

From: Petra Der Man, Monitoring Officer

To: County Council, 21 May 2026

Subject: Constitution: Update Options

Status: Unrestricted

Past pathway of report: Selection and Member Services Committee, 7 May 2026

1. Introduction

- a) An aspect of the role of Monitoring Officer is to keep KCC's Constitution under review. With Local Government Reorganisation on the horizon, rather than a full-scale review and rewrite, smaller scale updates and amendments have been considered with the intention of improving how KCC undertakes its business.
- b) Oversight of the Constitution is a reserved power of County Council, as set out in legislation. With some small exceptions, it is County Council which needs to approve substantive changes to the Constitution. Input from across the whole membership of the Council therefore needs to feed into the process. The role of the Selection and Member Services Committee is to review proposed amendments to the Constitution so as to make agreed considered recommendations to County Council. Following the meeting of this Committee on 7 May 2026, this paper sets out these recommendations.

2. Requests for Amendments

- a) The Monitoring Officer recently requested suggestions from the different KCC Political Groups for proposed amendments. The Constitution for legal reasons must be politically neutral. In line with the above considerations, it was not possible to simply present all the suggestions for Members to discuss as not all of the suggestions were capable of being turned into constitutional amendments for legal and/or constitutional reasons. However, wherever possible, alternative routes were proposed so as to give lawful pragmatic effect to the proposal. These were set out in the report to Selection and Member Services.
- b) The power of County Council to amend the Constitution is not unlimited. There is legislation prescribing much of the content and/or limiting the options available to Members. Accordingly, any proposals for amending the Constitution that would put the Council in breach of its statutory duties, or expose the Council to significant legal risk, cannot be presented as legitimate options. There is also a need to take into account recognised best practice in terms of the Council's governance, and suggestions made by audit or as a result of other reviews. Governance is a core area where our compliance with the national 'Best Value' duty is assessed externally on an annual basis and so

failure therefore to demonstrate compliance with this duty increases the risk of any central government intervention.

- c) A report was presented to the Selection and Member Services Committee on 7 May 2026. Some recommendations were to take forward further development work on some areas. These will be taken back to the relevant committee in due course. Only those recommendations from the Committee directly relating to proposing constitutional amendments are set out in this report.
- d) When Members make their decisions, they are in accordance with the principles set out at section 8.5 of the Council's Constitution.

3. County Council – General Proposals

- a) Several suggestions were made which were aimed at improving the way County Council meetings are managed, namely:
 - i. Increasing the deadline for submitting County Council questions to ten days ahead of meetings. This is so as to facilitate Cabinet Members and Officers in providing more meaningful answers to questions posed.
 - ii. This could be achieved by amending section 14.15 of the Constitution. This currently reads: "All Members are entitled to submit one question per meeting, which must be delivered to the Democratic Services Manager by 5:00pm on the working day following the publication of the agenda by an email from that Member or by paper copy signed by that Member. The full list of questions submitted, with the names of the Members submitting them, will be circulated to Members by 5pm the working day before the meeting." The proposal is to amend this to read as follows:
 - a. "All Members are entitled to submit one question per meeting, which must be delivered to the Democratic Services Manager by 5:00pm of the tenth working day ahead of a regularly scheduled meeting of County Council by an email from that Member or by paper copy signed by that Member. The full list of questions submitted, with the names of the Members submitting them, will be circulated to Members by 5pm the working day before the meeting. Where the meeting is cancelled, Members will still receive written answers directly."
 - iii. Decreasing the time available to each opposition group to respond to the Leader's report by one minute respectively. This is so as to keep the meeting proceeding being mindful of duration of the entirety of the meeting. This could be achieved by amending section 14.25 of the Constitution which currently reads: "The Leader of each opposition Group may give a reply to the Report, with a minimum of three minutes allowed. The Leader of the Opposition may speak for up to six minutes with the Leader of any other opposition Group following in order of Group size, losing one minute from the maximum time allowed until the minimum is reached." The proposal is to amend this to read as follows:

- a. "The Leader of each opposition Group may give a reply to the Report, with a minimum of two minutes allowed. The Leader of the Opposition may speak for up to five minutes with the Leader of any other opposition Group following in order of Group size, losing one minute from the maximum time allowed until the minimum is reached."

