

Appendix 2 – Proposed Changes to the Constitution

Amendments to Time Limited Motions

14.60 The text of any motion or amendment must be given to the Chairman in writing before the start of the meeting, if it is not the Chairman may rule that the motion or amendment fails. **The following arrangements in relation to amendments proposed to time limited motions shall apply:**

- a) Any proposed amendment to a time limited motion shall be provided to the proposer of the motion and Democratic Services by 10am two days before the meeting**
 - b) Any changes agreed between the proposer of the motion and proposer of the amendment shall be provided to Democratic Services by 4pm the day before the meeting.**
 - c) If a) or b) are not complied with then the Chairman may rule that the amendment fails.**
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Rights to Speak and Reply

14.73 Members may speak no more than once on each item, motion, or amendment, except to:

- (a) Exercise a right of reply (subject to 14.74).
- (b) Make a personal explanation.
- (c) Raise a point of order.

14.74 The right of reply applies to the proposer of any motion except procedural ones ([14.70\(a-g\)](#)) at the close of debate immediately before the vote on the motion, or on any amendment to it. This right of reply does **not** apply to the proposer of an amendment.

County Council Questions (CCQs)

14.21 An online link to the submitted questions and the answers **given** shall be included in the Minutes of the meeting. ~~where these have been asked before the end of the 30 minutes allowed.~~

- 14.22 ~~Members whose submitted questions have not been asked before the end of the 30-minutes allowed shall receive an answer directly in writing. The published questions and answers will include those not put during the 30 minutes allowed for this item.~~
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Scrutiny Committee

IF the Council agrees to make the change to Chairmanship of the Scrutiny Committee, the following changes to the constitution would be proposed.

- 17.43 Members: 13 Members; plus, Church representatives: 3; Parent Governors: 2. (Church representatives and Parent Governors have voting rights for relevant education items only). **The Chair of the Scrutiny Committee shall be an opposition Member who is proposed by opposition groups.**
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Scrutiny Committee – Agenda Planning

Agenda Planning

- 17.53 **The Committee, through its agenda planning processes acts in accordance with the relevant statutory Scrutiny Committee guidance in force at any relevant time. The Kent County Council Scrutiny Committee seeks to ensure that scrutiny activity will have a defined impact on the ground, with the committee making recommendations that will make a tangible difference to the work of the authority. The prioritisation necessary to achieve this shall be for the Scrutiny Committee to determine through its agenda setting processes attended by the Chair of the Committee, the opposition spokespeople and Democratic Services.**
- 17.54 Any Member of the Scrutiny Committee or Sub-Committee thereof is entitled to give notice to the proper Officer that they wish an item relevant to the functions of the Committee or Sub-Committee to be included on the agenda for the next available meeting. On receipt of such a request the proper Officer will ensure that it is included **for discussion at the next available agenda setting meeting.**
- 17.55 Any Member of the Council who is not a member of the Scrutiny Committee is entitled to give notice to the proper Officer that they wish an item relevant to the functions of the Committee or Sub-Committee (which is not an excluded matter as set out in 17.55) to be included on the agenda for the next available meeting. On receipt of such a request the proper Officer will ensure that it is included **for discussion at the next available agenda setting meeting. The**

~~Member concerned is entitled to address the Committee or sub-committee.~~

17.56 The definition of an excluded matter referenced in 17.54 is as follows:

- (a) any matter relating to a planning or licensing decision,
- (b) any matter relating to a person in respect of which that person has a right of recourse to a review or right of appeal conferred by or under any enactment,
- (c) any matter which is vexatious, discriminatory or not reasonable to be included in the agenda or discussion at a meeting of the Scrutiny Committee or Sub-Committee.

17.57 However, notwithstanding 17.55, an allegation that a function for which the authority is responsible has not been discharged, or that discharge has failed or is failing on a systemic basis, does not count as an excluded matter, even if the allegation relates to a planning decision, a licensing decision, or a matter relating to a person in respect of which that person has a right of recourse to a review or right of appeal conferred by or under any enactment.

17.58 In addition to the exclusions in 17.55, a crime and disorder matter will be referred to the Crime and Disorder Committee in the first instance.

17.59 In addition to the items referred to in 17.53-57, the Chair and Group Spokespersons on the Scrutiny Committee shall agree the following, with the Chair being responsible for the final decision where agreement could not be reached:

- (a) Define the role, focus and direction of Scrutiny Committee as to how the work and agenda of the Committee will make a tangible difference to the work of the authority**
- (b) the prioritisation of the work and agenda of the Scrutiny Committee**
- (c) publish a timetabled rolling work programme**
- (d) in accordance with its Terms of Reference which other matters the Committee is to scrutinise,
- (e) ensuring that the work of the Committee does not duplicate activity elsewhere to ensure that resources are appropriately deployed to maximise scrutiny outcomes**
- (f) the amount of time to be allowed for questioning and debate on each of the items,

- (g) identifying the clear lines of inquiry that will be shared with those asked to respond, providing at least four weeks notice ahead of publication for the preparation of papers by responsible Members and Officers that will substantively respond to the lines of inquiry**
- (h) in relation to a Non-Executive matter, whether they request that implementation of the decision is deferred pending the Committee's consideration of the matter where implementation has not already commenced,
- (i) which Members of the Cabinet and Officers it requires to attend (in relation to the consideration of an Executive Decision) or requests to attend (in relation to any other matter) and answer questions,
- (j) which other witnesses it will ask to attend