The Constitution of Kent County Council

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Part One: The Articles

1. The Constitution

(a) This Council operates solely within the law and exercises the powers granted by Parliament and Government.

(b) This Constitution explains how these powers will be exercised.

(c) Where the law and Constitution are found to be in conflict, the law shall take precedence. In all other cases, no action shall be taken by the Council or its representatives that is contrary to the Constitution.

(d) The term 'Constitution' refers to these articles and the other three parts of the Constitution (Functions and Decision Making, Standing Orders, People and Values) along with a single Appendix - the Delegations Table.

(e) The Chairman of the Council and the Monitoring Officer shall be responsible for ensuring the Constitution is upheld across the authority.

(f) The Constitution will be made readily available to Members of the Council, its Officers and the public.

(g) The Constitution can only be changed by following agreed processes, or in response to a referendum held according to the law.

2. The Council

(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.

(b) The legitimacy of the Council derives from the people of Kent through the regular election of its 81 Members.

(c) The public have the right to attend meetings, access information, and make complaints in the manner set out in law and this Constitution.

3. The Executive

(a) The Executive is responsible for all Council functions that are not the responsibility of others under the law or this Constitution.

(b) The Executive is responsible for developing policies and ensuring services are delivered to improve the quality of life of Kent residents.

(c) The Executive shall develop the annual Budget of the authority.

(d) The Executive is accountable to Non-Executive members for the decisions it makes and actions it takes.

4. The Member

(a) This Council is a Member-led authority. Members set the strategic and policy direction and define the resources available for delivery through the setting of the budget. Members alone are responsible for determining the political input.

(b) All Members shall seek to ensure that the Council always acts to improve the quality of life of the people of Kent.

(c) All Members are to act as the representative of their locality in the activities of the Council.

(d) The Leader and Members of the Cabinet are known as the Executive. Other Members are known as Non-Executives.

(e) The Leader of the Council is accountable to County Council for the quality of the individual and aggregate political input of the Executive Members.

(f) Cabinet Members are accountable to the Leader of the Council for the quality of the political input in their portfolio areas.

(g) Members are responsible for all formal decisions as set out in this Constitution except where the decision has been delegated to an Officer or where an Officer has a statutory duty as set out in the law.

(h) Members are to define and agree the financial and policy frameworks of this authority and act to ensure it operates with enough resources.

(i) Members shall ensure all decisions of the authority receive the appropriate level of scrutiny.

(j) Ordinarily, the roles of a Non-Executive Councillor are:

i. To serve on Committees, Boards and Panels of the Council (other than the Cabinet).
ii. To advise, and to be consulted by the Cabinet through Cabinet Committees.
iii. To represent the people of their division, both as individuals and collectively, to the Cabinet, departments of the Council and to other public bodies.
iv. Through the scrutiny process to:
    a. Represent the community's interest to the Council.
    b. Monitor the decisions of the Cabinet.
    c. Review services delivered by the County Council and to contribute to their improvement.

(k) Members shall have access to the information, land, and buildings necessary to discharge their duties. Members are bound by law and this Constitution to keep certain information confidential.

(l) Members shall not ask an Officer to act outside this Constitution or the law.

5. The Officer

(a) The Chief Executive is responsible for the management of the organisation.

(b) The Chief Executive ensures the workforce is best structured to capture political input and enable directorates to convert it into operational output within the resources available and provided.

(c) Officers are responsible for advising and supporting all Members in the decision-making process and for managing and delivering the activity that arises from these decisions.

(d) Officers are to act in accordance with this Constitution and advise and support Members in so doing.

(e) All Officers are accountable to the Chief Executive, who is the most Senior Officer.

(f) All senior officers and their services are accountable to the Chief Executive for their delivery of relevant operational activity, systems, and outputs.

(g) Officers must provide clear advice on all the relevant options in response to requests from Members to support decision-making. Whilst Members must demonstrate that this has advice been considered, the decision itself rests with the relevant Member.

(h) The Council has several statutory Officers in accordance with the law.

6. The Constitution of Kent County Council

The Constitution of Kent County Council

6.1 All authority in the Council derives from Parliament, as expressed in legislation and statutory guidance from central government departments. No actions may be taken by the Council, its Members or any Officers beyond these granted powers.

6.2 Kent County Council operates within the law and the Constitution. Where there is a conflict, the law shall take precedence.

6.3 Only full Council may change the name of the Council.

Amending the Constitution

6.4 The full Council has the authority to change any part of the Constitution, except for those Sections set out in 6.5.

6.5 The Leader may change the following Sections of the Constitution, with the changes only taking effect once the Monitoring Officer has been informed and the changes have been reported to all Members, subject to the requirements of 6.6:

(a) The whole, or any part, of Section 18 for the purposes of managing the powers and business of the Executive.

6.6 Notwithstanding 6.5, where any change to the Constitution results in a transfer of decision-making to an individual, organisation, partnership or joint Committee, the approval of full Council will be required following consideration by the Selection and Member Services Committee.

6.7 The Monitoring Officer has delegated authority from full Council and the Leader to make minor corrections to the Constitution where it does not affect the meaning of the Sections and any purely factual corrections consequent on the exercise of the powers in 6.3-6.6 (Council and Executive) or where it is necessary to ensure compliance with the law.

6.8 The Selection and Member Services Committee has the responsibility to review and make recommendations on changes to the Constitution to the full Council or Leader as determined by the powers set out in 6.4 to 6.6.

6.9 Changes to the content of the Constitution in line with the exercise of powers of delegation must follow the procedures laid out in the relevant part of the Constitution. This includes Executive Member Responsibilities as recorded at 9.8.

6.10 The Constitution may also be changed as a consequence of a referendum held in accordance with Section 34 of the Local Government Act 2000 and The Local Authorities (Referendums) (Petitions) (England) Regulations 2011.

6.11 The Constitution shall consist of one document, divided into the following four parts:

Parts of the Constitution

(a) Articles.

(b) Functions and Decision-making.

(c) Standing Orders.

(d) People and Values.

6.12 There shall only be one formal Appendix to the Constitution, the Delegation Table. In accordance with the requirements of the Constitution, Council and Executive delegations shall be recorded there when not set out elsewhere in the Constitution. Only the Constitution and Delegation Table shall be referred to when determining functions, powers, rights, and responsibilities under the Constitution. Any and all other supporting documents do not confer functions, powers, rights, and/or responsibilities in themselves.

6.13 The Chief Executive may authorise the Monitoring Officer to update the Appendix to the Constitution where changes are required to reflect changes to the administrative or managerial arrangements of the Council, or where legislation requires changes to be made.

6.14 This Constitution makes express provision for the formal governance and meetings of the Council and Executive. It is recognised that there will be a range of officer supported meetings as part of the ordinary activity of the Council. This will include physical and virtual meetings and briefings, task and finish groups and standing informal groups to help support the development of decisions or to assist Members or Officers in discharging their duties as set out in this constitution.

6.15 Arrangements at an operational level are necessary and where these are not expressly reflected in the Constitution, they must be consistent with it and are subject to the following:

Operational Level Governance

(a) Arrangements for operational level governance involving Members and Officers (including Informal Member Groups, task and finish groups) shall be agreed between the Leader and the Chief Executive and lodged with the Monitoring Officer who shall make these arrangements available to all Members.

(b) The Chief Executive is responsible for making arrangements for the management of the organisation and operational level governance from an Officer perspective and is required to provide the Leader and the Monitoring Officer with a copy of these arrangements.

7. The Powers of Council

The Powers of the Council

Reserved Powers of the Council

7.1 The Council has reserved powers as set out below. All other functions of the Council under the law are exercised by the Leader of the Council in accordance with 8.1 and 9.1.

Functions of the Council

(a) Oversight of the Constitution.

(b) Agreeing the Budget and Policy Framework.

(c) Appointment and dismissal of the Leader.

(d) Appointment of the Leader of the Opposition.

(e) Oversight of Members' conduct and allowances.

(f) Appointment of the Chief Executive and dismissal of statutory Officers.

(g) Oversight of Scrutiny Committees, Ordinary Committees, and Governance Committees.

(h) Setting the financial rules of the Council.

(i) Agreeing the overall Management Structure proposed by the Chief Executive and determining the terms and conditions of employees as set out in the Personnel Management Rules (Section 25).

(j) Making, revoking, amending, or re-enacting by-laws.

(k) Promoting or opposing local or personal Bills in Parliament.

(l) Oversight of specific functions and delegations in the following areas:

i. Town and country planning and development.
ii. Regulatory services.
iii. Highways.
iv. Public paths.
v. Elections.
vi. Name of the County.
vii. Honorary aldermen and freemen.
viii. Land Drainage.
ix. Other functions.

8. The Council and Executive

The Council and Executive

8.1 The Executive is not legally separate from the Council and discharges its functions on the Council's behalf. The Executive operates within a structure defined by the exercise of full Council's three pre-eminent reserved powers:

(a) Appointment and dismissal of the Leader of the Council.

(b) Agreement of the annual Budget and Council Tax.

(c) Determining and approving the plans and strategies on the Policy Framework.

8.2 This Executive model is deemed by the Council to be the most effective and efficient way to improve the quality of life for the people of Kent. On behalf of the Council, the Leader leads on developing the Budget and plans and strategies included within the Policy Framework.

8.3 Once agreed by full Council, the Council, the Leader and those Members and Officers exercising delegated authority from either full Council or the Leader may not make any decision that is:

(a) contrary to the Budget and related financial rules established by the Council; and/or

(b) contrary to the plans and strategies that are part of the Policy Framework.

8.4 Any decisions or actions contrary to 8.3(a) or (b) will be referred to full Council for consideration and final approval or rejection.

Principles of Decision Making

8.5 All decisions made by or on behalf of the Council and/or the Executive will be made in accordance with the following principles:

(a) Action proportionate to the desired outcome.

(b) Due consultation and the taking of professional advice from Officers.

(c) Respect for human rights in all its forms.

(d) A presumption in favour of openness.

(e) Clarity of aims and desired outcomes.

(f) Explanation of the options considered and giving reasons for decisions.

8.6 All parts of the Council and every Member and Officer are responsible for operating within this structure.

The Policy Framework and Budget

The Policy Framework and Budget

8.7 Full Council oversees the Policy Framework and Budget by:

(a) Determining and approving the plans and strategies on the Framework at a meeting of the full Council along with any subsequent changes.

(b) Determining and approving the Budget at a meeting of the full Council along with any subsequent changes.

(c) Making determinations about any proposed action by the Executive which is at variance with any plan or strategy on the Framework or that breaches the overall Budget limits, or expenditure not in line with the financial rules set out in the Constitution.

8.8 The Policy Framework referred to in 8.7(a) consists of the following. Each of them requires full Council debate and approval:

(a) The Strategic Statement.

(b) The Minerals and Waste Development Framework.

(c) The Youth Justice Plan.

(d) Community Strategy.

(e) Community Safety Framework (Kent Community Safety Agreement).

(f) The Local Transport Plan.

(g) *Pay Policy*.

8.9 The documents listed in 8.8 in italics are required by legislation. The Chief Executive may recommend to Council that additional documents are adopted onto the Framework or others removed where not required by legislation.

8.10 The Budget referred to in 8.7(b) consists of the following:

(a) Annual Budget, including:

i. Capital Strategy.
ii. Investment Strategy.
iii. Capital Programme Strategy.
iv. Treasury Management Strategy.

(b) Medium Term Financial Plan.

8.11 The Leader is responsible for publishing a timetable for the adoption or change to any of the policies and procedures in 8.8 or 8.10 and arranging for appropriate and sufficient internal and external consultation on these proposals, including the opportunity for Cabinet Committees to make recommendations.

8.12 The following specific process will be followed in addition to 8.11 when proposing the Budget, Council Tax Level, Capital Programme and Borrowing Policy:

(a) The Leader will publish a review of the issues relating to the Budget for the next financial year.

(b) The Leader will publish a draft Budget no later than three weeks before the Budget meeting of full Council.

(c) Cabinet Committees will consider and make recommendations to the Executive on the Budget for those parts covered by the remit of the Committee, with the Scrutiny Committee doing the same for the Budget as a whole.

(d) In addition, the Scrutiny Committee shall make recommendations to the Leader on changes to the Budget where it does not consider adequate resources have been allocated to take account of Select Committee recommendations endorsed by full Council. The Leader shall include their response to these recommendations in their final recommendations to Council.

(e) The Leader reports to Cabinet before making a final recommendation to Council.

Budget and Policy Framework at Full Council

8.13 When considering the Leader's Budget or Policy Framework proposals, the full Council will have before it the report of the Leader or Cabinet, any reports from Cabinet Committees and the Scrutiny Committee, and any minority views expressed in these Committee debates. Procedural rules for the Budget Meeting of full Council are at 14.48-53.

8.14 The full Council has the following options after Members have considered the proposals:

(a) Adopt them.

(b) Amend them.

(c) Refer them back to the Leader for further consideration.

(d) Substitute its own proposals in their place.

8.15 Following the decision of full Council, which will be published no longer than three working days after the meeting, the following options apply:

(a) If the full Council accepts the proposals without amendment or if the Leader has consented to the amendments during or following the debate, the decision shall be effective immediately.

(b) If the full Council makes amendments to which full Council but not the Leader has consented, or if full Council has substituted its own proposals, the decision becomes effective on the expiry of five clear working days after the publication of the decision unless the Leader objects to it during

this period by giving written notice to the relevant Senior Officer and Head of Governance. If the Leader objects:

i. The Leader must include their reasons for objecting to the amendment or substitute proposal in the written notice along with any changes proposed in turn by the Leader and the reasons for them.

ii. The Leader's revised proposals will be reconsidered at a meeting of the full Council held a minimum of six clear working days after written notice being given if it is a Policy Framework proposal.

iii. The Leader's revised proposals will be reconsidered at a meeting of the full Council held six clear working days after written notice being given if it is a Budget proposal.

(c) If the full Council has referred the proposals back to the Leader for further consideration, then:

i. The Leader's revised proposals will be reconsidered at a meeting of the full Council held six clear working days after the meeting if it is a Budget proposal.

ii. The Leader's revised proposals will be reconsidered at a meeting of the full Council held a minimum of six clear working days after written notice being given if it is a Policy Framework proposal.

8.16 In the event of a second meeting on a Policy Framework or Budget proposal taking place in line with 8.15(b) or (c) above, the full Council shall make its final decision by simple majority. The decision shall take effect immediately and will be published within three days.

8.17 Before taking any decision that may be at variance with the Budget and related finance rules, or with the Policy Framework, the Executive Member or Officer must seek advice from the Chief Finance Officer and Monitoring Officer respectively.

Decisions at Variance to Budget or Policy Framework

8.18 Where the advice given is that the decision is at variance with the Budget and related finance rules, or with the Policy Framework, then the decision must be referred by the Leader or Cabinet to full Council. Where the advice is given to an Officer, the Officer must refer it to the Leader or Cabinet who will consider it ahead of referral to full Council.

8.19 Upon referral to full Council, Sections 8.14-8.16 apply.

8.20 Where a decision at variance with the Budget and related finance rules, or with the Policy Framework, is urgent and cannot comply with 8.14-8.16 then the following procedure must be used:

(a) One of the Chair of the Scrutiny Committee, Chairman of the Council, or Vice-Chairman of the Council, in order of availability, agrees the decision needs to be made urgently, and

(b) the relevant senior manager agrees the decision cannot be reasonably deferred, then,

(c) the individual or body making the decision must submit to full Council as soon as possible a report setting out:

i. The decision.
ii. The reasons for the decision.
iii. The reasons why it was urgent.

(d) Where agreement is not obtained as in (a-b) then the decision cannot be taken and must be referred to full Council in line with 8.14-8.16.

Interim Changes to the Policy Framework

Interim Changes

8.21 Amendments, modifications, or variations to any plan or strategy which form part of the Policy Framework or Budget can be made by the Leader, Cabinet or Cabinet Members in the following circumstances:

(a) where such a change is necessary for giving effect to requirements set out by the Secretary of State or a Minister of the Crown in relation to a plan or strategy submitted for their approval; or

(b) where the full Council, when approving or adopting the plan or strategy, has authorised the Leader, Cabinet or Cabinet Members to make such changes.

9. The Leader and Executive

The Leader and Executive

9.1 The Leader is responsible for the exercise of all Executive functions. They may make arrangements for these functions to be discharged by Cabinet Members or Officers in accordance with this part of the Constitution. Where functions are not specifically delegated, they remain the responsibility of the Leader.

9.2 The Leader's term of office begins on the day when they are elected by full Council and continues until the first full Council meeting after an election of all the Members unless they have ceased to be a Member of the Council.

9.3 The Leader must appoint at least two, but no more than nine, Members to their Cabinet. The Leader and Cabinet Members alone are known as Executive Members.

Terms of Executive Office

9.4 Members hold Executive office until the next election of all Members of the Council unless one of the following applies, in which case removal from office is immediate:

(a) The Chief Executive acknowledge receipt of a letter of resignation from the Leader.

(b) Cabinet Member resigns from office.

(c) They are disqualified from being Members.

(d) They cease to be Members.

(e) In the case of Cabinet Members, are dismissed from that role by the Leader.

(f) In the case of Cabinet Members, are removed from office for misconduct.

(g) In the case of the Leader, is removed from office by resolution of the Council (see section 14.45).

9.5 The Leader determines the allocation of responsibilities between the Executive Members. Unless otherwise determined by the Leader, the Executive Member is responsible for all Key Decisions in their area of responsibility. Key Decisions are defined at 12.9.

Executive Delegations

9.6 The Leader may also make arrangements for the discharge of Executive functions by the Cabinet collectively, individual Cabinet Members or Senior Managers. These arrangements shall be communicated to the Monitoring Officer and shall not take effect until this has been done.

9.7 Appointment and removal of Cabinet Members shall not take effect until the Monitoring Officer has been informed and the Monitoring Officer or Head of Governance has communicated this information to all Members. This shall also apply to any changes to Executive Member responsibilities.

Leader and Cabinet Portfolios

9.8 Executive Member responsibilities are recorded below (last updated 22 May 2026):

(a) Leader and Cabinet:

Leader (Linden Kemkaran), portfolio below:
• Leader of the Executive • Chief Executive (Head of Paid Service) Responsibilities • Chair of Cabinet • Chair of Personnel Committee • Corporate Legal (Monitoring Officer) Responsibilities • Democracy • Democratic Services • Customer Contact Strategy • Marketing • Communications

- Customer Feedback
- PSED
- Engagement and Consultation
- Strategic Transformation
- Corporate Strategy and Policy
- Strategic Partnerships including:
    - District and Borough Councils
    - Health
    - Police
- Corporate Performance
- Corporate Governance

Deputy Leader of the Council, Cabinet Member for Finance (Brian Collins), portfolio below:

- Deputy Leader
- Cabinet Responsibility for Finance
- Corporate Risk and Assurance
- Internal Audit
- Finance operations
- Corporate and Strategic Financial Advice (s151 office responsibilities)
- Treasury Management
- Financial planning, policy and strategy
- Medium Term Financial Plan
- Financial Accounts
- External contracts for financial services for other public-sector bodies
- Pensions
- Member Grants
- Legal Services Commissioning
- Corporate Analytics Service
- Property
- ICT
- Employment Practice and Policy
- Chair of the Corporate Consultative Forum
- Organisation Development
- Resourcing Strategy
- Workforce Planning Strategy
- Leadership and Management Strategy
- Workforce Health and Wellbeing
- Workforce Engagement Strategy
- Health and Safety
- Emergency Planning
- Service Commissioning
- Traded Services (including companies where Council has a shareholding)
- Freedom of Information
- Information Governance and Transparency
- Corporate Information Governance (Data Protection Officer and Senior Information Risk Owner Responsibilities)

- Commercial Strategy and Procurement
- Strategic Commissioning
- Business Change

Cabinet Member for Adult Social Care (Georgia Foster), portfolio below:

- Adult Social Care and Health - Operations and Partnerships:
    - Community Operational Teams (Across all client groups)
    - Operational Safeguarding and Deprivation of Liberty Safeguards
    - Area Referral Management Service
    - Kent Enablement at Home Service
    - Health and Social Care partnership working
- Adult Social Care and Health - Business Delivery Unit:
    - Strategic Safeguarding, Practice and Quality Assurance
    - Portfolio Project Management
    - Performance
    - Purchasing
    - Customer Care
- In House Service Provision – Children and Adults:
    - Short Breaks
    - Community Day Support Services
    - Enablement Services
    - Integrated and Residential Care Centres
- Service commissioning

Cabinet Member for Children's Services (Paul Webb), portfolio below:

- Lead Member for Children's Services
- Early Years and Childcare Service
- 0-25 Early Help Services (including Children's Centres, Youth Hubs and Troubled Families)
- Disabled Children and Young People Teams
- Youth Justice
- HeadStart
- Information and Intelligence
- Central Referral Unit
- District Children's Social Worker Teams
- Adolescent Support Teams
- Virtual School Kent
- Children in Care Service
- Fostering Service
- Adoption Service
- The Care Leavers 18+ Service
- Safeguarding and Quality Assurance
- Local Authority Designated Officers Service
- Family Group Conferencing
- Service Commissioning

Cabinet Member for Communities and Regulatory Services (Richard Palmer),

portfolio below:

- Libraries, Registration and Archives
- Cultural and Creative Economy (including Arts)
- Kent Social Enterprise Loan Fund
- Civil Society/VCS Strategy and Policy
- Public Protection (Inc. Community Safety, Wardens, Trading Standards, Kent Scientific Services, Coroners, Public Rights of Way, Gypsy and Travellers)
- Lead Member for Kent Police
- Lead Member for PREVENT Duty
- Service Commissioning

Cabinet Member for Economic Development and Special Projects (David Wimble), portfolio below:

- Energy and Utilities – solar, nuclear, broadband and water (including Water Summit and Committee)
- Tourism and Inward Investment – to include Brand Kent
- Infrastructure:
    - Section 106
    - CIL
    - Taxing/Charging for use of Kent Infrastructure (Freight Lorry Tax / Dartford Crossing revenue opportunities)
- Economic Strategy and Partnerships (Inc. European and International Affairs, Kent and Medway Economic Partnership (KMEP), Enterprise Partnerships and the Business Advisory Board (BAB)).
- Economic Development
- Minerals and Waste
- Kent Ambassadors (Jointly with Cabinet Member for Environment, Coastal Regeneration & Public Health)
- Service Commissioning

Cabinet Member for Education and Skills (Beverley Fordham), portfolio below:

- Education Policy
- School Improvement Service
- Skills and Employability Service
- Education Safeguarding
- Community, Learning and Skills (CLS)
- Commissioning school places
- Higher Needs Funding
- Assessment and Placement
- Educational Psychology Service
- Fair Access Service (School Admissions / Transport / Children Missing Education / Elective Home Education)
- Pupil Referral Units, Inclusion and Attendance
- Lead Member for SEND
- Service Commissioning

Cabinet Member for Environment, Coastal Regeneration and Public Health

(Jamie Henderson), portfolio below:

• Coastal Regeneration, including Plan Sea
• Environment, including:
  o Plan Bee
  o Environmental Strategy
  o Climate Adaptation Activity
  o Green Guardian
  o Flood Risk
• Community Regeneration Projects
• No Use Empty
• Corporate response to Planning Applications
• Waste & Business Services
• Natural and Historic Environment
• Country Parks
• Explore Kent
• Countryside Partnerships
• Kent Ambassadors (Jointly with Cabinet Member for Economic Development and Special Projects)
• Service Commissioning
 	
• Kent Public Health Observatory
• Health Improvement Services
• Health Protection and Sexual Health
• Health Inequalities
• Healthwatch
• Service Commissioning

Cabinet Member for Highways and Transport (Peter Osbourne), portfolio below:
• Highway Asset Management • Transportation • Public Transport • Combined Member Grants (when related to highways projects) • Service Commissioning
Cabinet Member for Local Government Efficiency and Local Government Reorganisation (Christopher Hespe), portfolio below:
• Local Government Efficiency

(b) Deputy Cabinet Members (last updated 14 August 2026):

Deputy Cabinet Member for Adult Social Care (Christine Palmer)
Deputy Cabinet Member for Children's Services (Pamela Williams)
Deputy Cabinet Member for Communications and Engagement (Wayne Chapman)

Deputy Cabinet Member for Communications and Engagement (Sarah Emberson)
Deputy Cabinet Member for Communities and Regulatory Services (Chris Burwash)
Deputy Cabinet Member for Economic Development and Special Projects (Ben Fryer)
Deputy Cabinet Member for Education and Skills (Garry Sturley)
Deputy Cabinet Member for Environment, Coastal Regeneration and Public Health (Mark Mulvihill)
Deputy Cabinet Member for Highways and Transport (Spencer Dixon)
Deputy Cabinet Member for Local Government Efficiency and Local Government Reorganisation (Paul Chamberlain)
Deputy Cabinet Member for Local Government Reorganisation (Maxwell Harrison)

Vacancy of Leader

9.9 The Leader must appoint one of the Cabinet Members to be Deputy Leader who will act as Leader if, for any reason, the Leader is unable to act, or the office is vacant.

9.10 If both the office of Leader and Deputy Leader is vacant and/or neither is able to act as Leader, the Cabinet must nominate a Cabinet Member to act in their place.

9.11 Cabinet Members, with the agreement of the Leader, may appoint Deputy Cabinet Members to support them in their role. The Deputy Cabinet Member cannot exercise Executive functions, including voting at Cabinet and taking decisions on behalf of the Cabinet Member.

Executive Member Decisions

9.12 The following decisions are reserved for the Leader, Cabinet, or Cabinet Member and cannot be delegated:

(a) Key Decisions, as defined in 12.9.

(b) Compulsorily acquiring land.

(c) Carrying out major highway creation or improvement works.

(d) Refusal of consent to any proposed action by a District Council under the Highways or Road Traffic Regulation Acts.

(e) Responses to planning consultations by District Councils, government departments or statutory undertakers where objection or adverse comment is proposed to be made.

(f) Suspension of local management from any school.

(g) Issuing a public notice for any significant change to a school in terms of number of pupils, age range, type or status of school, closure or merger, or creation of a new school.

(h) Any other which the Leader, Cabinet or Cabinet Member shall determine.

9.13 A decision which would otherwise be classified as a Key Decision under 12.9 but that is being taken to implement a Key Decision previously taken shall not be considered a Key Decision unless 9.12(h) applies.

9.14 Except where 9.12 applies, Executive decisions may be delegated by the Leader or Cabinet Member to Officers in line with 10.1-10.8.

10. Schemes of Delegation

Schemes of Delegation

Executive Scheme of Officer Delegation

10.1 In all instances where an Executive Delegation is not already set out in this Constitution, general delegations are set out by the Chief Executive in writing to the Officer, with a copy sent to the Monitoring Officer. Specific delegations in connection with Key Decisions are only valid where they are set out by the Executive Members in the Record of Decision.

Executive Scheme: Delegations

10.2 The delegation can only be exercised by the Officer in receipt of the delegation, except with their specific written permission. The Officer in receipt of the delegation may further sub-delegate all or part of the delegation to another Officer. The Directorate shall maintain a record of sub-delegations and shall provide the Monitoring Officer with a copy twice a year. The Directorate and Officer in receipt of the delegation or sub-delegation should be able to produce the record of the delegation upon request by the Monitoring Officer.

10.3 All actions taken under these delegations shall be properly discussed in advance with the relevant Executive Member in line with operational level governance arrangements and this Constitution.

10.4 Executive Members may at any time require an Officer to refer a matter that would otherwise be taken under this scheme of delegation to be taken by themselves or Cabinet, following discussion with the Chief Executive.

10.5 An Officer in receipt of a delegation or sub-delegation may at any time refer a decision back to the Officer from whom they received the delegation or if received from an Executive Member, back to the Executive Member.

10.6 Any manager may exercise any power delegated to an Officer for whom they have supervisory responsibility. This includes the power to delegate the power where the Officer in receipt of the delegation is unable to act or further delegate the power themselves.

10.7 All Officer decisions taken under delegation shall implement or facilitate the implementation of a policy or decision previously approved by the Executive Member.

10.8 The Leader may contract out to other persons or organisations functions that may be exercised by an Officer and which are subject to an order under Section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent, subject to the consent of the Council if the contract involves the transfer or delegation of the Council's discretionary decision-making (see Section 6.6).

Council Scheme of Delegation

Council Scheme: Delegation

10.9 Full Council may delegate reserved powers and functions to Council Committees or Officers in line with the legislation and statutory guidance underpinning the power or function.

10.10 In all instances where a Council Delegation is not already set out in this Constitution, the Monitoring Officer shall ensure the Delegation Table is maintained following approval of any changes agreed by full Council. The Delegation Table is set out in the Appendix to the Constitution.

10.11 An Officer in receipt of a delegation or sub-delegation may at any time refer a decision back to the Officer from whom they received the delegation or back to the Committee or full Council if that is the origin of the delegation.

10.12 In the event of any Officer designated in accordance with this scheme being unavailable, their deputy shall act as the Statutory or Proper Officer in their absence, except in the case of the Chief Executive. Where the Chief Executive is not available, the arrangements to be followed are set out in paragraph 11.15 of this constitution.

10.13 Any manager may exercise any power delegated to an Officer for whom they have supervisory responsibility. This includes the power to delegate the power where the Officer in receipt of the delegation is unable to act or further delegate the power themselves.

10.14 Senior Managers, when exercising delegated powers from a Committee, must maintain a close liaison with the appropriate Committee Chair and refer any proposed action to the relevant Committee if so required by the relevant Chair following discussion with the Chief Executive, except where 10.15 applies.

10.15 Senior Managers (or an Officer authorised by them) may take action on urgent matters, subject to 10.16, when:

(a) The action or decision would otherwise require reference to, or consultation with, the Council or a Committee, or,

(b) The exercise of a function is delegated to a Committee.

10.16 The urgent action in 10.15 may only be taken where there is no time to consult with the Council/Committee or for the Committee to exercise its function. The appropriate Chair must be consulted if time permits, and all such decisions should be reported to the next meeting of the Council or Committee.

10.17 Section 22.68 sets out the rules around the involvement of local Members.

11. Delegations to Officers

Delegations to Officers

Chief Officers

11.1 In line with the Management Structure agreed by full Council and set out in Section 24, certain Officers are identified as Chief Officers, with some of these further designated as Corporate Directors. The term Chief Officer includes all Corporate Directors and other Officers the Council shall so nominate, including as a minimum the Chief Finance Officer and Monitoring Officer where these are not Corporate Directors. Chief Officers may exercise both Executive functions and those reserved for Council.

11.2 All Chief Officers must work with the Chief Executive to discharge the Council's statutory and discretionary responsibilities. The sharing of all relevant information, particularly at the early stages of any decision-making by Chief Officers and their services will assist in fulfilling those responsibilities.

11.3 All Chief Officers must follow any assurance and reporting requirements of the Annual Governance Statement as may be set down by the Chief Executive and Monitoring Officer.

11.4 Chief Officers have the following responsibilities in common:

Corporate Director Responsibilities

(a) Advising Executive Members on the financial implications of all proposals for change following agreement with the Chief Finance Officer.

(b) Ensure they and the staff in their Directorate comply with the Council's financial regulations, the Operating Standards, operational level governance requirements and any other reasonable direct instructions issued by the Chief Executive from time to time. Where they are unable to do so, this must be set out in advance and in writing.

(c) Ensure they and the staff in their Directorate comply with the arrangements at Section 6.15.

(d) Ensure they and the staff in their Directorate always prioritise the global needs of Kent County Council rather than their individual service.

(e) Ensuring that decision makers, Committees, and all Members receive appropriate, full, and impartial advice to support lawful, reasonable, and proportionate decision making. Officers are required to deploy their professional expertise honestly and directly in the best interests of Kent County Council.

(f) Ensure that they and the staff in their Directorate transparently, proactively and in a timely manner raise concerns and difficulties with the Chief Executive, Chief Finance Officer, the Monitoring Officer or Corporate Management Team as appropriate. Corporate Directors are required throughout the year to provide ongoing assurance and proactively raise matters of concern.

(g) Manage service delivery within the structure of the Policy Framework and agreed revenue and capital Budgets.

(h) Develop performance, corporate, and service, targets and contribute to the Medium-Term Financial Plan.

(i) Making arrangements for internal control and for inclusion in the annual accounts of the statement of internal control.

Written Explanations

11.5 All Chief Officers are required to write to an Executive Member requiring a written explanation when any action or development:

(a) goes beyond the Policy Framework agreed by full Council, or

(b) breaches the revenue and capital Budget limits agreed by full Council, or

(c) does not meet minimum standards of one or more of the following:

i. Regularity, reasonableness, and/or Propriety.

ii. Feasibility.

iii. Value for Money.

11.6 The Executive Member shall provide a written explanation of the course of action within seven days.

11.7 All instances of the exercise of 11.5 shall be communicated to the Chief Executive who shall report this to the next meeting of the Governance and Audit Committee.

11.8 All Chief Officers and Executive Members shall make such working arrangements as are necessary to ensure statutory compliance and maintain service delivery across all service areas and that any overlaps are managed effectively and in compliance with legislation and best practice.

11.9 The relevant Corporate Directors and Cabinet Members shall make such working arrangements as necessary to ensure statutory compliance and maintain service delivery to vulnerable children, young people, and adults. The relevant post-holders are responsible for ensuring these arrangements are kept up to date with a copy of the arrangements being provided to the Leader, the Chief Executive, and the Monitoring Officer for their approval prior to adoption. These obligations must also form part of the job descriptions and employment contracts for both Corporate Director posts.

