

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

To: County Council – 29 March 2012

Subject: New Governance Arrangements for Kent County Council

Summary: This report invites the County Council to approve 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 Council is invited to consider and approve 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 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) In order for the new governance arrangements to function effectively from 1 April 2012, and to achieve a seamless transition between the existing and new governance arrangements, it is proposed that the Cabinet Committees should be established for the sole purpose of electing a chairman on the rising of this County Council meeting. The Cabinet Committees will then come into effect operationally on 1 April 2012. The Vice Chairman will be elected at the first ordinary business meeting of each Cabinet Committee.

Potential for Cabinet Committees to establish Sub Committees

(6) In exceptional circumstances and with the prior agreement of the Leader, Cabinet Committees may arrange for the discharge of their responsibilities through sub committees.

Schedule of Meetings of Cabinet Committees

(7) 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.

(8) 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.

(9) 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

(10) **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

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

(12) 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.

(13) **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 of a Cabinet Member decision outside the Cabinet Committee cycle of meetings

(14) 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 and Group Spokesmen 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.

Mechanism for taking urgent decisions

(15) 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.

(16) The proposed 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 Appendix 4, Part 7 paragraph 7.1 to 7.9 inclusive 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) both 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 diarised meeting of the relevant Cabinet Committee and Scrutiny Committee

(2) If any of the Chairmen and Group Spokesmen 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, Chairmen and Group Spokesmen of the relevant Cabinet 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

(17) 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 and Group Spokesmen 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.

(18) 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**.

(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 withdraw from the meeting whilst the item is considered.

(3) In order for the new governance arrangements to function effectively from 1 April 2012, and to achieve a seamless transition between the existing and new governance arrangements, it is proposed that the current Cabinet Scrutiny Committee be disbanded on 31 March 2012 but that the new Scrutiny Committee should be established for the sole purpose of electing a chairman on the rising of this County Council meeting. The Scrutiny Committee will then come into effect operationally on 1 April 2012. The Vice Chairman will be elected at the first ordinary business meeting of the Scrutiny Committee.

(4) **Appendix 3** includes a proposed schedule of dates for the Scrutiny Committee for the period 1 April 2012 to 31 March 2013

Crime & Disorder Committee

(5) 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

(6) For the purposes of the Localism Act 2011, the Council 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. It is recommended that the existing Kent Flood Risk Management Committee should be constituted as a stand alone Committee on the scrutiny side of the new governance arrangements. Any non Cabinet Member may serve as an ordinary or substitute Member of the Kent Flood Risk Management Committee unless that 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 withdraw from the meeting whilst the item is considered. (see **Appendix 9**).

Police and Crime Panel

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 PCP 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 s.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 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.

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

(3) **Appendix 10** also includes a member role description for Locality Lead/Vice Chairman of Locality Boards and the additional responsibilities for the Scrutiny Committee Chairman which the IRP requested at its meeting on 1 March. The IRP has, since its meeting on 1 March, reviewed and endorsed the proposed role description for the Chairman of the Scrutiny Committee, but is unable to endorse the role description for the Locality Board Leads/Vice Chairmen. The Standards Committee has, however, recommended both these two additional roles to the County Council for approval.

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 Local Authorities (Members' Allowances) (England) Regulations 2003 ("the Regulations") require the Council to have regard to recommendations made to it by the Independent Remuneration Panel (IRP) before it makes a decision to approve or amend its Members' Allowances Scheme. The Regulations require the IRP to produce a report as to the responsibilities and duties in respect of which Special Responsibility Allowances (SRAs), travelling and subsistence allowances and co-optees' allowances should be available and the amount of these allowances, as well as the amount of the basic allowance.

(3) The IRP met on 1 March 2012 to consider proposed amendments to the Members' Allowance Scheme to deliver the new governance arrangements. At that meeting, it invited the Leaders of all three political groups to meet with it to discuss the Leader's proposals in relation to the Members' Allowances Scheme. The recommendations of the IRP upon which the County Council's determination is sought are set out in **Appendix 11**.

(4) **Appendix 12** sets out the Leader's proposals for revising the Members' Allowances Scheme for the period 1 April 2012 to the Annual Meeting in May 2013. The scheme proposes:

- (a) a 2.35% reduction to the Special Responsibility Allowances payable to Administration Members;
- (b) a Special Responsibility Allowance of £7,367 to the six Cabinet Committee Chairmen and the Scrutiny Committee Chairman; and
- (c) a special responsibility of £7,367 to the 12 Locality Leads for the County Council/Vice Chairman of the Locality Boards.

