

SELECTION AND MEMBER SERVICES COMMITTEE

Thursday, 14th March, 2024

2.30 pm

**Council Chamber, Sessions House, County Hall,
Maidstone**





AGENDA

SELECTION AND MEMBER SERVICES COMMITTEE

Thursday, 14 March 2024, at 2.30 pm
Council Chamber, Sessions House, County
Hall, Maidstone

Ask for: **Joel Cook**
Telephone: **03000 416892**

Membership (8)

Conservative (5): Mr N J Collor (Chairman), Mr M C Dance, Mr R W Gough,
Mr C Simkins and Mr D Jeffrey

Liberal Democrat (1): Mr A J Hook

Labour (1): Dr L Sullivan

Green and Independent (1): Rich Lehmann

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UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

- 1 Apologies and Substitutes
- 2 Declarations of Interests by Members in items on the Agenda for this meeting.
- 3 Minutes (Pages 1 - 4)
- 4 Revisions to the Terms of Reference of the Health Overview and Scrutiny Committee (HOSC) (Pages 5 - 18)

- 5 Governance and Audit Committee Terms of Reference: Update (Pages 19 - 24)
- 6 Preparations for the 2025 Election (Pages 25 - 28)
- 7 Combined Members Grants (Pages 29 - 40)
- 8 Petitions Scheme Review (Pages 41 - 50)
- 9 Monitoring Officer: Verbal Update

EXEMPT ITEMS

(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)

Benjamin Watts
General Counsel
03000 416814

Wednesday, 6 March 2024

KENT COUNTY COUNCIL

SELECTION AND MEMBER SERVICES COMMITTEE

MINUTES of a meeting of the Selection and Member Services Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 30 November 2023.

PRESENT: Mr. N J Collor (Chairman), Mr. R W Gough, Mr. D Jeffrey, Rich Lehmann, Mr. P Oakford (*substitute*), Mr. H Rayner (*substitute*), Dr L Sullivan

IN ATTENDANCE: Mr J Cook (Democratic Services Manager), Mr T Godfrey (Senior Governance Manager), Ms L Tricker (Democratic Services Officer), Mr B Watts (General Counsel)

UNRESTRICTED ITEMS**16. Declarations of Interest**

(*Item 2*)

There were no interests declared.

17. Minutes

(*Item 3*)

Mr Lehmann highlighted section 11 of the minutes and stated that recommendation C should be reworded to say, 'relevant Group Leader(s)'. The Committee agreed this amendment and the minutes of the meeting held on 19 October 2023.

RESOLVED that the minutes of the meeting held on 19 October 2023 were an accurate record and that they be signed by the Chair.

18. Outside Bodies: Protocol

(*Item 4*)

1. Mr Godfrey introduced the report and explained that it provided a clearer framework for the outside bodies process and a single point of reference. Other local authorities had already introduced a Protocol for outside bodies, and a comparative exercise had been undertaken to ensure KCC was in line with these local authorities in regard to guidelines for nominations and appointments. Mr Watts thanked Mr Godfrey and colleagues for the report and explained that some outside bodies carried personal liabilities and the Protocol outlined indemnities. The Protocol also outlined training which could be provided, for example generic trustee training, directorship training and community practice for trustees. The Protocol would be put onto KNet for easy access for Members and would be sent to all Members.
2. A Member questioned if group leaders would be able to make nominations outside of the committee process. It was confirmed that nominations to

outside bodies could only be made through the committee.

3. Members discussed the need for liability insurance for those appointed to some outside bodies.
4. Members discussed point 4b within the Protocol and it was proposed that the wording be changed to “The Committee may choose to delegate authority to make one or more nominations/appointments to the Monitoring Officer, or another appropriate officer. All instances of this delegated authority being exercised should involve relevant consultation with the Chair of Selection and Member Services Committee and will be reported to the Committee at the following meeting.” The proposal was seconded, agreed by Members, and point 4b within the Protocol was amended.

RESOLVED that the Selection and Member Services Committee:

- a. Approved the outside bodies protocol.
- b. Agreed that the Committee’s activity in connection to its power of appointment to outside bodies will be undertaken in line with this protocol.

19. Petition Scheme Review

(Item 5)

1. Mr Cook introduced the report and explained that it presented potential changes to the eligibility and verification process of petitions, following a further comparative exercise into other local authorities. This had found that KCC was in line with other comparable local authorities in using a risk-based approach when verifying petitions. Although a more detailed verification process could be used this could be expensive for the Council due to GDPR and data protection issues, as well as officer time, and would provide a limited return on investment due to the limited evidence of petition fraud in Kent. The Committee was also asked to comment on the threshold for County Council and Cabinet Committee petitions, which could be progressed to County Council for final decision.
2. Members engaged in discussion regarding reducing the threshold for County Council and Cabinet Committee petitions. Some Members felt that reducing these thresholds would increase engagement from the public. Other Members disagreed and felt that reducing the threshold would mean a labour-intensive process for officers and a busier County Council agenda, during a time when Council Members needed to focus on financial issues. Members felt that the threshold could be lowered at a later date if necessary.
3. Members discussed the need to have a minimum age limit on petitions, as some school children may want to sign a petition. The age for criminal punishment in the UK was 11, and Members discussed making this the minimum age to be able to sign a petition. It was confirmed that there was currently no age limit on petitions, and putting this in place would be difficult due to the need to verify signatures and ages.
4. Members questioned how e-petitions and paper petitions were dealt with, and felt that both formats should be checked and verified in the same way

and checked to ensure signatures were not duplicated. Mr Cook confirmed that the same guidance for paper and e-petitions was provided by officers when a member of the public came to the team with a request.

5. A Member raised a concern with the verification process and asked if dip sampling could be undertaken to ensure that people who signed lived, worked, or studied in the borough. Mr Cook stated that any petition verification would lead to resources being stretched within the Democratic Services team and other directorates and could have data protection implications.
6. Mr Rayner proposed option 1 within the report, which stated “no changes be made to the petition scheme”. This was not seconded and therefore was not agreed.
7. Mr Jeffrey proposed the following option: a 3000-signature threshold for County Council petition; a 1500-signature threshold for a Cabinet Committee petition; a petition could not be submitted if one similar had been presented in the previous 6 months; and the scheme would be reviewed 12 months after adoption. This proposal was seconded by Mr Lehmann. A vote was held: 2 in favour; 3 against; 2 abstentions. Therefore, the proposal was not agreed.
8. After further discussion, it was agreed that a further report on the petition scheme would be presented to the Committee at its next meeting.

RESOLVED that the Selection and Member Services Committee:
Agreed to defer the report to the next Committee meeting.

20. Governance Update *(Item 6)*

1. The Chair expressed his concern regarding the lateness of the report and felt that Members may not have had enough time to read it. Mr Watts apologised and explained that it was a discussion report only.
2. Mr Jeffrey explained that the report was based on informal discussions with Members on internal governance within KCC, linking to the work of the external governance audit and how meetings could be improved, for example more regular breaks during meetings. Part 3 of the report proposed a Member Working Party who would look at governance issues, such as Cabinet Committees, the Chair of Scrutiny Committee, Member training, and standing orders. Mr Watts added that as the Monitoring Officer, his statutory duty was to ensure effective corporate governance, and felt that the Working Group would be a positive step at improving internal governance.
3. Members welcomed the review into internal governance and felt that it would be beneficial to increase the time limit for County Council questions, and to have more regular breaks during meetings.

4. Members questioned when the Working Group would be able to report back to the Committee on its findings. Mr Jeffrey hoped that the Working Group would be able to meet at least three times, before being able to report back at the next meeting in March 2024, ready for implementation at the start of the 2024/25 municipal year.
5. Mr Hook proposed the options listed in the report at 2b(i); 2b(ii); 2b(iii); and 2b(iv). Mr Rayner seconded the proposal, and it was agreed by all Members of the Committee.

RESOLVED that the Selection and Member Services Committee:

- a. Noted and commented on the report.
- b. Discussed section 2 of the report and agreed items 2b(i); 2b(ii); 2b(iii); and 2b(iv) within the report for onward presentation to County Council for approval.
- c. Agreed the establishment of a Member Working Party chaired by the Cabinet Member for Communications and Democratic Services to work on a cross party basis.