The Chief Executive (See also 11.26-29)

11.10 The Chief Executive will be the Head of Paid Service and as such is a Statutory Officer and will always be the most senior Council Officer.

11.11 The Chief Executive is responsible for making arrangements for the management of the organisation from an Officer perspective and is required to provide the Leader and the Monitoring Officer with a copy of these arrangements.

11.12 The Chief Executive exercises the following delegated Executive functions:

(a) Relevant functions of the Leader in relation to the strategic direction and priorities of the Council and Cabinet, overall Budget strategy and ensuring performance management systems are in place.

(b) Relevant function of any Executive Member in relation to their portfolios.

(c) In cases of urgency, the Executive functions delegated to other Chief Officers.

(d) Incurring expenditure in the event of a civil emergency.

11.13 On behalf of the Council and in support of their delegated Executive functions the Chief Executive has the following responsibilities:

(a) Overall corporate management and operational responsibility.

(b) Discharging statutory responsibilities of the role pursuant to Section 4 of the Local Government and Housing Act 1989. This includes the duty to prepare a report to the authority setting out their proposals on the following matters where they consider it appropriate to do so:

i. the manner in which the discharge by the authority of their different functions is co-ordinated,

ii. the number and grades of staff required by the authority for the discharge of their functions,

iii. the organisation of the authority's staff, and

iv. the appointment and proper management of the authority's staff.

(c) Provision of advice on the decision-making process.

(d) Making arrangements for internal control and the inclusion of the Annual Governance Statement in the annual accounts.

(e) Representing the Council on partnership or external bodies as required by Council, Executive, or statute.

11.14 On behalf of the County Council, to receive assurance from other Chief Officers that they have discharged their delegated functions in accordance with the provisions of this Constitution and at all times lawfully, reasonably, and proportionately.

11.15 Ordinarily, the Deputy Chief Executive will act in circumstances where the Chief Executive is unavailable. However, where both the Chief Executive and the Deputy Chief Executive are unavailable, the Chief Executive may designate a Senior Manager to deputise for them for a specified time. The Deputy Chief Executive (or designated Senior Manager) may exercise all the powers and responsibilities of the Chief Executive where the position is vacant, or the Chief Executive is unable to act.

To the Deputy Chief Executive

11.16 The Deputy Chief Executive exercises the following delegated Executive functions:

Deputy Chief Executive

(a) Relevant function of any Executive Member in relation to their portfolios or the Cabinet collectively.

11.17 On behalf of the Council and in support of their delegated Executive functions the Deputy Chief Executive has the following responsibilities:

(a) To amend as necessary the job titles of Officers in consultation with the relevant Executive Member and Corporate Director.

(b) Direct the development of Council wide policy in relation to areas of responsibility.

(c) Ensure delivery of effective and integrated professional support services and related strategies.

To the Monitoring Officer (See also 11.26-29)

The Monitoring Officer

11.18 The Monitoring Officer is a Statutory Officer and will always be a Chief Officer.

11.19 The Monitoring Officer exercises the following delegated Executive functions:

(a) To exercise the relevant functions of Relevant function of any Executive Member in relation to their portfolios.

11.20 The Monitoring Officer will appoint one or more suitably qualified members of staff to deputise for the Monitoring Officer where they cannot personally perform these functions.

11.21 On behalf of the Council and in support of their delegated Executive functions the Monitoring Officer has the following responsibilities:

(a) To exercise the relevant functions conferred on or exercisable pursuant to Section 5 of the Local Government and Housing Act 1989 as amended by Schedule 5 paragraph 24 of the Local Government Act 2000.

(b) After consulting with the Chief Executive and the Chief Finance Officer, report to the full Council (or to the Leader or Cabinet in relation to an Executive function) if they consider that any proposal, decision, or omission would give, is likely to give, or has given, rise to a contravention of any enactment or rule of law, or any maladministration or injustice. Such a report has the effect of stopping the proposal or decision being implemented until the report has been considered.

(c) Oversight and maintenance of the Constitution.

(d) Ensuring appropriate procedures are in place for implementing the Kent Code of Members Conduct and handling complaints relating to alleged breaches.

(e) Providing advice on all matters of governance arising from the Constitution. This shall include whether decisions of the Executive are in accordance with the Budget and Policy Framework, with reasons for being contrary to these including:

i. Initiating a new policy for which no budget exists.

ii. Committing expenditure in future years above the approved budgeted level.

iii. Breaching virement limits.

iv. Causing the total expenditure financed from Council Tax, grants and corporately held reserves to increase beyond that provided for in the approved Budget.

(f) Ensuring appropriate governance is in place for the Council's portfolio of companies.

(g) Providing advice to the Head of Governance to ensure the integrity of the Council's decision-making process.

(h) Providing and commissioning professional legal advice.

(i) Instituting, defending, and participating in legal proceedings, including settling of any actual / threatened legal proceedings and / or authorising others to do so in any case where such action is necessary to give effect to decisions of the Council or in any case where they consider that such action is necessary to protect or pursue the Council's interests or where they consider it expedient for the promotion or protection of the interests of the inhabitants of Kent.

(j) Authentication of documents. Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Monitoring Officer or other person authorised by them, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to, some other person.

(k) Custody of the Common Seal of the Council. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which, in the opinion of the Monitoring Officer, should be sealed. The affixing of the Common Seal will be attested by the Monitoring Officer or some other person authorised by them in writing to do so. The Common Seal of the Council may be affixed either by physical means or by such electronic means as the Monitoring Officer may from time to time authorise. The affixing of an electronic seal shall be of the same legal effect as affixing the Common Seal of the Council physically.

To the Chief Finance Officer (Section 151 Officer) (See also 11.26-29)

11.22 The Chief Finance Officer shall be a Corporate Director. Chief Finance Officer

11.23 A properly qualified member of staff will be nominated to deputise for the Chief Finance Officer where they cannot personally perform these functions.

11.24 The Chief Finance Officer exercises the following delegated Executive functions:

(a) To exercise the relevant functions of Relevant function of any Executive Member in relation to their portfolios.

11.25 On behalf of the Council and in support of their delegated Executive functions the Chief Finance Officer has the following responsibilities:

(a) To exercise statutory duties arising from:

i. Section 151 of the Local Government Act 1972.

ii. The Local Government Finance Act 1988.
iii. The Local Government and Housing Act 1989.
iv. The Local Government Acts 2000 and 2003.
v. The Accounts and Audit Regulations 2015.
vi. The Local Government Pension Scheme (Management and Investment of Funds) Regulations 2009.
vii. The Local Authorities (Goods and Services) Act 1970, as amended.
viii. The Local Government Pension Scheme Regulations 2013.

(b) Administration of the financial affairs of the Council.

(c) Maintain an effective internal audit.

(d) After consulting with the Chief Executive and the Monitoring Officer, report to the full Council (or to the Leader or Cabinet in relation to an Executive function) and the Council's external auditor if they consider that any proposal, decision, or course of action will involve incurring unlawful expenditure, is unlawful and is likely to cause a loss or deficiency, or if the Council is about to enter an item of account unlawfully.

The Chief Executive, Monitoring Officer, and Chief Finance Officer: Additional Provisions

11.26 The Chief Executive, Monitoring Officer, and Chief Finance Officer shall provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Members and will support and advise Members and Officers in their respective roles.

Chief Executive, Monitoring Officer and Chief Finance Officer

11.27 The Chief Executive, the Monitoring Officer, and Chief Finance Officer shall support opposition Leaders and backbench Members in ensuring that they receive information, advice, and assistance.

11.28 The Chief Executive may, in consultation and with the agreement of both the Monitoring Officer and Chief Finance Officer, report any matter to County Council where the proper functioning of the County Council is at risk. Where this is a matter covered by 11.5-11.7, it will be reported to the Governance and Audit Committee first where it is practical to do so.

11.29 The Council will provide the Chief Executive, the Monitoring Officer and the Chief Finance Officer with such staff, accommodation and other resources as are, in their opinion, sufficient to allow their statutory duties to be performed.

To the Corporate Director Children, Young People and Education

11.30 The Corporate Director Children, Young People and Education exercises the following delegated Executive functions:

Corporate Director Children, Young People and Education

(a) To exercise the relevant functions of the Cabinet Member for Children's Services, Cabinet Member for Education and Skills, the

Cabinet Member for Adult Social Care and the Cabinet Member for Environment, Coastal Regeneration and Public Health in relation to their portfolios.

11.31 On behalf of the Council and in support of their delegated Executive functions the Corporate Director Children, Young People and Education has the following responsibilities:

(a) To exercise the functions of the statutory Director of Children's Services role, including the functions conferred on or exercisable pursuant to the following:

i. Section 18 of the Children Act 2004 and regulations made thereunder.
ii. Section 532 of the Education Act 1996 and regulations made thereunder.

(b) Professional responsibility and accountability for the effectiveness, availability, and value for money of all local authority children's services.

(c) Discharging all statutory obligations, requirements, and responsibilities on behalf of the Council regarding the safeguarding and protection of vulnerable young people between the ages of 0 and 25.

(d) Ensuring that all applicable obligations and responsibilities are complied with by the Directorate as well as internal and external commissioned providers.

(e) Immediately notifying the Chief Executive and Monitoring Officer where there has been a failure in (d).

To the Corporate Director Adult Social Care and Health

Corporate Director Adult Social Care and Health

11.32 The Director of Adult Social Services is known in Kent as the Corporate Director Adult Social Care and Health.

11.33 The Corporate Director Adult Social Care and Health exercises the following delegated Executive functions:

(a) To exercise the relevant functions of the Leader, Cabinet Member for Adult Social Care, Cabinet Member for Environment, Coastal Regeneration and Public Health, Cabinet Member for Children's Services, and the Cabinet Member for Education and Skills.

11.34 On behalf of the Council and in support of their delegated Executive functions the Corporate Director Adult Social Care and Health has the following responsibilities:

(a) Exercise of the functions conferred on or exercisable under Section 6(A1) of the Local Authority Social Services Act 1970 and subsequent regulations.

(b) Professional responsibility and accountability for the effectiveness, availability, and value for money for all local authority adult social care and health services.

(c) Discharging all statutory obligations, requirements and responsibilities on behalf of the Council regarding the safeguarding and protection of vulnerable adults.

(d) Ensuring that all applicable obligations and responsibilities are complied with by the Directorate as well as internal and external commissioned providers.

(e) Immediately notifying the Chief Executive and Monitoring Officer where there has been a failure in (d).

To the Corporate Director Growth, Environment and Transport

Corporate Director Growth, Environment and Transport

11.35 The Corporate Director Growth, Environment and Transport exercises the following delegated Executive functions:

(a) To exercise the relevant functions of the Leader, Cabinet Member for Communities and Regulatory Services, Cabinet Member for Economic Development and Special Projects, Cabinet Member for Environment, Coastal Regeneration and Public Health, and Cabinet Member for Highways and Transport.

To the Director of Public Health

Director of Public Health

11.36 The Director of Public Health will have direct access to and work with the Chief Executive in line with national guidance to discharge the functions of the Director of Public Health.

11.37 On behalf of the Council and in support of their delegated Executive functions the Director of Public Health has the following responsibilities:

(a) Ensuring the Council exercises its public health function.

(b) Being accountable for the use of the Public Health Grant.

(c) Acting as principal adviser to the Council in health matters.

Statutory and Proper Officers

Statutory and Proper Officers

11.38 Following the recommendation of the Personnel Committee, the Council has the responsibility to ensure Statutory and Proper Officers are nominated for all the relevant and required functions. This is done on behalf of the Council as a whole and to support the relevant Council and Executive functions.

11.39 Statutory and Proper Officers shall be recorded in the Delegation Table.

11.40 In the event of the Chief Executive not being available to deal with specific matters for which they have been designated the Proper Officer, another Senior Manager may be authorised by them to act as Proper Officer in their absence on that matter. Otherwise, paragraph 11.15 applies when the Chief Executive is unavailable.

11.41 In the event of any other designated Officer being unable to fulfil their duties as Proper Officer, their deputy is authorised to undertake such duties instead.

11.42 Notwithstanding 11.41, a Proper Officer may at any time delegate or authorise other Officers to perform the designated duties on their behalf subject to any requirements for the role set out in law or statutory guidance.

12. Decision-Making

Decision-Making

12.1 The Council, a Committee or Sub-Committee, a Member or an Officer acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the Human Rights Act 1998.

12.2 Subject to 12.1, full Council, Council Committees and Sub-Committees, the Leader, the Cabinet, Cabinet Committees and Cabinet Members may only make decisions or recommendations (or recommendations only in the case of Cabinet Committees) in accordance with the relevant Procedure Rules set out in this part of the Constitution and in line with the appropriate powers and functions exercised by them as set out elsewhere.

12.3 A record must be made of every decision of the Cabinet or an Executive Member following the Record of Decision rules below. This rule applies regardless of the type of decision as listed below in 12.4.

12.4 All formal decisions taken by the Executive including any and all taken by Officers and Committees or Sub-Committees operating under delegated and/or statutory authority, or a Council decision taken by an Officer under delegated authority will come under one of the following classification options, with the relevant rules applying to each:

Types of Decision

(a) Key Decision (Executive).

(b) Significant decision (Executive).

(c) Officer delegated Executive decision.

(d) Officer delegated Non-Executive decision.

(e) Administrative and operational decision (Executive).

(f) Administrative and operational decision (Non-Executive).

12.5 The Head of Governance is responsible for advising, where necessary, under which classification a given decision comes.

12.6 Where the Scrutiny Committee considers that a decision which has been taken should have been considered as a Key Decision but was not, the Leader can be required to explain the reasons for this within a specified reasonable time period.

12.7 Additional financial procedures are set out in Section 13.

Key Decision (Executive)

12.8 A Key Decision may only be taken by the Leader, Cabinet or Cabinet Member. The exception to this is where there is no Leader or Acting Leader of the Council, in which case the Chief Executive may take Key Decisions with all such decisions reported for information to the first meeting of Cabinet held once there is a Leader or Acting Leader in post.

Key Decision (Executive)

12.9 It is a Key Decision if at least one of the following applies, unless 12.14(c) applies, with 12.9(a) and (b) being a Key Decision as defined in Part 3 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012:

(a) It results in savings or expenditure with regard to the budget for the service or function of over £1 million.

(b) It has a significant effect on a significant proportion of the community living or working within two or more electoral divisions.

(c) Involves the adoption of major new strategies or frameworks which are not included on the Policy Framework.

(d) Involves significant service development, either County-wide or in a particular locality.

12.10 Key Decisions must follow the Forthcoming Executive Decisions and Record of Decisions rules below.

12.11 Any Key Decision may be taken by the Leader or Cabinet where it is an Executive function. Cabinet Members may only take a Key Decision where their portfolio lists it as an area of responsibility. Where a Key Decision could legitimately be taken by more than one Cabinet Member, the decision-maker should consult with the other(s). The Leader shall determine who the decision-maker should be where a judgment is needed.

Significant Decision (Executive)

Significant Decision (Executive)

12.12 A significant decision is an Executive Decision that does not qualify as a Key Decision, but which is considered to be significant enough to be made by the Leader, Cabinet, or Cabinet Member.

12.13 Significant Decisions must follow the Forthcoming Executive Decisions and Record of Decisions rules below.

Officer Delegated Executive Decision

Officer Delegated Executive Decision

12.14 The following decisions may be taken under the Executive Scheme of Delegation to Officers:

(a) Decisions that do not qualify as Key under 12.9.

(b) Actions to implement specific decisions already taken at Member level.

(c) Decisions which would qualify as Key under 12.9 where the decision is being taken to implement a Key Decision already taken.

12.15 Officer delegated Executive decisions need not follow the Forthcoming Executive Decision rules.

12.16 Officer delegated Executive decisions only need to follow the Record of Decision rules where it relates to the discharge of a function that is the responsibility of the Executive and one of the following applies:

(a) it is sufficiently important and/or sensitive so that it is reasonable for a member of the public to expect it to be recorded and published, or

(b) it involves financial implications for the Council of £1 million or more.

Officer Delegated Non-Executive Decision

Officer Delegated Non-Executive Decision

12.17 An Officer delegated Non-Executive decision is one taken by an Officer if it would otherwise have been taken by full Council, or a Committee, Sub-Committee or joint Committee of the County Council but has been delegated to an Officer either under a specific authorisation or a general delegation.

12.18 Officer delegated Non-Executive decisions do not need to follow the Forthcoming Executive Decision rules.

12.19 Officer delegated Non-Executive decisions only need to follow the Record of Decision rules where the effect is any of the following:

(a) Granting a permission or licence.

(b) Affecting the rights of an individual.

(c) Involves financial implications for the Council of £1 million or more.

12.20 Examples where 12.19 applies are:

(a) a decision to award planning permission or other permissions and licenses delegated to Officers by the Planning Applications Committee or Regulation Committee,

(b) decisions relating to the County Council's Pension Fund delegated to Officers by the Pension Fund Committee.

Administrative and Operational Decision (Executive)

Administrative and Operational Decision (Executive)

12.21 The following are examples of decisions which are purely administrative or operational in nature:

(a) the ordering of stationery or office supplies,

(b) decisions to allocate social care services to particular individuals where services are selected from an existing contract or framework agreement (as the decision to let that contract will have already been taken formally),

(c) decisions to "call off" from a framework contract, already awarded,

(d) decisions to carry out routine maintenance on a KCC maintained highway or Council-owned land or property which is provided for in the Council's agreed revenue or capital budget,

(e) decisions relating to the grant of a license of land where no proprietary interest in land is granted such as hall hires or short-term occupational licenses, sub-station licenses and similar,

(f) decisions concerning the day-to-day management of property such as surrenders, break clauses, rent reviews, notices, etc.,

(g) a decision to issue legal proceedings or decide a court settlement.

12.22 Administrative and operations decisions (Executive) do not need to follow the Forthcoming Executive Decision rules.

12.23 Administrative and operations decisions (Executive) do not usually need to follow the Record of Decision rules, but consideration should be given in all cases to the level of public interest that might exist.

Administrative and Operational Decision (Non-Executive)

Administrative and Operational Decision (Non-Executive)

12.24 The following are examples of decisions which are purely administrative or operational in nature:

(a) decisions relating to employment matters, which are delegated to Officers under the Personnel Management Rules, including staff management, recruitment, and capability/disciplinary matters,

(b) decisions taken in response to requests under the Data Protection Act 2018 and the General Data Protection Regulations (GDPR), the Freedom of Information Act 2000, or the Environmental Information Regulations 2004,

(c) decisions taken to appoint Members to Committees, joint Committees and outside bodies, where delegated to Officers by the Selection and Member Services Committee,

(d) decisions taken by Officers to check and authorise expense claims submitted by Members in accordance with the Members' Allowances Scheme.

12.25 Administrative and operations decisions (Non-Executive) do not need to follow the Forthcoming Executive Decision rules.

12.26 Administrative and operations decisions (Non-Executive) do not usually need to follow the Record of Decision rules, but consideration should be given in all cases to the level of public interest that might exist.

Forthcoming Executive Decisions (FED)

Forthcoming Executive Decisions (FED)

12.27 In line with the provisions above, where a decision needs to follow the FED requirements, a decision may only be taken following completion of a FED template, its receipt by Democratic Services, and adherence to the procedure below including minimum time requirements.

12.28 The following information must be included in the completed template, subject to the exception in 12.29:

(a) Whether or not the matter is a Key Decision.

(b) The name of the decision maker, be it the name of an individual or a decision-making body.

(c) The matter about which the decision is to be made.

(d) The date on which, or the period within which, the decision is to be made.

(e) Any expected legal, financial, equality, property, or Human Resources implications.

(f) Any other information which the Monitoring Officer may require.

12.29 The exception to the requirements is that a FED entry shall not contain any information that is exempt or confidential, as defined in 15.15, nor any details of the advice of a political adviser or assistant.

12.30 The Head of Governance will make arrangements for a complete list of FED entries to be published each fortnight, or more often if necessary.

12.31 All decisions should appear on the FED for at least 28 consecutive days before they can be taken. For Key Decisions, 28 consecutive days is the minimum requirement; other decisions have a minimum requirement of five clear working days before being taken.

FED: Urgency Provisions

12.32 A Key Decision may be taken with a minimum of five clear working days between it appearing on the FED and being taken when the following apply:

(a) Democratic Services have informed the Chair and Group Spokespersons of the Scrutiny Committee or, where the Chair is unavailable, each Member of the Scrutiny Committee has been informed in writing of the decision to be taken.

(b) Democratic Services have informed any local Member affected by the decision.

12.33 Where a Key Decision or other decision requiring publication on the FED is so urgent that the minimum requirement of five clear working days cannot be given, the decision may only be taken where the following both apply:

(a) the Chair of the Scrutiny Committee and relevant Senior Manager have agreed that the decision cannot reasonably be deferred. Where the Chair of the Scrutiny Committee is unable to act, the Chairman of the Council has to agree that the decision cannot reasonably be deferred, or the Vice Chairman of the Council where both are unable to act; and

(b) the Group Spokespersons of the Scrutiny Committee, Chair and Group Spokespersons of the relevant Cabinet Committee and affected local Members have been informed in writing by Officers on behalf of the decision-maker (usually from the relevant directorate) and given an opportunity for their comments to be included in the Record of Decision.

12.34 In the case of 12.32 or 12.33 applying, the reasons for not complying with the minimum requirement of 28 days shall be published on the Council's website.

12.35 All decisions appearing on the FED that are to be taken by an Executive Member or the Cabinet should be considered by the relevant Cabinet Committee prior to the decision being taken unless the Cabinet Committee has previously agreed that the decision does not need to be considered.

12.36 Where 12.35 does not happen, a report shall be made at the next relevant Cabinet Committee meeting on the reason for the Committee not being able to consider the decision prior to it being taken.

12.37 The Leader will make an annual report to full Council containing details of all occasions when the urgency procedures 12.32 and 12.33 have been used since the time of the previous report.

Record of Decisions

Record of Decisions

12.38 Where the Record of Decision rules apply, the decision-maker must send a completed Record of Decision to Democratic Services via their Directorate Governance Officer as soon as is practicable.

12.39 The Record of Decision is a public document and will be published by Democratic Services. Any information not for publication shall be contained in an exempt appendix.

12.40 The Record of Decision shall contain, as a minimum:

(a) The date the decision was taken.

(b) The reasons for the decision.

(c) Details of alternative options, if any, considered and rejected by the decision-maker.

(d) Details of any conflict of interest declared by the decision-maker or any Member who is consulted before the decision is made.

(e) In respect of any declared conflict of interest, a note of any dispensation granted.

(f) Any comments received when the matter was considered at a Committee meeting.

(g) Any comments received from affected local Members, where applicable.

(h) Any delegation to an Officer or to Officers must be set out in the wording of the decision as set out in the ROD, where applicable.

(i) Any comments received from Members consulted as part of the urgency procedures, where applicable (Executive decisions only).

12.41 Where the Record of Decision or report contains a list of background papers or other relevant documents, at least one copy of each, unless exempt or confidential, will also be made available at County Hall and on the Council's website for inspection. Background papers are those documents that:

(a) disclose any facts or matters on which the decision, or an important part of the decision, is based, and

(b) which have been relied on to a material extent in preparing the report.

12.42 The written record of the decision must be retained for inspection for a period of six years from the date of the decision, with any background papers available for a period of four years from the date of the decision.

12.43 All Members will be informed in writing that the decision has been taken.

12.44 Decisions taken by Executive Members are subject to the 'call-in' procedure as part of the functions of the Scrutiny Committee. This is set out in 17.72-81.

13. Financial Procedures

Virement

Revenue

13.1 Transfers between revenue Budget headings can take place as follows, provided they do not involve a new policy or policy change and do not involve an increasing commitment in future years that cannot be contained within existing approved Budget allocations:

(a) Virement within a portfolio for which a Cabinet Member is responsible:

Virements

i. Up to £200,000: the relevant Senior Manager in consultation with the relevant Cabinet Member and the Chief Finance Officer.

ii. Between £200,000 and £1m: the relevant Cabinet Member in accordance with the decision-making Procedure Rules and after consultation with the Deputy Leader.

iii. Above £1m: The Leader or Cabinet in accordance with the decision-making Procedure Rules.

(b) Virement between portfolios:

i. Up to £200,000: the relevant Senior Managers in consultation with the relevant Cabinet Members and the Chief Finance Officer.

ii. Between £200,000 and £1m: the relevant Cabinet Members in accordance with the decision-making Procedure Rules and after consultation with the Deputy Leader.

iii. Above £1m: The Leader or Cabinet in accordance with the decision-making Procedure Rules.

Capital

13.2 Resources may be vired from one capital project or heading to another as follows, provided that such transfers do not result in an overall increased commitment of capital resources and do not involve new policy or policy change: Virements: Capital

(a) Up to £50,000: the relevant Senior Manager.

(b) Between £50,000 and £200,000: the relevant Senior Manager in consultation with the relevant Cabinet Member and the Chief Finance Officer.

(c) Between £200,000 and £1m: the relevant Cabinet Member in consultation with the Deputy Leader.

(d) Above £1m - the Leader or Cabinet.

Contracts and Tenders Standing Orders

13.3 It is the responsibility of anyone who buys on behalf of the Council to ensure that all purchasing or procurement of goods, services, or works comply with: Contracts and Tenders

(a) legal requirements, including public procurement regulations,

(b) the Council's Financial Regulations,

(c) 'Spending the Council's Money' (as approved by the Governance and Audit Committee),

(d) the Financial Regulations,

(e) the Council's Code of Conduct (i.e., the Kent Code),

(f) the Council's Corporate Grants Procedure,

(g) the Council's Anti-Bribery Policy,

(h) the Council's Anti-Fraud Strategy and Policy,

(i) standards for the management of property, information technology resources and staff, and

(j) any conditions attached by the Leader or the full Council to the exercise of powers delegated by them.

13.4 Non-compliance with any of these requirements will be reported to the Monitoring Officer and the Governance and Audit Committee as the parties

that scrutinise the Council's compliance with these Rules. Disciplinary action may be taken in line with the Council's Code of Conduct against anyone who breaches these requirements.

Authority

Authority for Transactions

13.5 All transactions must either fall within the powers delegated to Senior Managers or have been approved by a decision (in accordance with the Council's Constitution) of the Cabinet, the Leader, an authorised Cabinet Member, the full Council or one of its Committees or Sub-Committees.

13.6 No contract, agreement or other document shall be signed or sealed unless it gives effect to:

(a) a decision or resolution (in accordance with the Council's Constitution) of the Leader, an authorised Cabinet Member, the Cabinet, or one of its Committees or sub Committees with decision-making authority), or

(b) a decision by an Officer exercising delegated powers.

13.7 Budgetary provision must exist before any contract can be entered into. This provision should be explicit in a Budget approved by resolution of the full Council.

13.8 Where there is no specific Budget line, the Director of the relevant service and the Head of Commercial & Procurement may approve expenditure up to £1,000,000, provided the expenditure can be met within budget. Above £1,000,000 a formal decision by the Leader, the Cabinet or an authorised Cabinet Member is required in accordance with the Council's Constitution.

Thresholds

Contract Thresholds

13.9 The financial values (exclusive of Value Added Tax) are defined within Spending the Council's Money and refer to the total aggregate contract value. Anybody who is buying on behalf of the Council must follow the procedure set out in the Spending the Council's Money for the total aggregate contract value of their procurement. The definition of aggregate contract value is also defined in Spending the Council's Money.

13.10 In addition, public procurement regulations set thresholds for public contracts above which specific procedures are required to be followed. Anyone who buys on behalf of the Council should understanding these regulations and follow the procedures as necessary.

13.11 There must be no attempt to avoid any of these thresholds by deliberately manipulating the requirement or frequency of ordering.

The Award

Contract Awards

13.12 Senior Managers may sign documents on behalf of the Council or authorise Officers to do so in accordance with the Delegated Authorities Matrix in the Financial Regulations.

13.13 Any contract with a value in excess of £1m must be made in writing and either:

(a) affixed with the common seal of the Council and be attested by at least one authorised Officer (see section 13.15), or

(b) signed as a deed by at least one authorised Officer (as defined in 13.15) unless otherwise determined by the Monitoring Officer.

Sealing

13.14 The common seal of the Council shall be affixed to any deeds (unless a specific statutory provision permits otherwise) and any document or agreement if the Monitoring Officer considers it appropriate for the purpose of transacting the Council's business or safeguarding its interests.

13.15 The affixing of the Common Seal, either by physical or electronic means (as defined in section 11.21), may only be attested by the Monitoring Officer, or Officers authorised by them in writing to do so.

13.16 The Monitoring Officer shall ensure a register is maintained of all documents and agreements that are sealed including the name of the person who witnessed the affixing of the seal.

13.17 Where a process that is non-compliant with Spending the Council's Money is required to determine the contractor, a waiver must be sought. A waiver cannot be given to contravene any applicable public procurement legislation. A waiver can be approved by the Officer delegated responsibility for the Council's procurement activity unless the value of the award exceeds £1,000,000 in which case, they will also seek approval from the Section 151 Officer and Monitoring Officer. The approved Award Report must be sent to the Monitoring Officer withing two days of the contract being awarded so that they may notify Members of the Scrutiny Committee on a quarterly basis.

13.18 Where there is a requirement (legal or otherwise) for a 'wet ink' signature on legal agreements, they will be sealed and/or signed physically. Otherwise, section 13.19 may apply.

13.19 Where the law, and (where applicable) any additional requirements of a public registry (for example, HM Land Registry) allow, electronic signatures may be permitted, and will be accepted as a fair representation of a willingness to enter into a contract with the Council, as long as the following apply:

(a) the Contract will be entered into in relation to being either under seal or under hand,

(b) the electronic signature is a true representation of the authorised person's written signature, and

(c) is supported with a contemporaneous document of authenticity and authorisation from the Supplier.

Property Management Protocol

13.20 This Protocol provides a framework of principles, minimum requirements, levels of authority, and delegations to ensure that KCC property is managed effectively.

13.21 A set of overarching principles govern the operation of this Protocol. These are:

(a) All property owned, controlled, leased, hired or occupied by KCC is held corporately (including KCC-owned schools, but not including Voluntary Aided, Foundation, Trust, and Academy Schools).

(b) The Director of Infrastructure (in consultation with the Deputy Leader) is responsible for ensuring that the occupation of all KCC property is in accordance with best management practice and in the interests of the Council as a whole, with the authority to direct the use, disposal or acquisition of any Council land or property.

(c) Where there are exceptional circumstances, and subject to the prior agreement of the Director of Infrastructure, properties may continue to be managed at the discretion of Directorates. However, this discretion is subject to the corporate responsibilities of the Director of Infrastructure, who (in consultation with the Deputy Leader) has the authority to intervene in any property matters to protect KCC's overall interests.

(d) Any Key or significant decision (as defined in the Constitution) affecting property will be added to the Forthcoming Executive Decisions List and discussed with the Policy and Resources Cabinet Committee before going to Cabinet, the Deputy Leader, the Leader, or the Director of Infrastructure for formal decision.

(e) Resolution of disputes on property matters is through the Deputy Leader and then, if necessary, the Leader.

(f) Under the Executive Scheme of Officer Delegations, the Director of Infrastructure has a number of specific delegations as set out in 13.55.

(g) All property transactions, or decisions which have an impact on property matters, should be referred to the Director of Infrastructure who will consult with the Deputy Leader above the thresholds set out in 13.55 below and seek the comments of all interested parties, including other relevant Cabinet Members, Directorates and Local Members, before the decision is taken to proceed. All decisions must be taken in accordance with the delegations set out in this Protocol and the decision-making procedures set out in the Constitution.

(h) This Protocol is organised in Sections to reflect the lifecycle of property (acquisition – management in use – disposal) with additional requirements to support specific initiatives and exceptional circumstances.

Acquisitions

Acquisitions

13.22 Objective: To ensure that land and property requirements are appropriately identified and appraised; and that all the acquisitions have the necessary authority and funding, including an assessment of the impact on revenue of funding from borrowing and approved capital funding. All acquisitions should be outlined in the Medium-Term Financial Plan as part of the service transformation programme and capital programme.

13.23 All acquisitions (freehold and leasehold) must be authorised by the Director of Infrastructure (following consultation with the Deputy Leader or the Leader) either in accordance with the delegations set out in this Protocol, or the decision-making procedures set out in the Constitution.

Non-Highways Acquisitions

Non-Highways Acquisitions

13.24 For all non-highways acquisitions, the relevant Directorate will provide the Director of Infrastructure with:

(a) A definition of the service requirement giving rise to the proposed acquisition.

(b) A full financial appraisal of options for meeting service delivery requirements (developed as appropriate with support from the Property and Infrastructure Support Group) and Bold Steps for Kent ambitions.

(c) An evaluation of the other public sectors service needs to promote efficient asset collaboration across public agencies.

13.25 The Deputy Leader:

(a) will be consulted on all proposed acquisitions,

(b) will be kept informed of their progress,

(c) will determine if they or an Officer will give approval for the acquisition,

(d) may at any stage direct that a decision be referred to them.

13.26 Where the Deputy Leader has determined that they will take the decision on a proposed acquisition, the matter will be dealt with in accordance with the appropriate provisions of this Protocol and decision-making procedures set out in the Constitution, which will include consultation with Local Members.

13.27 Subject to 13.31, the use of compulsory powers for acquisitions must be agreed by the Deputy Leader in consultation with any other relevant Cabinet Members.

