee Members and the media shall be in accordance with the Public Relations Protocol for Select Committee Reviews and Reports (as approved by the Council on 11 December 2008).

Overview and Scrutiny inter-authority co-operation

4.29 The Scrutiny Committees in preparing Review Plans, and Select Committees in carrying out reviews and preparing reports, shall comply with the protocols agreed by the former Kent Association of Local Authorities governing co-operation between authorities on overview and scrutiny (Annex A to this Part) and overview and scrutiny of health services (Annex B to this Part).

Aim of the Protocol

5A.1 To ensure the Overview and Scrutiny Committees of all Kent local authorities can review issues of community interest effectively and with efficient use of all local authority staff resources.

Principles

5A.2 All authorities should be supported in considering issues of community well being wider than the responsibilities of their councils.

5A.3 Authorities should work together to maximise the exchange of information and views, minimise bureaucracy and make best use of the time of Members and officers of local and other authorities.

Procedures

5A.4 Authorities should seek to exchange information on programmes and results of reviews.

5A.5 If an Overview and Scrutiny Committee wishes to review an issue in which another authority has a statutory role or in which evidence from the officers of another authority would be helpful, it should consult with that authority about:

- the purpose of the review
- the areas of interest to the other authority
- the input that can be given by Members or officers of the other authority.

5A.6 Consideration should be given to whether the issue is more appropriately discussed in another forum, for example a joint committee, or whether there is scope for joint action including the co-opting of Members of the other Authority onto the Overview and Scrutiny Committee for the purpose of the review.

5A.7 Where a proposal is subject to a public consultation process, scrutiny is most helpful if conducted as part of that process e.g. allowing any findings and recommendations to be available in time to influence the final decision.

5A.8 Subject to such prior consultation, Authorities will seek to respond positively to requests for information or for a Member or officer to attend meetings of Overview and Scrutiny Committees or for information.

5A.9 While it is ultimately for each Authority to decide who it considers the most appropriate person(s) to speak on its behalf to an Overview and Scrutiny Committee, consideration will be given to meeting specific requests.

5A.10 Dates and times of Member and officer attendance at Overview and Scrutiny meetings should be agreed with them.

5A.11 Each Authority will nominate a contact officer for the operation of these procedures.

5B.1 These protocols are agreed within a context that assumes organisationally:

- (1) the bringing into force of the Health and Social Care Act 2001**
- (2) the continued development of partnership working, especially between Social Services and NHS bodies**
- (3) the continued existence at District/Borough level of local overview and scrutiny committees concerned with NHS matters**
- (4) the continued existence of representative organisations operating at sub-county level**
- (5) a partnership approach working with not against NHS bodies in the county**

5B.2 The protocols are based on the principles that:

- (1) Overview and Scrutiny should focus on supporting the improvement of health services to Kent residents.**
- (2) Overview and Scrutiny should minimise the additional administrative burdens on local authorities or NHS bodies.**
- (3) Overview and Scrutiny agendas need to be developed jointly by the local authorities and the NHS bodies.**
- (4) Overview and Scrutiny needs to operate at different levels within Kent.**

STRUCTURES

5B.3 Overview and Scrutiny structures will comprise:

District Council Overview and Scrutiny Committees

- (1) To look at local service issues:**
 - (a) Local co-ordination (or joint committees) to ensure cross-district issues dealt with jointly**
 - (b) Local KCC Members and CHC representatives to have rights of participation**
 - (c) Focused on PCTs**

KCC Health Overview & Scrutiny Committee

- (2) To look at broad and wide area issues, including from the viewpoint of the County Council's Social Service responsibilities:**
 - (a) An emphasis on working through themed (topic) reviews conducted by Select Committees (smaller ad hoc groups) including District and Patient members**

(b) DC and CHC representatives to have rights of participation

(c) Service reconfigurations to be looked at through Select Committees (ad hoc time limited sub-committees including DC and CHC participation) reporting to the KCC Health Overview & Scrutiny Committee to consider reference to the national Reconfiguration Panel (when the legislation is brought into force)

(d) Focused on Health Authorities

Medway Overview and Scrutiny Committee

(3) To combine both levels of operation within the Medway area but linked into the co-ordinated system.

CO-ORDINATION

5B.4 Overview and Scrutiny activity at local and Kent level needs free exchange of information and protocols for co-ordination of work and resolution of conflicts. To facilitate this there will be:

(1) a regular meeting of Committee Chairmen and NHS representatives to agree a programme of work across the county and Medway

(2) a similar officer forum to support and advise the Chairmen on the work programme and co-ordinate requests for NHS officers to provide papers, information or attend committee meetings

5B.5 The KCC Committee membership allows for DC and CHC membership:

(1) a permanent representation of three District/Borough Members nominated by KALA and two CHC representatives nominated by the CHCs on a non-voting basis

(2) a right for the Chairmen of each District/Borough Overview and Scrutiny Committee (or another relevant Member) and each CHC to attend and speak at the KCC Committee (or send a representative) on a matter particularly affecting that area

(3) appointment of members of relevant District Overview and Scrutiny Committees and CHCs to individual topic reviews (agreed through the Chairmen's meeting)

5B.6 District Committees will allow local KCC Members and CHC representatives to attend and speak at the Committee.

5B.7 KCC and DC members on CHCs will be briefed by and feed back to their appointing Councils.

REVIEW PLANNING

5B.8 Overview and Scrutiny will take the form of a programme of reviews. Each review should be preceded by a Review Plan discussed within the officer forum and agreed with the relevant NHS bodies. Any disagreement should be considered by the relevant Overview and Scrutiny Committee after the NHS

representative has attended the Committee to express the NHS view and answer member questions.

5B.9 The Review Plan should:

- (1) set the terms of reference for the review including the general nature of the expected outcome**
- (2) set an approximate timetable of meetings and a reporting date**
- (3) state the officers supporting the review within the local authority, the NHS and the CHCs and estimate the time commitment required of them**
- (4) state the main witnesses and information sources expected to be involved**

REVIEW ADMINISTRATION

5B.10 The arrangements for meetings of Overview and Scrutiny Committees shall ensure that:

- (1) Dates for witnesses to attend Committee meetings are agreed with witnesses as far in advance as possible**
- (2) NHS Managing Directors and other local authorities' Managing Directors arrange for appropriate officers chosen by them to attend to give evidence on the identified topics (subject to any provision to be made in statutory regulations)**
- (3) Advance notice is given of the areas to be covered in questioning**
- (4) Information is wherever possible distributed to the Committee in writing before the witness attends**

MEETING PROTOCOLS

5B.11 All Overview and Scrutiny Committees should incorporate in their Procedure Rules or otherwise ensure that:

- (1) Committee Members should endeavour not to request detailed information from officers of the NHS or another local authority at meetings of the Committee, unless they have given prior notice through the Clerk. If, in the course of question and answer at a meeting of Committee, it becomes apparent that further information would be useful, the officer being questioned may be required to submit it in writing to members of the Committee through the Clerk**
- (2) In the course of questioning at meetings, officers of the NHS or another local authority may decline to give information or respond to questions on the ground that it is more appropriate that the question be directed to a more senior officer or Member**
- (3) Officers of the NHS or another local authority may decline to answer questions in an open session of the Committee on the grounds that the answer might disclose information which would be exempt or confidential as defined in the Access to Information Act 1985. In that event, the Committee may resolve to exclude the media and public in order that the question may be answered in private session**

(4) Committees may not criticise or adversely comment on any individual officer of another local authority or of an NHS body by name

REPORTING

5B.12 All local authorities should ensure that:

(1) A record is made of the main statements of witnesses appearing before the Committee and agreed with those witnesses prior to publication or use by the Committee (Committee meetings may be electronically recorded)

(2) Drafts of Committee reports and recommendations should be made available for comment by the relevant NHS body (or local authority) whose operations might be commented on and any adverse comments or concerns reported to the Committee before the final report is published

(3) The Managing Director of any NHS body and/or the Chief Officer of any other local authority involved with the review is given advance notice of the date of publication of the report and consulted on the text of any accompanying press release

(4) Reports should include an agreed timetable for any NHS body and/or other local authority involved to publish a response to the report's recommendations once confirmed by the appropriate Overview and Scrutiny Committee

SERVICE RECONFIGURATIONS

5B.13 NHS bodies remain responsible for public and other consultation on service reconfiguration proposals.