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 IRP'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 IRP 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.

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 13** are the revised core sections of the Constitution showing as tracked changes the amendments for implementation of the new governance arrangements on 1 April 2012.

(3) Further work is underway on refreshing the overall format and style of the Constitution and this will be brought before the Council for approval in the near future.

Conclusions

10. (1) Following the decisions taken by this Council, 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 County Council is invited to determine the following recommendations:

- (a) approve the proposals for the implementation of the new governance arrangements as described in this report, including the disbandment of the Policy Overview and Scrutiny Committee suite with effect from 31 March 2012 and the creation of the new Cabinet Committees and the Scrutiny Committee suite from 1 April 2012;
- (b) having considered the recommendations of the Independent Remuneration Panel, to formally adopt the Members' Allowances Scheme for the period 1 April 2012 to the Annual Council meeting in May 2013, as set out in Appendix 12 to this report;
- (c) ask the Selection and Member Services Committee to develop a new template and process in consultation with the three Group Leaders and the Head of Democratic Services and then share with the Independent Remuneration Panel before submitting to the County Council for approval
- (d) comment on the Independent Remuneration Panel and Standards Committee's views on the proposed changes to the Member Role Descriptions;
- (e) delegate authority to the Monitoring Officer to make any consequential changes to the Constitution necessary to implement the new governance arrangements from 1 April 2012;
- (f) agree:
 - (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 paragraph 5(5) 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) 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 | 73 | | 87% (86.90%) | | |
| Liberal Democrat | 7 | | 8% (8.33%) | | |
| Labour | 3 | | 4% (3.57%) | | |
| 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 |
| Kent Flood Risk Management Committee | 6 | 1 | 0 | 0 | 7 |
| TOTAL | 101 | 11 | 4 | 3 | 119 |
| Proportionate Share of Total | 103 | 10 | 4 | 2 | 119 |
| Difference to Proportionate share | -2 | +1 | 0 | +1 | 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 |

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 (13): 11 Conservative, 1 Liberal Democrat, 1 Labour

Social Care and Public Health (13): 11 Conservative, 1 Liberal Democrat, 1 Labour

Communities (14): 12 Conservative, 1 Liberal Democrat, 1 Labour

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

Policy and Resources (15): 13 Conservative, 1 Liberal Democrat, 1 Labour

Economic Development (13): 1 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 | | Andy Wood | |
| | International | | | |
| | External Funding | | | |
| | Financial Control | John Simmonds | David Cockburn | |
| | Income Generation & Charging Policy | | Amanda Beer | |
| | 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 | | Roger Gough | David Cockburn |
| | Procurement (including Transport Integration Unit) | | | Andrew Ireland |
| | Business Strategy | | | Amanda Beer |
| | Legal Services | | | Amanda Honey |
| | 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) | Mike Hill | | |
| | Health Transformation | | | |
| | Primary Care Trust & health transition/response to reforms. | | | |
| | Employment Strategy, organisational development, business partners and health and safety | | | |
| | Community Budgets | | | |
| | Big Society | Kevin Lynes | Amanda Beer | |
| | Ambition & Locality Boards | | | |
| | Communications, consultation and Community Engagement | Bryan Sweetland | Mike Austerberry | |
| | Localism/Locality Board | | | |
| | Equalities | Graham Gibbens | Andrew Ireland | |
| | Commercial Services | | | |
| | Local Healthwatch (12/13 onwards) | | | |

| | Functions | Cabinet Portfolio Holders | Corporate Director |
|--|--|----------------------------------|---------------------------|
| Customer and Communities | Ambition & Locality Boards | | |
| | 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) | Mike Hill | Amanda Honey |
| | 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 | | |
| | Environment Programmes, Heritage and Areas of Outstanding Natural Beauty | | |
| | Gypsy & Travellers Services | Bryan Sweetland | Mike Austerberry |
| | Highways | | |
| | Waste | | |
| | Flood Risk Management | | |
| | Commissioning and delivery of Transportation Strategy | | |
| Economic Development | Locate in Kent | | |
| | Produced in Kent | | |
| | Regeneration & Economic Development Strategy/Policy/projects | Kevin Lynes | David Cockburn |
| | Sector support (e.g. rural development) | | |
| | Tourism | | |
| | Visit Kent | | |
| | Broadband rollout | | |
| | Adult Apprenticeships | Mike Hill | Amanda Honey |
| Social Care | Kent Vulnerable Adults Board | | |
| | Learning Disability Services | | |
| | Mental Health Services | | |
| | Occupational Therapy | | |
| | Older People Services | Graham | Andrew |