From: Kay Goldsmith, Scrutiny Research Officer

To: Selection and Member Services Committee, 14 March 2024

Subject: **Revisions to the Terms of Reference of the Health Overview and Scrutiny Committee (HOSC)**

Status: Unrestricted

Previous Pathway: Health Overview and Scrutiny Committee, 29 February 2024

Future Pathway: County Council, 28 March 2024

1. Introduction

- a) Using powers introduced by the Health and Care Act 2022, two sets of regulations were introduced by the government on 9 January 2024¹. The cumulative impact is to:
1. Remove the power from local authority health scrutiny to refer substantial variations of service being proposed by the NHS to the Secretary of State.
 2. Introduce new powers of ministerial intervention in proposed variations of service by local NHS organisations.
- b) These changes came into effect on 31 January 2024. The terms of reference of the Health Overview and Scrutiny Committee (HOSC) needs to be amended to take these changes into account.
- c) In addition, the government set out five principles for health overview and scrutiny committees in July 2022². This provides an opportunity to incorporate these into the terms of reference (the new section 17.138). At its meeting of 29 February 2024, the HOSC agreed to amend the proposed Terms of Reference with three additional principles. These are set out at 17.138f-h – Transparency, Accountability, Delivery. This was the only amendment made by the HOSC and has been incorporated to the proposed changes as set out in the Appendix.

2. Proposed Changes

- a) While the power of referral has been removed, the duty on NHS organisations to consult with HOSC on substantial variations to services impacting the population of Kent remains. The powers to obtain information and have NHS officers attend meetings of HOSC remain to support the Committee in its work scrutinising the

¹ The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) (Amendment and Saving Provision) Regulations 2024 and The National Health Service (Notifiable Reconfigurations and Transitional Provision) Regulations 2024.

² <https://www.gov.uk/government/publications/health-overview-and-scrutiny-committee-principles/health-overview-and-scrutiny-committee-principles>

planning, provision, and operation of health services. HOSC will also continue to have a mechanism to receive referrals from Healthwatch.

- b) It continues being the case that there is a requirement to form a Joint Health Overview and Scrutiny Committee (JHOSC) where more than one local authority has deemed a proposal a substantial variation of service. However, there is a need to amend the current generic rules on JHOSCs in the constitution to take account of the other changes (the revised sections are 17.159-161 as shown in the Appendix).
- c) There is also a terms of reference in place for the occasions when a JHOSC needs to be formed with Medway Council. This will be reviewed in consultation with Medway Council and proposed changes, if necessary, will be presented at a future date.
- d) Along with the changes brought by legislation, the opportunity has been taken to update a few sections of the terms of reference for clarity. The proposed changes are marked up and set out in the Appendix.

3. The Call-in Power

- a) The Health and Care Act 2022 introduced a new call-in power which allows the Secretary of State to intervene in local NHS service reconfigurations at any stage. Statutory guidance has been released which covers the use of these intervention powers³. This guidance sets out the rationale for the change to the legislation.
- b) In sum, NHS organisations are required to notify the Secretary of State when they are proposing a significant change to services. It is expected that only a small number of proposals will be subject to a ministerial call-in and possible intervention. Making a notification to the Secretary of State is the sole responsibility of the relevant NHS organisation (usually the NHS commissioner); however, the HOSC's views on whether a proposal has been judged a substantial variation of service will be taken into account by the NHS body and will be reported to the Secretary of State.
- c) Under the previous regulations, it was only local authority health scrutiny committees which could make a referral to the Secretary of State. Ministerial intervention powers are different and the ability to submit call-in requests that these powers be used are open to any interested individual or organisation.
- d) HOSC will be able to submit a formal call-in request. The expectation from government is that a call-in request is only made as a last resort and only when all attempts at local resolution have failed. The revised terms of reference reflect and build on the statutory guidance to set a framework for how the Committee

³ <https://www.gov.uk/government/publications/reconfiguring-nhs-services-ministerial-intervention-powers/reconfiguring-nhs-services-ministerial-intervention-powers#the-power-to-call-in-a-reconfiguration-proposal>

will approach making call-in requests so there is clarity for Members and for the NHS.

- e) Where the Secretary of State is considering a call-in request, the HOSC may be asked for information. Where a decision has been made by the Secretary of State to intervene, a decision letter will be issued. This letter may require that the consultation underway with the HOSC is paused pending the outcome of the intervention. This is also covered by the draft revised terms of reference.
- f) It is unclear how the ministerial intervention powers will be used in practice, and what the experience of health scrutiny committees in making call-in requests will be. The terms of reference will be reviewed periodically to ensure that they remain fit for purpose and in line with any updated guidance from the government.

4. Membership and Conflicts of Interest

- a) The section setting out that no HOSC member can be an Executive Member of KCC, or on the Kent Health and Wellbeing Board has been made clearer.
- b) Using the examples set out in the government guidance on health scrutiny, some examples of potential conflicts of interest are set out as a reminder to members.

5. Recommendation

The Selection and Member Services Committee is asked to:

- a) Discuss and Comment on the report.
- b) Recommend to County Council that the changes to the terms of Reference be adopted and the Constitution updated accordingly.

6. Background Documents

Department of Health and Social Care, Guidance – Local authority health scrutiny, as updated 9 January 2024: <https://www.gov.uk/government/publications/advice-to-local-authorities-on-scrutinising-health-services/local-authority-health-scrutiny>

Department of Health and Social Care, Statutory guidance – Reconfiguring NHS services – ministerial intervention powers, as published 9 January 2024: <https://www.gov.uk/government/publications/reconfiguring-nhs-services-ministerial-intervention-powers>

Department of Health and Social Care, Guidance – Health overview and scrutiny committee principles, as published 29 July 2022: <https://www.gov.uk/government/publications/health-overview-and-scrutiny-committee-principles/health-overview-and-scrutiny-committee-principles>

The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013,
<https://www.legislation.gov.uk/ukxi/2013/218/contents/made>

The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) (Amendment and Saving Provision) Regulations 2024,
<https://www.legislation.gov.uk/ukxi/2024/16/contents/made>

The National Health Service (Notifiable Reconfigurations and Transitional Provision) Regulations 2024, <https://www.legislation.gov.uk/ukxi/2024/15/contents/made>

7. Report Author and Relevant Director

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Health Overview and Scrutiny Committee (HOSC) – **PROPOSED NEW TERMS OF REFERENCE**

Health Overview
and Scrutiny
Committee
(HOSC)

- 17.133 Membership: 13 Members; plus, Borough/District Council representatives: 4.
- 17.134 None of the following may be a Member of HOSC, or any Sub-Committee or Task and Finish Group of it:
- (a) An Executive Member of Kent County Council.
 - (b) A member of the Kent Health and Wellbeing Board.
 - (c) A member of any Joint Health and Wellbeing Board on which Kent County Council is represented.
- 17.135 The membership exclusions set out in 17.134 also apply to any Joint Health Overview and Scrutiny Committee established with any other authority or authorities.
- 17.136 Where there is a risk of a member of the Committee having a conflict of interest, the appropriate rules and guidance must be followed. Examples of potential conflicts of interest include the member being:
- (a) An employee of an NHS body.
 - (b) A member or non-executive director of an NHS body.
 - (c) An executive member of another local authority.
 - (d) An employee or board member of an organisation commissioned by an NHS body or local authority to provide services.
- 17.137 This Committee reviews and scrutinises matters relating to the planning, provision and operation of health services in Kent through exercising the powers conferred on Kent County Council under Section 244 of the National Health Service Act 2006 (as amended) and operates according to Part 4 of The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (as amended). The Committee may consider and scrutinise the work of the Health and Wellbeing Board where relevant.
- 17.138 The Committee will work with the NHS and other local system partners in accordance with the following principles:
- (a) Outcome focused.
 - (b) Balanced.
 - (c) Inclusive.
 - (d) Collaborative.
 - (e) Evidence informed.
 - (f) Transparent.
 - (g) Accountable.
 - (h) Deliverable.

- 17.139 This Committee is responsible for setting its own work programme, giving due regard to the requests of commissioners and providers of health services to bring an item to the Committee's attention, as well as taking into account the referral of issues by Healthwatch and other third parties.
- 17.140 This Committee cannot consider or handle individual complaints relating to health services. Individuals will be asked to use the complaints process of the relevant organisation.
- 17.141 Task and Finish Groups may be established with the approval of the Committee, in order to consider issues in more depth and can include elected representatives from KCC or Borough/City/District Councils in Kent who are not members of the Committee. Task and Finish Groups cannot exercise any formal health scrutiny powers.
- 17.142 Commissioners and providers of local health services are required to provide the Committee with such information as it may reasonably require in order to discharge its relevant functions.
- 17.143 The Committee may require any member or employee of a local health service commissioner or provider to appear before the Committee to answer such questions as are necessary for discharging its relevant functions.
- 17.144 Nothing in 17.142-143 requires the provision of any information where the disclosure is prohibited under any enactment or where a living individual would be identifiable, subject to Section 26 of the 2013 Regulations.
- 17.145 Healthwatch shall have the right to refer issues to the Committee:
- HOSC:
Healthwatch
- (a) Issues referred by Healthwatch will receive an acknowledgment within 20 working days and Healthwatch will be kept informed of any actions taken.
- (b) Where the Committee includes an item on its agenda as a result of a referral from Healthwatch, a representative from Healthwatch is entitled to address the Committee.