5B.14 The intention to carry out a consultation will be discussed in the officer forum.

5B.15 The KCC Health Overview & Scrutiny Committee will consult District/Borough Councils and CHCs for the areas affected by each proposal on whether to:

(1) consider the matter at a full meeting of the Committee

(2) set up a KCC Select Committee to consider the proposal

(3) request a District/Borough Overview and Scrutiny Committee to consider the proposal

5B.16 If a Select Committee is established or a District/Borough Overview and Scrutiny Committee requested to carry out a review:

(1) paragraphs 8-12 above shall apply to its work programme and proceedings

(2) the Review Plan shall as far as possible be integrated with the NHS body's consultation programme

(3) consideration shall be given to:

(a) including one or more members of District/Borough Councils on the Select Committee or KCC members on the District/Borough Overview and Scrutiny Committee

(b) including CHC members on the Committee

(c) other arrangements for ensuring all local authorities and CHCs may express their views and seek information on the proposal

(4) the review report shall be submitted to the KCC Health Overview & Scrutiny Committee who will consider the recommendations together with any response by the NHS body and decide whether to refer the proposal to the Reconfiguration Panel.

Annex C:

Protocol for the operation of the Crime and Disorder Committee

5C.1 Introduction

The Scrutiny Committee will act as Crime and Disorder Committee for the purposes of Section 19 of the Police and Justice Act 2006

5C.2 Scope of the Committee

(1) The Crime and Disorder Committee has the power to:

(a) Review and scrutinise decisions made, or other action taken, in connection with the discharge by the authorities responsible for crime and disorder strategies of their crime and disorder functions and make recommendations

(b) Consider a Councillor Call for Action relating to crime and disorder matters

(2) The role of the Committee is as a “critical friend” of the community safety partnership, providing it with constructive challenge at a strategic level. Its role is not fault finding at an operational level.

(3) The Committee’s remit is to review and scrutinise the decisions and actions of the partnership as a whole and not individual organisations within it.

(4) The responsible authorities for Crime and Disorder strategies are:

(a) Kent Police Authority

(b) Kent Police, Kent & Medway Fire and Rescue Authority

(c) Primary Care Trusts and

(d) District/County Councils

(e) Kent Probation Service

5C.3 Frequency of meetings/agenda setting

- (1) Meetings of the Scrutiny Committee (meeting as the Crime and Disorder Committee) will be programmed to be held at least once a year.**
- (2) An informal meeting will be held at least six weeks before each Committee meeting (and if possible much earlier) where the Chairman, Vice Chairman and Minority Group Spokesman will consider items for the next meeting and agree the agenda.**
- (3) Items for the Committee may be suggested by the Kent Community Safety Partnership and the Chairman of this Group may attend the agenda setting meeting to put forward these items.**
- (4) As soon as the agenda has been agreed, relevant responsible authorities will be informed of any information, attendance or co-optees required for that meeting.**

5C.4 Co-option of additional Members

- (1) The Kent Police Authority and Kent & Medway Fire and Rescue Authority shall be represented on the Committee by members of the Committee who are also members of the Kent Police Authority/Kent & Medway Fire and Rescue Authority.**
- (2) The Committee has the right to co-opt representatives from responsible authorities onto the Committee when a specific matter is being considered that may lead to recommendations for that authority.**

5C.5 Requirement to attend meetings

- (1) The Committee may require an officer of a responsible authority to attend before it in order to answer questions.**
- (2) A minimum of 28 days notice will be given of the requirement to attend, except in the case of urgent items when the notice period may be shorter.**

5C.6 Requirement to provide information to the Committee

- (1) Information requested by the Committee from responsible authorities which is relevant to the exercise of the Committee's functions must be provided.**
- (2) The Committee will give at least 28 days notice of information that it requires, except in the case of urgent items when the notice period may be shorter.**

5C.7 Meeting protocol

- (1) Committee members should not request detailed information from representatives of a responsible authority at meetings of the Committee, unless they have given prior notice through the Clerk. If, in the course of a question-and-answer session at a Committee meeting, it becomes apparent that further information would be useful, the representative being questioned may be required to submit it in writing to members of the Committee.**
- (2) In the course of questioning at meetings, representatives of a responsible authority may decline to give information or respond to questions on the ground that it is more appropriate that the question be directed to a more senior officer or Member.**

(3) Representatives of a responsible authority may decline to give information on the grounds that the answer might disclose information which may not be disclosed under the Local Government (Access to Information Act) 1985 or the Data Protection Act 1998. In this event, the Committee may resolve to exclude the media and public in order that the question may be answered in private session.

(4) During the course of the meeting, the Committee and its members may not criticise or adversely comment by name any individual officer of a responsible authority.

5C.8 Responses to Crime and Disorder Committee reports

(1) If the Committee intends to make a recommendation or a report to a responsible authority, it will do so in draft form and give the relevant responsible authority the opportunity to comment on the factual accuracy of it before it makes a formal recommendation or produces a report.

(2) Once a formal recommendation or report is made to a responsible authority, the authority is required to respond in writing to the Committee within 28 days. If there are extenuating circumstances which make this timescale unreasonable, the Committee should be made aware of them in writing as soon as possible and before the end of the 28 day period.

Annex D:

Councillor Call for Action Protocol

5D.1 Key Points

(a) The “Councillor Call for Action” (CCfA) was introduced under Section 119 of the Local Government and Public Involvement in Health Act 2007 and came into force on 1 April 2009. CCfA applies to all councils in England and Wales.

(b) The CCfA enables any Member of the Council to refer to the Scrutiny Committee any matter which:

- (i) relates to the discharge of a function of the authority**
- (ii) is relevant to the functions of the committee and**
- (iii) affects all or part of their division or any person who lives or works there**

(c) A Member can refer a matter even if no constituent has asked them to consider it, and there is no requirement for Members in multi-member divisions to agree – any of them can refer a matter.

(d) It will be up to individual Local Members to determine which issues to take forward as CCfAs.

(e) If a Member decides not to refer a matter, no further action is taken under a CCfA.

(f) The committee does not have to take up a Member’s request but, if it does not do so, it has to explain its reasons why.

- (g) There will be no right of appeal for the member of the public via the Council's committees.**
- (h) The operation of CCfA should be used only in exceptional circumstances where all other possible avenues for resolution of the issue have been followed by the referring Member, and yet a problem still exists.**

5D.2 Issues excluded from referral as a CCfA

The Overview and Scrutiny (Reference by Councillors) (Excluded Matters) (England) Order 2008 excludes the following matters from referral as a CCfA:

- (a) any matter relating to a planning decision**
- (b) any matter relating to a licensing decision**
- (c) any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment**
- (d) any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the Scrutiny Committee or at a meeting of a sub-committee of that Committee**

In addition to the above exclusions, if the matter relates to a crime and disorder issue it should first be referred to the Crime and Disorder Committee.

5D.3 Steps to be taken prior to making a CCfA

Prior to referring a matter as a CCfA, Members should have tried to resolve the issue using all mechanisms and resources available to them. A flowchart has been designed at Appendix A to assist Members in deciding whether an issue is ready for referral to a Policy Overview and Scrutiny Committee as a CCfA.