Highways Acquisitions

Highways Acquisitions

13.28 The Corporate Director for Growth, Environment and Transport will, in the case of all highway acquisitions, seek Local Member views as part of the consultation process for highways and traffic schemes.

13.29 Highways scheme design and cost (including land acquisition) shall be approved by the Cabinet Member for Highways and Transport in accordance with the relevant KCC financial regulations.

13.30 Highways acquisitions may be made by the Director of Infrastructure in consultation with the Deputy Leader provided the scheme is in an approved programme with allocated funding for construction, including all compulsory purchase compensation and disturbance payments, or falls within blight policies.

13.31 All other highways acquisitions (i.e. land not incorporated in the highway) will be referred by the Director of Infrastructure to the Deputy Leader, who will determine if they or an Officer will give approval for the acquisition. Once the principle of acquisition of land is agreed, any decision whether or not to use compulsory powers will be decided by the Cabinet Member for Highways and Transport (in consultation with the Deputy Leader) in accordance with the terms of this Protocol and the decision-making procedures set out in the Constitution.

Management and Use

Management and Use

13.32 Objective: To ensure that property is used efficiently, effectively, and economically with due regard to legislative requirements. Regular asset reviews of property assets will be made in accordance with the Chartered Institute for Public Finance and Accountancy (CIPFA) and Royal Institute of Chartered Surveyors (RICS) guidelines based on asset management best practice. Assets will be identified for disposal or re-development on a regular basis.

13.33 The occupation and use of property by a Directorate is subject to the authority of the Director of Infrastructure (in consultation with the Deputy Leader) to approve all material changes to property, including change of use, the granting or taking of interests, reversion to operational use, alterations, additions, use by partners, etc. Such changes must be reported to the Corporate Director of Finance for correct accounting treatment and apportionment of charges for CIPFA asset valuations.

Premises Management

Premises Management

13.34 The Director of Infrastructure has the authority to recommend reviews of all or part of the Council's property portfolio, to determine if it is optimised in terms of its utilisation, cost, and value and, within this, to challenge the retention or use of existing properties occupied by services or partners.

Building Works

Building Works

13.35 Major capital works for properties should be subject to a formal project appraisal and should be consistent with existing financial approval and procurement processes. Procurement of any building works will need to be subject to Spending the Council's Money and delegations that have been set up. The Director of Infrastructure is authorised to enter into property contracts up to a value of £1million where the necessary approvals are in place.

Health and Safety

Health and Safety

13.36 Staff and services are required to ensure that in respect of all property matters all obligations under health and safety legislation and KCC health and safety policies are followed.

Disposals

Disposals

13.37 Objective: To ensure that land and property surplus to operational need is either reallocated to meet alternative needs or sold in line with statutory requirements.

13.38 Directorates will notify the Director of Infrastructure of:

(a) Any property (or part) that is:

i. Vacant.

ii. Held against a future operational need.

iii. Not used for the principal purpose for which it is held.

iv. Likely to be surplus to requirements (with estimated timescale).

(b) Any operational issues associated with such property (e.g., longer-term requirements).

(c) Any statutory/process issues relevant to its disposal (e.g., established consultation processes, reference to the Secretary of State, etc.).

(d) The recipient of the capital receipt and its intended use, as agreed with the Deputy Leader. and the Corporate Director of Finance.

(e) Any other issues which need to be considered prior to disposal.

13.39 The Director of Infrastructure may identify any property (or part) that is, or could be made, surplus to operational requirements.

13.40 The Director of Infrastructure will consult with the Deputy Leader on all disposals and inform them of the comments of Local Members. The Deputy Leader will determine whether they or an Officer will give approval for disposal in accordance with this Protocol and the decision-making procedures set out in the Constitution.

Treatment of Capital Receipts (Rules and Processes)

Capital Receipts

13.41 Capital receipts from disposals have previously been deemed to be 'Earmarked Capital Receipts' or 'General Receipts'.

13.42 Earmarked Capital Receipts are proceeds from the sale of an identified (named) site (or number of sites) to be used for the funding of a specific scheme (or number of schemes where the schemes are intrinsically linked) and contained within previous Medium-Term Financial Plans. With the implementation of a centralised property model and changes to the capital programme there will be no earmarking of capital receipts. All receipts will be General Receipts and they are applied to the overall capital programme, including reducing the impact of revenue and reinvestment.

13.43 Treatment of all receipts must conform with the Financial Regulations and the rules for the virement of capital as set out in the Constitution.

13.44 Decisions as to the treatment of capital receipts will be taken by the Deputy Leader or the Leader.

Kings Hill

Kings Hill

13.45 Any property matters (acquisition/disposals/leases) relating to Kings Hill will be made in accordance with the provisions of this Protocol, subject to the provisions of the Kings Hill Development Agreement (dated 19 January 1989) and subsequent variations as and when agreed with KCC's Development Partners.

13.46 On any property matters relating to Kings Hill the Deputy Leader and the Director of Infrastructure will consult with the following in order for a decision to be taken by either the Director of Infrastructure (in accordance with the delegations under this Protocol), the Deputy Leader, or the Leader:

(a) the Cabinet Member for Economic Development and Special Projects,

(b) the Chief Executive,

(c) the Corporate Director of Finance, and

(d) the Director of Growth and Communities.

13.47 All decisions and duties, including attending the Partnership Board and other such meetings, relating to the joint venture partnership under the Kings Hill Development Agreement (and subsequent variations) shall be dealt with by the Deputy Leader in consultation with Cabinet Member for Highways and Transport, and the Cabinet Member for Economic Development and Special Projects with the advice of the Director of Growth and Communities.

Enterprise Fund

Enterprise Fund

13.48 All transactions (acquisitions/disposals/leases) undertaken through the Property Group 'Enterprise Funds' will be supported by a business case containing as a minimum:

(a) Details of the proposal.

(b) The rationale for making the investment (against the agreed investment criteria for the Enterprise Fund, which may be varied from time to time).

(c) Specific objectives to be met.

(d) The cost or income to KCC (revenue and capital).

(e) The opportunities to be gained.

(f) Any return on investment including estimated revenue costs.

13.49 All transactions coming within the Enterprise Fund balancing limit of £10m may be authorised jointly by the Director of Infrastructure and Corporate Director of Finance in consultation with the Deputy Leader and the Leader (subject to the delegations contained in 13.55).

13.50 All transactions which cause the PEF1 Enterprise Fund to exceed its balancing limit of £10m will, following consultation with the relevant Senior Manager and the Leader, be recommended by the Director of Infrastructure and Corporate Director of Finance for decision by the Deputy Leader.

Urgent Decisions

Urgent Decisions: Property

13.51 In exceptional circumstances, where an urgent decision is required on property matters, this will be taken by the Director of Infrastructure in accordance with the provisions of this Protocol and only after consultation with the Deputy Leader, the Corporate Director of Finance, and the Monitoring Officer. If the matter is outside the delegations set out in 13.55, below, then the matter can only be authorised by the Deputy Leader or the Leader in accordance with the procedures for the taking of urgent decisions set out in the Constitution.

13.52 Any decisions made under the 'Urgent Decision' arrangements will be reported in accordance with the provisions of the Constitution.

Financial Regulations

13.53 All of the protocols set out in Financial Regulations and Schemes of Delegation must be adhered to, except where this Property Management Protocol specifically provides for alternative levels of authorisation. No transaction should be approved unless specific budgetary provision is identified, except where the purchase is approved under the authority given in 13.48-13.50.

Reporting

13.54 The Director of Infrastructure will prepare each month a schedule of acquisitions, letting, and disposals and send this to the Information Point for publication.

Delegation to Officers

13.55 Subject to the consultation provisions set out in this Protocol, the Director of Infrastructure is authorised to:

(a) Determine and settle the acquisition or disposal of any land or property, or an interest in land or property, where the consideration (including any associated works) does not exceed £1m in any single transaction.

(b) Determine and settle the terms of a lease (taken or granted) for any land or property, not exceeding a period of 20 years or where the consideration does not exceed £1m per annum in any single transaction.

(c) Determine any wayleaves or easements.

(d) Determine any leases/transfers required in relation to the Academies Act 2010 and subsequent changes.

13.56 The Director of Infrastructure may delegate in writing to more junior Officers any of their powers delegated under this Protocol.

Part Three: Standing Orders

14. County Council Meetings

County Council Meetings

14.1 County Council functions which are not delegated can only be exercised through a meeting of County Council (full Council).

14.2 Full Council meetings are defined as the occasions when all eligible elected Members of the Council meet in plenary session. The Council meets on such days as the Chairman agrees. The Chairman may vary the day, time and place of the meetings or convene an additional meeting if they consider it necessary, after consultation with the Political Group Leaders.

Chairman and Vice-Chairman

14.3 The Chairman and Vice-Chairman of the Council are elected at the annual meeting of the County Council. The election of the Chairman and Vice-Chairman shall be conducted on the basis of nominations being made at the meeting and seconded and put to the vote. They remain in office until the election of their successor, they resign, or full Council votes their removal. In the latter two cases, an election for their successor shall be held as soon as possible.

14.4 The Chairman and Vice-Chairman cannot remain in office when they cease to be a Member of the Council, except where there has been an election of all Members and the Chairman and/or Vice-Chairman does not stand or is not re-elected, here the Chairman and/or Vice-Chairman remains in office until the election of their successor.

14.5 If neither the Chairman nor Vice-Chairman is present or able to preside, the full Council shall elect another Member to preside for that meeting or item.

14.6 No Member, who has a Disclosable Pecuniary Interest or Other Significant Interest (as defined in the Code of Member Conduct) in any matter being considered by full Council, may preside at a meeting while that matter is under discussion.

14.7 The Chairman's ruling on procedural matters relating to full Council meetings is final and cannot be challenged.

Council Meetings: Types

14.8 There are four types of full Council meeting:

(a) Ordinary Meetings.
(b) The Annual Meeting.
(c) Budget Meetings.
(d) Extraordinary Meetings.

14.9 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.

14.10 Each meeting shall start at 10.00 am and end by 4:30pm unless otherwise agreed by the Council by a vote without a debate or where 14.50 applies. Any recommendations by the Leader or the Cabinet that have not been dealt with at the end of the meeting shall be deemed to have been agreed as recommended. Any other motions or recommendations that have not been put to the vote shall fall.

14.11 The rules for Ordinary Meetings apply to all types of full Council meeting, except where specified in the Section relating to them.

Ordinary Meetings

14.12 The Chairman determines the agenda for full Council meetings. Aside from procedural matters, there shall be ten categories of item for full Council meetings, except where an item is important or urgent enough for the Chairman to agree its inclusion.

14.13 Prior to all other items, each County Council meeting shall start with a recital of the Lord's Prayer. Subject to their individual agreement, the Chairman and Vice-Chairman of the Council, and the person leading the reading (where different) will be the only individuals webcast or recorded visually during this item. Participation cannot be required of any Member, Officer, or anyone else present and no record of participation, presence, or attendance will be maintained. Those who do participate may stand or sit during this item.

14.14 As the concluding item, each County Council meeting shall end with the singing of the national anthem. Participation cannot be required of any Member, Officer, or anyone else present and no record of participation, presence, or attendance will be maintained. No webcasting or filming of this item shall visually feature any individual; where available, the filming or webcasting shall feature flags situated in the meeting room.

14.15 No discussion shall take place except in response to a question or a valid motion as set out below. All discussion, questions, motions, and amendments shall relate to the work of the Council or to a matter of concern to the County of Kent and all motions and amendments must propose an outcome.

Item 1. Minutes

14.16 This shall contain the Minutes of the previous meeting for approval and signing on a motion moved by the Chairman. The only other motion allowed shall be to correct an inaccuracy in the Minutes prior to approval.

Item 2. Members Questions

14.17 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 day ahead of a regularly scheduled meeting of County Council in a manner determined by the Head of Governance. 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.

14.18 Questions should not be about something outside the responsibilities or powers of the Council or be something already in the Members possession or published in a Committee report. The Chairman may further determine that any given question may not be asked if it is not in the public interest or on any other reasonable grounds.

14.19 Accepted questions will be asked in the order of submission to the Clerk and must be asked by the Member who submitted it.

14.20 Thirty minutes shall be the maximum time allowed for this item of the agenda, with any questions not answered receiving a written answer.

14.21 The answer shall be given by the Leader, the relevant Cabinet Member, Committee Chairman or by another Member, as designated in advance by the Chairman. This Member shall have discretion as to the content of the answer and may decline to answer in full if this would involve an unreasonable amount of work or cost or be contrary to the public interest. All oral answers to questions should be brief and relevant, with any detailed background or statistics given in writing.

14.22 The questioner shall be allowed one supplemental question for clarification only.

14.23 An online link to the submitted questions and the answers shall be included in the Minutes of the meeting.

14.24 The published questions and answers will include those not put during the 30 minutes allowed for this item.

Item 3. Report by the Leader of the Council

14.25 The Leader may speak for a maximum of sixteen minutes on this item. This consists of:

(a) Up to ten minutes giving an oral report on key issues arising since the last meeting.

(b) Up to six minutes to respond to any and all replies given under 14.27.

14.26 No motions may be moved, nor resolutions passed under this item.

14.27 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.

Item 4. Reports on Items for Decision

14.28 The Chairman shall normally call on the Leader, relevant Cabinet Member or Committee Chair to move any recommendation in a report before the Council with or without such amendment as that Member thinks fit.

14.29 Where the Council is exercising its powers on the Policy Framework, the Council may:

(a) Adopt the proposal.
(b) Amend the proposal.
(c) Refer the proposal back to the Leader for further consideration.
(d) Substitute its own proposal.

14.30 In considering any matter connected to the Policy Framework, the Council shall have before it the report from the Leader, Cabinet or Cabinet Member, which incorporates any views of the relevant Cabinet Committee, including any minority views expressed in that Committee's debate.

14.31 Additional rules on the Policy Framework process can be found at 8.7-8.21.

Items 5 and 6. Item 5. Policy Items for Discussion Referred by the Leader Prior to the Preparation of Final Proposals; and Item 6. Reports by the Leader, the Cabinet, Cabinet Committees, Scrutiny Committee (including Select Committees) and the Health Overview and Scrutiny Committee

14.32 14.28 applies.

Item 7. One Item for Full Debate

14.33 The Chairman selects the topic for full debate after consultation with the Political Group Leaders.

Item 8. Motion for Time Limited debate

14.34 Each Political Group may place a motion on the agenda for time-limited debate, for which a maximum of 45 minutes shall be allowed at the meeting. Motions must be received by 5.00pm on the fourteenth day before the meeting and be submitted by an email from both the proposer and seconder or on a paper copy signed by both the proposer and seconder. They shall be placed on the agenda in the order of receipt.

Item 9. Any Other Relevant Reports or Papers

14.35 14.26 applies.

Item 10. A Maximum of Two Debates Eligible Under the Petitions Scheme

14.36 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.

14.37 The total time for a single debate shall be 45 minutes.

14.38 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 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.

14.39 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.

14.40 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.

14.41 The petition organiser will receive written confirmation of the Council or Cabinet Committee's decision, which will also be published.

Annual Meeting

Full Council: Annual Meeting

14.42 The annual meeting of the Council shall normally take place in May each year. It will follow the structure for an ordinary meeting except for the following, which must occur at each annual meeting:

(a) Election of the Chairman and Vice-Chairman of the Council as set out at 14.3 and 14.4.

Appointment of the Leader of the Council

14.43 The Leader is elected at:

(a) the annual meeting of the Council following an election of all Members, or

(b) the next meeting following the resignation, dismissal, or vacation of office by the Leader.

14.44 The election of the Leader shall be conducted by the Chairman on the basis of nominations being made and seconded and put to the vote. In the event of there being more than two nominations and no one candidate receiving an absolute majority of votes of all Members present and voting, there will be a second vote solely between the two candidates with the largest number of votes.

14.45 Dismissal of the Leader can only be made on the basis of a motion signed by five Members of the Council and included on the agenda for any meeting of full Council. The motion shall indicate the reasons for the proposed dismissal. The motion shall take precedence over any other item of business but is otherwise subject to the same rules as other motions.

14.46 If a motion to dismiss the Leader is carried, it takes effect immediately.

Appointment of the Leader of the Opposition

14.47 Full Council is to confirm the nomination of the Leader of the Opposition put forward by the Leaders of the Political Groups not represented in the Cabinet.

The Budget Meeting

Full Council: Budget Meeting

14.48 The Agenda for the Budget meeting is limited to:

(a) Consideration of the Leader's recommendations for the Budget, Capital Programme, Borrowing Policy, Council Tax, and the limits defining key financial decisions.

(b) Other items the Chairman agrees be taken as urgent.

14.49 Budget and Policy Framework Rules (Section 8.7 – 8.20) apply.

14.50 The Budget meeting shall start at 9.30 am, or as the Chairman determines, and shall end by 5:00pm unless otherwise agreed by the Council by a vote without a debate.

14.51 Procedure rules 14.75-14.77 are suspended in order for the proposer and seconder of the original motion to be permitted to speak on more than one occasion.

14.52 All procedure rules relating to the length of speeches are suspended for the Budget Meeting, with the Chairman making clear and announcing at the start of the meeting what rules will apply in this regard for the duration of the meeting.

14.53 Immediately after any vote is taken at the Budget meeting of the Council, or at any meeting where making the calculation or issuing the precept is included as an item of business, there must be recorded in the minutes the names of the

Members who cast a vote for or against the decision or who abstained from voting.

Extraordinary Meetings

Full Council: Extraordinary Meetings

14.54 Additional (extraordinary) meetings, including meetings requisitioned by Groups of Members under Schedule 12 of the Local Government Act 1972, will only consider the items of business for which they have been called and any other items the Chairman considers appropriate.

Procedural Rules

Full Council: Procedure

General Rules of Conduct

14.55 If the Chairman rises and/or begins speaking, any Member standing shall resume their seat and all Members except the Chairman shall be silent.

14.56 Members may only speak when called on by the Chairman, must stand to speak, and must address all their remarks to the Chairman.

14.57 Speeches must be relevant to the matter under discussion and not criticise the motives or behaviour of any Member or Officer.

14.58 Should the behaviour of a Member prove disruptive to the business of the meeting and the Member does not cease their behaviour when requested by the Chairman, the Chairman may propose that the Member leave the meeting. If the Chairman's motion is seconded, it is voted on immediately and if carried the Member must leave the room for the remainder of the meeting or until the Council agrees they may return by a vote taken without discussion.

14.59 No speech shall exceed three minutes unless otherwise specified or with the agreement of the Chairman or full Council, given or refused without debate.

14.60 No vote or debate shall be allowed on earlier business once the Council has proceeded onto subsequent business.

Motions and Amendments

14.61 Motions, amendments and recommendations must be worded so that, if they are agreed by the Council, they can be passed as a valid resolution.

14.62 The text of any motion or amendment must be given to the Chairman in writing before the start of the meeting, if it is not the Chairman may rule that the motion or amendment fails.

14.63 An amendment must adhere to the following rules:

(a) either add or delete a word or words,

(b) be relevant to and intelligible with the motion,

(c) not introduce a new topic, and

(d) not negate the motion.

14.64 An amendment must be seconded to be valid. When there is a valid amendment no further amendment is allowed until it is dealt with.

14.65 If the amendment is rejected, further amendments may be proposed to the original motion.

14.66 If the amendment is carried, the motion as amended then becomes the motion for debate. This revised motion may be subject to proposals for further amendment provided these do not reinstate the sense of the original motion.

14.67 No amendment may be proposed after the Chairman has called the proposer of the original motion to reply to the debate.

14.68 If a copy of a motion or amendment is not presented to the Chairman, they may rule either as invalid.

14.69 A proposer may withdraw or change a motion or amendment provided:

(a) in the case of a motion, there are no amendments outstanding,

(b) the seconder agrees, and

(c) the Council consents, by a vote taken without debate if necessary.

14.70 Except for motions proposed by the Chairman or Leader, or any motion moving the recommendations of a Committee, no motion may do the following unless signed by a minimum of 22 Members:

(a) rescind all or part of a resolution passed by full Council or a Committee in the preceding six months,

(b) have the same effect as a motion rejected by Council in the preceding six months, or

(c) have been proposed to full Council but not seconded in the preceding six months.

14.71 Where a motion requiring 22 Member signatures has been rejected or falls, the time exclusion in 14.70(a-c) increases to 12 months with a requirement of 32 Member signatures to override the exclusion criteria.

Procedural Motions

14.72 The following procedural motions may be proposed at any time during a Council meeting:

(a) that the question be put,

(b) that consideration of the matter be referred to a later meeting, to the Leader, or to a Committee,

(c) that the debate be adjourned for a stated time,

(d) that the Council proceeds to the next item of business,

(e) that debate continues beyond the times determined under 14.10,

(f) that a Procedure Rule or Rules be suspended in whole or in part,

(g) to exclude the public from the meeting. This motion may only be made on the grounds of exempt information being revealed in debate, following the categories set out in 15.15 and bearing in mind the requirements of 15.16.

14.73 Motions 14.72(a)-(d) above may not be proposed by any Member who has proposed or seconded or spoken about a motion or amendment under discussion.

14.74 No debate shall take place on any of these procedural motions (except for a motion to suspend the Procedure Rules or exclude the public if the Chairman thinks it appropriate). If proposed and seconded, the Chairman shall put them immediately to the vote without further debate.

Rights to Speak and Reply

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

(a) Exercise a right of reply (subject to 14.76).

(b) Make a personal explanation.

(c) Raise a point of order.

14.76 The right of reply applies to the proposer of any motion except procedural ones (14.72(a-g)) at the close of debate immediately before the vote on the motion, or on any amendment to it. This right of reply does apply to the proposer of an amendment.

14.77 A Member seconding a motion or amendment may reserve their right to speak until later in the debate if this intention is declared at the time of seconding. The speech must be made prior to the vote on it.

14.78 A personal explanation is a correction of an inaccurate statement about the Member's past action or speech or their personal circumstances.

14.79 A point of order is an allegation that there has been a breach of the rules governing full Council's debates.

14.80 Where a Member has stood to make a point of order or personal explanation, the Chairman may allow the Member to speak immediately if it is considered necessary or wait until the Member currently speaking has finished.

Voting

14.81 Whenever a vote is required, the electronic voting system shall be used. Where this system is neither functioning nor available, Members shall vote by a show of hands unless a minimum of ten Members rise in their seats, in which case a written ballot will be required.

14.82 The Chairman may allow a Member to change seats for the purposes of voting if the Member's voting unit is not in working order.

14.83 The Chairman shall announce a vote is to be taken and a division bell may be rung for 60 seconds ahead of the vote where the Chairman does not believe all Members are present.

14.84 20 seconds shall be allowed for electronic voting and voting by hands. Thirty seconds shall be allowed for a written ballot once every Member is in possession of a paper ballot.

14.85 The Chairman shall announce when the vote is closed and announce the result.

14.86 When the vote is equal, the Chairman shall immediately announce if they are using their casting vote and whether for or against the proposal. The vote automatically fails if the casting vote is not used, and the vote remains equal.

14.87 A record of each vote and how each Member voted shall be included in the Minutes of the meeting.

15. Meetings: Common Procedures

15.1 The rules in this Section apply to full Council, Council Committees, Cabinet and Cabinet Committees unless otherwise specified. They do not apply to Panels, Boards or other Groups of Members appointed by a Committee or Sub-Committee only to provide advice or guidance to Members or Officers; here the procedures shall be determined by the appointing body. Nor do they apply to Joint Committees with other authorities as they follow the rules set out by the resolution appointing them.

15.2 The term ‘Chairman of the Council’ is used as an honorific with historical precedent. In all other instances, the term Chair is used. The Chair may determine the choice of term to be used during their tenure – Chair, Chairperson, Chairman or Chairwomen. The same applies with references to the Vice-Chair/Chairperson/Chairman/Chairwoman.

General

15.3 The Chair’s ruling on the meaning or application of these Procedure Rules or any other aspect of the proceedings of a Council or Committee meeting over which they are presiding cannot be challenged.

15.4 The Chair may give any directions they consider appropriate to deal with an emergency, allow for the effective and democratic management of a meeting or ensure compliance with these Procedure Rules or a resolution of the Council related to them.

15.5 The dates, times and venues of Committee meetings shall be decided either by the Committee or the Chair within any guidelines set by the Council.

15.6 The Chair may vary the day, time and place of a meeting or convene an additional meeting if they consider it necessary, after consultation with the Political Group Leaders.

15.7 Attendance at meetings will be recorded in a manner determined by the Head of Governance.

15.8 The Chair will propose an adjournment of the meeting of ten minutes every two hours, or as soon as an item has ended once two hours has passed. The Chair may vary the time of proposing an adjournment to best facilitate the management of the Committee’s business.

15.9 The Council, Cabinet or a Committee may agree to suspend any Procedure Rule in whole or in part for any item of business.

15.10 Any instruction given by or on behalf of a Political Group to any Member who is a member of that group as to how that Member shall speak or vote on any matter before the Council, or any Committee or Sub-Committee, or the application or threat to apply any sanction by the group in respect of that Member should he speak or vote in any particular manner, shall be notified to the Clerk by the group before the debate on that item commences and recorded in the minutes.

Notice of Meetings and Access to Agenda and Reports

Notice of Meetings

15.11 At least five clear working days before a formal meeting covered by these rules the following shall happen:

(a) The Democratic Services Manager will give notice of the time and place of a meeting open to the public by publishing it on the Council's website and displaying it at County Hall.

(b) The Clerk shall publish the Agenda and a copy of every report to be considered at the meeting.

(c) The Clerk will summon all Members of a Committee or full Council to meetings by sending a copy of the agenda.

Agendas and Reports

15.12 Any document that is required to be available for inspection by the public must be available for at least five clear working days before the meeting, except that:

(a) where the meeting is convened at shorter notice, a copy of the agenda and associated reports must be available for inspection when the meeting is convened; and

(b) where an item that would be available for inspection by the public is added to the agenda, copies of the revised agenda and any report relating to the item for consideration at the meeting, must be available for inspection by the public when the item is added to the agenda.

15.13 There may be excluded from publication the whole, or any part, of a report that relates only to matters during which the meeting is likely to be held in private, or the information is "exempt" or "confidential" (as defined in paragraph 15.15 below).

15.14 Where the whole or any part of a report for a public meeting, or as part of a Cabinet Member Decision, is not available for inspection by the public:

(a) every copy of the whole report or the relevant part of the report, must be marked "not for publication", and

(b) there must be stated on every copy of the whole or the part of the report:

i. that it contains confidential information. Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by virtue of a Court Order, or

ii. by reference to the description in Schedule 12A to the Local Government Act 1972, the description of exempt information by virtue of which the body discharging the function are likely to exclude the public during the item to which the report relates.

Exempt Information

15.15 The categories of exempt information are as follows:

(a) Information relating to any individual.

(b) Information which is likely to reveal the identity of an individual.

(c) Information relating to the financial or business affairs of any particular person (including the authority holding that information), unless it is required that the information be registered under the Companies, Friendly Societies, Industrial and Provident Societies, Building Societies or Charities Acts.

(d) Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority of a Minister of the Crown and employees of, or office holders under, the authority.

(e) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

(f) Information which reveals that the authority proposes:

i. to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
ii. to make an order or direction under any enactment.

(g) Information relating to any action taken or to be taken in connection with the prevention, investigation, or prosecution of crime.

15.16 Information that falls within 15.15(a-g) is exempt information if the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

15.17 Where a decision is taken to make information exempt from publication in the public agenda, the reason for making this exemption shall be set out in the agenda that is made public.

15.18 Where a decision is made during the course of a meeting to exclude the public, the reason shall be given prior to the exclusion of the public and included in the minutes of the meeting.

Access to Minutes and Records of Decisions

Access to Minutes and Records

15.19 The Democratic Services Manager will retain and make available for public inspection on the Council's website for six years after a meeting, or the taking of a decision, copies of the following:

(a) the minutes of the meeting and/or records of decisions taken, excluding those that disclose exempt or confidential information,

(b) a summary of any proceedings not open to the public,

(c) the agenda,

(d) reports relating to items when the meeting was open to the public.

Supply of Copies

15.20 Following a request by any person or on behalf of a newspaper, and on payment by them of a reasonable charge to meet postage, copying or other necessary charge for transmission, the Council will supply copies of any agendas, reports, minutes, and records of decisions which are open to public inspection.

Admission of the Public to Meetings

Meetings: Public Admissions

15.21 Members of the public and the media may attend all meetings, subject only to the exceptions set out below:

(a) where it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item, confidential or exempt information as defined in 15.15 would be disclosed to them, or

(b) where a lawful power is used to exclude a member or members of the public in order to maintain orderly conduct or prevent misbehaviour at a meeting.

15.22 The public may only be excluded under 15.21(a) for the part or parts of the meeting during which it is likely that confidential information or exempt information will be disclosed.

15.23 If a member of the public interrupts a meeting or otherwise behaves irregularly, improperly, or offensively, the Chairman may request that they leave the room or order that they are removed. In the event of a general disturbance, the Chairman may suspend the meeting or direct that the public be excluded from it. No one so removed or excluded will be permitted to return to the meeting.

Recording Meetings

Recording Meetings

15.24 While a meeting is open to the public, any person attending the meeting for the purpose of reporting the proceedings in any publicly available medium, including taking of photographs and the making audio or visual recordings, will be so permitted, subject to:

(a) prior notification to the Democratic Services Manager,

(b) recordings not being made covertly,

(c) recordings not being disruptive or distracting to the good conduct of the meeting,

(d) removing any recording equipment from the room during any part of the meeting where the press and public are excluded,

(e) attendees being advised at the start of the meeting that it is being recorded,

(f) reasonable objections being taken account of from those not wishing to be recorded.

Discussion of Individual Officers

15.25 No discussion shall take place in a meeting about the terms or conditions of employment or the conduct of any Officer of the Council unless the meeting has first considered whether to exclude the public.

Members' Interests

15.26 A Member with a Disclosable Pecuniary Interest or Other Significant Interest in a matter to be considered, or being considered at a meeting must:

(a) disclose the interest, and

(b) explain the nature of that interest at the commencement of that consideration or when the interest becomes apparent; and unless they have been granted a dispensation (21.73-75):

i. not participate in any discussion of, or vote taken on, the matter at the meeting, and
ii. withdraw from the meeting room whenever it becomes apparent that the business is being considered, and
iii. not seek improperly to influence a decision about that business.

15.27 A Member with an Other Significant Interest may attend a meeting but only for the purpose of making representations, answering questions, or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. The Member will withdraw from the meeting room immediately after making representations, answering questions, or giving evidence.

15.28 Where a Member with a Disclosable Pecuniary Interest or Other Significant Interest in a matter under discussion (unless a dispensation has been granted in accordance with 21.73-76), chooses to participate in the discussion and vote, the Chair will refuse to count the 'vote' of the Member concerned, for the 'vote' will have been cast illegally and cannot be considered to be a vote at all.

15.29 The Chair may request that a Member declare a Disclosable Pecuniary Interest or an Other Significant Interest and, if appropriate, leave the meeting room, should they have reason to believe that the provisions of the Code of Conduct and/or this Procedure Rule are being breached.

15.30 Where a Disclosable Pecuniary Interest, or an Other Significant Interest has been agreed by the Monitoring Officer as being a Sensitive Interest (21.66-68), the Member need only disclose the existence of the interest but not its nature. This Procedure Rule applies to a Cabinet Member acting alone under portfolio powers and to a Local Member who discharges functions at divisional level.

15.31 No Member, who has a Disclosable Pecuniary Interest or Other Significant Interest (as defined in the Code of Member Conduct) in any matter being considered by the Council, may preside at a meeting while that matter is under discussion.

Quorum

Quorum and Substitutes

15.32 The quorum for a meeting is one third of its total voting membership.

15.33 A Committee may still exercise its functions validly even if Members have not been appointed to all the places on it.

15.34 If a meeting cannot begin or has to cease because there is no quorum, it shall be reconvened at a date and time to be decided by the Chair.

Substitutes

15.35 If a Member cannot attend a meeting of a Committee, a nominated spokesperson of their Political Group may nominate a substitute by written notice to the Clerk.

15.36 The notice of substitute Members must be given to the Clerk before the meeting begins and will be announced by them at the beginning of the meeting. Once the meeting has been informed of the appointment of a substitute Member, the original Member may not resume membership of the Committee until after the conclusion of the meeting.

16. Common Committee Procedures

Common Committee Procedures

16.1 The rules in this Section apply to Council Committees and Cabinet Committees. Additional rules, powers, and responsibilities, and any variance from these common procedures is set out in the Section(s) on the relevant Committee(s).

Election of the Chair and Other Office Holders

Election of Chair

16.2 Unless the Council has resolved otherwise, or 18.25-6 apply, each Committee shall elect a Chair and Vice-Chair at its first meeting after the annual meeting of the Council immediately following an election of all Members.

16.3 The Chair and Vice-Chair remain in office until any one or more of the following events occur, namely - the election of their successors, they cease being

Members of the Council or the Committee, resign, or the Committee or full Council votes their removal. No resignation of a Chair, or Vice-Chair when the position of Chair is vacant, shall take effect until the election of their successor. Where the role of Chair or Vice-Chair is vacant an election for their successor should be held as soon as possible.

16.4 If the Chair or Vice-Chair is not present or able to preside, the Committee shall elect another Member to preside for that meeting or item.

16.5 A Political Group whose membership on a Committee does not include a Chair or Vice-Chair may appoint a Spokesperson to act on behalf of their Group in relation to the business of the Committee; that appointment must be notified in writing to the Clerk.