Reports and Recommendations

- 17.146 The Committee may make evidence-based reports and recommendations to relevant NHS bodies and require a response within 28 days, or longer at the Committee's discretion. The following information will be included in a report or accompanying any recommendations:
- (a) An explanation of the matter reviewed or scrutinised.
- (b) A summary of the evidence considered.
- (c) A list of the participants involved in the review or scrutiny.
- (d) An explanation of any recommendations on the matter reviewed or scrutinised.

Substantial Variations of Service

- 17.147 NHS commissioners and providers are required to consult with the HOSC on proposed substantial variations of services affecting the population of the area. Exclusions from the definition of 'substantial variations of service' are set out at 17.151-152.
- 17.148 The Committee will determine whether any given proposal, or element thereof, constitutes a substantial variation of service and so requires consultation with the Committee. The Committee's decision will be based on information provided by the relevant NHS organisations.
- 17.149 Once the Committee has deemed a proposal a substantial variation of service, the NHS shall consult with the Committee prior to the final decision being made by the NHS. A timetable for consultation will be agreed between the Committee and NHS, with the NHS informing the Committee of the date on which they intend to make their final decision.
- 17.150 In considering substantial variations of service, the Committee will take into account the resource envelope within which the relevant NHS organisations operate and will therefore take into account the effect of the proposals on the sustainability of services, as well as on their quality and safety. The NHS must take the comments of the Committee into account when making its final decision.
- 17.151 The NHS is not required to consult with the Committee where the NHS has acted because of a risk to patient safety or to ensure the welfare of patients or staff. Where this has been the case, the Committee shall be informed as soon as possible.
- 17.152 In addition, the designation of 'substantial variation of service' will not apply in the following circumstances:
- (a) Establishment, dissolution, or change to the constitution, of an NHS Trust or Integrated Care Board. However, any consequential service variation may be determined a 'substantial variation of service' in line with usual Committee practice.
 - (b) Any proposals contained in a Trust Special Administrator's report or draft report and any recommendations made under a health special administration order.

HOSC: Substantial
Variations of
Services

Call-in Requests

- 17.153 Schedule 10A to the NHS Act 2006 provides call-in powers to allow the Secretary of State to intervene in NHS service reconfigurations at any stage. Individuals and organisations, including this Committee, may submit requests that the Secretary of State exercise these powers of intervention in a specific reconfiguration.

- 17.154 This Committee will not submit, or support, a call-in request until it has determined that all attempts to resolve its concerns about the reconfiguration with the NHS locally have been exhausted. Where a call-in request is made by this Committee, evidence of these attempts will be provided.
- 17.155 Any call-in request by this Committee will be submitted in accordance with the requirements set by the Secretary of State, with the content of any request agreed by the Committee.
- 17.156 The Committee will give the relevant NHS organisations a minimum of 15 days notice that the Committee will be meeting to determine whether or not to submit a call-in request.
- 17.157 A call-in intervention will commence when the Secretary of State issues a direction letter to the relevant NHS organisations. Where the direction letter relates to a substantial variation of service which is under review by this Committee under 17.147, the consultation will pause if required by the letter.
- 17.158 Notwithstanding 17.157, when there is a call-in, the relevant NHS bodies may provide the Committee with information to allow the Committee to make representations to the Secretary of State on the proposal which is the subject of the intervention.

Joint Health Overview and Scrutiny Committees (JHOSCs)

- 17.159 Where the relevant Overview and Scrutiny Committee of more than one authority has determined the same proposal(s) to be a substantial variation of service, this will entail the establishment of a Joint Health Overview and Scrutiny Committee (JHOSC). A Kent and Medway JHOSC has been established on a permanent basis to meet when required (19.38-47).
- 17.160 Where a JHOSC has been established, the Kent HOSC is deemed to have delegated its function to scrutinise the specific proposal(s) to the JHOSC. The formal powers of HOSC as set out at 17.142-144 are also delegated in connection with the proposal. However, with the agreement of the relevant NHS organisation(s), the HOSC may continue to receive updates while the JHOSC undertakes its review.
- 17.161 At any stage during its review, and at its conclusion, the JHOSC may make reports and recommendations to the authorities represented on the JHOSC. These recommendations will be reported to a meeting of the Kent HOSC. The Kent HOSC is not required to accept these recommendations but may do so.

Joint Health
Overview and
Scrutiny
Committees
(JHOSCs)

*Health Overview and Scrutiny Committee (HOSC) – **CURRENT TERMS OF REFERENCE***

Health Overview
and Scrutiny
Committee
(HOSC)

- 17.133 Membership: 13 Members; plus, Borough/District Council representatives: 4.
- 17.134 No Executive Member, Member of the Kent Health and Wellbeing Board or the Kent and Medway Joint Health and Wellbeing Board shall be a Member of this Committee, or of any Sub-Committee or Informal Member Group of it, or of any Joint Health Overview and Scrutiny Committee established with any other authority or authorities.
- 17.135 This Committee reviews and scrutinises matters relating to the planning, provision and operation of health services in Kent through exercising the powers conferred on Kent County Council under Section 244 of the National Health Service Act 2006 (as amended by the Health and Social Care Act 2012) and operates according to Part 4 of The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.
- 17.136 This Committee is responsible for setting its own work programme, giving due regard to the requests of commissioners and providers of health services to bring an item to the Committee's attention, as well as taking into account the referral of issues by Healthwatch and other third parties.
- 17.137 This Committee cannot consider individual complaints relating to health services.
- 17.138 Informal Member Groups may be established with the approval of the Committee, in order to consider issues in more depth and can include elected representatives from KCC or Borough/City/District Councils in Kent who are not members of the Committee. Informal Member Groups cannot exercise any formal health scrutiny powers.
- 17.139 Commissioners and providers of local health services are required to provide the Committee with such information as it may reasonably require in order to discharge its relevant functions.
- 17.140 The Committee may require any member or employee of a local health service commissioner or provider to appear before the Committee to answer such questions as are necessary for discharging its relevant functions.
- 17.141 Nothing in 17.139-140 requires the provision of any information where the disclosure is prohibited under any enactment or where a living individual would be identifiable, subject to Section 26 of the 2013 Regulations.

- 17.142 Healthwatch shall have the right to refer issues to the Committee.
- 17.143 Issues referred by Healthwatch will receive an acknowledgment within 20 working days and Healthwatch will be kept informed of any actions taken.
- 17.144 Where the Committee includes an item on its agenda as a result of a referral from Healthwatch, a representative from Healthwatch is entitled to address the Committee.
- 17.145 The Committee may make evidence-based reports and recommendations to relevant NHS bodies and require a response within 28 days, or longer at the Committee's discretion.
- 17.146 NHS commissioners and providers are required to consult with the HOSC on potential substantial variations of services affecting the population of the area covered by the Committee unless 17.147 applies.
- 17.147 The exception referred to in 17.146 is where the NHS has acted because of a risk to patient safety or to ensure the welfare of patients or staff. Where this has been the case, the Committee shall be informed as soon as possible.
- 17.148 The Committee will determine whether any given proposal, or element thereof, constitutes a substantial variation of service. However, the designation of 'substantial variation of service' will not apply in the following circumstances:
- (i) Establishment, dissolution, or change to the constitution, of an NHS Trust or Clinical Commissioning Group. However, any consequential service variation may be determined a 'substantial variation of service' in line with usual Committee practice.
 - (j) Any proposals contained in a Trust Special Administrator's report or draft report and any recommendations made under a health special administration order.
- 17.149 Where the Committee has decided a proposal does not constitute a substantial variation of service it retains the ability to review the proposed change and can make reports and recommendations on the matter to the relevant health commissioner or provider. Where the NHS changes the proposal, the Committee may reconsider whether or not it deems the proposal a substantial variation of service.
- 17.150 Once the Committee has deemed a proposal a substantial variation of service, the NHS shall consult with the Committee prior to the final decision being made by the NHS. The NHS always remains the decision-maker though must take comments of the Committee into account.