5D.4 How to make a CCfA

If the issue has not been resolved despite alternative mechanisms being explored, a Member can refer it to the Scrutiny Committee as a CCfA. To do this the Member should complete and submit a CCfA request form (Appendix B). The Clerk will check this to ensure that the issue is not an excluded matter (see paragraph 5D.2 above) and will then inform the Chairman of the Scrutiny Committee that the item will be included on their next available agenda. The Member will be informed whether or not their request has been successful. It will then be up to the Committee Members to decide whether or not to take the matter further.

In deciding whether or not to take the request further the Committee should consider:

- (a) What actions have been taken by the Member in relation to resolving the issue**
- (b) Any representations made by the Member as to why the committee should take the matter up**

- (c) **Whether all reasonable attempts have been made by the elected Member to resolve the issue**
- (d) **Whether a similar issue has been considered recently and, if so, whether the circumstances have changed**
- (e) **Whether this is an issue which is currently being looked at by another form of scrutiny, e.g. a District Committee**
- (f) **Whether the matter referred has the potential to produce recommendations which could realistically be implemented and lead to improvements for anyone living or working in the referring Member's division**

If the Committee decides not to accept the CCfA referral, it must inform the Member and provide reasons.

5D.5 Options available to the Committee if it accepts the CCfA referral

If the Committee accepts the CCfA referral, it should then decide how to take the matter forward. The following should be considered by the Committee:

- (a) **Potential solutions to the issue and how these could be achieved**
- (b) **Whether further evidence should be requested or relevant witnesses and representatives from partner organisations be invited to the Committee meeting**
- (c) **Who will decide that the issue is resolved**

5D.6 Potential outcomes from the committee meeting hearing the CCfA

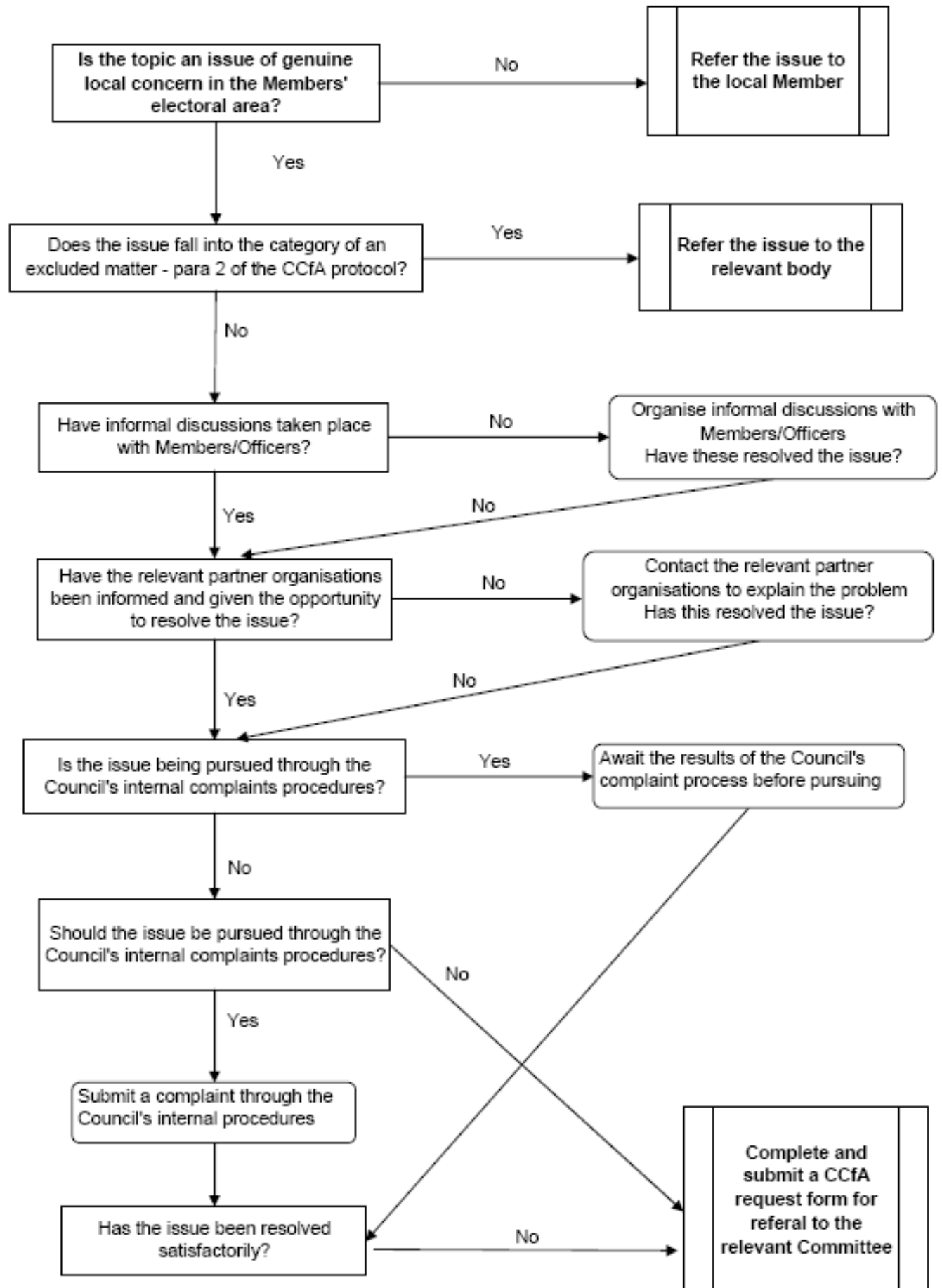
Following the Committee meeting there are a number of potential outcomes:

- (a) **The Committee could determine not to make a report, with the Local Member notified in writing**
- (b) **The Committee could determine that it is a complex issue requiring further investigation and, in discussion with the Cabinet, commission a review of the issue via the Scrutiny Committee**
- (c) **The Committee could write a report and make recommendations on the CCfA to the Cabinet, full Council, or relevant Committee**

Once the Committee has completed its work on the CCfA request, the Member who made the request will receive a copy of any report or recommendations made.

CCfA

Appendix A



Call for Action Request Form

This form should be used by any Member of Kent County Council who would like the relevant overview or scrutiny committee to consider a Councillor Call for Action in their area.

Your contact details:
Name (print):
Signature:
Date:

The title of your Councillor Call for Action:
--

Have you exhausted the steps set out in Annex A to the CCfA protocol? Yes <input type="checkbox"/> No <input type="checkbox"/>
Have you approached the relevant Overview and Scrutiny Committee on the same issue in the past six months? Yes <input type="checkbox"/> No <input type="checkbox"/>

Please outline your main areas of concern:
What evidence do you have in support of your CCfA:
Which areas or groups are affected by the CCfA?
How have you tried to resolve the issue?
Is the CCfA currently the subject of legal action by any party (to your knowledge) or is it being examined by a formal complaints procedure?
Are there any deadlines associated with the CCfA of which the scrutiny committee needs to be aware?

Please complete and return this form to:

**Head of Democratic Services
Sessions House
County Hall
Maidstone
ME14 1XQ**

Or by email to overviewandscrutiny@kent.gov.uk

Annex E:
Petition Scheme

1. What are the guidelines for submitting a Petition?
 - (a) **Petitions submitted to the County Council must include:**
 - (i) **a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the County Council to take.**
 - (ii) **the name and address of the petition organiser (this is the person we will contact to explain how we will respond to the petition), and**
 - (iii) **the name and address and signature of any person supporting the petition (petitions can be signed by people who live, work, study in or visit the County Council's area).**
 - (b) **Petitions which are considered to be vexatious*, abusive or otherwise inappropriate will not be accepted and you will be contacted to explain the reasons for this.**
 - (c) *** In deciding if a petition is vexatious the guidance used for the Freedom of Information act the starting point will be:**

“Deciding whether a request is vexatious is a flexible balancing exercise, taking into account all the circumstances of the case. There is no rigid test or definition, and it will often be easy to recognise. The key question is whether the request is likely to cause distress, disruption or irritation, without any proper or justified cause”
 - (d) **In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply.**
 - (e) **Petitions for a County Council debate should be submitted to the Head of Democratic Services at least 14 days before the next available meeting. The Chairman shall have discretion to accept petitions on urgent matters after that deadline following consultation with the political Group Leaders.**

- (f) If a petition does not follow the guidelines set out above, the County Council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

2. What will the County Council do when it receives my petition?

- (a) An acknowledgement will be sent to the petition organiser within 5 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website.