Appointment of Committees: Ordinary, Scrutiny, Corporate Governance Committees

Appointment of Committees

16.6 Except where 16.7 applies, full Council determines the number of Committees and Sub-Committees, and their terms of reference; it also allocates the number of places on each Committee and Sub-Committee to each Political Group in accordance with the principles of political proportionality.

Appointment of Committees: Cabinet Committees

16.7 The Leader may determine the number of Cabinet Committees, the number of places on each Committee and whether the proportionality principles apply. The Leader will also determine any requests from the Chairs of Cabinet Committees to set up Sub-Committees and approve the Terms of Reference, size and duration of those Sub-Committees. Sections 6.5 and 6.6 apply to any determinations made under this Section.

Membership: General

Committee Membership

16.8 The Political Groups nominate the Members to serve on Committees or Sub-Committees and submit these to the Clerk, who records it in the minutes of the next meeting of the Committee or Sub-Committee and online.

16.9 Members, once confirmed as Members of a Committee or Sub- Committee, continue to hold office until they:

(a) resign,

(b) cease to be Members of the Council,

(c) are removed from the membership by the Council or appointing Committee,

(d) the Leader or whip of a Political Group represented on the Committee informs the Clerk of the Committee in writing of a change in that Group's representation on the Committee. At this point, all Committee roles held by the individual Member cease, including Chair and Vice-Chair (if relevant), or

(e) 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).

16.10 Once appointed, Committees continue in office until the Council (or Leader in the case of Cabinet Committees) appoints a successor Committee or resolves the Committee ceases.

16.11 Committees may not appoint Sub-Committees except for:

Sub-Committees

(a) Select Committees through the Scrutiny Committee as referred to in 17.93-96,

(b) Sub-Committees to discharge the function of the Scrutiny Committee as referred to in 17.50(i), or

(c) as the Council may agree, or the Leader in the case of Cabinet Committees.

16.12 Sub-Committees cease on completion of the task set out in their terms of reference.

Agenda

Agendas

16.13 The agenda for each meeting of a Committee will normally include:

(a) minutes of the previous meeting for approval and signing,

(b) reports seeking a decision from the Committee.

16.14 Consideration will be given by the Chair to including any item on the agenda which a Member of the Committee wishes included, provided it is relevant to the terms of reference of the Committee and notice has been given to the Clerk at least ten days before the meeting.

16.15 The Chair may decide that there are special circumstances that justify an item of business, not included on the agenda, being considered as a matter of urgency. They must state these reasons at the meeting and the Clerk shall record them in the minutes.

16.16 Committees normally consider items in the order that they appear on the agenda. The Chair may vary the order if they think it appropriate and will explain their reasons to the Committee.

16.17 Additional provisions apply to the Agenda of the Scrutiny Committee as set out in the Sections on this Committee (17.48 on).

Consideration of Reports

Reports

16.18 The Chair may:

(a) ask the Committee to agree a recommendation without a motion being proposed or seconded or a vote being taken, or

(b) seek a motion to agree, reject, defer consideration, or vary the recommendation.

16.19 Any motion or amendment:

Motions

(a) must be relevant to the item under discussion,

(b) must not seek to rescind any resolution of the Council or the Committee passed within the previous six months,

(c) must not be to the same effect as a motion that has been defeated at a meeting of the Council or the Committee within the previous six months,

(d) must not introduce a new item of business without the Chair's consent.

16.20 16.19 (b) and (c) do not apply to motions proposed by the Chair; nor where a matter has been referred from one Committee to another or from a Committee to the Council; nor do they prevent the Leader or Officers recommending a change to a previous decision.

Rights to Attend and Speak

Attending and Speaking

16.21 Any Member of the Council may attend any meeting of a Committee, including those parts of the meeting from which the public and press are excluded. They do not have a right to vote or move a motion or amendment but may speak with the consent of the Chair (such consent to be sought before the meeting and should not normally be withheld).

16.22 If a Committee is considering an item of business in private that relates to the personal or financial affairs of an individual employee or a member of the public, it may resolve to exclude from the meeting any Member who is not a member of the Committee. Before doing so, a Member, at the discretion of the Chair, must be given the opportunity to speak.

16.23 To ensure a fair and proper debate the Chair may:

(a) prevent any Member from speaking more than once on any item, motion, or amendment (except in the circumstances set out in 14.75),

(b) require a Member to cease speaking if they have spoken for more than five minutes,

(c) if requested, allow a Member of the Council who is not a member of the Committee to speak on any particular item (but not vote) subject to 16.22.

16.24 Members of a Committee who have voting rights on that Committee but are not Members of the Council, may propose or second motions and amendments as if they were Members of the Council.

16.25 Members of Committees who do not have voting rights on that Committee have the same rights to speak as any Member of the Council but may not vote, propose, or second a motion or amendment.

16.26 Members should endeavour not to request detailed information from Officers at meetings of the Committee unless they have given prior notice through the Clerk. If, in the course of question and answer at a Committee meeting, it becomes apparent that further information would be useful, the Officer being questioned may be required to submit it in writing to the Committee members through the Clerk.

16.27 In the course of questioning at meetings, Officers other than Senior Managers may decline to give information or respond to questions on the ground that it is more appropriate that the question be directed to the relevant Senior Manager.

16.28 Cabinet Members and Officers may decline to answer questions in an open session of the Committee on the grounds that the answer might disclose information that would be exempt or confidential as defined in 15.15. In that event, the Committee may resolve to exclude the media and public in order that the question may be answered in private session.

Voting

16.29 The Chair will allow full and proper debate of motions, recommendations and amendments. At the conclusion of the debate, the Chair has the option to seek assent from the Committee. Where assent is given by the committee, the Chair will announce that the motion, recommendation, or amendment has been agreed. However, if any Member requests that the motion, recommendation or amendment be put to a vote of the committee, then the Chair shall conduct a vote, which shall be by a show of hands.

16.30 If the votes for and against are equal, the Chair shall immediately declare if they are using their casting vote and, if so, whether for or against the proposal.

16.31 Immediately after a vote has been taken, an individual Member may ask that the way they cast their vote either for or against the proposal or to abstain be recorded in the minutes.

16.32 One-third of the voting Members present may require that the way all Members cast their vote for or against or to abstain shall be recorded in the Minutes; such a request must be made before the vote is taken.

17. Individual Council Committees

17.1 There are three different categories of Committee established by the Council:

(a) Corporate Governance Committees.
(b) Ordinary Committees.
(c) Scrutiny Committees.

Corporate Governance Committees

Governance and Audit Committee

17.2 Membership: 13 Members; plus, 2 (non-voting) co-opted members.

17.3 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 the Scrutiny Committee.
(d) They have served as an Executive Member at any time within the two years preceding the date of the meeting.

17.4 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.

17.5 There is an expectation that Members not on the Committee, and Officers, attend in relation to material matters on the agenda. However, Officers below Senior Manager level are not required to attend meetings except with their agreement and that of the relevant Senior Manager.

17.6 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,

(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

(d) 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 through an annual report.

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

(a) monitoring the development and operation of the Council's corporate governance, financial, risk and assurance frameworks and arrangements to ensure it meets recommended practice, is embedded across the whole Council and is operating consistently throughout the year,

(b) monitoring the development and operation of the Council's Internal Audit function, including review of the internal audit charter and annual audit plan, and reviewing assurances that it is effective and independent of the activities it audits,

(c) 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,

(d) monitoring the effectiveness of the external audit process, to help ensure that it is of appropriate scope and depth, gives value for money taking into account relevant professional and regulatory requirements, and is undertaken in liaison with Internal Audit,

(e) considering the external auditor's annual letter/report, and any other specific reports by, and with the agreement of, the external auditors,

(f) monitoring the arrangements and preparations for financial reporting to ensure that statutory requirements and professional standards can be met,

(g) receiving reports on the effectiveness of financial management arrangements, including Productivity Plans, savings plans, and compliance with the Financial Management Code,

(h) monitoring the Council's arrangements to secure value for money and reviewing assurances and assessments on the effectiveness of these arrangements,

(i) considering reports on the effectiveness of internal controls and monitor the implementation of agreed actions,

(j) reviewing assurances that accounting policies are appropriately applied across the Council,

(k) monitoring the robustness of the Council's counter-fraud arrangements, including the assessment of fraud risks, and reviewing assurances that the Council effectively monitors the implementation of the whistle-blowing policy and Bribery Act policy.

(l) 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,

(m) 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,

(n) oversight of the Executive's shareholder strategy regarding companies in which the Council has an interest,

(o) approval of Spending the Council's Money, sending this document to full Council for noting,

(p) review and approval of the Statement of Accounts, with related reports, and the Annual Governance Statement,

(q) reporting to full Council for assurance on the Accounts and Annual Governance Statement approval.

17.8 The Corporate Director of Finance has delegated authority from the Committee to make minor corrections and updates to Spending the Council's Money where it does not affect the meaning of the sections.

Standards Committee

Standards Committee

17.9 Membership: 7 Members.

17.10 This Committee is responsible for discharging the functions (other than those which are reserved to Council) as set out in Part 1, Chapter 7 of the Localism Act 2011, including:

(a) To promote and maintain high standards of conduct by Members and Co-opted Members of the County Council and to make recommendations to Council on improving standards.

(b) To advise the County Council on the adoption of, or revisions to, its Code of Conduct.

(c) To advise, train or arrange to train County Members and Co-opted Members on matters relating to the Code of Conduct.

(d) To assist the County Councillors and Co-opted Members to observe their respective Codes of Conduct.

(e) To monitor and assess the operation and effectiveness of the Code of Conduct and to review and manage the Arrangements for dealing with Code of Conduct Complaints.

(f) To advise on local ethical governance protocols and procedures.

(g) To maintain oversight of the County Council's arrangements for dealing with Code of Conduct complaints.

(h) To act as an advisory body in respect of ethical governance matters.

(i) To monitor and review the procedures for the Register of Members' Interests and declaring gifts and hospitality.

(j) To receive reports from the Monitoring Officer on the number and nature of complaints received and action taken as a result in consultation with the Independent Person.

(k) To receive an annual report on the County Council's ethical governance arrangements.

(l) To appoint a Sub-Committee to deal with Code of Conduct complaints, following investigation.

(m) To grant dispensations pursuant to Section 33(2) of the Localism Act 2011 and as set out in 21.73-76.

17.11 Disclosable Pecuniary Interests and Other Significant Interests will be reported to the Standards Committee on an annual basis.

17.12 The Council appoints the Standards Committee to support the proper conduct of the Council's business by Members.

Statutory Officer Independent Panel

Statutory Officer Independent Panel

17.13 The Statutory Officer Independent Panel is established under the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 to act in an advisory capacity where the Personnel Committee is considering the dismissal of a Statutory Officer.

17.14 For these purposes, a Statutory Officer means the Chief Executive, the Monitoring Officer, the Chief Finance Officer, the Director of Children's Services, the Director of Adult Social Services and the Director of Public

Health. The Panel is an advisory Committee established under Section 102(4) of the Local Government Act 1972 comprising solely of non-elected members.

17.15 The Panel will consist of two members falling within the definition of Independent Persons for the purposes of Section 28(7) of the Localism Act 2011; being those appointed by Kent County Council and the Kent and Medway Fire and Rescue Authority or, in their absence, from those appointed by other Kent local authorities.

17.16 The standing Chair of the Panel will be the person appointed by the County Council as its Independent Person. In their absence, a Chair will be elected as the first item of business when the Panel meets.

17.17 A meeting of the Panel can only proceed with two independent persons present.

17.18 The Panel will meet when the Personnel Committee is considering the dismissal of a Statutory Officer. The Panel will consider the matter and may make its views, advice, or recommendations to the Personnel Committee and to the County Council.

17.19 The Panel must be established no less than 20 working days before its report is submitted to the County Council. There is an explicit assumption that the Council will abide by the recommendations of the Statutory Officer Independent Panel unless there are exceptional reasons to justify departing from them.

Ordinary Committees

Personnel Committee

Personnel Committee

17.20 Membership: 13 Members.

17.21 This Committee is chaired by the Leader of the Council or their nominee and is responsible for recommending to the Council:

(a) the appointment or removal of the Chief Executive,

(b) appointing Senior Managers and determining their terms and conditions (including subsequent pay movement),

(c) designating individual Officers as Monitoring Officer and Chief Finance Officer,

(d) recommending to the Council the designation of individual Officers as Returning Officer and Statutory and Proper Officers,

(e) agreeing all matters relating to staff terms and conditions (except changes imposed by national agreements or changes to the pay scales of Kent

Scheme Salaries, where advice on proposed changes will be given to the Leader),

(f) agreeing changes to the delegations to Officers under the Personnel Management Rules,

(g) through ad hoc Sub-Committees of Members (Panels), hearing and dealing with the final stage of unresolved grievances from Chief and Senior Officers and appeals by such Officers against dismissal (including dismissal as a result of redundancy), assimilation ('slotting-in'), transfer or downgrading.

17.22 Political Groups should only nominate Members as regular Members or as substitutes on the Personnel Committee (and on Panels of the Committee) if they have had training in the relevant procedures.

Personnel Committee – Member Appointment Panel

17.23 Membership: 8 Members.

17.24 Appointing body for Senior Managers in accordance with the Personnel Management Rules (Section 25).

Planning and Regulation Committee

Planning and Regulation Committee

17.25 Membership: 13 Members

17.26 The membership shall not at any time exceed the limit set by The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026.

17.27 This limit referred to in 17.26 only applies to the Committee in carrying out its functions under the same regulations.

17.28 Political Groups may only nominate Members as regular Members or as substitutes on the Planning and Regulation Committee if they have had training in the relevant procedures.

17.29 This Committee is responsible for the following planning functions which will be performed in line with the relevant legislation and having regard for any relevant guidance issued by the Secretary of State:

a. Exercising delegated authority for the determination of planning applications and related matters in schedule 2 of the planning scheme of delegation set out in the Appendix to the Constitution. These functions will be exercised in accordance with 17.31 to 17.34 below.
b. Own-interest applications in accordance with 17.35 to 17.37 below.
c. The Committee will also consider or determine any other planning matter not listed at a-b above that are referred to it by the relevant Nominated Officer or Officers named in the Appendix to the Constitution.

d. Exercising the Council's functions in relation to the enforcement of the control of development under the Town and Country Planning Act 1990 and related regulations and statutory instruments.

17.30 The votes of each individual Member of the Planning Applications Committee (whether for, against, or in abstention) will be recorded whenever the Committee votes against the Nominated Officer's recommendation for permission or refusal of a planning application, together with the grounds and reasons for overturning the recommendation.

Planning Scheme of Delegation

17.31 The planning scheme of delegation is set out in the Appendix and is managed through these terms of reference. The scheme contains the following:

a. Schedule 1 sets out those applications reserved by The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 to be determined by the Nominated Officer or Officers, unless 17.35 to 17.37 applies.
b. Schedule 2 sets out those applications reserved under these same regulations which may be considered by the Committee after the procedure set out in 17.33 to 17.36 has been followed.

17.32 For the purposes of matters relating to schedule 2, the Nominated Member is the Chair of the Committee, with the Vice-Chair able to act as Nominated Member when the Chair is unavailable or has a conflict of interest.

17.33 Schedule 2 applications will only be considered by the Committee once the following procedure has been undertaken, except where 17.35 to 17.37 relating to own-interest applications apply:

a. A Gateway Triage Process has been completed. The Gateway Triage Process will be agreed by the Head of Planning Applications following consultation with the Chair.

    i. Those applications that pass the Gateway Triage Process move on to the next stage (17.33b). All others will be determined by the Nominated Officer.

b. The Nominated Member and Nominated Officer agree that determination by the Committee is necessary because in their view it raises either of the following as set out in The Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026:

    i. one or more issues of economic, social or environmental significance to the local area, or
    ii. one or more significant planning matters having regard to the development plan and any other material considerations.

17.34 In all cases where the Nominated Member and Nominated Officer do not agree as required in 17.33(b), the decision is to be taken by the Nominated Officer.

17.35 Schedule 1 and 2 applications are considered own-interest applications where they meet the following criteria:

a. Those that are made (whether or not jointly with any other person) by or on behalf of:

   i. that authority,
   ii. a member of that authority, or
   iii. an officer of that authority, or

b. Those applications that, in the view of both the Nominated Member and the Nominated Officer, the authority or any of its Members or Officers otherwise has an interest in the application.

17.36 Own interest applications, as defined by 17.35, will only be considered by the Committee where the following apply:

a. A Gateway Triage Process has been completed (which will include a transparency and propriety review). The Gateway Triage Process will be agreed by the Head of Planning Applications following consultation with the Chair.

   i. Those applications that pass the Gateway Triage Process move on to the next stage (17.36b). All others will be determined by the Nominated Officer.

b. The Nominated Member and Nominated Officer agree that determination by the Committee is necessary. If the application is listed in Schedule 2, it may only be considered by the Committee where, in the view of the Nominated Officer and Nominated Member, it raises:

   i. one or more issues of economic, social or environmental significance to the local area, or
   ii. one or more significant planning matters having regard to the development plan and any other material considerations.

17.37 In all cases where the Nominated Member and Nominated Officer do not agree to refer as required in 17.36(b), the decision is to be taken by the Nominated Officer

17.38 A record will be kept of the cases the Nominated Officer and Nominated Member have considered for referral to the Committee in accordance with 17.30 to 17.37, the outcome of their consideration and the reasons for their decision. They will be reported to the Committee on a regular basis.

17.39 The Planning and Regulation Committee, and any Panel carrying out regulatory functions under delegation, may permit members of the public

interested in their decisions to address their meetings, in accordance with agreed procedures and adhering to the principles of decision-making contained in section 8.5 of the Constitution.

Regulatory Functions – Delegation Arrangements

17.40 The Committee is also responsible for the following specific regulatory functions on behalf of the Council. These are carried out through the following scheme of delegation and not by the Committee itself.

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

i. These are delegated to the Planning and Regulation Committee Member Panel, see 17.41.

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

i. These are delegated to the Planning and Regulation Committee Member Panel, see 17.41.

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

i. These are delegated to the Planning and Regulation Committee Member Panel, see 17.41.

(d) Appeals by pupils and parents against school-related decisions that are not considered by an external appeal Committee, including transport, education awards and religious education.

i. Such appeals to be dealt with by ad hoc Panels of Members chaired by and including at least one member of the Planning and Regulation Committee. All Panel members must have received appropriate training before taking up their positions.

(e) The discharge of persons who are subject to guardianship, pursuant to Section 23 of the Mental Health Act 1983 on the recommendation of the Director Adult Social Care and Health.

i. This is delegated to the Mental Health Guardianship Sub-Committee. The sub-committee must consist of at least three Members, one of whom must be a member of the Planning and Regulation Committee and the others to be members of the Adult Social Care Cabinet Committee (who must not also be members of an NHS Foundation Trust). The decision to discharge must be agreed by at least three

Members or where there are more Members on the Sub-Committee by a majority of the Panel.

17.41 The Planning and Regulation Committee Member Panel, established to carry out the delegated functions of 17.40 a-c are to consist of 5 Members. A minimum of 1 member must also be a Member of the Planning and Regulation Committee. All Panel members must have received appropriate training before taking up their positions.

17.42 For the removal of doubt, section 17.28 only applies to Members who participate in these delegated arrangements if they are also members of the Planning and Regulation Committee.

Selection and Member Services Committee

Selection and Member Services Committee

17.43 Membership: 9 Members.

17.44 This Committee is responsible for:

(a) developing the role of Members, particularly within their local community,

(b) keeping the Constitution under review and making recommendations to Council on any changes that may be required,

(c) when asked by the Executive, contributing where appropriate to the development of the Council's response to developments in government policy impacting local democracy as a whole (e.g., local government reform),

(d) keeping the Committee structure under review and making recommendations to Council as and when necessary, on the number, names, terms of reference, size and political proportionality of Committees,

(e) making recommendations to Council as and when necessary, on the political proportionality of the Council's representation on other authorities, joint Committees and partnership bodies,

(f) the removal of Local Authority Governors to school governing bodies,

(g) the removal of Local Authority nominees to the Management Committees of Pupil Referral Units (PRUs),

(h) the removal of Local Authority governors to Academies,

(i) for making or arranging the following appointments and nominations:

i. Parent Governor Members of Council Committees,

ii. independent appeal Panels (school admissions and exclusions),

iii. independent members of Social Services Complaints Review Panels,

iv. the selection Panel for the Independent Person,

v. members of the Member Remuneration Panel,

vi. any other non-Council Members on Council Committees,

(j) making appointments and nominations on behalf of the Council to serve on outside bodies (except those needing to be made by the Leader in connection with a delegation by them of their functions, the list of those appointments to be agreed between the Leader and the Committee from time to time),

(k) monitoring expenditure on Members allowances, expenses and services, and any Members' Grants Schemes,

(l) overseeing all Member accommodation, facilities and support services, including conferences, training, secretarial and other Officer support, and making recommendations to the relevant Cabinet Member, as appropriate,

(m) agreeing arrangements for Member attendance at conferences,

(n) determine requests from a lead petitioner for a review of the Council's response to a petition in accordance with Petition Scheme,

(o) to receive reports from informal Member Working Groups where they do not report elsewhere, and

(p) dealing with all matters delegated to it by full Council relating to elections, reviews of electoral and local government boundaries and the creation of Parish Councils.

Pension Fund Committee

Pension Fund Committee

17.45 Membership: 11 Members; plus, as voting members - District/Borough members (appointed by Kent Leaders Group): 3; Medway Council: 1; and as non-voting members - others: 4.

17.46 The Chair is elected by Members of the County Council only.

17.47 This Committee discharges the functions of the Council in relation to the control and investment of the Pension Fund.

Scrutiny Committees

Scrutiny Committee

Scrutiny Committee

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

17.49 The names and contact details of the two Parent Governor Representatives and the three Church Representatives are available online.

17.50 The Council has appointed this Committee under Section 21 of the Local Government Act 2000 to:

(a) review or scrutinise decisions made, or other actions taken, in connection with the discharge of any Executive or Non-Executive functions,

(b) make reports or recommendations to the County Council or the Executive, requiring them to consider and respond, indicating what (if any) action they propose to take, within 2 months,

(c) in the case of Executive decisions made but not implemented, recommend the decision be reconsidered or refer the review of the decision to the County Council,

(d) request, but not require, that implementation of a decision be postponed when considering any decision taken by an Officer or by a Committee exercising functions delegated by the Council,

(e) to make reports or recommendations to the County Council or the Executive on matters which affect the authority's area or the inhabitants of the area,

(f) require the Leader, Cabinet Members and Senior Managers to attend before it and answer questions. It is the duty of any Member or Officer to comply with such a requirement,

(g) require any other Member to attend before it to answer questions relating to any function which is exercisable by the Member by virtue of Section 236 of the Local Government and Public Involvement in Health Act 2007,

(h) invite other persons to attend meetings of the Committee to answer questions and gather evidence with their consent,

(i) appoint one or more Sub-Committees to discharge any of its functions,

(j) co-ordinate the programme of Select Committee reviews during the year,

(k) meet at least once a year as the Crime and Disorder Committee,

(l) co-ordinate the Select Committee work programme.

17.51 When exercising the powers in relation to education functions, this Committee will include persons nominated by the Diocesan Boards of Education of the Canterbury and Rochester Dioceses of the Church of England and the Roman Catholic Bishop whose diocese includes Kent (paragraph 7 of Schedule 1 to the Local Government Act 2000), as well as persons elected as representatives of parent governors at schools maintained by the Council as the local education authority for Kent (paragraph 9 Schedule 1 to the 2000 Act).

Rules Applying to the Scrutiny Committee and Select Committees:

Scrutiny Committee/Select Committees: Common Rules

17.52 Members of the Executive may not serve on the Scrutiny Committee or Select Committees

17.53 Deputy Cabinet Members may not serve as ordinary or substitute members of the Scrutiny Committee, or of Select Committees dealing with issues that are within their own areas of responsibility.

17.54 Reports or recommendations to the Leader, Cabinet Member, Cabinet, Council or Officer may include the views of Members dissenting from the majority recommendation of the Committee.

17.55 These Committees may:

(a) require Members and Officers of the authority to attend before them to answer questions, and

(b) invite other persons to attend meetings.

17.56 It is the duty of any Member or Officer to comply with a requirement in 17.55(a) above. However, Officers below Senior Manager level are not required to attend meetings except with their agreement and that of the relevant Senior Manager.

17.57 If a Cabinet Member is unable to attend as requested, a Deputy Cabinet Member may attend on their behalf. Cabinet Members and Officers will normally attend together for questioning.

Agenda Planning

Scrutiny Committee: Agenda

17.58 The Committee, through its agenda planning processes acts in accordance with the relevant statutory Scrutiny Committee guidance in force at any relevant time. The Kent County Council Scrutiny Committee seeks to ensure that scrutiny activity will have a defined impact on the ground, with the committee making recommendations that will make a tangible difference to the work of the authority. The prioritisation necessary to achieve this shall be for the Scrutiny Committee to determine through its agenda setting processes attended by the Chair of the Committee, the opposition spokespersons and Democratic Services.

17.59 Any Member of the Scrutiny Committee or Sub-Committee thereof is entitled to give notice to the proper Officer that they wish an item relevant to the functions of the Committee or Sub-Committee to be included on the agenda for the next available meeting. On receipt of such a request the proper Officer will ensure that it is included for discussion at the next available agenda setting meeting to determine the most appropriate meeting for the matter's inclusion.

17.60 Any Member of the Council who is not a member of the Scrutiny Committee is entitled to give notice to the proper Officer that they wish an item relevant to the functions of the Committee or Sub-Committee (which is not an excluded matter as set out in 17.61) to be included on the agenda for the next available meeting. On receipt of such a request the proper Officer will ensure that it is included for discussion at the next available agenda setting meeting.

17.61 The definition of an excluded matter referenced in 17.60 is as follows:

(a) any matter relating to a planning or licensing decision,

(b) any matter relating to a person in respect of which that person has a right of recourse to a review or right of appeal conferred by or under any enactment,

(c) any matter which is vexatious, discriminatory or not reasonable to be included in the agenda or discussion at a meeting of the Scrutiny Committee or Sub-Committee.

17.62 However, notwithstanding 17.61, an allegation that a function for which the authority is responsible has not been discharged, or that discharge has failed or is failing on a systemic basis, does not count as an excluded matter, even if the allegation relates to a planning decision, a licensing decision, or a matter relating to a person in respect of which that person has a right of recourse to a review or right of appeal conferred by or under any enactment.

17.63 In addition to the exclusions in 17.61, a crime and disorder matter will be referred to the Crime and Disorder Committee in the first instance.

17.64 In addition to the items referred to in 17.59-72, the Chair and Group Spokespersons on the Scrutiny Committee shall agree the following, with the Chair being responsible for the final decision where agreement could not be reached:

(a) define the role, focus and direction of Scrutiny Committee as to how the work and agenda of the Committee will make a tangible difference to the work of the authority,

(b) the prioritisation of the work and agenda of the Scrutiny Committee,

(c) publish a timetabled rolling work programme,

(d) in accordance with its Terms of Reference which other matters the Committee is to scrutinise,

(e) ensuring that the work of the Committee does not duplicate activity elsewhere to ensure that resources are appropriately deployed to maximise scrutiny outcomes,

(f) the amount of time to be allowed for questioning and debate on each of the items,

(g) identifying the clear lines of inquiry that will be shared with those asked to respond, providing at least four weeks' notice ahead of publication for the preparation of papers by responsible Members and Officers that will substantively respond to the lines of inquiry, except where 17.75 applies,

(h) in relation to a Non-Executive matter, whether they request that implementation of the decision is deferred pending the Committee's consideration of the matter where implementation has not already commenced,

(i) which Members of the Cabinet and Officers it requires to attend (in relation to the consideration of an Executive Decision) or requests to attend (in relation to any other matter) and answer questions, and

(j) which other witnesses it will ask to attend.

Requests for Information

Scrutiny Committee: Information

17.65 The following procedure shall be used by Members when seeking information on matters that the Scrutiny Committee is able to consider under the Constitution.

17.66 Any requests for information shall be made in writing through the Clerk who will acknowledge receipt. A request for information will be forwarded by the Clerk to the relevant Senior Manager. The information requested will be supplied to the Clerk as soon as possible or an indication given when it will be available.

17.67 If an Officer feels unable to supply information requested, or considers it inappropriate to do so, the Senior Manager must be consulted. If the Senior Manager agrees, they will then supply to the Clerk a written explanation of why the information requested cannot be supplied. The Clerk will give this explanation to the Member and inform the Member of their right to request the Chair of the Scrutiny Committee or their Group spokesperson on the Committee to have the matter considered by that Committee.

Additional Rights of Access for Scrutiny Committee Members

17.68 A Member of the Scrutiny Committee is further entitled to any document that is described in 15.19 and 21.10 as well as those documents that are exempt for

reasons other than paragraphs 3 or 6 of Schedule 12A of the Local Government Act 1972 (15.15 (c) and (f) above).

17.69 Where a Member of the Scrutiny Committee requests a document, the Executive must provide that document as soon as reasonably practicable and, in any case, no later than 10 clear days after the Executive receives the request.

17.70 However, no member of the Scrutiny Committee is entitled to a copy of a document or any part of a document containing:

(a) exempt or confidential information, unless that information is relevant to:

i. an action or decision which that Member is reviewing or scrutinising, or
ii. any review contained in any programme of work of such a Committee or Sub-Committee of the Scrutiny Committee,

(b) advice provided by a political adviser or assistant.

17.71 Where the Executive determines that a member of the Scrutiny Committee is not entitled to a copy of a document or part of any such document, it must provide the Scrutiny Committee with a written statement setting out its reasons for that decision.

Scrutiny Committee Process: Call-in

Scrutiny Committee: Call-in

17.72 Any two Members from more than one Political Group may give notice to the Democratic Services Manager within five clear working days from the publication of a decision taken by the Cabinet or a Cabinet Member of their wish to call-in the decision.

17.73 Members can call-in a decision for one or more of the following reasons:

(a) The decision is not in line with the Council's Policy Framework,

(b) The decision is not in accordance with the Council's Budget,

(c) The decision was not taken in accordance with the principles of decision-making set out in 8.5, and/or

(d) The decision was not taken in accordance with the arrangements set out in Section 12.

17.74 The reasons justifying the call-in of a decision must be clearly set out. Should the reasons for call-in be considered by the Head of Governance to be clear, correct and in line with 17.72-73, the decision-maker will be notified.

17.75 The Scrutiny Committee will consider the call-in at a meeting that will take place within ten working days of the decision to call the matter in.

17.76 A Member who called-in a decision may participate in the debate of that call-in by the Scrutiny Committee, irrespective of whether they are a Member of the Scrutiny Committee but may not vote unless they are a Member of the Committee.

17.77 The call-in procedure outlined in paragraphs 17.72-73 above shall not apply where the decision being taken is urgent in accordance with 12.32.

17.78 When considering an Executive decision that has been called-in, the Scrutiny Committee may:

(a) make no comments,

(b) express comments but not require reconsideration of the decision,

(c) require implementation of the decision to be postponed pending reconsideration of the matter by the decision-maker in light of the Committee's comments, or

(d) require implementation of the decision to be postponed pending review or scrutiny of the matter by the full Council.

17.79 If the Scrutiny Committee refers a decision to the full Council, it shall be considered at the next meeting of the Council when the Council may either:

(a) agree the decision be implemented,

(b) express comments but not require reconsideration of the decision, or

(c) require implementation of the decision to be postponed pending reconsideration of the matter by the Cabinet, taking into account the Council's comments.

17.80 In the event of a decision being referred back for reconsideration by either the decision-maker or the full Council, the Cabinet shall first reconsider it on the basis of a report setting out the comments expressed and confirm, rescind or amend the decision in the light of those comments. A written statement of that reconsidered decision will be published and sent to all Members of the Council.

17.81 If the Scrutiny Committee requires implementation of a decision that has been called-in to be postponed, or refers it to Council, it may not be implemented until the processes set out in 17.79-80 have been completed.

Councillor Call for Action (CCfA)

Councillor Call for Action (CCfA)

17.82 Subject to the exclusions set out in 5, Section 119 of the Local Government and Public Involvement in Health Act 2007 enables any Member of the Council to refer to the Scrutiny Committee any matter which:

(a) relates to the discharge of a function of the authority,

(b) is relevant to the functions of the Committee, and

(c) affects all or part of their division or any person who lives or works there.

17.83 Prior to making a CCfA referral, Members are expected to have tried to resolve the issue using all mechanisms and resources available to them.

17.84 A referral is made by a Member completing the relevant form available from Democratic Services. The Chair of the Scrutiny Committee will be informed of all eligible referrals and these will be presented to the Scrutiny Committee at its next meeting.

17.85 The Committee determines whether to take the referral further or not. Where the referral is not accepted, the Member will be provided with the reasons.

17.86 Where it does take up the request, the matter will be considered at the subsequent Committee meeting. Before doing so, the Committee must consider:

(a) Potential solutions to the issue and how these could be achieved.

(b) Whether further evidence should be requested or relevant witnesses and representatives from partner organisations should be invited to the Committee meeting.

(c) Who will decide that the issue is resolved.

17.87 Once the Committee has completed its work on the CCfA request, the Member who made the request will receive a copy of any report or recommendations made.

Formulation of Recommendations and Reports

Scrutiny Committee: Recommendations

17.88 After answering questions, the Cabinet Member, Deputy Cabinet Member and Officers may remain but should not normally be invited to speak during debate unless it seems likely the Committee will be proposing an action on which they have not commented and on which advice is either sought or should be given in order to protect the Council's interests or for the purposes of clarification.