HOSC:
Healthwatch

HOSC: Substantial
Variations of
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- 17.151 When the NHS has determined when it will make a final decision on the proposal for a substantial variation of service, this date shall be communicated to the Committee. Sufficient time shall be allowed by the NHS for the Committee to make comments on the proposed decision ahead of this date unless 17.147 applies.
- 17.152 The final decision referred to in 17.151 is to be formally presented at a meeting of the Committee as soon as is practical after it has been taken by the NHS. The Committee will determine its response to the decision and may support the decision, not support the decision, and/or comment on the decision.
- 17.153 Where the Committee does not support the decision at the meeting referred to in 17.152, the Committee may consider referral to the Secretary of State but cannot make a final decision on referral at this meeting. No referral may be proceeded with unless the Committee agrees at this meeting which of the grounds in 17.154 provisionally apply and agrees the reasons why.
- 17.154 A substantial variation of service may only be referred to the Secretary of State for Health and Social Care where one of the following applies:
- (a) The consultation with the Committee on the proposal is deemed to have been inadequate in relation to content or time allowed,
 - (b) The reasons given for not consulting with the Committee on a proposal are inadequate, or
 - (c) The proposal is not considered to be in the interests of the health services of the area.
- 17.155 In the event of a decision by the Committee under 17.153 that one or more of the grounds for referral set out in 17.154 provisionally apply:
- (a) The decision of the Committee made at the meeting held under 17.152 must be communicated to the NHS in writing as soon as possible after the meeting to allow the NHS time to consider and respond to the decision of the Committee.
 - (b) The Committee shall inform the NHS of the date when it will meet to make a final determination as to whether or not to refer the substantial variation of service to the Secretary of State in line with regulations within eight working days of the meeting held under 17.152. This meeting of final determination shall be held as soon as practicable, subject to a minimum of twenty working days after the meeting held under 17.152.
- 17.156 All practical steps shall be taken by the NHS and Committee to come to an agreement between the meeting held under 17.152 and the one at which the Committee will make a final determination on referral, the date for which is set under 17.155(b).

17.157 Prior to any final determination on referral, the Committee shall consider the NHS response to the reasons set out under 17.153 at the meeting arranged under 17.155(b) along with the results on any other discussions between the Committee and NHS that may have taken place. The Committee will then make a final determination as to whether or not the matter is to be referred to the Secretary of State and may only do so when the Committee is satisfied the requirements of 17.154 and 17.158 apply.

17.158 Where the Committee makes a final determination to refer, the following apply:

- (a) Any referral to the Secretary of State shall be accompanied by full evidence of the case for referral.
- (b) Evidence that all other options for resolution have been explored must be included along with all additional requirements for the submission of a referral required by legislation and statutory guidance.
- (c) Where the referral is on the grounds that the Committee believes the proposal is not in the interests of the health service of the area, a summary of the evidence considered must be provided, including any evidence of the effect or potential effect of the proposal on the sustainability or otherwise of the health service of the area.

17.159 Where the Committee makes a final determination not to refer, the following apply:

- (a) The HOSC can request updates on implementation of the service change, along with a response to any comments made in the Committee's final determination.
- (b) Where the NHS makes significant changes to the decision presented to the Committee at the meeting of final determination, the Committee has the ability to deem this a substantial variation of service and require formal consultation with the Committee.

Joint Health Overview and Scrutiny Committees (JHOSCs)

17.160 Where the relevant Overview and Scrutiny Committee of more than one authority has determined the same proposal(s) to be a substantial variation of service, this will entail the establishment of a Joint Health Overview and Scrutiny Committee (JHOSC). A Kent and Medway JHOSC has been established on a permanent basis to meet when required (19.38-47).

Joint Health
Overview and
Scrutiny
Committees
(JHOSCs)

17.161 Where a JHOSC has been established, the Kent HOSC is deemed to have delegated its function to scrutinise the specific proposal(s) to the JHOSC until it has concluded its consideration and made any recommendations to the authorities represented on the JHOSC. These recommendations will be

reported to a meeting of the Kent HOSC. The Kent HOSC is not required to accept these recommendations but may do so.

17.162 The Kent HOSC at no time delegates the power of referral to any JHOSC.

17.163 Following the conclusion of the work of the JHOSC on a given proposal, the HOSC will make a final determination in line with the procedure set out in 17.152-159. No decision to refer may be made at the first meeting of the HOSC when the outcome of the JHOSC is considered as this will be the first occasion the HOSC has been able to consider the proposal formally and the NHS must be able to respond fully to any comments made by the HOSC.

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From: Ben Watts, General Counsel

To: Selection and Member Services Committee, 14 March 2024

Subject: **Governance and Audit Committee Terms of Reference: Update**

Previous Pathway: Governance and Audit Committee, 1 February 2024

Future Pathway: County Council: 28 March 2024.

Status: Unrestricted

1. Overview

- a. Building on the recommendations of a review of the Governance and Audit Committee (GAC) conducted by CIPFA in 2022¹, the terms of reference for that Committee were substantively amended and then agreed by County Council on 25 May 2023².
- b. It is established best practice to review the GAC's terms of reference on at least an annual basis given the importance of its role in the governance framework of the Council. This paper sets out the results of the most recent review.
- c. The Governance and Audit Committee reviewed the proposed changes on 1 February and agreed to ask this Committee to review the proposals and recommend them to County Council.

2. Proposed Changes

- a. In late 2023, the GAC terms of reference were reviewed. The outcome was that there needed to be additional formal requirements around the membership of the Committee.
- b. It has been established practice that Executive Members do not serve of the Governance and Audit Committee. It is being proposed that the terms of reference be amended to formalise this practice. As part of its role in monitoring the internal control frameworks of the Council, including audit, the GAC may undertake deep dives into past decisions. It is therefore being recommended that former Executive Members may not serve until two years have elapsed.
- c. It is important to ensure that the work of the GAC is kept distinct from that of other parts of the Council and has a clear focus on its own agenda. It is therefore being recommended that the restriction on serving on the Committee be extended to include Deputy Cabinet Members and the Chairs of other formal Committees.

¹ Item 46, <https://democracy.kent.gov.uk:9071/ie/ListDocuments.aspx?CId=144&MId=8955&Ver=4>

² Item 147, <https://democracy.kent.gov.uk/ie/ListDocuments.aspx?CId=113&MId=9029&Ver=4>

- d. There is currently a requirement for ordinary and substitute members of the GAC to have had training in the relevant procedures. This GAC agreed a framework for the training element on 6 July 2023³. This requirement remains.
- e. The proposed changes are set out as track changes to the current terms of reference in the Appendix.

3. Recommendation

The Selection and Member Services Committee is asked to recommend the proposed changes to the Governance and Audit Committee's terms of reference to County Council for agreement and for the Constitution to be updated accordingly.

4. Appendix

Proposed Changes to the Terms of Reference of the Governance and Audit Committee.

5. Background Documents

None.

6. Report Author and Relevant Director

Ben Watts, General Counsel
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benjamin.watts@kent.gov.uk

Katy Reynolds, Democratic Services Officer
03000 422252
Katy.reynolds@kent.gov.uk

Appendix – Proposed Changes to the Terms of Reference of the Governance and Audit Committee

NB: New wording underlined.

Governance and Audit Committee

- 1.1 Membership: 11 Members; plus, 1 independent member.¹
- 1.2 Members may not serve as ordinary or substitute members of the Governance and Audit Committee, or any sub-committees, where any of the following apply:
 - a. They have not had the training required for this Committee.
 - b. They are an Executive Member or a Deputy Cabinet Member.
 - c. They are the Chair of any other formal Committee set out in section 17 of the Constitution, or any of their sub-committees.
 - d. They have served as an Executive Member at any time within the two years preceding the date of the meeting.

~~Political Groups can only nominate Members as regular Members or as substitutes on the Governance and Audit Committee (and on Panels of the Committee) if they have had training in the relevant procedures.~~

- 1.3 The Committee may appoint or remove up to two non-voting Co-Opted Members (independent of the elected membership) who may participate in the business of the Committee in accordance with the rules set out in the Constitution.
- 1.4 The purpose of this Committee is to provide independent and high-level focus on the adequacy of governance, risk, finance, and control arrangements. Towards this purpose, its role is to:
 - (a) ensure there is sufficient assurance over governance risk and control and provide reports to full Council on the effectiveness and adequacy of these arrangements;
 - (b) have oversight of both internal and external audit together with the financial and governance reports, helping to ensure that there are adequate arrangements in place for both internal challenge and public accountability, and
 - (c) through a and b above, give greater confidence to all those charged with governance for Kent County Council that its arrangements are effective and reporting to full Council or other Committees as necessary where the Committee has concerns that these arrangements are not effective; and

¹ The process for recruiting a second independent member is currently underway, and the terms of reference will be updated when this has happened.

- (d) through an annual report, ensure that the County Council is sighted on the activity of the Committee alongside the importance of financial probity, good governance and learning lessons from audit activity.