- (b) If we can do what your petition asks for, the acknowledgement may confirm that we have already taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a County Council debate, or a senior officer giving evidence, then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

- (c) If the petition applies to a [planning application](#), is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply.

- (d) To ensure that people know what we are doing in response to the petitions we receive the details of all the petitions submitted to us will be published on our website, except in cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed). When you sign an e-petition you can elect to receive this information by email. We will not send you anything which is not relevant to the e-petition you have signed, unless you choose to receive other emails from us.

3. How will the County Council respond to petitions?

- (a) Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- (i) taking the action requested in the petition
- (ii) considering the petition at a Council meeting
- (iii) holding an inquiry into the matter
- (iv) undertaking research into the matter
- (v) holding a public meeting
- (vi) holding a consultation
- (vii) holding a meeting with petitioners
- (viii) referring the petition for consideration by one of the Council's Cabinet Committees or in the case of cross cutting issues the Head of Democratic Services in consultation with the Chairmen of the relevant Cabinet Committees/appropriate Cabinet Members will determine which Cabinet Committee will consider the petition
- (ix) calling a referendum
- (x) writing to the petition organiser setting out our views about the request in the petition

- (b) **The County Council will tell you what it intends to do with the petition within 20 working days of receipt of the paper petition or the close of an e-petition.**
- (c) **If your petition is about something over which the County Council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The County Council works with a large number of local partners and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with County Council policy), then we will set out the reasons for this to you. You can find more information on the [services](#) for which the County Council is responsible here.**
- (d) **If your petition is about something that a different council is responsible for, or for which we have joint responsibility, we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other council for them to respond to or comment on, but could involve other steps. In any event we will always notify you of the action we have taken.**

4. Full County Council debates

- (a) **If your petition relates to a county-wide matter and contains at least 12,000 signatures it will be debated by the County Council (unless it is a petition asking for a senior council officer to give evidence at a public meeting (see below)). If your petition covers a County Council matter that relates to a specific District Council area it will require at least 1,000 signatures for it to be debated by the County Council. If this matter relates to more than one District Council area then at least a 1,000 signatures per District Council area will be required for the matter to be debated by the County Council.**
- (b) **The County Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting.**
- (c) **The lead petitioner, 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 arrive by 5:00pm on the Monday of the week before the County Council meeting. The relevant Directorate should also submit a brief position statement/briefing note by the same deadline;**
- (d) **At the meeting of the County Council 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 Elected Members. The total time for a petition debate will be 45 minutes. If the lead petitioner, or their named representative, does not attend the County Council meeting then the petition will be considered in their absence.**
- (e) **The County Council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by the relevant Cabinet Member or committee.**

- (f) Where the issue is one on which the County Council's Executive is required to make the final decision, the County Council will decide whether to make recommendations to inform that decision.
- (g) The petition organiser will receive written confirmation of the Council's decision, which will also be published on our website.
- (h) The County Council will not debate a petition on the same decision/issue as one debated by the County Council within the previous six months.

5. Calling an Officer to give evidence at the Scrutiny Committee

- (a) Your petition may ask for a [senior council officer](#) to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.
- (b) If your petition contains at least 6,000 signatures for a countywide matter and 500 signatures (or multiples) for a County Council matter relating to a District area(s), the relevant senior officer, accompanied by the relevant Cabinet Member, will give evidence at a public meeting of the Council's Scrutiny Committee. A list of the senior staff that can be called to give evidence can be found [here](#).
- (c) You should be aware that the scrutiny committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs.
- (d) The lead petitioners or their named representative:
 - (i) 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 arrive by 5:00pm on the Monday of the week before the Scrutiny Committee meeting;
 - (ii) will be allowed to address the Committee for up to 5 minutes to summarise their reviews and to amplify, but not repeat, any points in their written statement;
 - (iii) will then be allowed up to 5 minutes to ask questions of the officer (the 5 minutes does not include the time for answers to be given). These questions should be used to seek genuinely new information. Questions must not be asked to which the member of the public already knows the answer;
 - (iv) will receive written confirmation of the Scrutiny Committee's decision, which will also be published on our website

6. E-petitions

- (a) The Council welcomes [e-petitions](#) which are created and submitted through our website. E-petitions must follow the same guidelines as paper petitions (as set out above). The petition organiser will need to provide us with their name, postal address and email address. You will also need to decide how long you would like your petition to be open for signatures. Most petitions remain open for a maximum of 3 months, but a shorter or longer timescale can be agreed with the petition organiser if appropriate.

- (b) When you create an e-petition, it may take up to 10 working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature. If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website. When an e-petition has closed for signature, it will automatically follow the same process as a paper petition (as set out above)
- (c) In the same way as a paper petition, you will receive an acknowledgement within 5 working days of the close of the e-petition. A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgment and response will also be published on this website.

7. How do I 'sign' an e-petition?

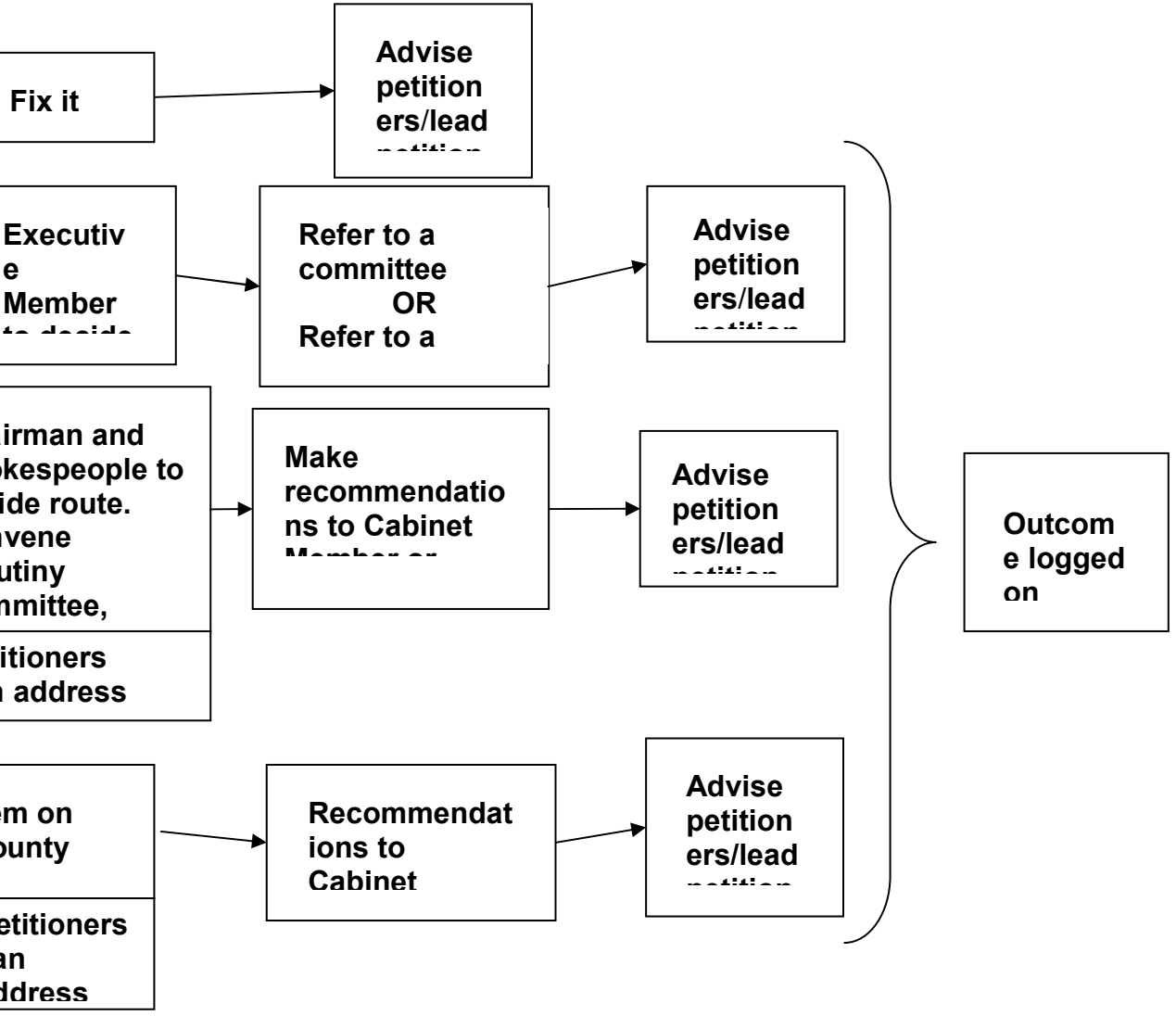
You can see all the [e-petitions](#) currently available for signature on the Council's website. When you sign an e-petition you will be asked to provide your name, your postcode and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your 'signature' will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.