17.89 At the debate stage, the Committee has to decide whether to express comments on the proposal(s) to the Leader, Cabinet, Cabinet Member, or the relevant Officer or the Council.

(a) The Chair shall first explore through debate if there is a consensus on the views to be expressed by the Committee.

(b) If there is no consensus, the Chair will ask if any Member wishes to move a formal proposal as to the view to be expressed by the Committee. If seconded, a debate will take place under normal Procedure Rules applying to Committees, including the possibility of amendments to the motion before the Committee.

(c) If the motion is passed, it will become the formal view of the Committee.

(d) If the motion is lost, but no other motion is put forward, the Committee will be deemed to have decided to make no comment.

17.90 In relation to matters other than Executive Decisions, the Scrutiny Committee will meet, question relevant Members and Officers, debate the issues identified by the Chair and Group Spokespersons and resolve by a majority vote to either:

(a) make no comments,

(b) express comments or make recommendations to the decision-maker or relevant senior manager, or

(c) report to the Council, or

(d) refer any issues arising from its debate for consideration by a Cabinet Committee, Cabinet Member or the Cabinet.

Select Committee - Topic Review - Plans

17.91 A rolling two year Select Committee Work Programme will be set by the Scrutiny Committee, subject to the endorsement of Cabinet.

17.92 The plan for each individual review is subject to endorsement of the Scrutiny Committee or via agreement of the Chair and spokespersons for the Scrutiny Committee (with this agreement being reported retrospectively to the Committee). The plan shall include:

(a) the terms of reference of the review, including the general nature of the expected outcomes, which should be developed by a cross-party Member Group (one from each Political Group) for approval by the Select Committee,

(b) the names of any co-opted person from outside the Council to serve on the Select Committee (such co-opted Members will not have a vote),

(c) the staff and other resources required to deliver the review including, if required, the ability to appoint an adviser to the Select Committee,

(d) an approximate timetable of meetings and final reporting date (normally within 6 months of the review commencing),

(e) the main witnesses and information sources expected to be involved in the review.

Select Committees

17.93 Membership: 10 Members.

17.94 These are time limited, task specific Sub-Committees of the Scrutiny Committee, appointed to carry out reviews on behalf of the Scrutiny Committee with the same powers as the main Committee.

17.95 The general scope of each Select Committee review is agreed by the Scrutiny Committee and endorsed by Cabinet when it is included in the work programme. The detailed terms of reference of each Select Committee Review are developed by a cross-party Member group (one from each Group), for approval by the Select Committee and endorsement by the Scrutiny Committee.

17.96 Sections 17.52-57 apply to Select Committees.

Meeting Arrangements: Select Committees

17.97 Select Committees shall ensure that:

(a) dates and arrangements for witnesses to attend their meetings (or otherwise give evidence to Committee members) are agreed with witnesses in advance,

(b) advance notice is given to witnesses of the areas to be covered in questioning,

(c) information is, wherever possible, distributed to the Committee Members in writing before the witness attends.

17.98 A written summary of evidence given at Select Committee meetings will be prepared by the Clerk and agreed with the witness prior to its publication.

Review Reports

Select Committee: Reports

17.99 During Topic Reviews, Select Committees shall ensure that relevant Cabinet Members and Officers are kept informed of the progress of the review and that they have full opportunity to comment and inform the deliberations of the Committee.

17.100 Select Committees shall ensure that relevant Officers are consulted on any statistics, data and information which are to be included in their reports or on which they intend to base conclusions. The report should include all such data and information or state where it is available

17.101 Reports shall include a link to all summaries of evidence given to the Committee during the Topic Review.

17.102 When producing their reports, Select Committees should make explicit the likely resource implications of their proposals and have due regard to their affordability and deliverability, taking account of the resources available to the Council.

17.103 Select Committees may not in their reports criticise or adversely comment on any individual Officer by name.

17.104 The Select Committee's report will be developed through informal meetings with the Research Officer for the review.

17.105 Once the draft report is prepared with its conclusions and recommendations, the Select Committee must ensure that relevant Cabinet Members and Officers have the opportunity to comment on the draft report before it is published.

17.106 The final report will be approved at a formal meeting of the Select Committee.

17.107 The Select Committee's final report will be submitted to Cabinet for comment, before being submitted to County Council for endorsement.

Monitoring of Select Committee Recommendations

17.108 The Scrutiny Committee will monitor and review the Executive's response to Select Committee reports, as set out below.

(a) Three months after County Council has endorsed a Select Committee report, the Scrutiny Committee should receive an action plan from Officers setting out how they propose to take the recommendations forward.

(b) One year after County Council has endorsed a Select Committee report, the Select Committee will be reconvened to receive a report from Officers that details progress with each of the recommendations.

(c) The Minutes from this Select Committee meeting will be presented to the next meeting of the Scrutiny Committee for comment and noting or to request further monitoring.

Publicising and Launching Select Committee Reports

17.109 All communications between Select Committee Members and the media shall be in accordance with the Public Relations Protocol for Select Committee Reviews and Reports (as approved by the Council on 11 December 2008).

Crime and Disorder Committee

17.110 Membership: 13 Members.

17.111 This Committee is responsible for the scrutiny of authorities responsible for Crime and Disorder strategies in accordance with Section 19 of the Police and Justice Act 2006 and the Protocol below.

Protocol for the Crime and Disorder Committee

17.112 The Scrutiny Committee will act as Crime and Disorder Committee for the purposes of Section 19 of the Police and Justice Act 2006.

17.113 The Crime and Disorder Committee has the power to:

(a) Review and scrutinise decisions made, or other action taken, in connection with the discharge by the authorities responsible for crime and disorder strategies of their crime and disorder functions and make recommendations.

(b) Consider a Councillor Call for Action relating to crime and disorder matters.

17.114 The role of the Committee is as a "critical friend" of the community safety partnership, providing it with constructive challenge at a strategic level. Its role is not fault finding at an operational level.

17.115 The Committee's remit is to review and scrutinise the decisions and actions of the partnership as a whole and not individual organisations within it.

17.116 The responsible authorities for Crime and Disorder strategies are:

(a) Kent Police.
(b) Kent and Medway Fire and Rescue Authority.
(c) Clinical Commissioning Groups.
(d) District/County Councils.
(e) Providers of Probation Services in Kent under Section 3 of the Offender Management Act 2007.

17.117 Meetings of the Scrutiny Committee (meeting as the Crime and Disorder Committee) will be programmed to be held at least once a year.

17.118 An informal meeting will be held at least six weeks before each Committee meeting (and if possible, much earlier) where the Chair, Vice Chair and Minority Group Spokespersons will consider items for the next meeting and agree the agenda.

17.119 Items for the Committee may be suggested by the Kent Community Safety Partnership whose Chair may attend the agenda setting meeting to put forward these items.

17.120 As soon as the agenda has been agreed, relevant responsible authorities will be informed of any information, attendance or co-optees required for that meeting.

17.121 The Committee may require an Officer of a responsible authority to attend before it in order to answer questions.

17.122 Information requested by the Committee from responsible authorities which is relevant to the exercise of the Committee's functions must be provided.

17.123 A minimum of 28 days' notice will be given of the requirement to attend, or to provide information, except in the case of urgent items when the notice period may be shorter.

17.124 Committee members should not request detailed information from representatives of a responsible authority at meetings of the Committee, unless they have given prior notice through the Clerk. If, in the course of a question-and-answer session at a Committee meeting, it becomes apparent that further information would be useful, the representative being questioned may be required to submit it in writing to members of the Committee.

17.125 In the course of questioning at meetings, representatives of a responsible authority may decline to give information or respond to questions on the ground that it is more appropriate that the question be directed to a more senior Officer or Member.

17.126 Representatives of a responsible authority may decline to give information on the grounds that the answer might disclose information which may not be disclosed under the Local Government (Access to Information Act) 1985 or the Data Protection Act 2018 and the General Data Protection Regulations (GDPR) and other relevant legislation. In this event, the Committee may resolve to exclude the media and public in order that the question may be answered in private session.

17.127 During the course of the meeting, the Committee and its members may not criticise or adversely comment by name any individual Officer of a responsible authority.

17.128 If the Committee intends to make a recommendation or a report to a responsible authority, it will do so in draft form and give the relevant responsible authority the opportunity to comment on the factual accuracy of it before it makes a formal recommendation or produces a report.

17.129 Once a formal recommendation or report is made to a responsible authority, the authority is required to respond in writing to the Committee within 28 days. If there are extenuating circumstances which make this timescale unreasonable, the Committee should be made aware of them in writing as soon as possible and before the end of the 28-day period.

Co-option of additional members

17.130 The Kent and Medway Fire and Rescue Authority shall be represented on the Committee by members of the Committee who are also members of the Medway Fire and Rescue Authority where applicable.

17.131 The Committee has the right to co-opt representatives from responsible authorities onto the Committee when a specific matter is being considered that may lead to recommendations for that authority.

Kent Flood Risk and Water Management Committee

Kent Flood Risk and Water Management Committee

17.132 Membership: 7 Members.

17.133 As an Overview and Scrutiny Committee, sections 17.52 and 17.53 apply to the membership.

17.134 In accordance with Section 9FH of the Local Government Act 2000, this committee is responsible for reviewing and scrutinising the exercise of flood risk management functions and coastal erosion risk management functions by risk management authorities which may affect the local authority's area.

17.135 The Committee may request information and a response to reports from the risk management authorities, to which the authorities must comply.

17.136 Risk management authorities, as defined by Part 1 of the Flood and Water Management Act 2010, are:

(a) The Environment Agency.
(b) The lead local flood authority (Kent County Council).
(c) District councils.
(d) Internal drainage boards.
(e) Water companies.
(f) Highways authorities (Kent County Council and National Highways).

17.137 The Committee is also responsible for:

(a) investigating water resource management issues in Kent;

(b) investigating water quality issues in Kent;

(c) reporting annually (and more often if necessary) to the Scrutiny Committee and to the relevant Cabinet Member; and

(d) receiving and reviewing reports related to climate, flood risk and coastal erosion risk management as appropriate.

17.138 The Committee may appoint or remove 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.

17.139 Membership: 13 Members; plus, Borough/District Council representatives: 4.

17.140 None of the following may be an ordinary or substitute 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.

17.141 The membership exclusions set out in 17.140 also apply to any Joint Health Overview and Scrutiny Committee established with any other authority or authorities.

17.142 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.

17.143 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.

17.144 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.

17.145 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.

17.146 This Committee cannot consider individual complaints relating to health services. Individuals will be asked to use the complaints process of the relevant organisation.

17.147 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.

17.148 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.

17.149 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.

17.150 Nothing in 17.148-149 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.

17.151 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

17.152 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 Services

17.153 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 17.157-158.

17.154 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.

17.155 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.

17.156 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.

17.157 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.

17.158 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.

Call-in Requests

17.159 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.

17.160 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.

17.161 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.

17.162 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.

17.163 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 17.153, the consultation will pause if required by the letter.

17.164 Notwithstanding 17.163, 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)

Joint Health Overview and Scrutiny Committees (JHOSCs)

17.165 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).

17.166 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 17.148-150 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.

17.167 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.

Scrutiny Committees: Additional Provisions

17.168 Scrutiny Committees in preparing Review Plans and Select Committees in carrying out reviews and preparing reports, shall comply with the protocols agreed by the former Kent Association of Local Authorities governing co-operation between authorities on overview and scrutiny (17.169-179).

Protocol for Overview and Scrutiny Inter-Authority Co-Operation

Aim of the Protocol

17.169 To ensure the Overview and Scrutiny Committees of all Kent local authorities can review issues of community interest effectively and with efficient use of all local authority staff resources.

Principles

17.170 All authorities should be supported in considering issues of community well-being wider than the responsibilities of their Councils.

17.171 Authorities should work together to maximise the exchange of information and views, minimise bureaucracy and make best use of the time of Members and Officers of local and other authorities.

Procedures

17.172 Authorities should seek to exchange information on programmes and results of reviews.

17.173 If an Overview and Scrutiny Committee wishes to review an issue in which another authority has a statutory role or in which evidence from the Officers of another authority would be helpful, it should consult with that authority about:

(a) the purpose of the review,
(b) the areas of interest to the other authority,
(c) the input that can be given by Members or Officers of the other authority.

17.174 Consideration should be given to whether the issue is more appropriately discussed in another forum, for example a joint Committee, or whether there is scope for joint action including the co-opting of Members of the other Authority onto the Overview and Scrutiny Committee for the purpose of the review.

17.175 Where a proposal is subject to a public consultation process, scrutiny is most helpful if conducted as part of that process e.g., allowing any findings and recommendations to be available in time to influence the final decision.

17.176 Subject to such prior consultation, Authorities will seek to respond positively to requests for information or for a Member or Officer to attend meetings of Overview and Scrutiny Committees or for information.

17.177 While it is ultimately for each Authority to decide who it considers the most appropriate person(s) to speak on its behalf to an Overview and Scrutiny Committee, consideration will be given to meeting specific requests.

17.178 Dates and times of Member and Officer attendance at Overview and Scrutiny meetings should be agreed with them.

17.179 Each Authority will nominate a contact Officer for the operation of these procedures.

Member Remuneration Panel

Other

Member Remuneration Panel

17.180 The Member Remuneration Panel (MRP) is not a Committee of the Council and is established under The Local Authorities (Members' Allowances) (England) Regulations 2003.

17.181 Membership: 3 independent members.

17.182 No Panel member may be any of the following:

(a) A Member or Co-opted Member of the Council or any of its Committees.

(b) An individual disqualified from being or becoming a Member of the Council.

(c) An employee of the Council.

17.183 Membership of the MRP will cease:

(a) Automatically when any of the disqualifications listed in 17.182 apply.

(b) Upon written notice of resignation sent by the Panel member and received by the Monitoring Officer.

(c) Immediately upon resolution of County Council following recommendation by the Selection and Member Services Committee.

(d) At the end of the term of appointment.

17.184 The Monitoring Officer shall be responsible for recruiting and recommending 3 individuals to the Selection and Member Services Committee for provisional appointment. The appointments are subject to confirmation by full Council.

17.185 Panel members are appointed for four years, or as determined by County Council at the time of appointment.

17.186 In the event of an interim vacancy in the Panel membership, the process in 17.184 will be followed with the Monitoring Officer recommending the same number of names as vacancies. The appointment is to run for the remainder of the original appointee's term unless otherwise determined by County Council.

17.187 On a four yearly basis, the MRP is responsible for reviewing the whole Members Allowances Scheme and making recommendations to the Council on the following:

(a) The amount of the basic allowance.

(b) The responsibilities and duties to allow the following to be received and the amount thereof:

i. Special Responsibility Allowance (SRA).
ii. Travel and subsistence expenses.
iii. Co-opted members' allowances.

(c) The amount of the dependants' carers' allowance.

(d) The implementation date for the new Members' Allowances Scheme and whether any payments should be backdated to the start of the municipal or financial year.

(e) Whether there are to be any annual changes to the amounts received for a-d above; and where the changes are to be related to an index, the details of such an index.

17.188 In addition to the four yearly review, the Selection and Member Services Committee can request the MRP to conduct a review of one or more of the areas set out in 17.187(a-e) and make recommendations to the Council.

17.189 The MRP shall select from its number a Chair.

17.190 No Member of the Council has a right to attend its meetings and its procedures are determined by the Panel itself, subject to the requirement of a quorum of 3 Panel members when agreeing recommendations to make to the Council.

17.191 Upon completion of the four-yearly review under section 17.187, each Panel member shall receive an allowance of £1,000. Reasonable travel and other expenses shall also be paid.

17.192 Upon completion of a review under 17.188, each Panel member shall receive an allowance of £600. Reasonable travel and other expenses shall also be paid.

17.193 The Chair of the Panel shall receive an additional allowance of £200 upon completion of each review under both 17.187 and 17.188.

17.194 The work and recommendations of the Panel must conform to the relevant legislation.

18. Cabinet and Cabinet Committees

18.1 Under 6.5, the arrangements for meetings of the Cabinet and formal Committees of the Executive are set out in this Section.

Cabinet Procedure Rules

Meetings of the Cabinet

18.2 Meetings of the Cabinet shall be held on such dates and at such times and venues as the Leader shall decide.

18.3 The Clerk will summon all Cabinet Members to meetings by making available an agenda and accompanying papers to each Executive Member five clear working days before the meeting. The agenda and papers will be sent at the same time to the Members of the Scrutiny Committee.

Agendas

18.4 The agenda for each meeting of the Cabinet will comprise:

(a) The minutes of the previous meeting for approval and signing,

(b) Such items as the Leader decides.

(c) Any report by the Chief Executive, Chief Finance Officer, or Monitoring Officer.

(d) Any report referred to the Cabinet from a Cabinet Committee.

18.5 The Leader may decide that there are special circumstances that justify an item of business, not included on the agenda, being considered as a matter of urgency. They must state these reasons at the meeting and the Clerk shall record them in the minutes.

Quorum

18.6 The quorum for a meeting of the Cabinet is three Executive Members.

Chairing

18.7 The Leader will chair meetings of the Cabinet, or in their absence the Deputy Leader. If neither is present or able to preside, the Cabinet shall elect another Cabinet Member to preside for that meeting or item.

Attendance

18.8 Members attending Cabinet meetings must sign the attendance list

18.9 Any Member of the Council may attend any meeting of the Cabinet, including those parts of the meeting when the public is excluded. They do not have a right to speak without the consent of the Leader or Member chairing the meeting.

18.10 If the Cabinet is considering an item of business in private that relates to the personal or financial affairs of an individual employee or a member of the public, the Leader or Member chairing the meeting may exclude from the meeting any Member who is not an Executive Member.

Conduct of Meetings

18.11 The Leader or Member chairing the meeting shall conduct the business of the meeting so as to encourage decision by consensus.

18.12 Every Cabinet Member is entitled to express a view on each item of business.

18.13 Following debate, the Leader or the person presiding at the meeting will summarise the discussion and formulate a proposition that they will put to the Cabinet for agreement. A vote will not be taken unless the Leader or the person presiding at the meeting so decides but any Member who dissents from a decision of the Cabinet is entitled to have that dissent recorded in the minutes, provided this request is made immediately upon the decision having been taken.

18.14 If necessary to maintain an orderly discussion, the Leader or Member chairing the meeting may:

(a) require a vote to be taken by a show of hands,

(b) restrict the number of times any Member may speak,

(c) restrict the length of speeches,

(d) adjourn the discussion to a later meeting.

18.15 In the event of a vote being taken and the votes for and against being equal, the Leader or the person presiding at the meeting has a second or casting vote.

18.16 If necessary to maintain order, the Leader may:

(a) with the consent of the Cabinet, require a member of the Cabinet, the Council or the public to leave the room,

(b) direct a Member to be silent,

(c) adjourn or terminate the meeting.

Discussion of Employees

18.17 No discussion shall take place concerning an individual employee unless the Leader or the person presiding at the meeting has considered whether to discuss the matter in public or private session.

Conflicts of Interest

18.18 Procedure Rule 15.26 on Members' interests applies to Cabinet meetings.

18.19 A Cabinet Member with a Disclosable Pecuniary Interest or Other Significant Interest (as defined by the Code of Member Conduct) in a matter with which they are dealing must declare that interest and inform the Leader and the Monitoring Officer. The Leader may assign its determination or consideration to another Cabinet Member.

Cabinet Committee Procedure Rules

18.20 Cabinet Committees are advisory Committees of the Executive.

18.21 Each Cabinet Committee considers the functions of the Council that are the responsibility of one or more Cabinet Members, together with related matters affecting Kent or its residents.

18.22 Cabinet Committees shall:

(a) Consider and either endorse or make recommendations on the statutory key and significant decisions to be taken by the Leader, a Cabinet Member, the Cabinet or Officers.

(b) Assist and advise the Leader, Cabinet Members, the Cabinet and Officers in the development of the Policy Framework.

(c) Review the performance of the functions of the Council that fall within the remit of the Cabinet Committee in relation to its policy objectives, performance targets and the customer experience.

(d) Make reports and recommendations to the Leader, Cabinet Members, the Cabinet or Officers arising from the exercise of the preceding terms of reference, or which affect Kent or its inhabitants within their allocated areas of responsibility.

(e) Hold a maximum of two debates at each meeting on petitions that have reached the required signature threshold as set out in the Petition Scheme.

18.23 Cabinet Committees have the power to:

(a) Request relevant Cabinet Members and Senior Managers to attend before them and answer questions.

(b) Question and gather evidence from any person (with their consent).

(c) In exceptional circumstances submit a proposal to the Leader to establish a Sub-Committee. If the proposal is approved by the Leader, the Chair will be nominated by the Leader and elected by the Sub-Committee.

(d) Co-opt individuals on a non-voting basis if there is a proven business need.

(e) In addition, the Policy and Resources Cabinet Committee will undertake policy development activity where this is of a cross cutting nature or allocate this responsibility to a Cabinet Committee.

18.24 The membership, terms of reference and number of Cabinet Committees will be determined by the Leader under 16.7. The current membership is as follows (last updated 28 April 2026):

Cabinet Committees: Names

(a) Policy and Resources (Cross-cutting and Prime Cabinet Committee) (Membership: 8 Reform, 1 Liberal Democrat, 1 Restore Britain, 1 Conservative, 1 Green, 1 Labour)

(b) Adult Social Care and Public Health (Membership: 8 Reform, 1 Liberal Democrat, 1 Restore Britain, 1 Conservative, 1 Green, 1 Labour)

(c) Children's Young People and Education (Membership: 8 Reform, 1 Liberal Democrat, 1 Restore Britain, 1 Conservative, 1 Green, 1 Labour)

(d) Devolution and Local Government Reorganisation (Membership: 8 Reform, 2 Liberal Democrat, 2 Restore Britain, 1 Conservative, 1 Green, 1 Labour)

(e) Growth, Environment and Transport (Membership: 8 Reform, 1 Liberal Democrat, 1 Restore Britain, 1 Conservative, 1 Green, 1 Labour)

Chair and Vice-Chair

18.25 The Chairs of Cabinet Committees are nominated by the Leader of the Council and elected by the Committee

18.26 The Committee will elect a Vice Chair from its Members.

18.27 Any Sub-Committee set up under 18.23(c) will elect a Vice Chair from its members.

Access to Information Act

18.28 The Access to Information Act procedure rules, 15.11-18, will apply to Cabinet Committees.

Agenda Setting Meeting

18.29 An agenda setting meeting will be held at least two weeks before each Cabinet Committee meeting, at which the following will attend:

(a) The Cabinet Committee Chair, Vice Chair and Group Spokespersons.

(b) Relevant Cabinet and Deputy Cabinet Members.

(c) Relevant Senior Managers.

18.30 At this meeting, consideration will be given to a first draft of the agenda, which may consist of the following:

(a) Standard items, e.g., the draft capital and revenue Budget and Policy Framework.

(b) Documents or issues that it has been agreed the Cabinet Committee will monitor or review.

(c) Items that have been previously agreed by Members as items for future meetings.

(d) Items that have been proposed by a member of the Cabinet Committee which are relevant to the functions of that Cabinet Committee.

(e) A maximum of two public petitions in line with the requirements of the petition scheme (20.2-18). Rules on debating public petitions are set out at 14.36-41.

18.31 The Chair of the Cabinet Committee, in consultation with relevant Cabinet Members, will determine the final agenda.

19. Partnerships

Partnerships

Partnership Committees and Bodies and Joint Arrangements

19.1 The Council may establish joint arrangements with one or more local authorities and/or their Executives to either exercise functions that are not Executive functions in any of the participating authorities, or to advise the Council. Such arrangements may involve the appointment of Joint Committees with those other local authorities.

Partnerships: Approval

19.2 The Leader, in consultation with the Chief Executive, may establish joint arrangements with one or more local authorities and/or their Executives to exercise functions that are Executive functions. Such arrangements may involve the appointment of Joint Committees with those other local authorities.

19.3 The Leader may only enter into partnership agreements with other persons and organisations subject to the consent of full Council if the agreement involves the transfer or delegation of any discretionary decision-making.

19.4 In all instances, the Monitoring Officer and Head of Governance must be informed of the arrangement prior to it coming into operation. The Head of Governance is responsible for maintaining a comprehensive summary of partnership Committees, bodies and joint arrangements, together with their terms of reference. A list of outside bodies will be published on the Council website.

Form, Composition and Function of Joint Committees with Other Local Authorities

Partnerships: Arrangements

19.5 Representation on Joint Committees should reflect the political composition of the Council as a whole except where:

(a) the Joint Committee has functions relating to a part of the area of the Council that is smaller than two-fifths of the Council by area or population, or

(b) the Joint Committee is with a single district Council and relates to Executive functions of the County Council.

19.6 In the exceptions set out in 19.5(a) or (b) the political balance requirements in the Local Government and Housing Act 1989 do not apply and any Member for an electoral division which is wholly or partly contained within the area may be appointed. In addition:

(a) the Leader may appoint Non-Executive Members to a Joint Committee where it is an Executive function, and

(b) a Cabinet Member may serve on such a Joint Committee if otherwise eligible to do so as a Member of the Council where it is either an Executive or a Council function.

Procedure Rules

19.7 Joint Committees will follow Procedure Rules set out in the resolution appointing them.

Governance Arrangements for the Kent Health and Wellbeing Board (Updated February 2020)

Kent Health and Wellbeing Board (HWB)

Role

19.8 The Kent Health and Wellbeing Board (HWB) leads and advises on work to improve the health and wellbeing of the people of Kent through joined up commissioning across the NHS, social care, public health and other services (that the HWB agrees are directly related to health and wellbeing) in order to:

(a) secure better health and wellbeing outcomes in Kent,

(b) reduce health inequalities, and

(c) ensure better quality of care for all patients and care users.

19.9 The HWB has a primary responsibility to make sure that health care services paid for by public monies are provided in a cost-effective manner.

19.10 The HWB also aims to increase the role of elected representatives in health and provide a key forum for public accountability for NHS, public health, social care and other commissioned services that relate to people's health and wellbeing.

Terms of Reference:

19.11 The HWB:

(a) Commissions and endorses the Kent Joint Strategic Needs Assessment (JSNA), subject to final approval by relevant partners, if required.

(b) Commissions and endorses the Kent Joint Health and Wellbeing Strategy (JHWS) to meet the needs identified in the JSNA, subject to final approval by relevant partners, if required.

(c) Commissions and endorses the Kent Pharmaceutical Needs Assessment, subject to final approval by relevant partners, if required.

(d) Reviews the commissioning plans for healthcare, social care (adults and children's services) and public health to ensure that they have due regard to the JSNA and JHWS, and to take appropriate action if it considers that they do not.

(e) Works alongside the Health Overview and Scrutiny Committee (HOSC) to ensure that substantial variations in service provision by health care providers are appropriately scrutinised. The HWB itself will be subject to scrutiny by the HOSC.

(f) Considers the totality of the resources in Kent for health and wellbeing and considers how and where investment in health improvement and prevention services could improve the overall health and wellbeing of Kent's residents.

(g) Discharges its duty to encourage integrated working with relevant partners within Kent, which includes:

i. endorsing and securing joint arrangements, including integrated commissioning where agreed and appropriate,
ii. use of pooled budgets for joint commissioning (s75),
iii. the development of appropriate partnership agreements for service integration, including the associated financial protocols and monitoring arrangements,

iv. making full use of the powers identified in all relevant NHS and local government legislation.

(h) Works with existing partnership arrangements, e.g., children's commissioning, safeguarding and community safety, to ensure that the most appropriate mechanism is used to deliver service improvement in health, care and health inequalities.

(i) Considers and advises Care Quality Commission (CQC) and NHS Commissioning Board; monitors providers in health and social care with regard to service reconfiguration.

(j) Works with the HOSC and/or provides advice (as and when requested) to the County Council on service reconfigurations that may be subject to referral to the Secretary of State on resolution by the full County Council.

(k) Is the focal point for joint working in Kent on the wider determinants of health and wellbeing, such as housing, leisure facilities and accessibility, in order to enhance service integration.

(l) Reports to the full County Council as and when requested on its activity.

(m) Represents Kent in relation to health and wellbeing issues in local areas as well as nationally and internationally.

(n) May delegate those of its functions it considers appropriate to another Committee established by one or more of the principal Councils in Kent to carry out specified functions on its behalf for a specified period of time (subject to prior agreement and meeting the HWB's agreed criteria).

Membership

19.12 The Chairman is elected by the HWB.

HWB: Membership

19.13 Kent County Council:

(a) The Leader of Kent County Council and/or their nominee.
(b) Three elected Members of Kent County Council nominated by the Leader of Kent County Council.
(c) Corporate Director Adult Social Care and Health*.
(d) Corporate Director Children, Young People and Education*
(e) Director of Public Health*.

19.14 Clinical Commissioning Group: up to a maximum of two representatives from each consortium*

19.15 A representative of the local Health Watch* organisation for the area of the local authority.

19.16 A representative of the NHS Commissioning Board Local Area Team*.

19.17 Three elected Members representing the Kent District/Borough/City Councils (nominated through the Kent Council Leaders).

19.18 Any other person or representatives as the Health and Wellbeing Board considers appropriate may be co-opted with the agreement of the Board. Such co-optees will be non-voting members of the Board and their membership will be reviewed annually by the Board.

19.19 Notes to 19.13-19.16 - *denotes statutory member.

Procedure Rules

19.20 Conduct. Members of the HWB are expected to subscribe to and comply with the Kent County Council Code of Conduct. Non-elected representatives on the HWB (e.g., GPs and Officers) will be co-opted members and, as such, covered by the Kent Code of Conduct for Members for any business they conduct as a member of the HWB.

19.21 Declaration of Disclosable Pecuniary Interests. Section 31(4) of the Localism Act 2011 (disclosable pecuniary interests in matters considered at meetings or by a single member) applies to the HWB and any Sub Committee of it. A register of disclosable pecuniary interests is held by the Clerk to the HWB, but HWB members do not have to leave the meeting once a disclosable pecuniary interest is declared.

19.22 Frequency of Meetings. The HWB meets at least annually. The date, time and venue of meetings is fixed in advance by the HWB in order to coincide with the key decision-points and the Forthcoming Decision List.

19.23 Meeting Administration.

(a) HWB meetings are advertised and held in public and administered by the County Council.
(b) The HWB may consider matters submitted to it by local partners.
(c) The County Council gives at least five clear working days' notice in writing to each member of every ordinary meeting of the HWB, to include any agenda of the business to be transacted at the meeting.
(d) Papers for each HWB meeting are sent out at least five clear working days in advance.
(e) Late papers may be sent out or tabled only in exceptional circumstances.
(f) The HWB holds meetings in private session when deemed appropriate in view of the nature of business to be discussed.
(g) The Chairman's decision on all procedural matters is final.

19.24 Meeting Administration of Sub Committees. HWB Sub-Committees are administered by a principal local authority, in the case of the Clinical Commissioning Group level HWBs, by a District Council in that area. They will be subject to the provisions stated in these Procedure Rules.

19.25 Special Meetings. The Chairman may convene special meetings of the HWB at short notice to consider matters of urgency. The notice convening such meetings shall state the particular business to be transacted and no other business will be transacted at such meeting.

19.26 The Chairman is required to convene a special meeting of the HWB if they are in receipt of a written requisition to do so signed by no less than three members of the HWB. Such requisition shall specify the business to be transacted and no other business shall be transacted at such a meeting. The meeting must be held within five clear working days of the Chairman's receipt of the requisition.

19.27 Minutes. Minutes of all HWB meetings are prepared recording:

(a) the names of all members present at a meeting and of those in attendance,
(b) apologies,
(c) details of all proceedings, decisions, and resolutions of the meeting.

19.28 Minutes are printed and circulated to each member before the next meeting of the HWB, when they are submitted for approval by the HWB and are signed by the Chairman.

19.29 Agenda. The agenda for each meeting normally includes:

(a) Minutes of the previous meeting for approval and signing.
(b) Reports seeking a decision from the HWB.
(c) Any item which a member of the HWB wishes included on the agenda, provided it is relevant to the terms of reference of the HWB and notice has been given to the Clerk at least nine working days before the meeting.

19.30 The Chairman may decide that there are special circumstances that justify an item of business, not included in the agenda, being considered as a matter of urgency. They must state these reasons at the meeting and the Clerk shall record them in the minutes.

19.31 Chairman and Vice Chairman's Term of Office. The Chairman and Vice Chairman's term of office terminates on 1 April each year, when they are either reappointed or replaced by another member, according to the decision of the HWB, at the first meeting of the HWB succeeding that date.

19.32 Absence of Members and of the Chairman. If a member is unable to attend a meeting, then they may provide an appropriate alternate member to attend in their place. The Clerk of the meeting should be notified of any absence and/or substitution within five working days of the meeting. The Chairman presides at HWB meetings if they are present. In their absence the Vice-Chairman presides. If both are absent, the HWB appoints from amongst its members an Acting Chairman for the meeting in question.

19.33 Voting. The HWB operates on a consensus basis. Where consensus cannot be achieved the subject (or meeting) is adjourned and the matter is

reconsidered at a later time. If, at that point, a consensus still cannot be reached, the matter is put to a vote. The HWB decides all such matters by a simple majority of the members present. In the case of an equality of votes, the Chairman shall have a second or casting vote. All votes shall be taken by a show of hands unless decided otherwise by the Chairman. For clarity, each Clinical Commissioning Group has one vote, irrespective of whether both the Clinical Lead and Accountable Officer for that Clinical Commissioning Group attend the HWB.