1.5 The Governance and Audit Committee is responsible for the following:

- (a) monitoring the development and operation of governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions in the Council,
- (b) oversight of the Council's corporate governance framework to ensure it meets recommended practice, is embedded across the whole Council and is operating consistently throughout the year,
- (c) oversight of the Council's framework of assurance, to ensure that it adequately addresses the risks and priorities of the Council,
- (d) oversight of the Council's Internal Audit function, including review of the internal audit charter, and reviewing assurances that it is independent of the activities it audits, is effective, has sufficient experience and expertise and the scope of work to be carried out is risk-based, and appropriate,
- (e) reviewing the annual audit plan and considering reports from the Head of Internal Audit on internal audit's performance during the year, including the performance of any external providers of internal audit services,
- (f) oversight of the appointment and remuneration of external auditors to ensure they are approved in accordance with relevant legislation and guidance, and the function is independent and objective,
- (g) monitoring the effectiveness of the external audit process, to help ensure that it is of appropriate scope and depth, and gives value for money taking into account relevant professional and regulatory requirements, and is undertaken in liaison with Internal Audit,
- (h) considering the external auditor's annual letter/report, and any other specific reports by, and with the agreement of, the external auditors,
- (i) monitoring the arrangements and preparations for financial reporting to ensure that statutory requirements and professional standards can be met,
- (j) receiving reports on the effectiveness of financial management arrangements, including compliance with the Financial Management Code,
- (k) monitoring the Council's arrangements to secure value for money and reviewing assurances and assessments on the effectiveness of these arrangements,

- (l) considering reports on the effectiveness of internal controls and monitor the implementation of agreed actions,
- (m) monitoring any public statements in relation to the Council's financial performance to help ensure they are accurate, and the financial judgements contained within those statements are sound,
- (n) reviewing assurances that accounting policies are appropriately applied across the Council,
- (o) monitoring the robustness of the Council's counter-fraud arrangements, including the assessment of fraud risks, backed by well designed and implemented controls and procedures which define the roles of management and Internal Audit,
- (p) reviewing assurances that the Council monitors the implementation of the whistle-blowing policy and Bribery Act policy to ensure that they are adhered to at all times,
- (q) reviewing assurances that the Council has appropriate governance arrangements in place to manage the relationship between the Council and significant partnerships or collaborations, as well as any company in which the Council has majority control,
- (r) reviewing assurances that the Council has appropriate arrangements in place to ensure that the commercial opportunities and risks presented through company ownership are managed effectively,
- (s) oversight of the Executive's shareholder strategy regarding companies in which the Council has an interest,
- (t) review and approval of the Statement of Accounts, with related reports, and Annual Governance Statement, and ensure that they properly reflect the risk environment and supporting assurances of the Council, and
- (u) reporting to full Council for assurance on the Accounts and Annual Governance Statement approval and where appropriate on the Committee's performance in relation to the terms of reference and the effectiveness of the Committee in meeting its purpose.

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From: Ben Watts, General Counsel
To: Selection & Member Services Committee – 14 March 2024
Subject: **Preparations for the 2025 Election**
Classification: Unrestricted

Summary:

The purpose of this report is to set out the preparations for the 2025 KCC election.

Pre-election arrangements are currently focused on the promotion of the councillor role. These will build on the success of the work undertaken for the 2021 election to encourage people to consider being a councillor, and aid the Returning Officer in the discharging of their responsibilities around the provision of information to potential candidates.

Post-election arrangements, including the design of a training and induction programme, are currently focused on the support in place for new members, which will be handled by the Member Development Sub-Committee.

Recommendation(s):

The Committee is asked to:

- a) NOTE the reflections on the 2020 prospective councillor event and the proposals for the 2024 events; and
- b) ENDORSE the Returning Officer plans to progress pre-election preparations with support from KCC Officers;
- c) AGREE that the Member Development Sub-Committee will lead on the post-election preparations.

1. Introduction

1.1 Preparations for the 2025 KCC election are now beginning. This paper has been put together to provide an update on these early conversations to the Committee.

1.2 These preparations are currently focused around prospective councillor events to be held this year, and the development of the Member induction programme.

2. Prospective Councillor Event

- 2.1 In December 2020 a virtual prospective councillor event was held. The aim of the event was for people interested in standing in the 2021 election to find out more about being a councillor and how to become a one. The event was well attended, with 96 registered attendees, of which 57 went on to stand in the election.
- 2.2 Following the event, a feedback survey was circulated to all attendees, which combined with the election project team's own reflections, highlighted some key learnings to take forward into the 2025 election. The first of which was that most political group selection events had already taken place by December, which limited the options available for those interested in standing in the election.
- 2.3 Officers have been in contact with the political group leaders and whips to establish the timeframes for selection events this year, and are intending to hold the event in advance of these where possible.
- 2.4 The feedback indicated 33% of people experienced difficulty joining the event, but overall people rated the virtual delivery of the event very highly with an average rating of 4.1 stars out of 5. In order to increase the accessibility of the event moving forward, it is proposed that two events will be held, one virtual and one in person.
- 2.5 The feedback also highlighted that the contributions of current Members regarding their role were particularly valuable to those in attendance. It is therefore proposed that the experiences and expertise of current KCC Members will be at the heart of the event and the communications, and Officers from Governance, Law and Democracy will be engaging with group leaders to facilitate this.
- 2.6 As well as lessons learned from the 2020 event, the preparations for the 2024 event are also taking into account the work undertaken by the LGA and The Young Foundation to explore how the LGA's 'Be a Councillor' Campaign could encourage more people from underrepresented groups to stand in elections.
- 2.7 The Young Foundation (2022) found that a high level of awareness of the role of councillors and a positive perception of the role across all groups in society is crucial to people taking the steps towards standing in an election.
- 2.8 Taking on board the findings of The Young Foundation, the aims for the 2024 Prospective Councillor Event are:
 - a) To raise awareness of the role of the councillor and the positive impact councillors can have on their local communities and those of the entire authority area;
 - b) for people interested in standing in the 2025 election to find out how to become a councillor; and
 - c) to encourage people from underrepresented groups to stand in the election.

- 2.9 To support these aims, colleagues in Marketing and Resident Experience (MRX) have put together an initial communications plan to engage and encourage a wide and diverse cross section of the Kent community to explore becoming a KCC councillor by signing up to one of the prospective councillor events.
- 2.10 Within this plan are a series of features which include videos of cross-party councillors talking to camera and working to demystify the role of the councillor, explaining the difference that can be made, the importance of local government, and the professional and personal benefits of being a councillor.
- 2.11 The Returning Officer is responsible, as per guidance from the Electoral Commission in 2022, for the administration of the nominations process, including providing information to potential candidates to support them in standing for election, it is intended that the prospective councillor event will aid the discharging of this responsibility. The Committee is asked to endorse the Returning Officer plans to progress pre-election preparations with support from KCC Officers.

3. Post-election Preparations

- 3.1 Consideration also needs to be given for arrangements that will need to be in place immediately after the 2025 election.
- 3.2 As the operating environment in KCC and local government more generally is now much changed to that which the current cohort of Members were elected into, it would be beneficial for a new induction programme to be developed for all new and returning Members.
- 3.3 The Committee is asked to agree that the Member Development Sub-Committee, as part of delivering on a crucial aspect of their terms of reference and purpose within the Council's governance, will lead on post-election preparations, including the creation of an induction programme for Members elected in 2025. This approach, with its Member requirement focus makes best use of Member knowledge and expertise by allowing the sub-committee to oversee the design and preparation of a programme tailored to support and prepare new and returning Members for the particular experience of being a Kent County Councillor.

4. Recommendation(s)

The Committee is asked to:

- a) NOTE the reflections on the 2020 prospective councillor event and the proposals for the 2024 events; and
- b) ENDORSE the Returning Officer plans to progress pre-election preparations with support from KCC Officers;

c) AGREE that the Member Development Sub-Committee will lead on the post-election preparations.

5. Background Documents

The Electoral Commission, (2022) 'Guidance for Returning Officers administering Local Elections in England'. Available at: <https://www.electoralcommission.org.uk/guidance-returning-officers-administering-local-government-elections-england/nominations> (Accessed: 22/02/24).

The Young Foundation, (2022) 'Greater diversity among councillors matters. Here's why'. Available at: <https://www.youngfoundation.org/greater-diversity-among-councillors-matters-heres-why/> (Accessed 22/02/24)

6. Contact Details

Report author:
Ben Watts, General Counsel
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By: Ben Watts, General Counsel
To: Selection and Member Services Committee – 14 March 2024
Subject: **KCC Combined Member Grants**
Status: Unrestricted

1. Combined Member Grants

- 1.1 The Combined Member Grant scheme has run for many years and provides an opportunity for individual Members to determine projects that make a difference to their communities.
- 1.2 The Committee has a role in monitoring expenditure on Members' Grants Schemes and as such the expenditure is informed by a set of guidelines that applicants and Members adhere to.
- 1.3 Given the Council's current financial pressures, revised guidelines have been drafted with the view to strengthen the scheme and remove ambiguity. A tracked changes document is included at Appendix 1 which shows the old and revised copies for review and comment.
- 1.4 It is intended that the revised guidelines will be implemented from the beginning of the new financial year.