8. What can I do if I feel my petition has not been dealt with properly?

- (a) If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the steps that the County Council has taken in response to your petition are reviewed. All reviews will be considered by the Scrutiny Committee.
- (b) It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the County Council's response is not considered to be adequate.
- (c) The Scrutiny Committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting.
- (d) Should the Scrutiny Committee determine that the County Council has not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the County Council's Executive and arranging for the matter to be considered at a meeting of the full County Council.
- (e) Once the appeal has been considered, the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on our website

Approved by the County Council on 22 July 2010
(Amended 16 December 2010 and 29 March 2012)

In force from 1 September 2010



This Part of the Appendix records the rules governing meetings of the Cabinet and the discharge of executive functions by the Leader, the Cabinet and Cabinet Members

Meetings of the Cabinet

6.1 Meetings of the Cabinet shall be held on such dates and at such times and venues as the Leader shall decide.

6.2 The Clerk will summon all Cabinet Members to meetings by sending an agenda and accompanying papers to each Member five working days before the meeting. The agenda and papers will be sent at the same time to the Members of the Scrutiny Committee.

Agendas

6.3 The agenda for each meeting of the Cabinet will comprise:

- (a) the minutes of the previous meeting for approval and signing
- (b) such items as the Leader decides
- (c) any report by the Head of Paid Service, Chief Finance Officer or Monitoring Officer
- (d) any report referred to the Cabinet from a Cabinet Committee

6.4 The Leader may decide that there are special circumstances that justify an item of business, not included on the agenda, being considered as a matter of urgency. He must state these reasons at the meeting and the Clerk shall record them in the minutes.

Quorum

6.5 The quorum for a meeting of the Cabinet is three Members.

Chairing

6.6 If the Leader or Deputy Leader is not present or able to preside, the Cabinet shall elect another Cabinet Member to preside for that meeting or item.

Attendance

6.7 Members attending Cabinet meetings must sign the attendance list or ensure the Clerk records their presence.

6.8 Any Member of the Council may attend any meeting of the Cabinet, including those parts of the meeting when the public is excluded. They do not have a right to speak without the consent of the Leader.

6.9 If the Cabinet is considering an item of business in private that relates to the personal or financial affairs of an individual employee or a member of the public, the Leader or other person presiding at the meeting may exclude from the meeting any Member who is not a member of the Cabinet.

Conduct of meetings

6.10 The Leader shall conduct the business of the meeting so as to encourage decision by consensus.

6.11 Every Cabinet Member is entitled to express a view on each item of business.

6.12 Following debate the Leader or the person presiding at the meeting will summarise the discussion and formulate a proposition that he will put to the Cabinet for agreement. A vote will not be taken unless the Leader or the person presiding at the meeting so decides but any Member who dissents from a decision of the Cabinet is entitled to have that dissent recorded in the minutes, provided this request is made immediately upon the decision having been taken.

6.13 If necessary to maintain an orderly discussion, the Leader may:

- (a) require a vote to be taken by a show of hands
- (b) restrict the number of times any Member may speak
- (c) restrict the length of speeches
- (d) adjourn the discussion to a later meeting

6.14 In the event of a vote being taken and the votes for and against being equal, the Leader or the person presiding at the meeting has a second or casting vote.

6.15 If necessary to maintain order, the Leader may:

- (a) with the consent of the Cabinet, require a member of the Cabinet, the Council or the public to leave the room
- (b) direct a Member to be silent
- (c) adjourn or terminate the meeting.

Discussion of Employees

6.16 No discussion shall take place concerning an individual employee unless the Leader has decided whether to discuss the matter in public or private session.

Conflicts of interest

6.17 Procedure Rule 2.5 on Members' interests applies to Cabinet meetings.

6.18 A Cabinet Member with a disclosable pecuniary or other interest (as defined in the Member Code of Conduct) in a matter with which he is dealing must declare that interest and inform the Leader and the Monitoring Officer. The

Leader may assign its determination or consideration to another Cabinet Member.

Forward Plan of Decisions

6.1 Key decisions are defined in the Executive Arrangements (Access to Information) (England) Regulations 2000. In accordance with the statutory definition and Government guidance, key decisions are executive decisions that are likely to:

(1) result in savings or expenditure which is significant having regard to the budget for the service or function (currently defined by the Council as in excess of £1,000,000); or

(2) be significant in terms of its effects on communities living or working within one or more electoral divisions.

6.2 Decisions which should be regarded as “key decisions” because they are likely to have a “significant” effect either in financial terms or on the Council’s services to the community include:

(1) Decisions about expenditure or savings over £1,000,000 which are not provided for within the approved budget or Medium Term Financial Plan.

(2) Adoption of major new policies not already included in the Policy Framework (Appendix 3) or changes to established policies.

(3) Approval of management and business plans.

(4) Decisions that involve significant service developments, significant service reductions, or significant changes in the way that services are delivered, whether County-wide or in a particular locality. For example, closure of a school, approval of a major project (such as a highway scheme) or programme of works, major changes in the eligibility criteria for provision of a service, major changes in the fees charged for a service, or proposals that would result in a service currently provided in-house being outsourced.

(5) Decisions where the consequences are likely to result in compulsory redundancies or major changes in the terms and conditions of employment of a significant number of employees in any of the Council’s functions.

6.3 The Leader is responsible for publishing a Forward Plan of Key and other Executive decisions to be taken by either the Cabinet or Cabinet Portfolio Holder under the terms of the decision making procedures.

6.4 All key decisions will be made by the Leader, the Cabinet or a Cabinet Member.

6.5 Senior Managers are responsible for identifying issues likely to give rise to key decisions and should endeavour to inform the Clerk of the issue at least six months in advance of the decision being taken and:

(1) the likely time at which the decision will be taken and by whom

- (2) the arrangements for consultation
- (3) how and by when views can be expressed about the issue
- (4) what documents related to the issue have been submitted to the person or body making the decision.

6.6 The Monitoring Officer is responsible for:

- (1) advising on the interpretation of the statutory definition of key decisions and whether the likely decision will fall within it
- (2) publishing the Forward Plan approved by the Leader 14 days before the first day of each month on which it takes effect.