19.34 Quorum. A third of members form a quorum for HWB meetings. No business requiring a decision shall be transacted at any meeting of the HWB which is inquorate. If it arises during the course of a meeting that a quorum is no longer present, the Chairman either suspends business until a quorum is re-established or declares the meeting at an end.

19.35 Adjournments. By the decision of the Chairman, or by the decision of a majority of those members present, meetings of the HWB may be adjourned at any time to be reconvened at any other day, hour and place, as the HWB decides.

19.36 Order at Meetings. At all meetings of the HWB it is the duty of the Chairman to preserve order and to ensure that all members are treated fairly. They decide all questions of order that may arise.

19.37 Suspension/disqualification of Members. At the discretion of the Chairman, anybody with a representative on the HWB will be asked to reconsider the position of their nominee if they fail to attend two or more consecutive meetings without good reason or without the prior consent of the Chairman, or if they breach the Kent Code of Conduct for Members.

Kent and Medway NHS Joint Overview and Scrutiny Committee (JHOSC)

Kent and Medway NHS Joint Overview and Scrutiny Committee

Membership

19.38 Membership: 8 Members: - Kent County Council Members: 4; Medway Council representatives: 4.

Terms of Reference

19.39 To receive evidence in relation to proposals for a substantial development of, or variation to, the health service which affect both Kent and Medway under consideration by a relevant NHS body or relevant health service provider where both the relevant Overview and Scrutiny Committees of Medway Council and Kent County Council have determined proposals to be a substantial development of, or variation to, the health service.

19.40 To exercise the right to make comments under regulations 23(4) and 30(5) of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (the 2013 Regulations) on behalf of the relevant Overview and Scrutiny Committees of Medway Council and Kent County

Council on any such proposals under the consideration by the relevant NHS body or relevant health service provider.

19.41 To consider whether any proposal for a substantial development of, or variation to, the health service affecting the areas covered by Kent and Medway should be referred for a call in to the Secretary of State under regulation 23(9) of the 2013 Regulations. The JHOSC has delegated powers to request such a call in.

19.42 Where the Secretary of State makes contact with the JHOSC to make representations about the call in of a reconfiguration proposal that has been under the previous scrutiny of the Committee, the JHOSC can respond to the request directly.

19.43 To undertake other scrutiny reviews of health services if requested to do so by the relevant Overview and Scrutiny Committees of both Medway Council and Kent County Council.

19.44 To report on such other scrutiny reviews to the relevant Overview and Scrutiny Committees of Medway Council and Kent County Council.

Rules

19.45 Regulation 30 of the 2013 Regulations states that where a relevant NHS body or a relevant health service provider consults more than one local authority on any proposal which they have under consideration for a substantial development of, or variation to, the provision of a health service in the local authorities' areas, those local authorities must appoint a Joint Overview and Scrutiny Committee (JHOSC) for the purposes of the review.

19.46 There will be a Kent and Medway NHS Joint Overview and Scrutiny Committee comprising of members appointed by Medway Council and Kent County Council. These rules apply to the JHOSC and any Sub-Committee established by it.

19.47 The JHOSC will appoint a Chair at its first meeting in each municipal year, and that Chair will normally be drawn in rotation from Kent County Council and Medway Council members. Where a review is unfinished at the end of a municipal year, members may agree that the previous year's Chair (if still a member of the Committee) may continue to preside over consideration of matters relating to that review.

19.48 The formal response of the JHOSC will be decided by a majority vote. If the JHOSC cannot agree a single response to a proposal under consideration for a substantial development of, or variation to, the provision of a health service by an NHS body or a relevant health service provider, then a minority response which is supported by the largest minority, but at least three members, may be prepared and submitted for consideration by the NHS body or a relevant health service provider with the majority response. The names of those who dissent may, at a member's request, be recorded on the main response.

Transport for the South East

19.49 Kent County Council is a constituent member of Transport for the South East. This is a non-statutory voluntary Sub National Transport Body. Further information can be found on its website and in the relevant key decisions.

20. The Public

20.1 Members of the public have the following rights:

(a) Voting and petitions. People who have registered to vote in Kent have the right to vote and sign a petition to request a referendum for an alternative form of Constitution (See 6.10).

(b) Information. Representatives of the media and members of the public have the right to:

i. Attend meetings of the Council, the Cabinet and Council Committees, except where confidential or exempt information is likely to be disclosed and the meeting is held in private. The Council will make reasonable adjustments, or take positive steps, to make its premises accessible to disabled members of the public.

ii. Find out from the list of Forthcoming Executive Decisions (FED) what key decisions will be taken by the Leader, Cabinet Members, or Cabinet and when.

iii. Access agendas for meetings, reports by Officers, background papers and records of decisions in a variety of different formats.

iv. Inspect the Council's accounts and make representations to the external auditor.

v. See all information included in the Council's Publication Scheme issued under the Freedom of Information Act 2000.

(c) Members of the public also have the opportunity to address certain Committees of the Council exercising regulatory or final appellate powers as set out under the relevant Committee.

(d) Complaints. Members of the public have the right to complain to:

i. the Council under its complaints scheme,

ii. the Local Government and Social Care Ombudsman after using the Council's complaints scheme,

iii. the Council's Standards Committee about a breach of the Members' Code of Conduct.

(e) People who live, work, or study in the Council's area have the right to submit and/or sign a petition in accordance with the Petition Scheme.

Petition Scheme

20.2 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).

20.3 Petitions will not be considered if they do not comply with the requirements of this scheme or are vexatious, abusive or otherwise inappropriate.

20.4 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.

20.5 Petitions may be submitted on paper or by using the e-petition facility available through the Council website.

20.6 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.

20.7 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 750 signatures it will be debated at the most appropriate local meeting (e.g., Joint Transportation Board).

(b) Between 1500 and 4999 signatures, the petition will be debated at the appropriate Cabinet Committee.

(c) 5000 signatures or more, the petition will be debated at County Council.

Paper Petitions

20.8 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.

20.9 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

20.10 The requirements under 20.8 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.

20.11 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

20.12 Receipt of a paper petition will be acknowledged within 5 days, or within 5 days of a e-petition closing.

20.13 The decision as to how the Council will proceed will be communicated to the petition organiser within 20 working days.

Petition Debates

20.14 Where a petition is accepted for debate at Council or Cabinet Committee, the procedure set out at 14.36-41 will be followed.

Other Provisions

20.15 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.

20.16 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.

20.17 The Selection and Member Services Committee will consider the request to review at the next appropriate meeting.

20.18 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 the Council's website.

Part Four: People and Values

21. Members

Members

Election and Terms of Members

21.1 The Council comprises 81 Members. Members are elected by the voters of each electoral division in accordance with a scheme drawn up by the Local Government Boundary Commission for England and approved by the Secretary of State.

21.2 Only registered voters of Kent or those living or working there are eligible to hold the office of Member.

21.3 The election of all Members is held on the first Thursday in May every four years or as determined by legislation. The terms of office of Members end on the fourth day after the day of election, on which day those elected shall begin their term.

Terms of Office

21.4 An online list will be made available of the names, addresses and electoral divisions of current Members together with a description of the Register of Members' Interests and the procedures for publicising, maintaining and updating that Register, the amounts paid in allowances and expenses to Members.

21.5 Members will at all times observe the Code of Member Conduct set out at 21.34-96 below and related advice issued by the Council's Standards Committee.

21.6 Members will have also registered the interests required by that Code, supplied to and held by the Monitoring Officer.

21.7 The Monitoring Officer maintains a record of each Member's registered interests and receipts of gifts and hospitality. Individual entries are made available on the Council's website.

Non-Attendance at Meetings

Non-Attendance

21.8 Any Member who is not likely to meet the requirement in the Local Government Act 1972 to attend at least one meeting of either the Council, a Committee or a Sub-Committee in any period of six consecutive months should write to the Clerk explaining their non-attendance. The Clerk will report to the Council, which will decide whether the Member can remain a Member of the Council. Approval to continue in office must be given before the six months expires.

Rights of Access to Documents by Members

Access to Documents

21.9 Members have statutory rights to inspect and be provided with copies of most documents held by Officers, the Leader or the Cabinet. They also have a right at common law to inspect documents that contain information they need to know for the discharge of their duties as Members of the Council. These rights will be interpreted and applied in accordance with a presumption in favour of openness.

21.10 In addition, material in the possession or under the control of the Executive, and which contains material relating to the following must be made available for inspection by any Member within 24 hours of the conclusion of the meeting or decision being made, as the case may be:

(a) any business transacted at a private meeting,

(b) any decision made by an individual Member in accordance with Executive arrangements, or

(c) any decision made by an Officer in accordance with Executive arrangements.

21.11 Sections 15.19 and 21.10 do not require a document to be available for inspection where the Monitoring Officer agrees that:

(a) it discloses exempt information, unless that exemption has been justified under paragraphs 3 or 6 of Schedule 12A of the Local Government Act 1972 (15.15 (c) and (f) above), (except to the extent that the information relates to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract), or

(b) compliance with 21.10 would involve the disclosure of advice provided by a political adviser or assistant, those paragraphs will not apply to that document or part of the document.

21.12 The rights conferred by 15.19 and 21.10 are in addition to any other rights that a Member may have.

Allowances

21.13 Members will be entitled to receive allowances and reimbursement of expenses in accordance with the Members' Allowances Scheme set out below. This scheme is approved by the full Council with advice from an independent Member Remuneration Panel. Details of the amounts paid in allowances and expenses each year are reported to the Selection and Member Services Committee.

Members' Allowances Scheme (*2026 to 2030 Scheme - Adopted by the Council on 19 March 2025. Figures for 2026/27 shown)*

21.14 Basic Allowance - £16,885.05 per annum (inclusive of an element for routine subsistence expenditure on KCC duties).

	%	£
Executive		
Leader	100	55,526.13
Cabinet Members (maximum 9)	65	36,091.99
Deputy Cabinet Members (maximum 11)	30	16,657.83
Cabinet Committee Chair (maximum 6)	17.5	9,717.07
Council		
Council Chairman	33	18,323.63
Council Vice-Chairman	17.5	9,717.07
Planning Applications Committee Chair	22	12,215.74
Regulation Committee Chair	22	12,215.74
Other Committee Chairs (a)	17.5	9,717.07
Scrutiny Committee Chair	17.5	9,717.07
Select Committee Chairs (for period of review)	17.5	9,717.07
Opposition		
Leader of each Opposition Group (of at least five members) (c)	33	18,323.63

21.15 Notes to Table in 21.14:

(a) Other Committee Chairs: Governance and Audit, Health Overview and Scrutiny, Selection and Member Services, and Pension Fund.

(b) No Member to receive more than one Special Responsibility Allowance.

(c) The Opposition Group must comprise a minimum of five Members, one of which will be the appointed Opposition Group Leader. The maximum total SRA funding available for Opposition Group Leaders shall be 3 times the SRA set out in the table for a single Opposition Group Leader. In the event of there being more than 3 qualifying Opposition Group Leaders, the total amount is shared equally amongst them.

(d) No other allowance to be payable.

Indexation

21.16 This is a four-year scheme covering 2026/27 to 2029/30.

21.17 Each year of the scheme, the Basic Allowance and Special Responsibility Allowances are to increase in line with the CPIH Index. The allowance payable to independent Co-Opted Members of the Governance and Audit Committee will be increased by the same index for the final three years of the scheme.

21.18 The CPIH figure to be used will be the one for the full calendar year prior to the start of the municipal year to which it is to be applied. The increase will be agreed as part of the annual budget and applied from the beginning of the municipal year.

21.19 The Dependents' Carers' Allowance will be set at the level of the Real Living Wage which is in place at the time the indexation is applied as part of the budget. However, this will only apply once the Real Living Wage is higher than the rate set for the Dependents' Carers' Allowance in place in the 2025/26 scheme (£13.98/hour).

Travel Expenses

21.20 Travel by private vehicles will be reimbursed at the rates set for tax allowance purposes by the HM Revenue and Customs for business travel. Currently, these are 45p per mile for the first 10,000 miles and 25p a mile thereafter by car; the relevant HMRC rates will be paid for travel by bicycle.

21.21 Parking fees, public transport fares and any hotel expenses will be reimbursed at cost, but only on production of a valid ticket or receipt - the cheapest available fare for the time of travel should normally be purchased.

21.22 Taxi fares will only be reimbursed on production of a valid receipt and if use of public transport or the Member's own car is impracticable.

21.23 Travel expenses will be reimbursed for any journey on Council duties between premises as agreed for tax purposes (normally excluding journeys to constituents' homes).

21.24 VAT receipts for fuel must always be provided to accompany Members' expense claims and any instructions issued by the Head of Governance in relation to the submission of expense claims complied with.

21.25 Air travel and rail travel other than to/from London or within Kent should be booked through Officers to enable use of discounting arrangements.

21.26 Journeys undertaken in accordance with the following descriptions are allowed to be claimed for:

(a) attendance at KCC premises to undertake KCC business, including attendance at Council, Cabinet and Committees, etc (including Group meetings) and to undertake general Member responsibilities,

(b) representing KCC at external meetings, including Parish and Town Councils and those of voluntary organisations where the member is there on behalf of KCC,

(c) attendance at events organised by KCC and/or where invitations have been issued by County Officers or Members (including Chair's events and other corporate events), and

(d) attendance at meetings/events where the Member is an official KCC representative (as determined by the Selection and Member Services Committee) or requested by the Leader or the relevant Cabinet Member.

Subsistence Expenses

21.27 These are not normally reimbursed. Hotel accommodation should be booked through Officers. Any other reasonably unavoidable costs related to overnight stays, excluding normal subsistence, will be reimbursed on production of a receipt.

Dependents' Carers' Allowance

21.28 Members who incur expenses themselves in respect of care responsibilities for dependent children under 16 or dependent adults certified by a doctor or social worker as needing attendance will be reimbursed, on production of valid receipts, for actual payments to a carer while the Member is on Council duties, up to a maximum of £13.98 per hour for each dependent child or adult. Money paid to a member of the Members' household will not be reimbursed. In the case of an allowance for the care of a dependent relative, the relative must reside with the Councillor, be dependent on the Councillor and require constant care. Subject to the Childcare Voucher Scheme's standard terms and conditions*, any Member may, if they wish, sacrifice a portion of their Basic Allowance for Childcare Vouchers which are not subject to tax and national insurance deductions.

(a) * For reference these terms and conditions include (but are not limited to):

i. The childcare provider must be OFSTED registered.
ii. The children must be aged between 0 and 16.
iii. A sacrifice agreement would need to be signed.
iv. The amount that can be sacrificed varies depending on whether the applicant is a basic, higher, or additional rate taxpayer.

Co-Opted Members

21.29 An allowance is payable to an Independent Person for Standards of £700 per annum.

21.30 An allowance is payable to an independent member of the Governance and Audit Committee of £1700 per annum; they shall also be entitled to claim expenses and the Dependents' Carers' Allowances in line with this scheme.

Election to Forgo Allowances

21.31 In accordance with Regulation 13 of the Local Authorities (Members' Allowances) (England) Regulations 2003, any Member may elect to forgo all or any part of their entitlement to allowances, by notice in writing to the Head of Governance.

Submission of Claims

21.32 In accordance with Regulation 14 of the Local Authorities (Members' Allowances) (England) Regulations 2003, the time limit for the submission of claims relating to travel, subsistence, Co-Opted Members and dependent carers allowances is four months from the date the expense was incurred.

No Other Allowances are Payable

21.33 Only allowances complying with the above scheme are payable.

Kent Code of Member Conduct

Preamble

21.34 The Code of Conduct that follows is adopted under Section 27(2) of the Localism Act 2011.

21.35 The Code is based on the Seven Principles of Public Life under Section 28(1) of the Localism Act 2011, which are set out below.

21.36 This Preamble and the Seven Principles of Public Life do not form part of the Code, but you should have regard to them as they will help you to comply with the Code.

21.37 Where you have not undertaken training relating to conduct matters, you will not be able to use this as a defence where a complaint has been made.

21.38 There is an expectation that you will cooperate with any investigation under this Code and support or adhere to the conditions of any determination made at the conclusion of one.

21.39 If you need guidance on any matter under the Code, you should seek it from the Monitoring Officer or your own legal adviser – but it is entirely your responsibility to comply with the provisions of this Code.

21.40 In accordance with Section 34 of the Localism Act 2011, where you have a Disclosable Pecuniary Interest it is a criminal offence if, without reasonable excuse, you:

(a) Fail to notify the Authority's Monitoring Officer of the interest before the end of 28 days beginning with the day on which you became a member.

(b) Fail to disclose the interest at Meetings where the interest is not entered in the Authority's register.

(c) Fail to notify the Authority's Monitoring Officer of the interest before the end of 28 days beginning with the date of disclosure at a meeting, if the interest is not entered in the Authority's register and is not the subject of a pending notification.

(d) Take part in discussion or votes, or further discussions or votes, at Meetings on matters in which you have the interest which are being considered at the meeting.

(e) Fail to notify the Authority's Monitoring Officer of the interest before the end of 28 days beginning with the date when you become aware that you have such an interest in a matter to be dealt with, or being dealt with, by you acting alone in the course of discharging a function of the Authority.

(f) Take any step in relation to a matter being dealt with by you acting alone in the course of discharging a function of the Authority, except a step for the purpose of enabling the matter to be dealt with otherwise than by you.

(g) Knowingly or recklessly provide false or misleading information in any of the above disclosures or notifications.

21.41 Any written allegation received by the Authority that you have failed to comply with the Code will be dealt with under the arrangements adopted by the Authority for such purposes. If it is found that you have failed to comply with the Code, the Authority may have regard to this failure in deciding whether to take action and, if so, what action to take in relation to you.

The Code

Interpretation

21.42 In this Code the following definitions shall apply:

21.43 "Associated Person" means (either in the singular or in the plural):

(a) a family member or any other person with whom you have a close association, including your spouse, civil partner, or somebody with whom you are living as a husband or wife, or as if you are civil partners, or

(b) any person or body who employs or has appointed you or such persons, any firm in which you or they are a partner, or any company of which you or they are directors, or

(c) any person or body in whom you or such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000, or

(d) any body of which you are in a position of general control or management and to which you are appointed or nominated by the Authority, or

(e) any body in respect of which you are in a position of general control or management:

i. exercising functions of a public nature, or

ii. directed to charitable purposes, or

iii. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union).

21.44 "Authority" means the Kent County Council.

21.45 "Authority Function" means any one or more of the following interests that relate to the functions of the Authority:

(a) housing - where you are a tenant of the Authority provided that those functions do not relate particularly to your tenancy or lease, or

(b) school meals or school transport and travelling expenses - where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which your child attends,

(c) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992 - where you are in receipt of, or are entitled to the receipt of, such pay,

(d) an allowance, payment or indemnity given to members of the Authority,

(e) any ceremonial honour given to members of the Authority,

(f) setting Council Tax or a precept under the Local Government Finance Act 1992.

21.46 "Code" means this Code of Conduct.

21.47 "Co-opted Member" means a person who is not an elected member of the Authority but who is a member of:

(a) any Committee or Sub-Committee of the Authority, or

(b) represents the Authority on, any joint Committee or joint Sub-Committee of the Authority, and

(c) who is entitled to vote on any question that falls to be decided at any Meeting.

21.48 “Disclosable Pecuniary Interest” means those interests of a description specified in regulations made by the Secretary of State (as amended from time to time) as set out below and where either it is:

(a) your interest, or

(b) an interest of your spouse or civil partner, a person with whom you are living as husband and wife, or a person with whom you are living as if you were civil partners and provided you are aware that the other person has the interest.

21.49 “Interests” means Disclosable Pecuniary Interests and Other Significant Interests.

21.50 "Meeting" means any meeting of:

(a) the Authority,

(b) the Executive of the Authority,

(c) any of the Authority's or its Executive's Committees, Sub-Committees, joint Committees and/or joint Sub-Committees.

21.51 "Member" means a person who is a member of the Authority and includes a Co-opted Member.

21.52 “Other Significant Interest” means an interest (other than a Disclosable Pecuniary Interest or an interest in an Authority Function) in any business of the Authority which:

(a) may reasonably be regarded as affecting the financial position of yourself and/or an Associated Person to a greater extent than the majority of:

i. other Council Tax payers, ratepayers or inhabitants of the electoral division affected by the decision, or

ii. (in other cases) other Council Tax payers, ratepayers or inhabitants of the Authority’s area, or

(b) relates to the determination of your application (whether made by you alone or jointly or on your behalf) for any approval, consent, licence, permission or registration or that of an Associated Person,

(c) and where, in either case, a member of the public with knowledge of the relevant facts would reasonably regard the interest as being so significant that it is likely to prejudice your judgment of the public interest.

21.53 “Register of Members’ Interests” means the Authority's register of Disclosable Pecuniary Interests established and maintained by the Monitoring Officer under Section 29 of the Localism Act 2011.

21.54 "Sensitive Interest" means information, the details of which, if disclosed, could lead to you or a person connected with you being subject to violence or intimidation.

Scope

21.55 You must comply with this Code whenever you act in your official capacity as a Member or Co-opted Member of the Authority.

21.56 This Code applies to all forms of communication and interaction, including social media, which could result in a relevant breach of the Code.

General Obligations

21.57 You must, when using or authorising the use by others of the resources of the Authority:

(a) act in accordance with the Authority’s reasonable requirements; and

(b) ensure that such resources are not used improperly for political purposes (including party political purposes).

21.58 You must not:

(a) carry out any act of harassment or bully any person. For the purposes of this paragraph the following shall be taken into account:

i. harassment will have the applicable meaning set out in The Protection from Harassment Act 1997, Equality Act 2010, and other relevant legislation; and

ii. bullying is understood to be characterised by offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that humiliate, denigrate, or injure the recipient. It may be a regular pattern of behaviour or a one-off incident and is not restricted to face-to-face interactions.

(b) intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness, or involved in the administration of any investigation or proceedings, in relation to an allegation that a Member (including yourself) has failed to comply with this Code;

(c) do anything that compromises, or is likely to compromise, the impartiality or integrity of those who work for, or on behalf of, the Authority;

(d) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, including that deemed as exempt information within the meaning of Part VA Local Government Act 1972 or The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, except where:

i. you have the written consent of a person authorised to give it, or

ii. you are required by law to do so, or

iii. the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person, or

iv. the disclosure is:

a. reasonable and in the public interest, and

b. made in good faith and in compliance with the reasonable requirements of the Authority,

(e) prevent another person from gaining access to information to which that person is entitled by law,

(f) conduct yourself in a manner which could reasonably be regarded as bringing your office or the Authority into disrepute,

(g) use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.

Registering Disclosable Pecuniary Interests

Disclosable Pecuniary Interests

21.59 You must, before the end of 28 days beginning with the day you become a Member or Co-opted Member of the Authority, or before the end of 28 days beginning with the day on which this Code takes effect (whichever is the later), notify the Monitoring Officer of any Disclosable Pecuniary Interest.

21.60 In addition, you must, before the end of 28 days beginning with the day you become aware of any new Disclosable Pecuniary Interest or change to any interest already registered, register details of that new interest or change, by providing written notification to the Monitoring Officer.

21.61 Where you have a Disclosable Pecuniary Interest in any matter to be dealt with, or being dealt with, by you acting alone in the course of discharging a function of the Authority (including making a decision in relation to the matter), then if the interest is not registered in the Register of Members' Interests and is not the subject of a pending notification, you must notify the Monitoring

Officer before the end of 28 days beginning with the day you become aware of the existence of the interest.

21.62 Whether or not a Disclosable Pecuniary Interest has been entered onto the Register of Members' Interests or is the subject of a pending notification, you must comply with the disclosure procedures set out below.

21.63 Where you are present at a Meeting and have a Disclosable Pecuniary Interest or Other Significant Interest in any matter to be considered, or being considered, at the Meeting, you must:

(a) disclose the Interest, and

(b) explain the nature of that Interest at the commencement of that consideration or when the Interest becomes apparent (subject to 21.66-68, below); and unless you have been granted a dispensation or are acting under 21.65:

i. not participate in any discussion of, or vote taken on, the matter at the Meeting, and

ii. withdraw from the Meeting room in accordance with the Authority's Procedure Rules whenever it becomes apparent that the business is being considered, and

iii. not seek improperly to influence a decision about that business.

21.64 Where you have a Disclosable Pecuniary Interest or Other Significant Interest in any business of the Authority where you are acting alone in the course of discharging a function of the Authority (including making an Executive decision), you must:

Members' Interests: Other

(a) notify the Monitoring Officer of the interest and its nature as soon as it becomes apparent, and

(b) not take any steps, or any further steps, in relation to the matter except for the purpose of enabling the matter to be dealt with otherwise than by you, and

(c) not seek improperly to influence a decision about the matter.

21.65 Where you have an Other Significant Interest in any business of the Authority, you may attend a Meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the Meeting for the same purpose. Having made your representations, given evidence or answered questions you must:

(a) not participate in any discussion of, or vote taken on, the matter at the Meeting, and

(b) withdraw from the Meeting room in accordance with the Authority's Procedure Rules.

Sensitive Interests

21.66 Where you consider that the information relating to any of your Disclosable Pecuniary Interests is a Sensitive Interest, and the Monitoring Officer agrees, the Monitoring Officer will not include details of the Sensitive Interest on any copies of the Register of Members' Interests which are made available for inspection or any published version of the Register, but may include a statement that you have an interest, the details of which are withheld under this paragraph.

21.67 You must, before the end of 28 days beginning with the day you become aware of any change of circumstances which means that information excluded under paragraph 21.66 is no longer a Sensitive Interest, notify the Monitoring Officer asking that the information be included in the Register of Members' Interests.

21.68 The rules relating to disclosure of Interests in paragraphs 21.64 and 21.65 will apply, save that you will not be required to disclose the nature of the Sensitive Interest, but merely the fact that you hold an interest in the matter under discussion.

Gifts and Hospitality

Members: Gifts and Hospitality

21.69 You must, before the end of 28 days beginning with the day of receipt/acceptance, notify the Monitoring Officer of any gift, benefit or hospitality with an estimated value of £100 or more, or a series of gifts, benefits and hospitality from the same or an associated source, with an estimated cumulative value of £100 or more, which are received and accepted by you (in any one calendar year) in the conduct of the business of the Authority, the business of the office to which you have been elected or appointed or when you are acting as representative of the Authority. You must also register the source of the gift, benefit or hospitality.

21.70 Where any gift, benefit or hospitality you have received or accepted relates to any matter to be considered, or being considered at a Meeting, you must disclose at the commencement of the Meeting or when the interest becomes apparent, the existence and nature of the gift, benefit or hospitality, the person or body who gave it to you and how the business under consideration relates to that person or body. You may participate in the discussion of the matter and in any vote taken on the matter, unless you have an Other Significant Interest, in which case the procedure in 21.62-65 above will apply.

21.71 You must continue to disclose the existence and nature of the gift, benefit or hospitality at a relevant Meeting, for 3 years from the date you first registered the gift, benefit or hospitality.

21.72 The duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the Authority for this purpose.

Dispensations

Dispensations

21.73 The Standards Committee, or any Sub-Committee of the Standards Committee, or the Monitoring Officer (where authorised) may, on a written request made to the Monitoring Officer (as appointed Proper Officer for the receipt of applications for dispensation) by a Member with an Interest, grant a dispensation relieving the Member from either or both of the restrictions on participating in discussions and in voting (referred to in 21.62-65 above).

21.74 A dispensation may be granted only if, after having had regard to all relevant circumstances, the Standards Committee, its Sub-Committee, or the Monitoring Officer (where authorised) considers that:

(a) without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business, or

(b) without the dispensation, the representation of different Political Groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business, or

(c) granting the dispensation is in the interests of persons living in the Authority's area, or

(d) without the dispensation each member of the Authority's Executive would be prohibited from participating in any particular business to be transacted by the Authority's Executive, or

(e) it is otherwise appropriate to grant a dispensation.

21.75 A dispensation must specify the period for which it has effect, and the period specified may not exceed four years.

21.76 21.62-65 does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under 21.73-75.

The Seven Principles of Public Life

Seven Principles of Public Life

21.77 In accordance with the Localism Act 2011, and in order to help maintain public confidence in this Authority, you are committed to behaving in a manner that is consistent with the following principles. However, it should be noted that these Principles do not create statutory obligations for Members and do not form part of the Code. It follows from this

that the Authority cannot accept allegations that they have been breached. The definitions of the Principles are set out below. These will be reviewed and updated by the Monitoring Officer on a regular basis to ensure the most current definitions are in use.

21.78 Selflessness. Holders of public office should act solely in terms of the public interest.

21.79 Integrity. Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

21.80 Objectivity. Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

21.81 Accountability. Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

21.82 Openness. Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

21.83 Honesty. Holders of public office should be truthful.

21.84 Leadership. Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Disclosable Pecuniary Interests (as prescribed by regulations)

Disclosable Pecuniary interests: Definitions

21.85 The descriptions on Disclosable Pecuniary Interests are subject to the following definitions:

21.86 “the Act” means the Localism Act 2011.

21.87 “body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest.

21.88 “director” includes a member of the Committee of management of an industrial and provident society.

21.89 “land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income.

21.90 “M” means a member of the relevant authority.

21.91 “member” includes a co-opted member.

21.92 “relevant authority” means the authority of which M is a member.

21.93 “relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of Section 30(1), or Section 31(7), as the case may be, of the Act.

21.94 “relevant person” means M or any other person referred to in Section 30(3)(b) of the Act (the Member’s spouse, civil partner, or somebody with whom they are living as a husband or wife, or as if they were civil partners).

21.95 “securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

21.96 Table: Additional Definitions.

Interest	**Description**
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority: (a) under which goods or services are to be provided or works are to be executed, and (b) which has not been fully discharged.

Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge): (a) the landlord is the relevant authority, and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where: 1) that body (to M's knowledge) has a place of business or land in the area of the relevant authority, and 2) either a. the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or b. if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

22. Convention on Member: Officer Relations

Convention on Member: Officer Relations

22.1 As approved by the County Council on 23 May 2013 (amended on 26 May 2022).

Introduction and Principles

22.2 The purpose of this note is to guide Members and Officers in their relations with one another in such a way as to ensure the smooth running of the Council.

22.3 Given the variety and complexity of such relations, this note does not seek to be either prescriptive or comprehensive. Instead, it offers guidance on some of the issues that most commonly arise. If the advice is followed it should ensure that Members receive objective and impartial advice, and that Officers are protected from accusations of bias and any undue influence from Members.

22.4 This note seeks to reflect the principles underlying the respective Codes of Conduct that apply to Members and Officers. The shared object of these codes is to enhance and maintain the integrity (real and perceived) of local government and the Codes, therefore, demand very high standards of personal conduct.

22.5 This note does not form part of the Members' or Officers' Codes of Conduct. Consequently, action or behaviour that is not in accord with this advice will not of itself constitute a breach of those Codes but may be evidence of a breach.

22.6 This note should be read in conjunction with the Members' and Officers' Codes of Conduct, the Council's Constitution and any other guidance issued by the Standards Committee and/or Monitoring Officer.

The Relationship: General Points

22.7 Both Members and Officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Members are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to all organs and Members of the Council. Their job is to give advice to Members and the Council, and to carry out the Council's work under the direction and control of the Council, the Cabinet and any Committee or Sub-Committee of either Cabinet or the Council.

22.8 At the heart of the Members' and Officers' Codes of Conduct and this note, is the importance of mutual respect. Member/Officer relationships are to be conducted in a positive and constructive way. Therefore, it is important that any dealings between Members and Officers should observe standards of courtesy and that neither party should seek to take unfair advantage of their position or seek to exert undue influence on the other party.

22.9 Inappropriate relationships can be inferred from language and style. To protect both Members and Officers, people should be given their appropriate formal title where circumstances clearly indicate that a level of formality is appropriate, e.g., in meetings that are open to the public.

22.10 A Member should not raise matters relating to the conduct or capability of an Officer except through the Council's agreed procedures for such matters. This is a long-standing tradition in public service. An Officer has no means of responding to such criticisms in public. Any concern that a Member has about the conduct or capability of an Officer should be raised with the appropriate manager. As Officers work for KCC and are ultimately accountable to the Chief Executive, the Chief Executive will look into the matter where it has not been resolved at a lower level of management. Any action taken against an Officer in respect of a complaint will be in accordance with the provisions of the Council's Disciplinary Rules and Procedures.

22.11 An Officer below the level of Corporate Director should not raise with a Member matters relating to the conduct or capability of another Officer or to the internal management of a Unit/Directorate.

22.12 Where an Officer feels that they have not been properly treated with respect and courtesy by a Member, they should raise the matter with their Manager, Head of Service, Corporate Director or the Chief Executive (as appropriate), especially if they do not feel able to discuss it directly with the Member concerned. In these circumstances, the Manager, Head of Service, Corporate Director or Chief Executive will take appropriate action either by approaching the individual Member and/or Group Leader or by referring the matter to the Monitoring Officer in the context of the Standards Committee's role in dealing with complaints that a Member has breached the Code of Conduct. The Officer retains the option of referring the matter directly to the Monitoring Officer in accordance with the scheme for handling Councillor complaints where it has not been referred by a Manager who has considered it.

22.13 Some examples of inappropriate conduct can be found on the ACAS website. Members and Officers must at all times comply with and seek to fulfil the Council's Equality and Diversity Policy.

The Relationship: Officer Support to Members - General Points

22.14 Officers are responsible for day-to-day managerial and operational decisions within the authority and provide support to the Leader, Cabinet, Committee Members, and all Members in their respective roles.