2. New Automated Process Development

- 2.1 Officers in Governance, Law and Democracy have been working to design and implement a new automated application process. This will enable applicants to submit requests for grant funds in a more streamlined manner.
- 2.2 We have experienced over the last year several delays due to delayed member approvals. The new system will request Member approval and will be a simplified process, built with reminders to ensure that prompt returns are made and to ensure compliance with the guidelines.
- 2.3 The system will collate data more succinctly and enable us to conduct faster reporting, both in year and for the annual report.
- 2.4 Subject to successful testing, the new system will be delivered in the new financial year.

3. Real Time Reporting

- 3.1 Committee Members have previously requested real time reporting on the exact position of Member Grant spend and this is also currently under development. In due course, Member pages will include spend to date, allocated and unallocated spend.
- 3.2 Testing on this will begin in the new financial year and Members will be notified when their page goes live.
- 3.3 An example of the report template to be presented online is available at appendix 2.

4. Closedown of Grants

- 4.1 Prior to an election year, Grant spend is always completed by December to prevent the reality or perception of council resource being used for potential promotional use in campaigning.
- 4.2 The deadline for all grant spend to be committed by Members, including previously accrued funding will be 5pm on Monday 30th September 2024. Any applications received after that deadline will not be processed and the funding will be returned to central funds. This will allow officers to ensure that all committed funding is disbursed by no later than 5pm on 31st December 2024. At the meeting the process and timescales will be outlined, including any questions that Members may have.
- 4.3 In previous years the Member Hub have been put under undue pressure in processing very last-minute returns, so we politely request that Members engage in the process as early as possible to enable as much support as possible to be provided. This includes early engagement with Highways colleagues on projects that require long implementation lead times.
- 4.4 Following Committee the Member Hub will work with Members on promoting this deadline and regularly engage in reminders.
- 4.5 Consistent with prior elections, all information relating to Member Grants will be taken down ahead of the pre-election period in early 2025 until after election results have been announced.

Recommendation:

The Committee is requested to:

- a) COMMENT and AGREE the revised guidelines with the intention to implement them from the start of the new financial year 2024 – 2025
- b) NOTE the contents of this report, including the closedown deadline.

Appendices:

1. Tracked Changes Combined Member Grant Scheme Guidelines for Applicants 2024-2025
2. Website template on Member spend

Contact details**Report Authors**

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Member Hub Support Officer
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Kent County Council Combined Member Grant Scheme 2023-2024

Guidelines for Applicants

These guidelines are to help you complete the application form for a Combined Member Grant; **please read them carefully** before you start to complete the form. If you have any questions about this information or the application process, please contact:

Oliver Streatfield, KCC Member Hub Supervisor

Email: oliver.streatfield@kent.gov.uk

Tel: 03000 421817

We always advise you to contact your local Kent County Councillor (Member) before completing the application form as this will improve your grant application being supported. To find out who is your local Member, please visit: www.kent.gov.uk – ‘Your Councillors’.

Important points to consider before you apply

- Any grant you receive must be specifically for the project described in your application. It cannot be used for any other purpose. Any changes to the objective(s) or purpose(s) you have stated in your application must first be discussed and agreed with the Member Hub Support Officer dealing with your application.
- If you are applying to another part of KCC for a grant for the same project, or part of it, you must inform us on your application form.
- When you apply, it is important that you describe the broad community benefit your project will bring. [The benefit must be for local communities within your Local Members \(s\) area.](#)
- If your project requires any permission for (example, planning permission or a safeguarding policy) you should obtain this before you apply for a grant and submit copies with your application.
- If for any reason, your project is unable to go ahead within a 12 month period of receiving the grant, your Member Hub Support Officer must be informed as KCC reserves the right to reclaim and re-distribute the funding.
- Any items purchased or gained through the KCC Combined Member Grant scheme must remain within the organisation stated and for the purpose stated, for a minimum of two years. If these items are not being used, or if they are transferred to another party without the prior consent from KCC, the items themselves or the value of the grant may be reclaimed by KCC.
- We are unable to support a grant for items which will be purchased with the intention of selling on to raise funds including the purchase of raffle prizes.
- We will only consider your application if you have provided answers to all of the questions on the application form and have given us enough information to understand your project fully.
- By applying for a grant, you agree to support the grant monitoring process by completing a short form and provide information and evidence as and when required.
- You will also give Kent County Council full acknowledgement in any and all publicity and media communication.

Who can apply?

You can apply for a KCC Combined Members Grant if you are a:

- Voluntary or Community Organisation or Registered Charity
- Church or Faith groups (your application must clearly illustrate that the project will bring benefit to the wider community)
- School or Academy [Parent Teacher Associations](#) (provided any grant awarded supports wider community benefit)
- Parish or District Council
- Not for Profit Companies
- KCC service (provided any grant awarded is to support additional activities from the core offer)

All [applications must come from an organisation or a group that is properly constituted and which has a current business bank account with at least two independent signatories](#).

[A copy of a blank constitution can be obtained using the following link \(Link\) – for further guidance please contact \[members.desk@kent.gov.uk\]\(mailto:members.desk@kent.gov.uk\)](#)

Exceptions:

- Individuals (or where the benefit of the grant will only benefit an individual)
- Party political groups or political activities. This includes any Parish Council (or group of), District Councils, or the Kent County Council where any grant would challenge or oppose the democratic functions of that Local Government. Or where such grants would be deemed to risk the reputational standing of Kent County Council.
- Church or Faith groups who are using the grant to promote religious activity.
- Schools and Academies cannot apply for [funding, but Parent Teaching Associations can \(providing the project supports wider community benefit\)](#).
- Businesses/companies which do not reinvest surpluses for community benefit.
- Voluntary and Community Organisations who have a turnover of over £100K if seeking replacement funding for a project previously funded by KCC.

What can I apply for?

A wide variety of projects can be supported. KCC Members can make recommendations from their grant allocation for both revenue and capital funding.

The award of any grant under the KCC Combined Member Grant scheme should support and endorse the corporate outcomes of Kent County Council set out within the application form. These priorities may change during the life of the grant scheme, and any amended criteria may be introduced.

All Kent County Council (KCC) Community Grants are one-off funding. There is no ongoing support implied or made through awarding any organisation with a grant. [In addition, repeat funding of the same project within 2 years will not be supported.](#) **KCC will not be liable for any ongoing costs that the project may incur for revenue and/or**

capital expenditure.

How much can I apply for?

You can apply for grants of [£250](#) or more towards some or all of your project costs. KCC Members can also combine their funding to support a project [that maximises community impact in their district.](#)

Information on who received community grants and the amounts awarded for the last financial year can be found on www.kent.gov.uk

Members welcome grants where additional funding and resources are being provided from other sources or from the organisation putting forward the application.

What cannot be funded?

- Any costs incurred putting together your application
- Day to day running costs – e.g. utility bills, rent, salaries (except for pilot projects lasting no longer than [twelve](#) months for any one organisation in any financial year)
- Contingency costs
- Fundraising activities for your organisations or for others
- Items that mainly benefit a small number of individuals ([less than 10](#)) e.g. training/trips
- Loans
- Membership or registration costs
- Political or religious activities
- [Items or](#) activities which would risk the reputational standing of Kent County Council
- Purchase of alcohol
- VAT that you can recover
- Used vehicles or the maintenance of used vehicles.
- [Retrospective funding for any project that has already been completed, or any expenditure that has already been incurred](#)
- [Projects that extend into other electoral districts, Member grants are designed to provide benefit to the individual Members division.](#)
- [Costs relating to Planning Applications, Neighbourhood Plans and Highways Improvement Plans.](#)

Please send your completed application form to the Member Hub Support Officer to be checked and then forwarded to the relevant KCC Member(s) for their support and recommendation. The Member Hub Support Officer may need to contact you (for example, if anything is unclear or more information is required), so please ensure that you provide a telephone number where you can be reached during the day. [Please ensure you provide alternative contact details for the second named applicant.](#)

You **must** keep a copy of your application for your records as you may need to refer back to it when completing the monitoring paperwork that will be sent to you [within 6 months following the receipt of your grant.](#) [Failure to adhere to these terms will result in KCC requiring the grant funding be returned.](#)

What happens after I apply?