6.7 The Forward Plan shall not contain any information or refer to any documents which are exempt or confidential as defined in the Access to Information Procedure Rules nor any details of the advice of a political adviser or assistant nor a staff officer to a political group leader.

6.8 If a key decision needs to be taken and is not included in the current Forward Plan, the Senior Manager will inform the Clerk as soon after the need to make the decision becomes apparent. The Clerk will send the Members of the Scrutiny Committee written notice of the matter about which the decision is to be made and make a copy of that written notice available for public inspection. That notice may be separate from or accompany the record of decision required by Procedure Rule 6.22. The decision may not be made until five clear working days after that notice has been sent.

6.9 If the Scrutiny Committee considers that a decision taken should have been treated as a key decision, it may require the Leader to report to the Council within a specified reasonable time details of the decision, the reasons for it, who made it and why he considers it was not a key decision.

Meetings

6.10 Procedure Rules 6.11-6.18 apply to all meetings of the Council, Cabinet Committees, the Scrutiny Committee, Joint or Area Committees, Ordinary and Corporate Governance Committees and meetings of the Cabinet at which key decisions are likely to be made or discussed with officers (except staff officers to the political group leaders) within 28 days of the decision being made.

Rights to attend meetings

6.11 Members of the public and the media may attend all meetings, subject only to the exceptions in these rules.

Notice of meeting

6.12 The Clerk will give at least five clear days notice of any meeting by posting details of the meeting at Sessions House, County Hall, Maidstone. Shorter notice shall only be given in exceptional circumstances such as a second meeting of the Council to consider a revised budget under Procedure Rule 8.3(11).

Access to agenda and reports before the meeting

6.13 The Clerk will make copies of the agenda and reports available for public inspection at Sessions House at least five clear days before the meeting. If an item is later added to the agenda, the revised agenda will be open to public inspection from the time the item was added to the agenda. Where reports are prepared after the agenda has been sent out, the Clerk shall make such reports available for public inspection as soon as the report is sent to Members.

6.14 The Clerk may withhold reports from public inspection if he considers they contain exempt or confidential information. Such reports will be marked "Not for publication" and the exemption category of information indicated.

Exclusion of the Media and Public from Meetings

6.15 The media and the public must be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that confidential information will be disclosed.

6.16 The media and the public may be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that exempt information will be disclosed.

6.17 The decision to exclude the media and the public must be made by a resolution of the Council, Committee or Cabinet which must (in the case of exempt information) state the reasons for the exclusion (by reference to the relevant statutory category) and must be recorded in the minutes of the meeting.

6.18 The Leader will decide whether meetings of Cabinet relating to matters that are not key decisions will be held in public or private.

Publication of reports to Cabinet Members

6.19 In exceptional circumstances, when a Cabinet Member decision is to be made where a report has not previously been published to the relevant Cabinet Committee, a copy of the report shall be sent to the Clerk at the same time as it is sent to the Cabinet Member.

6.20 On receipt of the report, the Clerk shall:

(1) send a copy of the report to the Chairman and spokesmen on the relevant Cabinet Committee and the Scrutiny Committee and the relevant Cabinet Committee

(2) inform all other Members of the relevant Cabinet Committee and the Scrutiny Committee that the report is available

(3) make a copy of the report available for public inspection (unless it contains exempt or confidential information).

6.21 Where an individual Cabinet Member receives a report which they intend to take into account in making any decision, then they may not make the decision until at least five clear days after the report has been made available by the Clerk for public inspection. unless the report has previously been published to the relevant Cabinet Committee(s).

Publication of records of decisions by Cabinet and Cabinet Members

6.22 A record must be made of every decision of the Cabinet or a Cabinet Member. The record must contain:

- (1) the decision**
- (2) the reasons for it**
- (3) any alternative options considered and rejected at the meeting or at the time the decision was made, including any recommendations expressed by a Cabinet Committee**
- (4) any conflict of interest declared (whether by the deciding Member or otherwise)**
- (5) any note of dispensation in respect of such interest.**

6.23 The record must be sent to the Clerk by:

- (1) the Head of Paid Service (or their nominee as proper officer) in the case of a Cabinet decision**
- (2) an officer instructed to do so by the deciding Cabinet Member.**

6.24 The Clerk shall:

- (1) send a copy of the record to the Chairman and spokesmen of the Scrutiny Committee**
- (2) inform all other Members of the Council that the record is available**
- (3) make a copy of the record available for public inspection (unless it contains exempt or confidential information).**

Access to minutes and records of decisions

6.25 The Clerk will retain and make available for public inspection for six years after a meeting, or the taking of a decision, copies of the following:

- (1) the minutes of the meeting and/or records of decisions taken, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information**
- (2) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record**
- (3) the agenda**
- (4) reports relating to items when the meeting was open to the public.**

Supply of copies

6.26 Following a request by any person and on payment by them of a reasonable charge to meet copying and clerical costs, the Council will supply copies of any agendas, reports, minutes and records of decisions which are open to public inspection.

List of background documents

6.27 The author of any report will set out in the report a list of background documents relating to the subject matter of the report which in his opinion:

(1) disclose any facts or matters on which the report, or an important part of the report, is based and

(2) which have been relied on to a material extent in preparing the report (not including published works or those which disclose exempt or confidential information as defined above and, in respect of Cabinet reports, the advice of a political advisor).

Public inspection of background documents

6.28 Senior Managers are responsible for ensuring that one copy of each background document is retained and made available for public inspection for six years after the date of any meeting or decision.

Summary of public's rights

6.29 These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

6.30 A summary of the public's rights to attend meetings and to inspect and copy documents will be retained and made available to the public at the designated office.

Member Information System

6.31 The Clerk shall maintain a system for informing all Members of the business and decisions of the Council, its Committees, Cabinet and Cabinet Members.

Rights to Inspect Documents

6.32 Members have rights under the Local Government Acts to inspect and be provided with copies of most documents held by officers, the Leader or the Cabinet. They also have a right at common law to inspect documents that contain information they need to know for the discharge of their duties as Members of the Council. These rights will be interpreted and applied in accordance with a presumption in favour of openness.

Confidential and Exempt Information

6.33 Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by virtue of a Court Order.

6.34 Exempt information means information falling within one or more of the following seven categories:

**PART 1
DESCRIPTIONS OF EXEMPT INFORMATION**

- 1. Information relating to any individual.**
- 2. Information which is likely to reveal the identity of an individual.**
- 3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).**
- 4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority of a Minister of the Crown and employees of, or office holders under, the authority.**
- 5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.**
- 6. Information which reveals that the authority proposes –**
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or**
 - (b) to make an order or direction under any enactment.**
- 7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.**

**PART 2
QUALIFICATIONS**

- 8. Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under –**
 - (a) the Companies Act 1985;**
 - (b) the Friendly Societies Act 1974;**
 - (c) the Friendly Societies Act 1992;**
 - (d) the Industrial and Provident Societies Acts 1965 to 1978;**
 - (e) the Building Societies Act 1986; or**
 - (f) the Charities Act 1993.**
- 9. Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.**
- 10. Information which:**
 - (a) falls within any of paragraphs 1 to 7 above; and**

(b) is not prevented from being exempt by virtue of paragraph 8 or 9 above,

is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

PART 3 INTERPRETATION

11. (1) “employee” means a person employed under a contract of service;
“financial or business affairs” includes contemplated, as well as past or current, activities;
“labour relations matter” means –

(a) any of the matters specified in paragraphs (a) to (g) of section 218 (1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act); or

(b) any dispute about a matter falling within paragraph (a) above;

and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority;

“office-holder”, in relation to the authority, means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority;

“registered” in relation to information required to be registered under the Building Societies Act 1986, means recorded in the public file of any building society (within the meaning of that Act).