| | 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 | Jenny Whittle | Andrew Ireland |
| | Children's Centres | | |
| | Children's Social Care | | |
| | Children's Trust | | |
| | Corporate Parenting | | |
| | Disabled Children's Services | | |
| | 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 |
| | Public Health (with the exception of LINKs) | Graham Gibbens | |
| | | | |
| 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 | | |
| | Early Years and Childcare | | |

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 11 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.

**DRAFT SCHEDULE OF MEETINGS FOR THE SCRUTINY COMMITTEE
(if required)**

Wednesday 23 May 2012
Wednesday 20 June 2012
Wednesday 18 July 2012
Wednesday 26 September 2012
Wednesday 24 October 2012
Wednesday 12 December 2012
Wednesday 16 January 2013
Monday 21 January 2013
Wednesday 6 February 2013
Wednesday 27 March 2013

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. the Governance and Audit 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 5¹.
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).

*

¹ This is in the detailed guidance which will be issued to report authors

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 the Scrutiny Committee.}

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: XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX</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.

XXXXXXXXXXXXXXXXXXXXXX

Date of publication of consultation outcomes and updated Equalities Impact Assessment

Informing Only **(Who and when)**

XXXXXXXXXXXXXXXXXXXXXX

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

XXXXXXXXXXXXXXXXXXXXXX

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

XXXXXXXXXXXXXXXXXXXXXX

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.

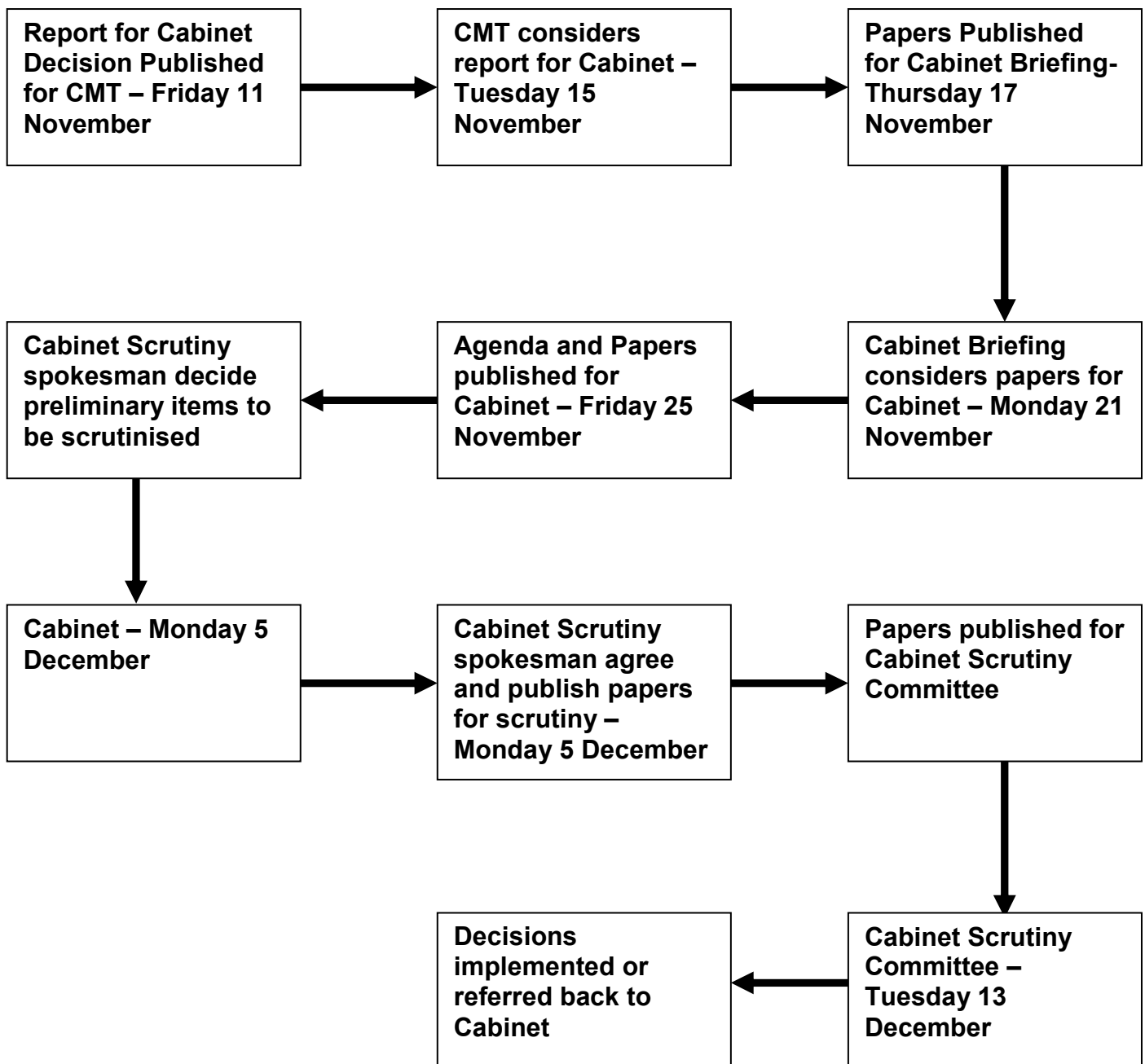
Your name, Your Service, Your phone number and email address:

XXXXXXXXXXXXXXXXXXXXXX

Support documents

XXXXXXXXXXXXXXXXXXXXXX

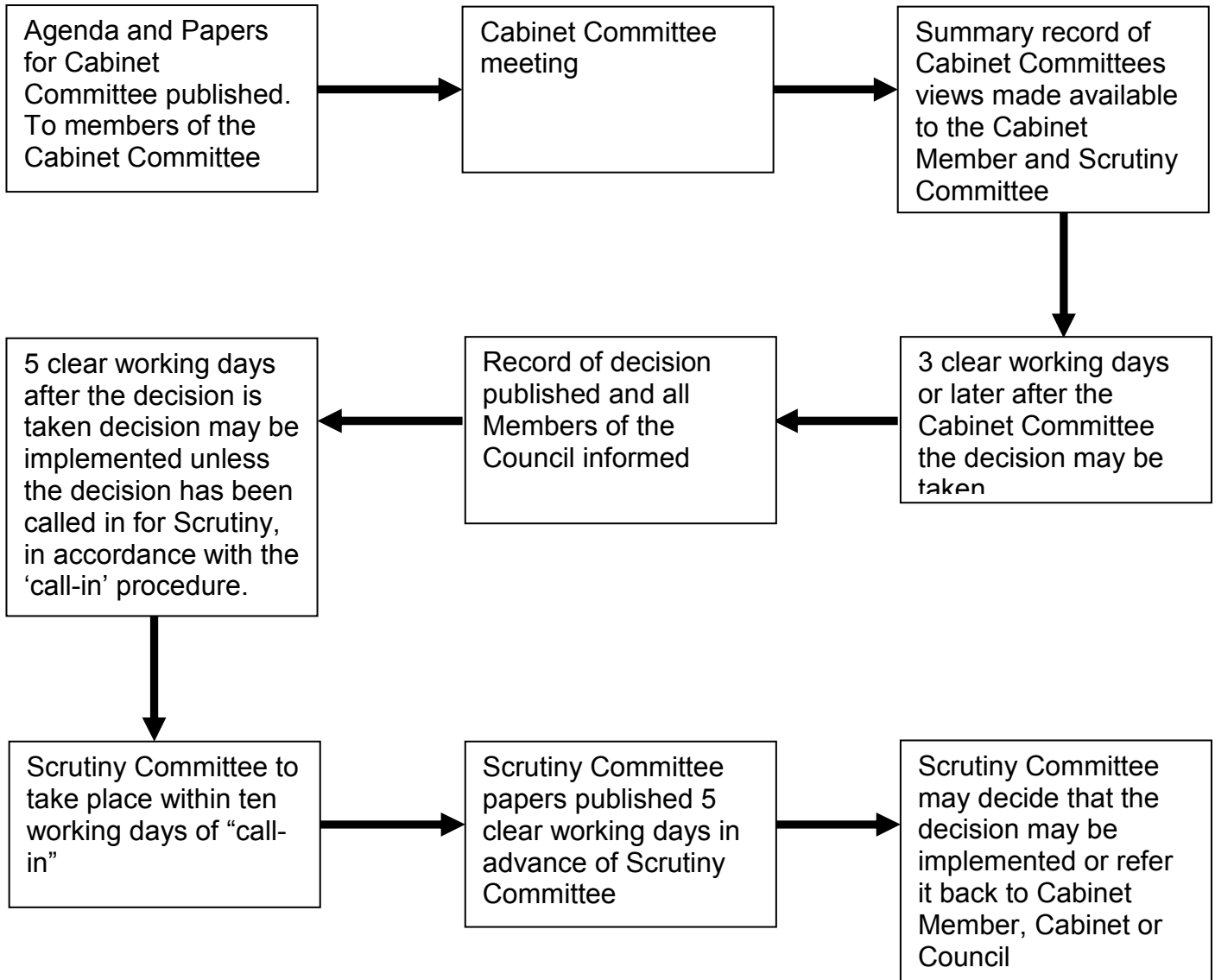
EXISTING DECISION MAKING PROCESS



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. It is the duty of any Member or officer to comply with such a requirement.
- (g) require any other Member to attend before it to answer questions relating to any function which is exercisable by the Member by virtue of section 236 of the Local Government and Public Involvement in Health Act 2007 (exercise of functions by local councillors in England).
- (h) invite other persons to attend meetings of the Committee to answer questions and gather evidence with their consent.
- (i) hear evidence following the receipt of a petition signed by the required number of signatories (in accordance with the Petition Scheme) calling an officer to account.
- (j) determine requests from a lead petitioner for a review of the response to a petition in accordance with the Petition Scheme.
- (k) appoint one or more sub-committees to discharge any of its functions.
- (l) co-ordinate the programme of Select Committee reviews during the year.

(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 4 Annex C.

Kent Flood Risk Management Committee

(3) In accordance with the Localism Act 2011 (Schedule 2), the Kent Flood Risk 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.

(5) It is proposed that the Flood Risk Management Committee be established as a stand alone Committee on the scrutiny side of the new governance arrangements, to include (non-voting) persons who are not members of the authority, including representatives of District Councils, the Environment Agency and Internal Drainage Boards.

Select Committees

(6) 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.

(7) 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 Corporate 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 CONCLUSIONS AND RECOMMENDATIONS 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

Summary of Recommendations:

- (i) The Panel noted that all three Group Leaders were supportive of the introduction of Cabinet Committees, but the Panel did express some concern at the speed with which the new governance arrangements were being introduced;