When we receive your application, we will do the following:

1. Your application will be acknowledged within 10 working days of receipt. If you do not receive an acknowledgement within this timescale, please notify the Member Hub Support Officer.
2. The local KCC Member and the Member Hub Support Officer will discuss your application.
3. If the local KCC Member agrees to support your project, we will then forward it to the relevant senior Officer (for projects up to £5,000) or Cabinet Member (for projects over £5,001), who must agree and approve the allocation of any grant. However, if the local KCC Member is formally involved with your organisation, or with the project you plan to submit, this will delay any decision and you should consider this in the timing of your application.
4. If the local KCC Member does not support your project, or if the senior Officer or Cabinet Member does not approve your application, you will not be offered a grant.
5. Once your grant has been recommended by a local KCC Member and the senior Officer or Cabinet Member has also approved it, you will be sent a formal offer letter by email. **Please read the letter carefully - It sets out the terms of conditions of the grant and what you will need to do to help us to monitor the progress of your project.**
6. **The letter will include a link to an online acceptance form that you must complete and return.** It will also ask you to give details of the bank account into which we should pay the grant. By completing the acceptance form, you are agreeing to abide by the terms and conditions and the monitoring requirements of the KCC Combined Member Grant scheme. These include safeguarding policies where you work with children and or vulnerable adults and equality and diversity. For advice:
www.gov.uk/government/publications/ofsted-safeguarding-policy
www.kent.gov.uk/about-the-council/strategies-and-policies/corporate-policies/equality-and-diversity
7. KCC will pay the grant directly to your organisation's bank account by BACS transfer only. We aim to pay the grant to your account no more than 28 days after we receive the completed acceptance form from you.
8. [Any items purchased for the project must NOT be before the date of the offer letter \(except with prior permission\). Any spend before that day will be deemed retrospective and not eligible under these guidelines.](#)

Please note. The grant administrative process can take up to twelve weeks from the start of your application until payment is received into your organisation's bank account.

Monitoring

KCC will monitor the use of all grants awarded and, by accepting the grant, you are agreeing to participate fully in the monitoring process.

You will be required to complete a monitoring form and provide evidence of expenditure. Evidence must be in the form of receipts, invoices, or bank statements. Scanned copies are acceptable. All evidence must be dated on or after date of the offer letter to be valid. Excel Spreadsheets are not acceptable. All evidence has to show organisation's official details such as company address and VAT number.

Publicity

It is a requirement of the KCC Combined Member Grant Scheme that grant recipients give recognition in any publicity to Kent County Council and the relevant local KCC Members (s) who awarded the grant. Except for within an election year (2025), when no publicity can be attributed to a KCC Member between March and the date of the election.

In addition, at the end of each financial year, all KCC Combined Member Grants awarded will be published on the KCC website, detailing the organisation, the project and the amount funded.

Good luck with your application!

Member Hub Team details to be added

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Appendix 2

Combined Member Grant 2024			
Nigel Collor - Dover Town			
			Kent County Council kent.gov.uk
		CMG 2023-2024	£3,600.00
		Carried Forward	£8,100.00
		Total	£11,700.00
DATE	APPLICANT	PROJECT	AMOUNT
16/08/23	Dover Vineyard Church	The Beehive, Dover	£750.00
16/05/23	Clarendon and Westbury Community Associatio	Improving Digital Accessibility	£400.00
28/09/23	Head in the Game	Best of Living	£400.00
09/06/23	Dover District Council	Youth Conference Roadshow	£1,000.00
15/06/23	Samphire	Multicultural Festival	£1,000.00
27/06/23	Dover Smart Project	Young Carers Art Club	£800.00
25/09/23	Heartstone	Kosovo +25	£350.00
22/08/23	Oasis Domestic Abuse Service	Domestic Abuse Support Group - Dover	£300.00
28/09/23	East Kent Football Club inc East Kent Soccer School & Wildcats	Dover U11's Girls Team	£750.00
18/12/23	Soundwaves Choir	Purchasing Equipment	£1,000.00
08/02/24	RBL Dover White Cliffs	Channel Dash Ceremony	£300.00
ALLOCATED	Dover District Council	Youth Conference Roadshow 2024	£500.00
	Playground Proms	Barton Junior and Shatterlocks	£300.00
	Kent Farmers Market Association	TBC	£100.00
	Dover Multicultural Festival	TBC	£200.00
		Allocated	£1,100.00
		Spent	£7,050.00
		Remaining Balance	£3,550.00

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From: Joel Cook – Democratic Services Manager
To: Selection and Member Services Committee – 14 March 2024
Subject: **Petition Scheme Review**
Status: Unrestricted

1 Introduction

- 1.1 The Selection and Member Services Committee has considered the petition scheme several times in 2023, with a plan to conclude the review and confirm whether any changes are required in early 2024. This report sets out the key points discussed by the committee previously and the relevant considerations to determine any recommendations to County Council. Extensive background on the history of the petition scheme and commentary on the role petitions play within the Council's governance have been set out in the previous reports so this has not been repeated in this report – full details are referenced in the Background Documents section.
- 1.2 The scheme was last reviewed by this Committee in April 2014. The last change made to the Petition Scheme was in 2012, when the number of signatures required for a petition debate at County Council was reduced to 10,000 and a requirement for a debate at a Cabinet Committee if over 2,500 signatures were received. A copy of the current scheme is attached at **Appendix 1**.
- 1.3 The data on petitions received and processed presented to the Committee at previous meetings covers the period 2014 to August 2023. No new information on more recent petitions indicates any substantive change to patterns or signature levels so the appendices for the prior reports remain relevant and reliable to inform any decisions.

2 Petition Scheme

- 2.1 The Petition Scheme sets out for the public the process for submitting a valid petition, either a paper petition or an e-petition. The Petition Scheme makes it clear that if a valid petition is submitted it will receive a response and, depending on the number of signatures, it may lead to a debate at County Council, a Cabinet Committee or be referred to another appropriate meeting. This information can be accessed via the [Petitions page](#) on the Kent.gov website.
- 2.2 A summary of the petition thresholds is set out below with brief commentary on how these operate in practice:
- All accepted petitions will receive a response from the responsible Cabinet Member (where further action such as committee debate is required under the process, the written response will commonly be confirmation that any detailed response will be deferred pending committee consideration).

- (a) Where the petition relates to a County Council matter that relates to a specific District Council area and contains at least 1,000 signatures it will be debated at the most appropriate local meeting (e.g. Joint Transportation Board).
- (b) Between 2500 and 9999 signatures, the petition will be debated at the appropriate Cabinet Committee.
- (c) 10,000 signatures or more, the petition will be debated at County Council.

2.3 The majority of petitions receive signature numbers at double or low three figure levels. As a result, the most common response to petitions is a written response from the relevant Cabinet Member. This should not be taken as the petitions not being taken seriously – a key component of the petition scheme is that it formalises, within the Council's governance, the requirements to respond to issues raised by interested stakeholders.

3 Proposed Amendments and options considered

- 3.1 At a meeting of the [Selection and Member Services Committee on Thursday, 29th June, 2023](#), Members were invited to consider the petition scheme generally, explore any areas requiring review and to provide Officers with a steer on the necessary review activity and related research. In particular, the Committee was asked to consider the merits and implications of changes to the petition thresholds, recognising that specific reductions in signature threshold numbers had been suggested by the Green & Independents Group earlier in the year.
- 3.2 The comments from the discussion were collated and a report was presented to a meeting of the [Selection and Member Services Committee on Thursday, 19th October, 2023](#), setting out the merits, challenges and implications of the potential changes to the Petition Scheme.
- 3.3 The Selection and Member Services Committee were broadly in agreement with the principle of reducing the signature thresholds to encourage resident engagement with the Council and the democratic process. However, prior to agreement, Members sought further assurance on the eligibility criteria of signatories and the verification process adopted by Kent County Council before resolving any firm recommendations to Full Council.
- 3.4 A further review was undertaken by Democratic Services to assess the verification process and the actions required should any changes take effect. The findings were presented to the [Selection and Member Services Committee on Thursday, 30th November, 2023](#).
- 3.5 The Selection and Member Services Committee agreed to defer any final decision to its next meeting scheduled to take place on 14th March 2024.

4. Summary of considerations

- 4.1 Petitions debated at the appropriate level are more likely to achieve the required outcome. Escalation to Full Council debate does not overrule the Executive's role as the final decision-maker and can result in duplication of the relevant Cabinet

Committees' advisory role within the governance process. The Scheme must manage the expectations of the Lead petitioners and signatories.