22.15 Certain Statutory Officers – the Chief Executive, the Monitoring Officer, and the Director of Finance – have specific roles. These are addressed in the Constitution. Their roles need to be understood and respected by all Members.

22.16 The following key principles reflect the way in which the Officer corps generally relates to Members:

(a) All Officers are employed by, and accountable to, the authority as a whole.

(b) Support from Officers is needed for all the authority's functions, including Full Council, the Cabinet, Cabinet Committees, the Scrutiny Committee, other Committees, individual Members representing their communities, etc.

(c) Day-to-day managerial and operational decisions remain the responsibility of the Corporate Directors and other Officers.

22.17 Members should seek to avoid potential conflicts of interest for Officers arising from the separation of the Cabinet and Scrutiny roles, e.g., they should not seek disclosure of advice or discussions that have taken place between Members and Officers in the preparation of reports, papers, advice, or recommendations to either the Cabinet or Members undertaking overview and scrutiny roles. In addition, the Code of Conduct for Members states that Members must not do anything that compromises, or is likely to compromise, the impartiality or integrity of those who work for, or on behalf of, the Council.

22.18 Officers enjoy extensive delegated powers from the Leader through Cabinet Members (as well as from the Council in respect of its directly exercisable functions). In some cases, these powers are exercised after consultation with Cabinet Members. It must be recognised that in these circumstances, while ultimate accountability for the decision and its outcome rests with the Leader, it is the Officer who takes the decision and who is accountable to the Chief Executive for their actions.

22.19 Finally, it must be remembered that Officers within a Unit or Directorate are accountable to their Head of Service and Corporate Director and that whilst Officers should always seek to assist a Member, they must not, in so doing, go beyond the bounds of whatever authority they have been given by their Head of Service or Corporate Director.

The Relationship: Officer Support - Members and Political Groups

Officer Support: Members and Political Groups

22.20 It must be recognised by all Officers and Members that in discharging their duties and responsibilities, Officers serve the Council as a whole and not any Political Group, combination of Groups or any individual Member of the Council.

22.21 There is statutory recognition for Political Groups, and it is common practice for such Groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision-making body. Officers may properly be called upon by Political Groups to support and contribute to such deliberations but must at all times maintain political neutrality. All Officers must, in their dealings with Political Groups and individual Members, treat them in a fair and even-handed manner.

22.22 The support provided by Officers can take many forms. Whilst in practice such Officer support is likely to be in most demand from whichever Political Group is for the time being in control of the Council, such support is available to all Political Groups.

22.23 Certain points must, however, be clearly understood by all those participating in this type of process, Members and Officers alike. In particular:

(a) Officer support must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of Political Group or political party business. The observance of this distinction will be assisted if Officers are not present at meetings or parts of meetings when such matters are to be discussed.

(b) Political Group meetings, whilst they form part of the preliminaries to Council decision-making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such.

(c) Similarly, where Officers (other than Political Group staff Officers) provide information and advice to a Political Group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant Cabinet, Cabinet Member, Committee or Sub-Committee when the matter in question is considered.

22.24 Special care needs to be exercised whenever Officers are involved in providing information and advice to a Political Group meeting which includes persons who are not Members of the Council. Such persons are not bound by the Codes of Member and Officer Conduct (in particular, the provisions concerning the declaration of interests and confidentiality) and Officers should not normally attend and/or give advice to such meetings and are advised to politely decline to attend/give advice.

22.25 Officers must respect the confidentiality of any Political Group discussions at which they are present in the sense that they should not relay the content of any such discussion to another Political Group.

22.26 In relation to Budget proposals:

(a) The Leader and Cabinet are entitled to confidential discussions with Officers regarding options and proposals. These will remain confidential until determined by the Executive or until published in advance of Cabinet/Committee/Council meetings, whichever is the earlier, and

(b) Political Groups other than the majority Group are also entitled to confidential discussions with Officers to enable them to formulate alternative Budget proposals. These will remain confidential until determined by the respective Political Groups or until published in advance of Cabinet/Committee/ Council meetings, whichever is the earlier. Officers giving such advice must not be named in public.

22.27 It must not be assumed by any Political Group or Member that any Officer is supportive of any policy or strategy developed because of that Officer's assistance in the formulation of that policy or strategy.

22.28 Any particular cases of difficulty or uncertainty in this area of Officer advice to Political Groups should be raised with the Chief Executive who will discuss them with the relevant Group Leader(s).

The Relationship: Officer Support - the Executive

Officer Support: The Executive

22.29 It is important that there should be a close working relationship between the Leader, Cabinet and Deputy Cabinet Members and the Officers who support and/or interact with them. However, such relationships should never be allowed to become so close, or appear

to be so close, as to bring into question the Officer's ability to deal impartially with Cabinet Committees, the Scrutiny Committee, other Members, and other Political Groups.

22.30 Officers will continue to work for and serve the Council as a whole. Nevertheless, as the majority of functions will be the responsibility of the Executive, it is likely that in practice many Officers will be working to the Cabinet for most of their time. Cabinet Members must nevertheless respect the political neutrality of the Officers. Equally Officers must ensure, even when they are predominantly supporting the Cabinet, that their political neutrality is not compromised.

22.31 Advice from Officers on matters that are the responsibility of the Executive is given to both Cabinet and non-Cabinet Members in a variety of ways:

(a) Reports to Cabinet are normally submitted jointly by Cabinet Members and Directors. The Chief Executive may submit reports in their own name alone or authorise other Officers to do so when deemed appropriate.

(b) Reports recommending decisions to individual Cabinet Members are normally in the name of the Officer only, although Cabinet Members will routinely be consulted as part of the process of drawing up such reports.

(c) Officers must give written and oral information and advice to the Cabinet Committees, the Scrutiny Committee, or other Committees when necessary or requested.

(d) In some situations, an Officer will be under a professional duty to submit a report.

22.32 Directors and other senior Officers are responsible for the contents of any report submitted in their name or jointly with a Cabinet Member, except where it is clear that the advice or opinion stated is that of the Cabinet Member. Any issues arising between a Cabinet or Deputy Cabinet Member and a Head of Service in this area should be referred to the Chief Executive/relevant Corporate Director for resolution in conjunction with the Leader of the Council.

22.33 Where functions that are the responsibility of the Leader are delegated through Cabinet Members to Officers or other structures outside the Cabinet, the Leader will nevertheless remain accountable to the Council for the discharge of those functions. That is to say, the Executive will be held to account for both its decision to delegate a function and the way that the function is carried out, although the specific decision is the responsibility of the Officer or other delegated body.

22.34 Cabinet Members must satisfy themselves that they are clear what exactly they can and cannot do when taking decisions as individual Members of the Cabinet. They must seek advice from relevant Officers before taking a decision within their delegated authority. This includes taking legal advice, financial advice, and professional Officer advice (particularly about contractual

matters) as well as consulting the Monitoring Officer where there is doubt about vires.

22.35 Decisions taken by individual Cabinet Members give rise to legal and financial obligations in the same way as decisions taken collectively. Therefore, Cabinet Members should always be aware of legal and financial liabilities (consulting the Monitoring Officer and Director of Finance as appropriate) which will arise from their decisions.

22.36 In organising support for the Cabinet, there is a potential for tension between Chief Officers and Cabinet Members with portfolios. All Members and Officers need to be constantly aware of the possibility of such tensions arising and both Officers and Members need to work together to avoid such tensions and conflicts existing or being perceived.

Scrutiny Committee

Scrutiny Committee: Additional

22.37 Members of the Scrutiny Committee, when questioning Members and Officers should:

(a) Direct their question to the merits of the decision under review.

(b) Ascertain the factual and other information on which the decision was based.

(c) Confirm the compliance of the decision-making process with the Council's principles of decision-making.

(d) Test what alternatives have been considered and the reasons for their rejection.

22.38 They should not:

(a) Question the conduct of individual Members or Officers.

(b) Seek for Officers to disclose the contents of confidential discussions, papers or advice.

(c) Criticise an Officer by name.

(d) Seek to instigate or become in any way involved in disciplinary or grievance procedures in relation to the actions of Members or Officers.

(e) Act as a "court of appeal" against specific decisions relating to individuals or pursue complaints by individuals (Members, Officers or members of the public) where other procedures exist for this.

Support to Council Committees

Officers: Committee Support

22.39 The Council discharges a range of functions through directly appointed Committees. While the Political Groups operate within these Committees, they should wherever possible conduct their business on a non-political basis. Officers need to work closely with the Chairs of such Committees to plan their agendas and meeting arrangements, but all advice and information must be offered impartially to all Members of the Committee and any other Member who has a right to know or attend the Committee meeting.

Support services to Members and Political Groups

Members: Use of Council Facilities

22.40 Members must not use Council premises or facilities (including support staff, IT equipment, photocopiers, fax machines, cars, stationery and other office supplies and catering) for purposes not connected with their duties as a Councillor. Such facilities may be used for communication with constituents on matters affecting the Council's functions and services or matters of general interest to local government and for the work of the Political Groups in relation to the transaction of business within the Council. These facilities must not be used for electoral or other party political purposes not directly connected to the Council's business, except where agreed arrangements exist for such facilities to be made available at a charge.

22.41 Members may not use the Council's IT systems unless they have signed the standard agreement accepting the conditions under which the systems are made available to Officers. Members must at all times comply with the terms of that agreement.

Members' Access to Information and to Council Documents

Members: Access to Information

22.42 Members have a right to see (and be given a copy of) such documents and other information as is reasonably necessary to enable them to carry out their duties as Councillors on a "need to know" basis, so long as they have no improper nor extraneous purpose in view. This includes all documents available to the public as "background documents" and all documents setting out information that is disclosable to the public under the Freedom of Information Act.

22.43 It is ultimately for the Council to determine what is reasonably necessary for a Member to know but normally Corporate Directors will make the judgment, in consultation, if necessary, with the Monitoring Officer.

Need to Know

22.44 This will be generously interpreted as applying to all documents and information to which there is no "confidential" connotation, subject only to Corporate Directors retaining a discretion to decline to make available voluminous documentation or diffuse information, or copies of documents, where the cost of doing so is reasonably high.

22.45 Documents or information which is regarded as "confidential" will normally be made available, on a confidential basis, only to:

(a) Cabinet Members.

(b) Members of the Scrutiny Committee in connection with a matter that is to be scrutinised.

(c) The Chair and Political Group Spokespersons on the Scrutiny Committee in considering whether a matter should be scrutinised.

(d) Members of a Committee or Sub-Committee whose terms of reference include matters to which the information relates.

22.46 Advice on requests from other Members should be referred to the Monitoring Officer.

22.47 There is no generic definition of "confidential" and Corporate Directors will exercise their judgment, consulting the Chief Executive where there is any doubt. It would include, for example, most information relating to named individuals, including information which is held for a specified purpose under the Data Protection Act not relevant to the exercise of the Member's duties. It will also include most information relating to the terms of contracts yet to be concluded. It is a narrower category than documents that are exempt from disclosure to the public under the Access to Information and Freedom of Information legislation (and different from the "confidential" classification under that legislation).

Confidentiality

Members: Confidentiality

22.48 Members shall not disclose any documents or information made available to them on a confidential basis or any information of a personal nature that is protected under the Data Protection Act. Nor should they disclose any information contained in Cabinet, Committee or other reports or documents classified as exempt or confidential under the Access to Information legislation or decisions taken in Council, Cabinet or Committee while the public is excluded from the meeting under that legislation, unless they have ascertained from the relevant Officer that confidentiality no longer applies.

Documents Affected

22.49 Members' rights of access apply to documents sent to the Council or prepared for it by Officers or consultants. They do not apply to:

(a) Draft documents of a factual or research nature where the Corporate Director is not satisfied as to their accuracy or completeness.

(b) Documents prepared for discussion between Cabinet or Deputy Cabinet Members and Officers prior to the initiation of formal decision-making processes under the Procedure Rules in the Council's Constitution

(c) Working documents discussing policy or Budget options or internal management arrangements, where the Corporate Director has not reached a view as to the advice to be offered to Members.

(d) Draft reports prior to their despatch to Council, Cabinet, or a Committee.

22.50 Officers may consult Chairs, Vice-Chairs and Group Spokespersons on draft Committee reports as part of the agenda planning process and may also consult them on working documents if they wish.

22.51 Documents prepared at the request of one Political Group will not be made available to other Political Groups without the first Group's consent. Nor will such documents be used in the preparation of Committee reports without the Group's consent.

Correspondence and Advice

Correspondence

22.52 Members seeking advice from Officers should say clearly if they wish the advice to be confidential and not disclosed to other Members. If such a request is made, the Officer is entitled to refuse to provide the advice if to do would breach their duty to other Members.

22.53 Correspondence between a Member and an Officer should not normally be copied (by the Officer) to any other Member without the first Member's consent. In particular, a system of "blind copies" should not be employed.

22.54 Official external communications on behalf of the Council may be sent in the name of the Leader or Cabinet Member where they have been directly involved in the issues or circumstances make this appropriate (e.g., representations to a Government Minister or personal correspondence). All other official external communications must be sent in the name of an Officer, including and especially those which create legal obligations or give instructions to act or commit expenditure on behalf of the Council.

22.55 22.54 does not in any way seek to discourage Members from signing correspondence with constituents or other persons on a personal basis, but they should be careful to distinguish between their own views and the official policy or decision of the Council.

Publicity and Press Releases

Press and Publicity

22.56 Official press statements relating to the functions and business of the Council may be issued by the Press Office on the authority of the Chairman of the Council on matters pertaining to their office and on all other matters on the authority of the Leader, relevant Cabinet Member, or the Chair of the relevant Committee.

22.57 The day-to-day handling of media enquiries is the responsibility of the Press Office.

22.58 The Press Office may authorise the issue of a press release relating to matters of routine and which are not controversial.

22.59 Cabinet Members or Chairs of relevant Committees will be consulted on relevant draft press statements before they are published. After publication, copies will be made available to all Members of the Council.

22.60 In issuing any press release, the Press Office will have regard to the Code of Practice on Local Authority Publicity.

22.61 The Leader, Cabinet Members and Chairs of Committees may represent the Council in press, radio and television interviews on matters relevant to their office; otherwise they or any other Members of the Council may respond to requests for press, radio and television interviews, but these will be given in a personal capacity and on the personal responsibility of the Member concerned.

22.62 The media will be directed to the Leader or relevant Cabinet Member for any request relating to policy matters.

22.63 Officers may deal with any request for information or questions asked by the press, television or radio and may accept invitations to broadcast or appear on television in order to give the facts of the situation or provide background information on the Council's policies.

Official Openings and Ceremonies

Ceremonies

22.64 All proposals for opening ceremonies and similar ceremonial events will be agreed by Officers with the relevant Cabinet Member in consultation with the Press Office.

22.65 The Chairman of the Council will be consulted in all cases about whether the event is one which either the Chairman or Vice-Chairman of the County Council should officiate or represent the Council and issue invitations.

22.66 The relevant Cabinet Member, in consultation (if agreed as appropriate) with the Council Chairman or Vice-Chairman, will agree the invitation list taking account of the type and nature of the event. The relevant local County Councillors, Member of Parliament, MEP, Borough/District and Town/Parish Councillors will be invited to attend.

22.67 If neither the Chairman nor Vice-Chairman of the Council is to issue invitations and officiate, then the relevant Cabinet Member or a Deputy Cabinet Member may do so.

Involvement of Local Members

Involvement of Local Members

22.68 Officers must ensure that all Members of the Council are kept informed of issues, events, decisions, and prospective decisions which will affect the Council, their own divisions and relevant information

about non-KCC issues related to their service areas.

(a) Whenever a public meeting is organised by the Council to consider a local issue, all the Members representing the divisions affected should, as a matter of course, be invited to attend the meeting.

(b) Whenever the Council undertakes any form of consultative exercise on a local issue, the local Members should be notified at the outset of the exercise and informed of the outcome.

(c) Inquiries from local Members will be followed up and responded to quickly and positively.

(d) Background briefings for Members on local issues will be prepared, if requested.

(e) Officer support will, where appropriate, be provided in arranging and attending appropriate local meetings where a Member intends to discuss KCC business.

(f) Local Member views must be sought and included in all reports to Cabinet, Cabinet Members and Council Committees on any matter that appears to specifically affect their division. Any objection by a local Member to a proposed course of action shall be the subject of consultation with the relevant Cabinet Member.

(g) Members of the public appealing against, or dissatisfied with, an Officer decision must always be informed of their ability to seek the help and advice of their local Member

Petitions

Members and Petitions

22.69 Members who are asked to present or receive a petition to, or on behalf of, the Council, whether as a Cabinet Member, Committee Chair or Local Member, should consult the Democratic Services Manager on the appropriate method of so doing.

Local Issues at Committee Meetings

Committees: Local Issues

22.70 Members not serving on a Committee do not have the right to place an item of local concern on the agenda for a meeting; instead, they should seek the consent of the Chair of the Committee if they wish a particular item to be discussed at a Committee meeting.

22.71 Any Member of the Council may attend any meeting of a Committee, including those parts of the meeting from which the public and press are excluded (see 15.21). They do not have a right to vote or move a motion or amendment but may speak with the consent of the Chair (that consent should be sought before the meeting and should not normally be withheld).

Access to Council Premises

Members: Access to Council Premises

22.72 Members are welcome to visit any premises owned and used for delivery of Council services and should agree arrangements for the visit with the local manager. If Members wish to visit premises outside their division as a part of their KCC duties, they should also inform the Member for that division and the relevant Cabinet Member. Members may not visit premises for purposes unrelated to their duties as a Member of the Council. They must comply with any health and safety or other workplace rules and regulations and not interfere with the provision of services to the public. Members have no rights to enter premises owned by KCC but let to or legally occupied by other persons nor any premises not owned by KCC.

23. Code of Officers Conduct

(As at September 2023)

Code of Officers Conduct

Introduction

23.1 The public expects the highest standards of conduct and integrity when providing service from all employees of KCC.

23.2 This Code sets out guidelines for the conduct of KCC employees to maintain standards, protect employees from misunderstanding or criticism and protect the reputation of KCC. The basic standards of conduct, as set out in this document, also apply to volunteers, agency workers and others working within KCC such as those who are on work placements and work experience. For clarity, reference to 'you' within this document includes all individuals as set out above.

23.3 It refers to statements and requirements contained within the Kent Scheme Terms and Conditions of Service, KCC Financial Regulations, and other documents. These are either available via KNet or through your line manager.

23.4 This Code forms part of your conditions of service. It is your responsibility to read and apply the standards set out in this and relevant documents including professional codes, policies, and guidance (such as those issued by Social Work England, the Health and Care Professions Council (HCPC), Public Health, the Nolan Principles (see 21.77-84), the Chartered Institute of Finance and Accounting (CIPFA) etc.). Any employee acting outside the standards could be subject to disciplinary action.

Standards of Service

Standards of Service

23.5 You will provide appropriate advice to Councillors, work colleagues and the public with impartiality.

23.6 You will be expected, through agreed procedures, such as KCC's Whistleblowing Procedure, and without fear of recrimination, to bring to the attention of management any irregularity in the provision of service.

23.7 There is an expectation that you will ensure that your standard of conduct and actions outside of the workplace do not call into question or have a bearing on your working arrangements with KCC and/or could bring KCC into disrepute.

23.8 You are expected to act with honesty, integrity and behave at all times in a professional manner towards your colleagues, service users, partners, contractors or members of the public and in such a way that does not bring KCC into disrepute.

23.9 You are required to disclose at the earliest possible opportunity to your line manager if you are arrested and/or are the subject of a criminal investigation by the Police. You must also advise your manager of any resulting action, e.g. the issuing of caution, police warning, a disqualification from driving or the progression of a criminal or civil case against you.

23.10 You are required to disclose at the earliest possible opportunity to your line manager any matters which could call into question, or could have a bearing on, your working arrangements with KCC and/or could bring KCC into disrepute, e.g. where you and/or a close personal relationship are the subject of an investigation/enquiry being conducted by an external body such as the Police or a professional registration body etc.

23.11 You must discuss with your line manager (or with your grandparent manager if your disclosure relates to a personal relationship with your line manager) any close personal relationship with another employee working within KCC if this has the potential to give rise to a conflict of interests.

23.12 You are expected to abide by and demonstrate KCC's values, which can be found on KNet.

23.13 In accordance with financial procedures, if an irregularity occurs or is suspected which may involve financial loss, you must report it immediately to the Head of Internal Audit.

23.14 Your engagement or involvement with other organisations should not contravene or compromise KCC's policies or strategies, e.g., Public Health policies.

23.15 Complaints against employees will be appropriately examined. This may include an informal approach in accordance with the Resolution Procedure or, where necessary, a formal investigation process. If you are found not to have upheld professional standards of service and conduct, you may be subject to disciplinary action.

23.16 In order to assist KCC in delivering the Public Sector Equality Duty, you are expected to respect, incorporate and promote diversity and inclusion in your day to day work Further information about the Public Sector Equality Duty is included as Appendix 2 to the copy of this Code which can be found on KNet.

Harassment

Harassment

23.17 Any form of harassment including sexual harassment, bullying, intimidation, unfair discrimination, or victimisation, by or against employees, partner agencies and service users will not be tolerated.

23.18 You have a duty to ensure the standard of conduct for yourself and for colleagues respects at all times the dignity of others and does not cause offence.

23.19 You should act in such ways as to avoid all forms of unacceptable behaviour in relation to other employees, partner agencies and service users of KCC.

Data Protection and Confidentiality

Officers: Data Protection and Confidentiality

23.20 The Data Protection Act 2018 and the General Data Protection Regulations (GDPR) sets principles for how personal information can be obtained, held, used or disclosed. You have a legal responsibility to maintain confidentiality, you must apply these principles and comply with related policies.

23.21 You must have complete the mandatory information governance and data protection training and the required refresher training every two years.

23.22 Where you have access to confidential, politically and/or commercially sensitive or personal information:

(a) You must not use it for personal reasons or benefit or pass it on to others who might use it in such a way. This includes information about the work of KCC, its employees or members of the public.

(b) You must respect the privacy and confidentiality of our customers and your colleagues.

(c) Inappropriate disclosure of information will render you liable to disciplinary action and could lead to criminal prosecution. This will continue to apply after employment has ended in the case of highly confidential information (which is not otherwise in the public domain) and may also lead to civil legal proceedings being taken by KCC. You should contact your line manager if you are in any doubt as to what information KCC considers highly confidential in your service area.

23.23 You must not misuse your position to request or gain information unnecessary to carrying out your work.

23.24 You are responsible for the accuracy and legibility of records you create or use in the performance of your duties.

23.25 Additional sources of information, including KCC's Privacy Notice and associated guidance, can be found on KNet in, with further advice and

guidance available on the Information Governance and Freedom of Information pages, including the Information Governance Toolkit.

23.26 You must comply with the ICT Acceptable Use policy which can be found on KNet.

Whistleblowing

Whistleblowing

23.27 KCC is committed to the highest possible standards of openness, honesty, and accountability and expect the same commitment for those working within the service. If you become aware of, or directly witness, situations or conduct that make you feel uncomfortable or which you regard as inappropriate you should raise any such serious concerns in accordance with the Whistle Blowing Procedure. This provides a means for you to raise concerns about matters not related to your own employment or your work within KCC but which you feel need to be examined. It is intended to encourage individuals to raise serious concerns internally within KCC, without fear of reprisal or victimisation, rather than overlooking a problem or raising the matter outside.

23.28 Further information is available within the Whistleblowing Policy and Procedure on KNet.

Political Neutrality

Officers: Political Neutrality

23.29 You serve the Council as a whole and it follows that you serve all elected Members and not just those of the controlling Group and you must ensure the individual rights of all elected Members are respected.

23.30 You may be in a post in which you advise Political Groups. If you do, you must act with political neutrality. Whilst you may have your own political opinions, you must avoid carrying out your duties in a way which reveals your political affiliation.

23.31 Some Local Authority Officer Roles are politically restricted and therefore post holders are restricted from undertaking any form of political activity. They are:

(a) The Chief Executive (Head of Paid Service) and the Deputy Chief Executive

(b) The statutory Chief Officers: Chief Finance Officer (Corporate Director of Finance, Director of Children's Services (Corporate Director Children, Young People and Education), Director of Adult Social Services (Corporate Director Adult Social Care and Health), Monitoring Officer (Head of Law), and Director of Public Health.

(c) The non-statutory Chief Officers: all Officers who report directly to the Head of Paid Service or who report directly or are directly accountable to the local authority or any Committee or Sub-Committee of

the authority, other than those whose duties are solely secretarial or clerical.

(d) The deputy Chief Officers (those who report directly to Chief Officers, other than those whose duties are solely secretarial or administrative).

(e) Political assistants.

(f) Officers who give advice on a regular basis to KCC, to any Committee or sub-Committee of KCC or to any joint Committee on which KCC is represented.

(g) Officers who speak on behalf of KCC on a regular basis to journalists or broadcasters.

(h) Officers to whom powers are delegated.

23.32 Further advice can be sought from Democratic Services.

23.33 You must seek legal advice if you wish to stand for election as a Councillor for KCC or any other local authority as it could impact upon your employment. Whilst it is not legally possible to continue to work for KCC if you are elected as a KCC Councillor you may be able to serve in public office for other organisations, including other Councils. You should obtain advice from the political party for which you are standing to ensure there is no conflict of interest and your political allegiance does not compromise your working life.

23.34 If you are involved in politics in your private time, you must not carry out any political activity which might lead the public to think you are acting in your capacity as a KCC employee. It is particularly important, if you are a Member with another Council, to keep your two roles separate and not use confidential information obtained in one capacity within the other.

Relationships

Officers: Wider Relationships

23.35 Elected Members:

(a) Mutual respect between employees and Members is essential to good local government. Close personal familiarity between employees and individual Members can damage the relationship and prove embarrassing to other employees and Members and should therefore be avoided.

23.36 The local community and service users:

(a) You should always remember your responsibilities to the community you serve and ensure courteous, efficient, and impartial service delivery to all groups and individuals within that community as defined by KCC policies.

23.37 Media:

Officers and the Media

(a) If you are not authorised to deal with representatives of the media, you should refer any enquiries you receive to your line manager or to KCC's Press Office.

(b) As a Member-led local authority, Members have to sign off and agree any responses to the media. In addition, the appropriate Director should also be made aware in order to authorise any media response.

(c) If you have specific authority to deal with media enquiries, as agreed by your Cabinet Member, Director, and the Press Office, you should only reply to requests for information or questions which relate to the facts of a situation and ensure that you notify the Press Office of any information or comment that you pass on to the media.

(d) If an expression of opinion or official statement of policy is needed, you must speak to your Head of Service.

(e) Every assistance should be given to Members who need information to deal with questions from the media. You should refer to the Press Office Manager for further advice if you are unsure of the protocols.

(f) If you speak as a private individual directly to the press, or at a public meeting or other situation where your remarks may be reported to the press, ensure nothing you say might lead the public to think you are acting in your capacity as a KCC employee.

(g) If you speak on behalf of a recognised trade union, you must make it clear that the views you are expressing are those of the trade union you represent and not KCC's.

Social Media

23.38 You should be aware that information posted on social media sites is often public and may be viewed by colleagues, residents, and the media/press. You have a responsibility to act in the best interests of the people of the County and not breach any confidentiality, post anything that could damage the council's reputation or could have a bearing on your working arrangements with KCC, e.g., sharing confidential or sensitive information.

23.39 Contractors/Consultants:

(a) All relationships of a business or private nature with internal or external contractors or consultants, or potential contractors or consultants, should be made known to an appropriate senior manager (see 23.50-23.57 on how this should be recorded) as they have the potential to seriously compromise KCC decisions.

(b) Orders and contracts must be awarded in accordance with Spending the Council's Money (which is available on KNet).

Staff Appointments and Other Employment Matters

23.40 If you are involved in appointing staff, you must ensure decisions to appoint are made on the basis of merit. It would be unlawful to make an appointment based on anything other than the ability of the candidate to undertake the duties of the post.

23.41 KCC has a detailed process for the appointment of staff that must be followed scrupulously by all employees involved in appointments at all times. Those involved in the process of staff appointments should undertake the available Recruitment & Selection training course and the E-learning on Equality & Diversity in Recruitment and Selection in KCC and Unconscious Bias.

23.42 To avoid any possible accusation of bias, you should not be involved in an appointment where an applicant is someone with whom you have a close personal relationship.

23.43 Similarly, you should not be involved in decisions relating to discipline, managing performance and capability issues, promotion or pay adjustments for any other employee who is a someone with whom you have a close personal relationship. You are required to disclose to the recruiting manager or line manager any matters which could call into question, or could have a bearing on, your working arrangements with KCC and/or could bring KCC into disrepute, e.g. where you and/or a close personal relationship are the subject of an investigation/enquiry being conducted by an external body such as the Police or a professional registration body etc.

23.44 You are required to disclose to either the recruiting manager or line manager, any criminal conviction, warning, caution, or reprimand you and/or a close personal relationship receive and/or any matters which could call into question, or could have a bearing on, your working arrangements with KCC, as this may have a potential impact on your job.

23.45 If you line manage staff, you may give an employer's reference on behalf of KCC for a member of staff or an ex-member of staff, unless otherwise informed. You owe a legal duty of care to ensure the reference is based on fact. If you are asked to provide a reference, you are strongly advised to follow the guidelines on employer's references available on KNet and to contact your line manager if you have any concerns.

Outside Commitments

Officers: Outside Commitments

23.46 You must be clear about your contractual obligations and should not take additional or external employment (paid or unpaid) which conflicts with KCC's interests. Therefore, you must discuss with your line manager and obtain their consent before taking up additional employment elsewhere in KCC or with another employer.

23.47 Where you are permitted to take external employment, no external work of any sort should be undertaken on KCC working premises or during KCC working time.

23.48 Use of KCC facilities such as telephones, computers, etc. is forbidden and correspondence and incoming phone calls related to external work are not permitted.

23.49 These provisions do not apply to public appointments (e.g., as a magistrate).

23.50 You may, in a professional capacity whilst undertaking additional or external work, publish books and articles, give lectures, or speak on radio or television, or utilise social media platforms and may illustrate these by reference to KCC's activities or policies, but your Corporate Director must be consulted before doing so. You must be clear that any views you express are your own and not necessarily those of KCC.

23.51 You may retain lecturing fees under the following conditions only:

(a) Officers who lecture in their own time for other organisations may retain the whole of any fee payable.

(b) Officers who are permitted to lecture to external organisations in KCC's time may retain half of any fee payable.

(c) Fees will not be paid to Officers who lecture on any of KCC's internal courses, whether in their own time or not.

Personal Interests

Officers: Personal Interests

23.52 You must declare at the earliest opportunity to an your line manager any financial and non-financial interests or commitments which may conflict with KCC's interests, including key strategies and policies. The Declaration of Interest Form must be completed at least annually via Employee Self Service. If a potential conflict of interest is identified this will be referred to the relevant Head of Service (or equivalent level of management).

23.53 Membership of, or activity on behalf of, a recognised trade union or professional society does not constitute such an interest. KCC encourages you to take an active part in the life of your community. This Code does not seek to discourage such involvement. If there is any doubt, advice should be sought from your line manager.

23.54 You should declare to an appropriate senior manager, membership of any organisation, lodge, chapter, society, trust or regular gathering or meeting which is not open to members of the public who are not members of that lodge, chapter, society, or trust or requires secrecy about its rules, membership, or conduct.

23.55 In addition to the above, you should advise an appropriate senior manager of your membership of any such organisation where in a specific instance such membership constitutes (or could be perceived as) a conflict of interest.

23.56 KCC Financial Regulations specify that employees who have a direct or indirect financial interest in a contract shall not be supplied with, or given access to, any tender documents, contracts or other information relating to them, without the authority of the relevant Corporate Director.

23.57 You must advise a senior manager if you are declared bankrupt or are involved as a Director of a company which is wound up or put into voluntary liquidation if it may impact upon your role and duties. Such information will be treated in the strictest confidence.

23.58 Intellectual Property Rights are relevant to patents, copyright, database rights, registered and unregistered design rights, trademarks, utility models, plant variety rights and other intellectual property, applications for registration of any of the same, confidential information and know how, whether in all cases registered or unregistered.

23.59 Where you make or create any Intellectual Property Rights that may be of benefit to KCC in the course of your normal duties, you should inform your manager in writing and, unless an alternative agreement is reached with the relevant Corporate Director, KCC is generally considered the 'owner' so far as the law allows.

Equality Issues

Equality

23.60 You should ensure that policies relating to equality issues are complied with, in addition to the requirements of the law. All members of the local community, customers, clients, job applicants and employees have a right to be treated with fairness and equity.

Separation of Roles During Tendering

Officers: Tendering

23.61 If you are involved in the tendering process and dealing with contractors, you must be clear about the separation of client commissioners and contractor/provider roles within KCC. If you have both a client and contractor responsibility must be aware of the need for accountability and openness.

23.62 If you have access to confidential information on tenders or costs for either internal or external contractors, you must not disclose that information to any unauthorised party or organisation.

23.63 You should ensure no special favour is shown to current or recent former employees or their partners, close relatives, or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity. Reference must be made to Spending the Council's Money (available on KNet).

23.64 In accordance with the Council's Anti-Bribery Policy, you should not accept significant personal gifts from contractors, service users, clients or outside suppliers as this could both compromise you personally and KCC. It is a serious criminal offence to receive or give any gift, loan, fee, reward or advantage to anyone in your capacity as a KCC employee. Minor articles, e.g., diaries, calendars, office items and the like, will not be regarded as a gift. However, consider how these could be perceived in relation to KCC's strategies and policies (e.g., receiving an item that may promote a tobacco company) and, if there is any doubt, a gift should be refused.