4. County Council – Additional Specific Practices

- a) The recommendation is being made that each County Council meeting commences with the Lord's Prayer. Under section 138A(1) of the local Government Act 1972 – "The business at a meeting of a local authority in England may include time for — (a) prayers or other religious observance, or (b) observance connected with a religious or philosophical belief."
- b) To give effect to this, a new section would be added between the current 14.11 and 14.12 to read as follows:
 - a. "Prior to all other items, each County Council meeting shall start with a recital of the Lord's Prayer."
- c) The recommendation is being made that the national anthem be sung at the conclusion of each County Council meeting.
- d) To give effect to this, a new section would be added between the current 14.11 and 14.12 to read as follows:
 - a. "As the concluding item, each County Council meeting shall end with the singing of the national anthem."
- e) In both cases above, the Council must be mindful of the legal implications. The Monitoring Officer provided legal advice on the potential legal risks and the options available to the Committee in making recommendations to County Council.
- f) So as to address the risks noted, if the Council is minded to support these changes to the Constitution, then it will be necessary to grant appropriate delegated authority to the Monitoring Officer to work with Democratic Services to ensure lawful implementation.

5. Committee Meetings – General

- a) Several recommendations are being put forward concerning committee rules and practices in general as is set out here in the following sections.
- b) It has been correctly highlighted in several places within the Constitution that Members are required to physically sign an attendance sheet. However, this is not always the practice, though attendance is being formally recorded. It is recommended that the wording of the Constitution be amended so that this is regarded as an administrative matter and so better enable practice to align with the Constitution.
- c) To achieve this aim, the following changes to the Constitution are being recommended:

- a. Amend section 14.9 to read: "Attendance at meetings will be recorded in a manner determined by the Head of Governance and Members must sit in the seat allocated to them by the Chairman." Further, to delete section 15.37 as repetitious and amend section 15.7 to read: "Attendance at meetings will be recorded in a manner determined by the Head of Governance."
- d) It is being recommended that that there is a need to be made clearer what happens when a Member ceases being part of a Political Group. It has always been the case that they cease being a member of any Committee where rules on political proportionality apply. However, there could be a new section added to 16.9 of the Constitution to make this explicit.
- e) This new section, 16.9(e), would read as follows: –
 - a. "Members, once confirmed as Members of a Committee or Sub-Committee, continue to hold office until ... the Clerk of the Committee is formally informed in line with the rules on Political Group membership that a Member is no longer part of the Group. At this point, all Committee roles held by the individual Member cease, including Chair and Vice-Chair (if relevant)."

6. Proposed Amendment to the Articles

- a) It is being proposed to amend Section 2(a) of the current Constitution from stating "The role of the Council is to improve the quality of life of the people of Kent", to be replaced with the following:
 - a. "The role of the Council is (within its remit and jurisdiction) to seek to ensure the delivery of services to the people of Kent so as to enhance their social and economic well-being."

7. Recommendations

County Council is asked to agree the following amendments to the Constitution and ask the Monitoring Officer to update the document:

- a) Amend section 14.15 to read: "All Members are entitled to submit one question per meeting, which must be delivered to the Democratic Services Manager by 5:00pm of the tenth working day ahead of a regularly scheduled meeting of County Council by an email from that Member or by paper copy signed by that Member. The full list of questions submitted, with the names of the Members submitting them, will be circulated to Members by 5pm the working day before the meeting. Where the meeting is cancelled, Members will still receive written answers directly."
- b) Amend section 14.25 to read: "The Leader of each opposition Group may give a reply to the Report, with a minimum of two minutes allowed. The Leader of the Opposition may speak for up to five minutes with the Leader of any other opposition Group following in order of Group size, losing one minute from the maximum time allowed until the minimum is reached."

- c) Add a new section between the current 14.11 and 14.12 and read: “Prior to all other items, each County Council meeting shall start with a recital of the Lord’s Prayer.”
- d) Add a new section between the current 14.11 and 14.12 and read: “As the concluding item, each County Council meeting shall end with the singing of the national anthem.”
- f) Amend section 14.9 to read: “Attendance at meetings will be recorded in a manner determined by the Head of Governance and Members must sit in the seat allocated to them by the Chairman.” Further, to delete section 15.37 and amend section 15.7 to read: “Attendance at meetings will be recorded in a manner determined by the Head of Governance.”
- g) Amend section 2(a) to read: “The role of the Council is, (within its remit and jurisdiction) to seek to ensure the delivery of services to the people of Kent so as to enhance their social and economic well-being.”
- h) Delegate authority to the Democratic Services Manager, in consultation with the Monitoring Officer, to make relevant arrangements to support lawful implementation of agreed recommendations.
- i) Delegate to the Monitoring Officer the authority to finalise the wording of constitutional amendments agreed by County Council where necessary to ensure the lawful implementation of any and all agreed recommendations.

8. Background Documents

Item 8, Selection and Member Services Committee, 7 May 2026, [Proposals for Constitutional Changes.pdf](#).

9. Report Author and Relevant Director

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