(2) Any reference to “the authority” is a reference to the principal council or, as the case may be, the committee or sub-committee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined and includes a reference –

(a) in the case of a principal council, to any committee or sub-committee of the council; and

(b) in the case of a committee, to:

(i) any constituent principal council;

(ii) any other principal council by which appointments are made to the committee or whose functions the committee discharges;
and

(iii) any other committee or sub-committee of a principal council falling within sub-paragraph (i) or (ii) above; and

(c) in the case of a sub-committee, to:

(i) the committee, or any of the committees, of which it is a sub-committee; and

(ii) any principal council which falls within paragraph (b) above in relation to that committee.

The framework for Cabinet decisions

7.1 The Council approves the Budget and Policy Framework as set out in Appendix 3. Once a budget or a policy or strategy within the Policy Framework is in place, it is the responsibility of the Leader to ensure its implementation.

Process for developing the Policy Framework

7.2 The process for proposing or amending a policy or strategy within the Policy Framework is:

(1) The Leader will ensure a timetable is published for the adoption or change of any policy or strategy that forms part of the Policy Framework, and arrangements for consultation on those proposals. In the case of the plans and strategies requiring Council debate and approval, publication will be to the Members of the Scrutiny Committee; in all other cases publication will be to the Members of the relevant Cabinet Committee.

(2) Before commenting to the Leader, Cabinet or Cabinet Member on the topic and proposals, the Scrutiny Committee or the relevant Cabinet Committee (either itself or through a Select Committee) may:

- (a) take evidence from Cabinet Members and officers**
- (b) commission research within budgeted resources**
- (c) consult Kent organisations and electors or other organisations and persons.**

(3) Having considered any report by the Scrutiny Committee or a Cabinet Committee, the Leader, Cabinet or Cabinet Member shall agree proposals for submission to the Council. The submission shall state how any recommendations from the Scrutiny or Cabinet Committee have been taken into account.

(4) A Cabinet Committee in considering a submission may:

- (a) endorse the proposals as submitted**
- (b) make recommendations for amending the proposals to the Leader, Cabinet or Cabinet Member**

(5) The Council will consider proposals for those plans and strategies that require its approval under the Policy Framework and any proposals referred to it by a Cabinet Committee, and may:

- (a) adopt them**
- (b) amend them**
- (c) refer them back to the Leader for further consideration**

(d) substitute its own proposals in their place.

(6) In considering the matter, the Council shall have before it the report from the Leader, Cabinet or Cabinet Member, which incorporates any views of the relevant Cabinet Committee, including any minority views expressed in that Committee's debate.

(7) The Council's decision will be published and a copy shall be given by the Clerk to the Leader. The notice of decision shall be dated and shall state either that:

(a) the decision shall be effective immediately (if the Council accepts the proposals without amendment or if the Leader has consented to any amendments during or following the debate) or

(b) (if the proposals are not accepted without amendments to which the Leader has consented) the Council's decision will become effective on the expiry of five working days after the publication of the notice of decision, unless the Leader objects to it in that period.

(8) The Leader may object to the decision of the Council by giving written notice to that effect to the relevant Senior Manager and the Monitoring Officer prior to the date upon which the decision is to be effective. The written notification must state the reasons for the objection. The proposals will then be reconsidered by the Council at its next meeting. The Council shall at that second meeting make its final decision on the matter on the basis of a simple majority. The decision shall be published and shall take effect immediately.

(9) In approving any part of the Policy Framework, the Council may also specify the extent to which the decisions may be taken by the Leader or Cabinet at variance from the Policy Framework.

(10) Senior Managers may amend the text of approved documents to update information, reflect changes in the law or other matters not affecting the substance of the policy or strategy subject to prior notification of such changes to the Leader, any relevant Cabinet Member and the Chairman and spokesmen of the relevant Cabinet Committee.

Process for developing the Budget

7.3 The process for proposing the Budget, Council Tax level, Capital Programme and Borrowing Policy is:

(1) the Leader will publish to all Council Members each year a review of the issues relating to the Budget for the next financial year;

(2) The Cabinet Committees will consider matters within the published review of issues relating to the Budget for the next financial year which fall within their remit and make recommendations to the Leader;

(3) the Leader will publish a draft Budget no later than three weeks before the Budget meeting of the Council;

(4) the Leader will ensure external consultation is carried out;

(5) the Cabinet Committees and Scrutiny Committee may consider the draft Budget, question the Leader and such Members of the Cabinet and officers as it wishes, and comment to the Cabinet;

(6) as part of each Cabinet Committee's consideration of the draft Budget, it should assess whether adequate resources have been allocated to take account of the endorsed recommendations of its own Select Committees. If it does not believe that these recommendations have been correctly taken into account, then it should recommend to the Leader and Council appropriate changes to the draft Budget;

(7) the Leader will consider any report from the Cabinet Committees , including any minority views, before reporting to Cabinet and making a final recommendation to the Council. He will also report to Council on how he has taken into account any recommendations from the Scrutiny Committee.

(8) the Council will consider the Leader's proposals and may:

- (a) adopt them**
- (b) amend them**
- (c) refer them back to the Leader for further consideration**
- (d) substitute its own proposals in their place.**

(9) In considering the matter, the Council shall have before it the report from the Leader or the Cabinet, any reports from the Cabinet Committees and Scrutiny Committee and a report of any minority views expressed in those Committees' debates.

(10) the Council's decision will be published and a copy shall be given by the Clerk to the Leader no later than the day following the Council meeting. The notice of decision shall be dated and shall state that either:

- (a) the decision shall be effective immediately (if the Council accepts the proposals without amendment or if the Leader has consented to any amendments during or following the debate) or**
- (b) (if the proposals are not accepted without amendments to which the Leader has consented) the Council's decision will become effective on the expiry of five working days after the publication of the notice of decision, unless the Leader objects to it in that period.**

(11) the Leader may object to the decision of the Council by giving written notice to that effect to the relevant Senior Manager and the Monitoring Officer prior to the date upon which the decision is to be effective. The written notification must state the reasons for the objection together with any changes proposed by the Leader and the reasons for those changes. The proposals will then be reconsidered by the Council at a meeting to be held on the sixth working day after the original meeting. The Council shall at that second meeting make its final decision on the matter on the basis of a simple majority. The decision shall be published and shall take effect immediately.

Decisions at variance from the Budget, Policy Framework or Resource Management Rules

7.4 The Leader, the Cabinet, its committees, Cabinet Members and any officers, Joint Committees or bodies discharging executive functions under joint arrangements may only take decisions which are not in accordance with:

- (1) the Budget and Policy Framework**
- (2) any specification by the Council on the permissible extent of variance from the Budget or Policy Framework**
- (3) the provisions of the Resource Management Responsibilities Statement (Appendix 5) and other Resource Management Rules, including Financial Regulations and procedures**
- (4) the provisions of the other Resource Management Rules**

by complying with the following procedure.

7.5 It is the responsibility of the relevant Senior Manager to advise whether a proposed decision is not in accordance with the matters listed in 7.4, above. In any case of doubt, advice shall be sought from the Monitoring Officer and/or the Chief Finance Officer whose decision will be final.

7.6 The procedure to be followed for such decision is:

(1) If the decision is one that would otherwise be taken by an officer it shall instead be referred to the Leader, Cabinet or relevant Cabinet Member.

(2) The Leader may refer the matter with his recommendation to the Council to decide.

(3) Unless the Leader refers the matter to the Council, the proposed decision shall be referred to the Scrutiny Committee, which shall (after any questioning and debate in accordance with the Procedure Rules) resolve by a majority vote:

- (a)** to make no comments
- (b)** to express comments to the Leader but not require reconsideration of the decision
- (c)** to require implementation of the decision to be postponed pending reconsideration of the matter by the Leader (or whoever else took the decision) in the light of the Committee's comments
- (d)** to refer the matter to the full Council.