- 4.2 Should reduced thresholds be implemented, additional resources would be required to manage an increase in petitions debated at Full Council and timetabling for all substantial or challenging decisions would have to be planned accordingly.
- 4.3 The 100,000 signature requirement for Parliamentary debate does not automatically trigger but rather prompts consideration of a debate. Also the figure needs to be considered in context – an issue supported by 100,000 UK residents is more likely to have strategic implications for the Government and therefore merit Parliamentary debate. The equivalent figure in Kent of 2000 does not necessarily indicate an issue of a similar strategic scale, with various petitions having a distinctly local or operational focus.
- 4.4 Limiting or restricting the eligibility criteria of the petition scheme and the introduction of substantive additional verification checks may have a detrimental impact on the operations and accessibility of the scheme, risking a perception of disenfranchising key stakeholders. The Petition Scheme is a mechanism used by the local authority to actively encourage participation and engagement in public matters and there are no significant operational concerns about inappropriate or ineligible signatories at present.

5. Conclusion

- 5.1 The current eligibility arrangements continue to be effective in focusing the Scheme on issues affecting those with a specific connection to Kent. There is no evidence to suggest non-Kent residents routinely sign petitions in significant numbers or that any such signatories skew the process to a substantive degree or have any significant impact on the operations of the petition scheme and related debates or issue consideration by Members. It is therefore recommended that no change is made to the eligibility criteria and the Committee is reminded that operational reviews will continue outside of formal review of the Scheme (constitutional aspect) to explore technical improvements as and when they become available.
- 5.2 Reducing the threshold that triggers debate at Cabinet Committee or Full Council sends a message that Elected Members wish to consider and discuss the views of Kent residents, students and workers on a more regular basis. Members must consider which forum is best placed to debate the type of issue being raised in petitions, and bear in mind that it is the Executive's responsibility to develop policies and ensure services are delivered to improve the quality of life of Kent residents. The suggested amendments to the thresholds, detailed below, seek to strike the relevant balance.
- 5.3 The Selection and Member Services Committee is asked to consider this report, in the context of the previous papers and discussions regarding the Petition Scheme review undertaken by Democratic Services. The specific recommendations for change set out in the following section reflect the Committees previous deliberations and are supported by the information collected in the review.

6. Recommendation

Selection and Member Services is asked to consider the following:

Option 1: (The Committee may recommend one or more of the following changes to the Scheme)

- a) Confirm that that 'live, work or study in Kent' be maintained as the eligibility criteria for signatories.
- b) Recommend that the relevant signature thresholds for requiring formal debates be amended as follows:

County Council:

Reduced from 10,000 to 5000 signatures

Cabinet Committee:

Reduced from 2500 to 1500 signatures.

Local meeting:

Reduced from 1000 to 750 signatures.

Option 2: (Note - The Committee is not required to recommend any changes)

- a) Agree that no changes be made to the Petition Scheme;

7. Appendices

Appendix 1 – Petition Scheme

8. Background Documents

Agenda Item, Petition Scheme Review, Selection and Member Services Committee
[Agenda for Selection and Member Services Committee on Thursday, 30th November, 2023, 2.30 pm](#)

Agenda Item, Petition Scheme Review, Selection and Member Services Committee
[Agenda for Selection and Member Services Committee on Thursday, 19th October, 2023, 2.30 pm](#)

Agenda Item, Petitions Review, Selection and Member Services meeting, 29 June 2023
[Agenda for Selection and Member Services Committee on Thursday, 29th June, 2023, 2.30 pm](#)

Agenda Item, Petition Scheme Review, Selection and Member Services meeting 25 April 2014, [Agenda for Selection and Member Services Committee on Friday, 25th April, 2014, 2.30 pm \(kent.gov.uk\)](#)

Agenda Item, Petition Scheme Review, Selection and Member Services meeting 10 July 2012, [Agenda for Selection and Member Services Committee on Tuesday, 10th July, 2012, 11.00 am \(kent.gov.uk\)](#)

Agenda item, Proposed changes to the Constitution (a) Adoption of a Petition Scheme, County Council meeting 22 July 2010, [Agenda for County Council on Thursday, 22nd July, 2010, 10.00 am \(kent.gov.uk\)](#)

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Kent County Council - Petition Scheme

1. All petitions under this scheme should relate to the work, functions or responsibilities of the Council, including the Executive. It excludes the following as other procedures apply:
 - (a) petitions relating to a planning application,
 - (b) matters where there is already an existing right of appeal (such as Council tax banding or non-domestic rates),
 - (c) statutory petitions (such as requesting a referendum on having an elected mayor).
2. Petitions will not be considered if they do not comply with the requirements of this scheme or are vexatious, abusive or otherwise inappropriate.
3. If the petition is about something over which the County Council has no direct control (for example the local railway or hospital) the Council will consider making representations on behalf of the community to the relevant body.
4. Petitions may be submitted on paper or by using the e-petition facility available through the Council website.
5. All accepted petitions will receive a response from the relevant Cabinet Member, to be sent to the petition organiser and published on the website. At all further stages, the petition organiser will receive updates and this information will be published.
6. The following thresholds apply for further action on the petition:
 - (a) Where the petition relates to a County Council matter that relates to a specific District Council area and contains at least 1,000 signatures it will be debated at the most appropriate local meeting (e.g. Joint Transportation Board).
 - (b) Between 2500 and 9999 signatures, the petition will be debated at the appropriate Cabinet Committee.
 - (c) 10,000 signatures or more, the petition will be debated at County Council.

Paper Petitions

7. Petitions submitted to the County Council must include:
 - (a) a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the County Council to take,

(b) the name, address and contact details of the petition organiser (this is the person the Council will contact to explain how it will respond to the petition), and

(c) the name and address and signature of any person supporting the petition.

8. Where a petition has passed the threshold for debate at either Cabinet Committee or Council, the petition must be submitted to Democratic Services at least 14 days before the next relevant meeting to enable consideration to be given to its eligibility for inclusion on the agenda.

E-petitions

9. The requirements under paragraph 8 above for paper petitions also apply for e-petitions and this information will be gathered through the e-petition creation and signing process. In addition, the petition organiser will be asked to decide how long the petition will be open for. The default is 3 months, but a different timescale can be agreed with the organiser.
10. Publication of an e-petition created online can take up to ten days. The organiser will be contacted if the petition cannot be published and ten days will be given to make any changes. Where a petition is not accepted, or appropriate changes not made, the reasons for rejection will be published on the website.

Receipt of the Petition

11. Receipt of a paper petition will be acknowledged within 5 days, or within 5 days of a e-petition closing.
12. The decision as to how the Council will proceed will be communicated to the petition organiser within 20 working days.

Petition Debates

13. Where a petition is accepted for debate at Council or Cabinet Committee, the procedure set out below will be followed.
14. Where a petition is eligible for discussion at a full Council or Committee meeting these rules apply, excepting that the County Council or Cabinet Committee will not debate a petition on the same decision/issue as one debated by it within the previous six months.
15. The total time for a single debate shall be 45 minutes.
16. The petition organiser, or their named representative, will be invited to attend the meeting and to submit a written statement of no more than 500 words, which should be sent to the Democratic Services Unit (preferably by e-mail to petitions@kent.gov.uk) to arrive by 5:00pm on the Monday of the week before the County Council or Cabinet Committee meeting. The relevant Directorate

should also submit a brief position statement/briefing note by the same deadline. The Clerk shall also prepare a short report containing the full text of the petition and the number of signatures.

17. At the meeting of the County Council or Cabinet Committee the petition organiser, or their named representative, will be given five minutes to present the petition at the meeting and the petition will then be discussed by Members. The relevant Cabinet Member will be invited to speak for up to five minutes on the Petition. If the petition organiser or their named representative are not present, then the petition will be debated in their absence.
18. The County Council or Cabinet Committee will decide how to respond to the petition at this meeting. Where it has the authority to do so, it may take the action the petition requests, or may choose not to for reasons put forward during the debate. It may commission further investigation into the matter, for example by the relevant Cabinet Member or Committee. Where the issue is one on which the Executive is required to make the final decision, the County Council or Cabinet Committee will decide whether to make recommendations to inform that decision.
19. The petition organiser will receive written confirmation of the Council or Cabinet Committee's decision, which will also be published.

Other Provisions

20. The petition organiser has the right to request that the steps that the County Council has taken in response to their petition are reviewed. All reviews will be considered by the Selection and Member Services Committee.
21. The petition organiser will be asked to provide a short explanation of the reasons why the County Council's response is not considered to be adequate.
22. The Selection and Member Services Committee will consider the request to review at the next appropriate meeting.
23. Once any appeal has been considered, the petition organiser will be informed of the results within 5 working days. The results of any review will also be published on our website.

Please email petitions@kent.gov.uk with any questions.

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