- (ii) The Panel noted that it was the Leader's intention that the Scrutiny Committee was chaired by a member of the majority group, not the Opposition Groups, which was regarded as being against best practice. In addition, it was noted that, at the time of the Panel meeting, a Role Description for this SRA position had not been produced;
- (iii) The Panel concluded that it was impossible on the basis of the information they had received to recommend the payment of an SRA to the Locality Board leads and that this matter should be reviewed in 12 months' time when the role, functions, powers and responsibility of the Locality Boards might be clearer;
- (iv) The Panel was not satisfied that the proposed scheme was cost-neutral as it was predicated on several Members holding more than one SRA position but only claiming one SRA. 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;
- (v) The Panel was 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 government's recommended level of 50%;
- (vi) The Panel indicated that in a year's time, it wished to review the SRAs for the Chairmen 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 responsibility and workload;
- (vii) The Panel endorsed the changes to the Role Descriptions for the Leader, Deputy Leader, Cabinet Members, Deputy Cabinet Members and the Cabinet Committee Chairmen and noted that new Role Descriptions would

be prepared for the roles of Chairman of the Scrutiny Committee and the Locality Board leads/Vice Chairmen

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.

Leader's 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 | 42,109 |
| Cabinet Members (maximum 9) | 65 | 27,370 |
| Deputy Cabinet Members (maximum 10, of whom 2 share an SRA) | 30 | 12,632 |
| Cabinet Committee Chairman (6) | 17.5 | 7,367 |
| Council | | |
| Chairman | 33 | 13,878 |
| Vice-Chairman | 17.5 | 7,367 |
| Planning Applications Committee Chairman | 22 | 9,268 |
| Other Committee Chairmen and Vice Chairmen (17) ^(a) | 17.5 | 7,367 |
| Scrutiny Committee Chairman | 17.5 | 7,367 |
| Select Committee Chairmen (for period of review) | 17.5 | 7,367 |
| 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