(4) If the Leader or the Scrutiny Committee refers the matter to the full Council, it shall be considered at the next meeting of the Council when the Council may:

- (a) agree the decision be taken**

- (b) amend the Budget or Policy Framework to reflect the decision**
- (c) reject the proposed decision**
- (d) ask the Leader to reconsider the matter.**

(5) In the event of a decision being referred back to the Leader by either the Scrutiny Committee or the full Council, the Leader (or other decision taker) shall reconsider the matter on the basis of a report setting out the comments expressed and confirm, rescind or amend the decision in the light of those comments. The written record of that reconsidered decision will be published and sent to all members of the Scrutiny Committee. The reconsidered decision will then take effect and may be implemented with immediate effect.

7.7 A decision will not take effect until the process set out in Rules (1)-(5) above has been completed.

Decisions in accordance with the Budget and Policy Framework

7.8 Decisions taken by the Leader, Cabinet, Cabinet Members or Cabinet committees are open to scrutiny by the Scrutiny Committee.

Decisions by Cabinet, Leader and Cabinet Members

7.9 The record of any decision taken by the Cabinet, Leader, or individual Cabinet Member will be published and publication notified to all Members of the Council in accordance with Procedure Rules 6.22-24.

Scrutiny Committee process

Call-in criteria

7.10 Any Member of the Council with the support of four other Members may give notice to the Clerk within five working days from the publication of a decision taken by the Cabinet or a Cabinet Member of their wish to call-in the decision.

7.11 A decision may only be called in once during the decision making process.

7.12 The call-in procedure shall not apply where the decision being taken is urgent in accordance with the procedure set out in xxx 'Rules for Urgent Decisions' below.

7.13 The reasons justifying the calling-in of a decision shall be clearly set out. Reasons must be legitimate and not designed to impede the proper transaction of business for vexatious, repetitive or other improper reasons.

7.14 If the Clerk is satisfied that the procedures set out in paragraph 7.10 and 7.11 above have been met the decision taker will be notified of the call-in.

7.15 The Scrutiny Committee will consider the call-in at a meeting that will take place within ten working days of the decision to call the matter in.

7.16 A Member who called-in a decision may participate in the debate of that call-in by the Scrutiny Committee, irrespective of whether they are a Member of the Scrutiny Committee.

Scrutiny Committee meeting process

7.17 (1) The Chairman and spokesmen on the Scrutiny Committee shall agree:

- (a) which matters the Committee is to scrutinise in addition to any decisions which have met the criteria for call-in
- (b) the amount of time to be allowed for questioning and debate on each of these items
- (c) which Members of the Cabinet and officers it requires to attend and answer questions
- (d) which other witnesses it will ask to attend

(2) The Scrutiny Committee will meet, question Cabinet Members and officers, debate the issues identified by the Chairman and spokesmen and resolve by a majority vote to either:

- (a) make no comments
- (b) express comments but not require reconsideration of the decision
- (c) require implementation of the decision to be postponed pending reconsideration of the matter in the light of the Committee's comments by whoever took the decision or
- (d) require implementation of the decision to be postponed pending consideration of the matter by the full Council.

(6) If the Scrutiny Committee refers a decision to the full Council, it shall be considered at the next meeting of the Council when the Council may either:

- (a) agree the decision be implemented**
- (b) express comments but not require reconsideration of the decision or**
- (c) require implementation of the decision to be postponed pending reconsideration by the Cabinet of the matter, taking into account the Council's comments.**

(7) In the event of a decision being referred back for reconsideration by either the Scrutiny Committee or the full Council, the Cabinet shall reconsider it on the basis of a report setting out the comments expressed and confirm, rescind or amend the decision in the light of those comments. A written statement of that reconsidered decision will be published and sent to all Members of the Council.

(8) If the Scrutiny Committee requires implementation of a decision which has been called-in to be postponed or refers it to Council, it may not be implemented until the processes set out in Rules (6) and (7) above have been completed.

(9) Nothing in the above rules prevents a Member of the Scrutiny Committee from exercising their legal right to propose discussion and/or postponement (under Rule 7.17(2)(c) or (d)) of any decision taken by the Leader, the Cabinet or a Cabinet Member. The agenda for the meeting of the Scrutiny Committee shall include an item for this purpose.

Rules for Urgent Decisions

7.18 (1) If a decision has to be taken or implemented for reasons of urgency before the procedures set out in xxxxxx have been completed, it may be taken and implemented provided that:

- (a) the Chairmen, Group Spokespersons and/or Opposition Members of the relevant Cabinet Committee and the Scrutiny Committee have been consulted (unless the circumstances render this impractical) and
- (b) both the relevant Senior Manager and (in the case of a key decision that ought to be included in the Forward Plan) the Chairmen, Spokespersons and/or Opposition Members of the relevant Cabinet Committee and the Scrutiny Committee agree that the making of the decision is urgent and cannot reasonably be deferred until after the next diarised meeting of the relevant Cabinet Committee and Scrutiny Committee

(2) If any of the Chairmen, Group Spokespersons and/or Opposition Members of the relevant Cabinet Committee and the Scrutiny Committee are unable to act, the Chairman or Vice Chairman of the Council may be consulted instead.

(3) The reasons why it was not practical to comply with the relevant procedures and the agreement and any comments of the relevant Senior Manager and Chairmen, Group Spokespersons and/or Opposition Members of the relevant Cabinet Committee and the Scrutiny Committee must be included and published in the written statement of the decision.

(4) The relevant Cabinet Member shall report to the next meeting of the Cabinet Committee giving details (including particulars of the matters in respect of which decisions were made) of any decisions that were taken as an urgent matter since the last Committee meeting.

Decisions by Officers and Council Committees

7.19 The Scrutiny Committee may resolve (or the Chairman and spokesmen may agree) to consider any decision taken by an officer or by a Committee exercising functions delegated to it by the Council. It (or they) may request, but not require, that implementation of any such decision be postponed. The agenda for each meeting of the Scrutiny Committee shall include an item for this purpose. Following such consideration, the Scrutiny Committee may:

- (1) comment to the relevant Senior Manager

(2) report to the Council

(3) refer any issues arising from its debate for consideration by a Cabinet Committee, Cabinet Member or the Cabinet.

Decision Making Procedure Rules – Virement

Revenue

7.20 Transfers between revenue budget headings can take place as follows, provided they do not involve new policy or policy change and do not involve an increasing commitment in future years that cannot be contained within existing approved budget allocations:

- (a) Virement within a portfolio for which a Cabinet Member is responsible:
 - (i) Up to £200,000: the relevant Senior Manager in consultation with the relevant Cabinet Member and the Chief Finance Officer;
 - (ii) Between £200,000 and £1m: the relevant Cabinet Member in accordance with the decision making Procedure Rules and after consultation with the Cabinet Member for Finance;
 - (iii) Above £1m: the Leader or Cabinet in accordance with the decision making Procedure Rules.
- (b) Virement between portfolios:
 - (i) Up to £200,000: the relevant Senior Managers in consultation with the relevant Cabinet Members and the Chief Finance Officer;
 - (ii) Between £200,000 and £1m: the relevant Cabinet Members in accordance with the decision making Procedure Rules and after consultation with the Cabinet Member for Finance;
 - (iii) Above £1m: the Leader or Cabinet in accordance with the decision making Procedure Rules.

Capital

7.21 Resources may be vired from one capital project or heading to another as follows, provided that such transfers do not result in an overall increased commitment of capital resources and do not involve new policy or policy change:

- (i) Up to £50,000: the relevant Senior Manager;
- (ii) Between £50,000 and £200,000: the relevant Senior Manager in consultation with the relevant Cabinet Member and the Chief Finance Officer;
- (iii) Between £200,000 and £1m: the relevant Cabinet Member in consultation with the Cabinet Member for Finance; and
- (iv) Above £1m - the Leader or Cabinet.

