

AMENDMENTS TO THE CONSTITUTION

**Appendix 2 Part 2:
Functions delegated by the Council to Committees**

4. Planning Applications Committee

19 Members

Conservative: 10; UKIP: 4; Labour: 3; Liberal Democrat: 1; Independents: 1

Deleted: Swanscombe and Greenhithe Residents' Association

This committee is responsible for the determination of planning applications and related matters in relation to the control of development under the Town and Country Planning Act 1990 and related statutory instruments and may exercise any of the powers of the County Council in Part A of the schedule to Appendix 2 Part 3 of the Constitution.

5. Regulation Committee

17 Members

Conservative: 9; UKIP: 3; Labour: 4; Independents: 1

Deleted: Swanscombe and Greenhithe Residents' Association

Deleted: n

This committee is responsible for the Council's functions in relation to the enforcement of the control of development under the Town and Country Planning Act 1990 and related statutory instruments and may exercise any of the powers of the County Council in Part A of the schedule to Appendix 2 Part 3 of the Constitution. The committee also considers:

(a) appeals against refusal to approve premises for the solemnisation of marriages (or the attachment of a condition to such an approval)

(b) all Commons Registration functions under Part 1 of the Commons Act 2006 and the Commons Registration (England) Regulations 2008

(c) the creation, stopping up, diversion of any footpath or bridleway or restricted byway or the reclassification of any public path where substantive objection has been raised or a political party or the Local Member requests

(The Council agreed on 20 September 2001 that functions (a)-(c) could be delegated to sub-committees. These consist of 5 Members – 3 Conservative, 1 UKIP and 1 Labour. A Member of the Independents Group may sit on these Sub-Committees if one of these Groups gives up its entitlement.)

(d) reports of Kent County Council's work with the Environment Agency

(e) appeals by pupils and parents against school-related decisions that are not considered by an external appeal committee, including transport, education awards and religious education. Such appeals to be dealt with by ad hoc sub-committees of Members (Panels) chaired by and including at least one member of the Regulation Committee. All Panel members must have received appropriate training before taking up their positions. These sub-committees consist of 5 Members – 3 Conservative and 2 other Members drawn from the UKIP, Labour and Liberal Democrat Groups. A Member of the Independents Group may sit on these Sub-Committees if one of these Groups gives up its entitlement.

(f) The making, variation or revocation of Gating Orders under the Highways Act 1980 (Gating Orders) (England) Regulations 2006.

(The Council agreed on 19 June 2008 that function (f) could be delegated to sub-committees. These consist of 5 Members – 3 Conservative, 1 UKIP and 1 Labour. A Member of the Independents Group may sit on these Sub-Committees if one of these Groups gives up its entitlement.)

(g) the discharge of persons who are subject to guardianship, pursuant to section 23 of the Mental Health Act 1983 on the recommendation of the Director of Adult Social Services.

(The Council agreed on 13 May 2010 that function (g) could be delegated to a sub-committee (the Mental Health Guardianship Sub-Committee) of at least three Members, one of whom should be a member of the Regulation Committee and the others to be members of the Social Care and Public Health Cabinet Committee (who must not also be members of an NHS Foundation Trust). The decision to discharge must be agreed by at least three Members or where there are more Members on the sub-committee by a majority of the Panel)

Corporate Governance Committees

1. Governance and Audit Committee

15 Members

Conservative: 8; UKIP: 3; Labour: 2; Liberal Democrat: 1; Independents: 1

Deleted: Swanscombe and Greenhithe Residents' Association

The purpose of this Committee is to:

1. ensure the Council's financial affairs are properly and efficiently conducted and
2. review assurance as to the adequacy of the risk management and governance framework and the associated control environment.

On behalf of the Council this Committee will ensure the following outcomes:

- (a) Risk Management and Internal Control systems are in place that are adequate for purpose and effectively and efficiently operated.
- (b) The Council's Corporate Governance framework meets recommended best practice, is embedded across the whole Council and is operating throughout the year with no significant lapses.
- (c) The Council's Internal Audit function is independent of the activities it audits, is effective, has sufficient experience and expertise and the scope of the work to be carried out is appropriate.
- (d) The appointment and remuneration of External Auditors is approved in accordance with relevant legislation and guidance, and the function is independent and objective.
- (e) The External Audit process is effective, taking into account relevant professional and regulatory requirements, and is undertaken in liaison with Internal Audit.

(f) The Council's financial statements (including the Pension Fund Accounts) comply with relevant legislation and guidance and the associated financial reporting processes are effective.

(g) Any public statements in relation to the Council's financial performance are accurate and the financial judgements contained within those statements are sound.

(h) Accounting policies are appropriately applied across the Council.

(i) The Council has a robust counter-fraud culture backed by well designed and implemented controls and procedures which define the roles of management and Internal Audit.

(j) The Council monitors the implementation of the Bribery Act Policy to ensure that it is followed at all times.

Appendix 2 Part 4 Leader and Cabinet

Cabinet Committees

(24) (2) The membership, terms of reference and number of Cabinet Committees will be determined by the Leader, as specified in 6(1) above. The current membership is as follows:

(a) Communities: 14 Members - Conservative 8; UKIP 3; Labour 2; Liberal Democrat 1

(b) Economic Development: 13 Members - Conservative 8; UKIP 2; Labour 2; Liberal Democrat 1

(c) Education: 13 Members - Conservative 8; UKIP 2; Labour 2; Liberal Democrat 1

(d) Environment Highways & Waste: 13 Members - Conservative 7; UKIP 2; Labour 2; Liberal Democrat 1; ~~Independents~~1

Deleted: Green

(e) Policy and Resources: 14 Members - Conservative 8; UKIP 3; Labour 2; Liberal Democrat 1

(f) Social Care and Public Health: Conservative 8; UKIP 2; Labour 2; Liberal Democrat 1