23.65 If you receive unsolicited gifts, they must be returned with a polite refusal letter to the sender. You should also immediately inform your manager.

23.66 You may not accept legacies from clients and/or service users who may have benefited from your services delivered on behalf of KCC. If you are named as a beneficiary, you should immediately inform your line manager.

23.67 You should only accept offers of hospitality if there is a genuine need to impart information or represent KCC in the community and where you are satisfied that any decisions or strategies and policies are not and will not be compromised. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where KCC should be seen to be represented. They should be properly authorised by your line manager and recorded locally in advance of the event.

23.68 KCC should meet the costs of all visits to reference sites, supplier's premises etc. to avoid jeopardising the integrity of any subsequent decisions.

23.69 When hospitality has to be refused, the invitation should still be recorded.

23.70 All gifts and hospitality, including those that are declined, must be reported to your line manager, and recorded using Employee Self Service. A guide to using Employee Self Service to declare gifts and hospitality is available on KNet.

23.71 Many supermarkets, petrol stations and high street stores offer loyalty cards for customers as an incentive to purchase from them. There are various types of loyalty cards, which offer a variety of rewards or bonuses, and it is likely you will have at least one of these cards for your personal use. You should not use your personal loyalty cards when purchasing goods or services on behalf of KCC or its clients. The use of such cards may compromise your professional integrity, particularly if the retail outlet or supplier was chosen because they offer you additional reward and not because it provided the greatest benefit and cost effectiveness to KCC or its clients.

23.72 Likewise, many credit card companies offer loyalty rewards. The use of personal credit cards to purchase goods or services on behalf of KCC or its clients should be avoided unless no other means of purchase is available.

23.73 Should any loyalty rewards be received whilst undertaking KCC business where there is no means of these being transferred to KCC, then they can be regarded as the property of the individual, e.g., frequent traveller programmes, hotel loyalty awards, etc.

Sponsorship - Giving and Receiving

23.74 Where an outside organisation wishes to sponsor a KCC activity, whether by invitation, tender, negotiation, voluntarily or in response to an approach by KCC to potential sponsors, you should:

(a) refer, at the earliest possible stage, to the Anti-Bribery Policy and the Sponsorship Policy and Guidance generally and the Section on procurement in particular,

(b) follow the basic conventions concerning the acceptance of gifts or hospitality and record these arrangements locally.

23.75 Where KCC wishes to sponsor an event or service, neither you nor your partner, spouse, close friend or relative must benefit from such sponsorship. Similarly, where KCC, through sponsorship, grant aid, financial or other means, gives support in the community, you should ensure impartial advice is given and there is no conflict of interest involved.

Health and Safety at Work

23.76 You must, by law, take reasonable care for your own health and safety and that of other people who may be affected by anything you do at work.

23.77 KCC has comprehensive policies on Health and Safety which cover all you need to know about compliance with legislation, standards and KCC procedures in connection with health, safety, and welfare at work.

Drugs and Alcohol

23.78 The use of illegal drugs or misuse of other drugs or alcohol to the extent it affects health, work performance, attendance, conduct or relationships at work is not acceptable. (For further information see KCC's Drugs & Alcohol Policy on KNet). If you have a drug or alcohol problem that is impacting upon your work, you should discuss the matter with your line manager.

23.79 You should inform your manager if you are taking prescription medication that could impair your work performance, impact on your ability to carry out your duties and/or could affect your safety and that of others.

23.80 You must not possess, supply/offer to supply, use illegal drugs or substances commonly referred to as 'legal highs' or new psychoactive substances whilst working.

23.81 You must not be under the influence of alcohol, illegal drugs, substances commonly referred to as 'legal highs' and/or new psychoactive substances within the workplace.

Equipment and Materials

Officers: Use of Equipment and Resources

23.82 KCC's telephones, computer systems, other equipment and materials are the property of KCC and are provided for your business purposes and for interaction with the public in the delivery of services. If you are leaving KCC, you must make arrangements with your line manager to return all KCC equipment and property.

23.83 Some personal use of KCC's electronic communication facilities and devices including phone, internet and email is permitted, provided it is within the scope of KCC's ICT Acceptable Use Policy and ICT User Standards.

23.84 No software can be used unless there is proof of legal registration to KCC under the Copyright, Designs and Patents Act. No personal software may be used on KCC equipment. It is a criminal offence to knowingly use or make unauthorised copies of KCC registered software.

Use of Financial Resources

23.85 You must ensure you use public funds entrusted to you in a responsible and lawful manner. They must be fully approved and used for the purpose for which they are intended.

23.86 You should ensure value for money to the local community and avoid legal challenge to KCC.

23.87 KCC's Financial Regulations and Anti-Fraud and Corruption strategy must be adhered to at all times.

Related Procedures, Policies, Guidelines and Support

Policies and Procedures

23.88 The following are available on KNet:

(a) Drugs & Alcohol Policy.
(b) Equality & Diversity Policy Statement.
(c) Equality & Human Rights Policy.
(d) Managing Stress at Work Policy.
(e) KCC's Financial Regulations.
(f) Spending the Council's Money.
(g) Anti-Fraud & Corruption Strategy.
(h) ICT Acceptable Use Policy.
(i) Social Media Guidance.

(j) Whistleblowing Policy and Procedure.
(k) Smoking and E-cigarette Policy.
(l) References Guidance.
(m)Health & Safety policies, procedures and guidance.
(n) Resolution Policy & Procedure.
(o) International Travel Guidance.
(p) Expenses Policy, Procedure & Guidance.
(q) Anti-Bribery Policy.

24. Management Structure

Overview

24.1 General. The Council engages those Officers it considers necessary to carry out its functions.

24.2 Structure. The overall management structure is determined by the Council on the advice of the Chief Executive and the Leader. The Chief Executive reports to the Cabinet and the Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of Officers required for the discharge of functions and the organisation of Officers. A description of the overall Directorate structure of the Council showing the management structure and deployment of Officers is set out on the Council website.

24.3 Chief Officers. The most senior posts in the structure are designated as Chief Officers within the terms of the Local Government Acts. The most senior Officer is the Chief Executive.

24.4 Appointment of Officers. The Chief Executive is appointed by the full Council on the recommendation of the Personnel Committee. Other Senior Managers (Chief and Deputy Chief Officers in terms of the Local Government Act 1972) are appointed by the Personnel Committee acting on its behalf. Appointment of all other Officers is delegated by the Council to Senior Managers. The recruitment, selection and dismissal of Officers will comply with the Personnel Management Rules in Section 25.

24.5 Chief Executive, Monitoring Officer, Chief Finance Officer, Director of Adult Social Services and Director of Children's Services. The Council will designate Officers to act as each of the following:

(r) Head of Paid Service (Chief Executive)

(s) Monitoring Officer (Head of Law).

(t) Chief Finance Officer (Corporate Director of Finance).

(u) Director of Adult Social Services (Corporate Director Adult Social Care and Health).

(v) Director of Children's Services (Corporate Director Children, Young People and Education).

24.6 The Officers designated will have the functions described in Section 11.

Management Structure

24.7 The overall structure of the organisation down to third tier level is approved by the County Council on the advice of the Chief Executive and the Leader. The chart can be viewed on the Council website.

24.8 All Officers are responsible for the day-to-day managerial and operational decisions within the Council and provide support to all Members in their several roles, including the Cabinet, Scrutiny, quasi-judicial, and civic responsibilities.

24.9 The Chief Executive is the Head of Paid Service and responsible for securing and managing the professional body of staff.

Corporate Management Team

24.10 Members of the Corporate Management Team, individually and collectively, have the following duties:

(a) to support and advise the Council, Cabinet, Scrutiny Committee and other Committees on policy and service delivery in order that Members' decisions are well informed.

(b) to ensure that the policies and decisions of the Council and Cabinet are formulated and delivered effectively and efficiently.

(c) to provide strong managerial Leadership and direction, foster cross-Directorate working and implement organisational improvement.

(d) to set high standards and drive up the performance, effectiveness, and reputation of the authority as measured by BVPIs, public feedback and inspection.

(e) to work with outside bodies and access additional funds and resources in order to support the Council's programmes of work.

(f) to recruit, develop, and motivate staff.

24.11 The Chief Executive has responsibility for overall corporate management and for the resolution of issues arising from any failure of other Corporate Directors to ensure those duties are met.

24.12 The following Officers have been designated to act in each of the following offices:

(a) Head of Paid Service – the Chief Executive.

(b) Monitoring Officer - the Head of Law

(c) Chief Finance Officer - the Corporate Director of Finance.

25. Personnel Management Rules

Staff Terms and Conditions

25.1 The Council, on the recommendation of the Leader, determines changes to the pay scales of Kent Scheme Salaries. All other matters of staff terms and conditions (other than those imposed by national agreements) are delegated to the Personnel Committee.

Senior Managers

25.2 "Senior Manager" means Corporate Directors and Directors at grade KSN or above.

25.3 The quorum of the Personnel Committee, or any Sub-Committee of that Committee, when considering any appointment or disciplinary action under rules 25.5-25.23, below, must include a member of the Cabinet as a voting member.

Appointment of Senior Managers

25.4 Rules 25.5-25.10 apply to the appointment of Senior Managers.

25.5 For all such appointments the Deputy Chief Executive or their nominee shall:

(a) draw up a statement specifying:

i. the duties of the post, and

ii. any qualifications or qualities required.

(b) make arrangements for the post to be externally advertised to bring it to the attention of suitably qualified persons (unless applicants are to be sought only from among the Council's existing staff); and

(c) make arrangements for the statement in 25.5(a) to be sent to any person on request.

25.6 In all cases (except as otherwise agreed by a resolution of the Personnel Committee) either all qualified applicants or a selected short-list will be interviewed by the Personnel Committee or Member Panel (Sub-Committee) acting as the Appointing Body, with the Deputy Chief Executive (or other Senior Manager as determined by the Committee or Panel) acting as adviser to the Appointing Body. When appointing the Chief Executive, which is an

appointment made by the County Council, the Appointing Body will report to the Council with a recommendation.

25.7 Where no suitably qualified person has applied, the post may be re-advertised.

25.8 When a Senior Manager ceases to hold that post or is likely to be absent for any length of time, the Chief Executive, after consultation with the Political Group Leaders, may appoint someone to act temporarily in that capacity and determine the salary to be paid. The temporary appointment shall not extend beyond six months without the approval of the Personnel Committee. Similarly, the Chief Executive may, after consultation with the Political Group Leaders, appoint an interim senior manager to undertake a specific role that does not currently exist in the Establishment and determine the rate of remuneration. These appointments shall not extend beyond six months without the approval of the Personnel Committee.

25.9 No offer of an appointment to a Senior Manager may be made until:

(a) the Head of Governance has recorded the name of the person to be offered the appointment and any other particulars the Committee (or other appointing body or person) considers relevant to the appointment.

(b) that information has been sent by the Head of Governance to the Leader and all Members of the Cabinet with a date and time by which any objection to the making of the offer can be made by the Leader.

(c) the Head of Governance has confirmed that the date and time for objection by the Leader has elapsed and either:

i. in the case of the Chief Executive, the Council has confirmed the appointment after consideration of any such objection and resolving that it is not material or not well-founded, or

ii. in all other cases, no such objection has been made or the appointing body has considered any such objection and has resolved or decided that the objection is not material or not well-founded.

25.10 The Chair of the Standards Committee shall be consulted before a new or existing Officer is appointed or designated as Monitoring Officer, and their views shall be presented to the Appointing Body.

Appointment of Director of Public Health

Director of Public Health: Appointment

25.11 Rules 25.12-25.20 apply to the appointment of the Director of Public Health.

25.12 For the appointment of the Director of Public Health, the Deputy Chief Executive or their nominee shall:

(a) liaise with the Faculty of Public Health regarding the production or updating of the statement specifying:

i. the duties of the post, and

ii. all necessary areas of professional and technical competence,

(b) make arrangements for the post to be externally advertised to bring it to the attention of suitably qualified persons (unless applicants are to be sought only from among the Council's existing staff), and

(c) share the statement with the Regional Director for the Office of Health Improvement and Disparities, on behalf of the Secretary of State for Health and Social Care,

(d) make arrangements for the statement in 25.12(a) to be sent to any person on request.

25.13 The Deputy Chief Executive or their nominee shall make arrangements for an Advisory Appointments Committee to be established to undertake the selection and appointment process for the Director of Public Health. In so doing, the advice and recommendations of the Office of Health Improvement and Disparities on the membership of the Advisory Appointments Committee, including the assessor, shall be sought. It is for the Council to decide whether both a medical assessor and non-medical assessor are required.

25.14 The Advisory Appointments Committee will be chaired by the Cabinet Member of the Health and Wellbeing Board and will include:

(a) the Chief Executive or their nominee,

(b) an external professional assessor (appointed following consultation with the Faculty of Public Health and agreed by the Office of Health Improvement and Disparities),

(c) a senior NHS representative, and

(d) the Regional Director for the Office of Health Improvement and Disparities, or another senior professionally qualified member of the Office of Health Improvement and Disparities acting on their behalf.

25.15 The overall balance of the Advisory Appointments Committee is required to have a local and professional majority, although assessors must be geographically distant and normally from outside Kent.

25.16 In all cases either all qualified applicants or selected shortlist will be interviewed by members of the Advisory Appointments Committee with the Deputy Chief Executive (or other Senior Manager as determined by the Committee) acting as adviser to the Advisory Appointments Committee.

25.17 Where no suitably qualified person has applied, the post may be re-advertised.

25.18 Following selection of a proposed appointment by the Advisory Appointments Committee no offer of an appointment to the Director of Public Health post may be made until:

(a) the Head of Governance has recorded the name of the person to be offered the appointment and any other particulars the Advisory Appointments Committee considers relevant to the appointment,

(b) that information has been sent by the Head of Governance to the Leader and all members of the Cabinet with a date and time by which any objection to the making of the offer can be made by the Leader,

(c) the Head of Governance has confirmed that the date and time for objection by the Leader has elapsed no such objection has been made or the Advisory Appointments Committee has considered any such objection and has resolved or decided that the objection is not material or not well-founded.

25.19 Once the steps set out in 25.18 have been completed, the proposed appointment is communicated to the Secretary of State for Health and Social Care.

25.20 No offer of appointment for the Director of Public Health may be made until approval has been received from the Secretary of State for Health and Social Care.

Disciplinary Action

Disciplinary Action

25.21 Disciplinary action, dismissal, or suspension during investigation of allegations of misconduct in relation to the Chief Executive and other Senior Managers may only be taken as provided in the tables below:

Officer	Suspension	Investigation	Disciplinary Action	Dismissal
Head of Paid Service	Personnel Committee advice from the Deputy Chief Executive and Monitoring Officer *or* the Deputy Chief Executive, in consultation with the Chair of Personnel Committee, if Committee cannot be convened immediately	Panel of at least two independent persons (in cases of potential dismissal on disciplinary grounds) or other Officer or independent person appointed by the Personnel Committee or Deputy Chief Executive (for all other disciplinary action) Report to Personnel Committee	Personnel Committee	Council

Chief Finance Officer and Monitoring Officer	Personnel Committee on advice from the Head of Paid Service and/or Deputy Chief Executive or Chief Executive and/or Deputy Chief Executive, if Committee cannot be convened immediately	Panel of at least two independent persons (in cases of potential dismissal on disciplinary grounds) or other Officer or independent person appointed by the Personnel Committee or Chief Executive and/or Deputy Chief Executive (for all other disciplinary action) Report to Personnel Committee	Personnel Committee	Council

Statutory Senior Managers (Director of Children's Services, Director of Adult Services and Director of Public Health*)	Personnel Committee on advice from the Chief Executive and/or Deputy Chief Executive or Chief Executive and/or Deputy Chief Executive, if Committee cannot be immediately convened	Panel of at least two independent persons (in cases of potential dismissal on disciplinary grounds) or other Officer or independent person appointed by the Personnel Committee or Chief Executive and/or Deputy Chief Executive (for all other disciplinary action) Report to Personnel Committee	Personnel Committee	Council * consultation with the Secretary of State for Health and Social Care is required prior to the dismissal of the Director of Public Health

Other Senior Managers (Corporate and other Directors)	Personnel Committee on advice from the Chief Executive and/or Deputy Chief Executive or Chief Executive and/or Deputy Chief Executive, if Committee cannot be immediately convened	Other Officer or independent person appointed by the Personnel Committee or Chief Executive and/or Deputy Chief Executive Report to Personnel Committee or Chief Executive and/or Deputy Chief Executive	Head of Paid Service and/or Deputy Chief Executive	Personnel Committee or Chief Executive and/or Deputy Chief Executive Appeal to a Panel of Members appointed by the Selection and Member Services Committee

25.22 No dismissal may be taken in respect of the Chief Executive, Chief Finance Officer, Monitoring Officer, and other Statutory Officer roles other than in accordance with the following procedure:

(a) The Council will appoint a Panel of at least two independent persons to consider any case for dismissal, comprising in the first instance those appointed under Section 28(7) of the Localism Act 2011 to full Council and the Kent and Medway Fire and Rescue Authority.

(b) A 'Select List' of investigators will be maintained for use if the Panel requires their services. The provision of non-HR advice to the Panel is a matter for the Panel to decide in each case.

(c) The Panel will make a recommendation on dismissal to the Personnel Committee who will consider this alongside any advice, the conclusions of any investigation into the proposed dismissal and representations from the Officer concerned.

(d) The Personnel Committee will make a recommendation to County Council for decision if dismissal is proposed.

(e) It is assumed that the Council will abide by the recommendations of the Panel unless there are exceptional reasons to justify departing from them.

(f) A Statutory Officer may only be dismissed on the vote of two-thirds of all the Members of the Council, i.e. not just those present and voting.

(g) As any decision to dismiss will be taken by full Council, it is not possible to provide an internal appeal process against the dismissal of a Statutory Officer.

25.23 All suspended Officers shall be on full pay during the investigation of the alleged misconduct, which must be completed no later than two months after the suspension takes effect.

Dismissal of a Chief or Senior Officer

Dismissal of a Chief or Senior Officer

25.24 No decision to dismiss the Chief Executive or other Senior Manager shall take effect until:

(a) The Head of Governance has recorded the name of the person to be dismissed and any other particulars the full Council, the Personnel Committee (or other responsible body or person) considers relevant to the dismissal.

(b) That information has been sent by the Head of Governance to the Leader and all members of the Cabinet with a date and time by which any objection to the dismissal can be made by the Leader.

(c) The Head of Governance has confirmed that the date and time for objection by the Leader has elapsed and either the full Council, the Personnel Committee (or other responsible body or person) has considered any such objection and has resolved or decided that the objection is not material or not well-founded.

Appeals

25.25 Any appeal by an Officer must be lodged with the Monitoring Officer (or the Chief Executive in the case of an appeal by the Monitoring Officer) within 10 working days of written confirmation to the Officer of the disciplinary action and must include a written statement of the grounds on which the appeal is made.

25.26 Subject to these rules, all disciplinary procedures, including hearings and appeals, shall be conducted as far as possible in accordance with the provisions of the Kent Scheme of Conditions of Service.

25.27 Appeal hearings shall not include Members involved in the decision to take disciplinary action.

Appeals Against Dismissal

25.28 Any appeal against a decision not to 'slot' a senior manager to a post graded KR 16 or above, a redundancy, assimilation, transfer, or downgrading must be lodged with the Deputy Chief Executive within 10 working days of written confirmation to the Officer of the decision and must include a written statement of the grounds on which the appeal is made.

25.29 Appeals will be heard by the Personnel Committee, or a sub-Committee (Panel) of that Committee. As far as is practical, such hearings will be arranged within 10 working days of an appeal being lodged. If the Appeal is heard by a Panel of Members, then the quorum of such meeting shall include a Cabinet Member.

Other Officers

25.30 Members may not take part in the appointment of any other Officers (except assistants for Political Groups as defined by Section 9 of the Local Government and Housing Act 1989) nor in any disciplinary or dismissal action, except as provided for above.

Delegations to Officers

25.31 Officers at the level stated and above are empowered to take the decisions about staff set out in the Kent Scheme of Conditions of Service.

26. Other Provisions

Code of Corporate Governance

Introduction to the Code of Corporate Governance

26.1 Corporate Governance is the system by which Kent County Council directs and controls its functions in the best interests of the people and communities of Kent.

26.2 Good corporate governance is fundamental to securing confidence in public services, and so governance arrangements must be transparent to the community and other stakeholders and promote their involvement. This is to demonstrate openness, integrity, and accountability.

26.3 Governance arrangements should be aligned with the Council's core vision and objectives, and ensure continuous improvement in the context of economy, efficiency, and effectiveness.

26.4 The Code of Corporate Governance describes the principles applied by Kent County Council as the framework for good corporate governance, how the Council is adhering to those principles, and the key policies and plans in place to support this.

26.5 The Code follows closely the seven principles identified in 'Delivering Good Governance in Local Government (2016)', published jointly by the Chartered Institute of Public Finance and Accountancy (CIPFA), and the Society of Local Authority Chief Executives and Senior Managers (SOLACE), as a best practice framework for local authorities. These principles are set out in detail below (26.10 on) and are as follows:

(a) Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law.
(b) Ensuring openness and comprehensive stakeholder engagement.
(c) Defining outcomes in terms of sustainable economic, social and environmental benefits.
(d) Determining the interventions necessary to optimise the achievement of the intended outcomes.
(e) Developing the local authority's capacity, including the capability of its leadership and the individuals within it.
(f) Managing risks and performance through robust internal control and strong public financial management.
(g) Implementing good practices in transparency, reporting and audit to effective accountability.

26.6 As part of the Code of Corporate Governance, this Council will comply with the principles and standards of the CIPFA Financial Management Code.

26.7 The Council's corporate governance arrangements are reviewed annually and reported, with any consequential recommendations, to the Governance and Audit Committee and the County Council for approval

26.8 The Code of Corporate Governance as adopted by Kent County Council is set out in Sections 26.10 to 26.16. The title of each principle is followed by a table setting out its features and indicative content of what the Council has in place to demonstrate compliance.

26.9 As set out in the document referred to in 26.5 and the 'International Framework: Good Governance in the Public Sector' (CIPFA/IFAC, 2014), governance is dynamic and in adopting a Code of Corporate Governance, a local authority is committed to improving governance on a continuing basis. In accordance with this model, Principles A and B permeate implementation of Principles C to G. Developments in improving corporate governance will be reported on a routine basis to the Governance and Audit Committee.

The Code of Corporate Governance

26.10 *Principle A – Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law.*

Local government organisations are accountable not only for how much they spend, but also for how they use the resources under their stewardship. This includes accountability for outputs, both positive and negative, and for the outcomes they have achieved. In addition, they have an overarching responsibility to serve the public interest in adhering to the requirements of legislation and government policies. It is essential that, as a whole, they can demonstrate the appropriateness of all their actions across all activities and have mechanisms in place to encourage and enforce adherence to ethical values and to respect the rule of law
Actions and behaviours that demonstrate good governance:
Sub-principle – Behaving with integrity. • Ensuring Members and Officers behave with integrity and lead a culture where acting in the public interest is visibly and consistently demonstrated thereby protecting the reputation of the organisation. • Ensuring Members take the lead in establishing specific standard operating principles or values for the organisation and its staff and that they are communicated and understood. These should build on the Seven Principles of Public Life (the Nolan Principles). • Leading by example and using these standard operating principles or values as a framework for decision making and other actions. • Demonstrating, communicating, and embedding the standard operating principles or values through appropriate policies and processes which are reviewed on a regular basis to ensure that they are operating effectively.
Sub-principle – Demonstrating strong commitment to ethical values. • Seeking to establish, monitor and maintain the organisation's ethical standards and performance. • Underpinning personal behaviour with ethical values and ensuring they permeate all aspects of the organisation's culture and operation. • Developing and maintaining robust policies and procedures which place emphasis on agreed ethical values. • Ensuring that external providers of services on behalf of the organisation are required to act with integrity and in compliance with high ethical standards expected by the organisation.
Sub-principle – Respecting the rule of law. • Ensuring Members and staff demonstrate a strong commitment to the rule of the law as well as adhering to relevant laws and regulations. • Creating the conditions to ensure that the statutory Officers, other key post holders and Members are able to fulfil their responsibilities in accordance with legislative and regulatory requirements. • Striving to optimise the use of the full powers available for the benefit of citizens, communities, and other stakeholders. • Dealing with breaches of legal and regulatory provisions effectively. • Ensuring corruption and misuse of power are dealt with effectively.
What we have in place:
• Complaints and Feedback • Whistle Blowing Policy

- Constitution
- Delegation Table (Constitution: Appendix)
- Member Code of Conduct (Constitution Section 21) and register of interests
- Officer Code of Conduct (Constitution Section 23) and register of interests
- Convention on Member: Officer Relations (Constitution Section 22)
- Equality and Diversity policy statement
- Scrutiny Committee
- Standards Committee
- Access to information
- Anti-Bribery Policy
- Anti-Fraud and Corruption Strategy
- Anti-Money Laundering Policy
- Data Protection Policy
- Commissioning Standards Guidance – Social Value
- Members Induction and Development

26.11 *Principle B - Ensuring openness and comprehensive stakeholder engagement.*

The long-term nature and impact of many of local government's responsibilities mean that it should define and plan outcomes and that these should be sustainable. Decisions should further the organisation's purpose, contribute to intended benefits and outcomes, and remain within the limits of authority and resources. Input from all groups of stakeholders, including citizens, service users, and institutional stakeholders, is vital to the success of this process and in balancing competing demands when determining priorities for the finite resources available.

Actions and behaviours that demonstrate good governance:

Sub-principle – Openness

- Ensuring an open culture through demonstrating, documenting, and communicating the organisation's commitment to openness.
- Making decisions that are open about actions, plans, resource use, forecasts, outputs, and outcomes. The presumption is for openness. If that is not the case, a justification for the reasoning for keeping a decision confidential should be provided.
- Providing clear reasoning and evidence for decisions in both public records and explanations to stakeholders and being explicit about the criteria, rationale and considerations used. In due course, ensuring that the impact and consequences of those decisions are clear.
- Using formal and informal consultation and engagement to determine the most appropriate and effective interventions/ courses of action.

Sub-principle – Engaging comprehensively with institutional stakeholders.

- Effectively engaging with institutional stakeholders to ensure that the purpose, objectives and intended outcomes for each stakeholder relationship are clear so that outcomes are achieved successfully and sustainably.
- Developing formal and informal partnerships to allow for resources to be used more efficiently and outcomes achieved more effectively.
- Ensuring that partnerships are based on:
  - trust,

- a shared commitment to change,
- a culture that promotes and accepts challenge among partners, and
- that the added value of partnership working is explicit.

NB: institutional stakeholders are the other organisations that local government needs to work with to improve services and outcomes (such as commercial partners and suppliers as well as other public or third sector organisations) or organisations to which they are accountable.

Sub-principle - Engaging stakeholders effectively, including individual citizens and service users.

- Establishing a clear policy on the type of issues that the organisation will meaningfully consult with or involve individual citizens, service users and other stakeholders to ensure that service (or other) provision is contributing towards the achievement of intended outcomes.
- Ensuring that communication methods are effective, and that Members and Officers are clear about their roles with regard to community engagement.
- Encouraging, collecting, and evaluating the views and experiences of communities, citizens, service users and organisations of different backgrounds including reference to future needs.
- Implementing effective feedback mechanisms in order to demonstrate how their views have been taken into account.
- Balancing feedback from more active stakeholder groups with other stakeholder groups to ensure inclusivity.
- Taking account of the interests of future generations of taxpayers and service users.

What we have in place:

- Access to Information
- Complaints and Feedback
- Kent Council Leaders
- Let's Talk Kent (consultation website)
- Outside Bodies List
- Civil Society Strategy for Kent
- Petition scheme
- Constitution Section 19 (Partnerships)
- Meeting papers online
- FED and Key Decisions online
- Statement of Accounts
- Annual Governance Statement
- Media Hub
- Framing Kent's Future
- Securing Kent's Future

26.12 *Principle C - Defining outcomes in terms of sustainable economic, social and environmental benefits.*

The long-term nature and impact of many of local government's responsibilities mean that it should define and plan outcomes and that these should be sustainable. Decisions should further the organisation's purpose, contribute to intended benefits and outcomes, and remain within the limits of authority and resources. Input from all

groups of stakeholders, including citizens, service users, and institutional stakeholders, is vital to the success of this process and in balancing competing demands when determining priorities for the finite resources available.

Actions and behaviours that demonstrate good governance:

Sub-principle - Defining outcomes.

- Having a clear vision which is an agreed formal statement of the organisation's purpose and intended outcomes containing appropriate performance indicators, which provides the basis for the organisation's overall strategy, planning and other decisions.
- Specifying the intended impact on, or changes for, stakeholders including citizens and service users. It could be immediately or over the course of a year or longer.
- Delivering defined outcomes on a sustainable basis within the resources that will be available.
- Identifying and managing risks to the achievement of outcomes.
- Managing service users' expectations effectively with regard to determining priorities and making the best use of the resources available.

Sub-principle – Sustainable economic, social and environmental benefits

- Considering and balancing the combined economic, social and environmental impact of policies, plans and decisions when taking decisions about service provision.
- Taking a longer-term view with regard to decision making, taking account of risk and acting transparently where there are potential conflicts between the organisation's intended outcomes and short-term factors such as the political cycle or financial constraints.
- Determining the wider public interest associated with balancing conflicting interests between achieving the various economic, social, and environmental benefits, through consultation where possible, in order to ensure appropriate trade-offs.
- Ensuring fair access to services.

What we have in place:

- Framing Kent's Future
- Securing Kent's Future
- Medium Term Financial Plan
- Environmental Policies
- Equality Impact Assessments
- Strategic Delivery Plan
- Minerals and waste planning policy
- Local transport plan
- Kent Community Safety Agreement
- Let's Talk Kent (consultation website)
- Annual Budget
- Treasury Management Strategy

26.13 *Principle D – Determining the interventions necessary to optimise the achievement of the intended outcomes.*

Local government achieves its intended outcomes by providing a mixture of legal, regulatory, and practical interventions (courses of action). Determining the right

mix of these courses of action is a critically important strategic choice that local government has to make to ensure intended outcomes are achieved. They need robust decision-making mechanisms to ensure that their defined outcomes can be achieved in a way that provides the best trade-off between the various types of resource inputs while still enabling effective and efficient operations. Decisions made need to be reviewed frequently to ensure that achievement of outcomes is optimised.

Actions and behaviours that demonstrate good governance:

Sub-principle - Determining interventions.

- Ensuring decision makers receive objective and rigorous analysis of a variety of options indicating how intended outcomes would be achieved and including the risks associated with those options. Therefore, ensuring best value is achieved however services are provided.
- Considering feedback from citizens and service users when making decisions about service improvements or where services are no longer required in order to prioritise competing demands within limited resources available including people, skills, land and assets and bearing in mind future impacts.

Sub-principle – Planning interventions.

- Establishing and implementing robust planning and control cycles that cover strategic and operational plans, priorities, and targets.
- Engaging with internal and external stakeholders in determining how services and other courses of action should be planned and delivered.
- Considering and monitoring risks facing each partner when working collaboratively including shared risks.
- Ensuring arrangements are flexible and agile so that the mechanisms for delivering outputs can be adapted to changing circumstances.
- Establishing appropriate key performance indicators (KPIs) as part of the planning process in order to identify how the performance of services and projects is to be measured.
- Ensuring capacity exists to generate the information required to review service quality regularly.
- Preparing budgets in accordance with organisational objectives, strategies and the medium-term financial plan.
- Informing medium- and long-term resource planning by drawing up realistic estimates of revenue and capital expenditure aimed at developing a sustainable funding strategy.

Sub-principle - Optimising achievement of intended outcomes.

- Ensuring the medium-term financial strategy integrates and balances service priorities, affordability and other resource constraints.
- Ensuring the budgeting process is all-inclusive, taking into account the full cost of operations over the medium and longer term.
- Ensuring the medium-term financial strategy sets the context for ongoing decisions on significant delivery issues or responses to changes in the external environment that may arise during the budgetary period in order for outcomes to be achieved while optimising resource usage.
- Ensuring the achievement of ‘social value’ through service planning and commissioning.

What we have in place:

- Forthcoming Executive Decisions (FED)

- Annual Budget
- Medium Term Financial Plan
- Constitution: Part Two (Functions and Decision-Making)
- School admission appeals process
- Asset Management Strategy 2018-23
- Commissioning framework
- Strategic Delivery Plan
- Strategy and Policy Control Framework
- Let's Talk Kent (consultation website)
- Budget monitoring process
- Performance monitoring process
- Risk Management Strategy

26.14 *Principle E – Developing the local authority's capacity, including the capability of its leadership and the individuals within it.*

Local government needs appropriate structures and leadership, as well as people with the right skills, appropriate qualifications and mindset, to operate efficiently and effectively and achieve intended outcomes within the specified periods. A local government organisation must ensure that it has both the capacity to fulfil its own mandate and to make certain that there are policies in place to guarantee that its management has the operational capacity for the organisation as a whole. Because both individuals and the environment in which an organisation operates will change over time, there will be a continuous need to develop its capacity as well as the skills and experience of individual staff Members. Leadership in local government is strengthened by the participation of people with many different types of backgrounds, reflecting the structure and diversity of communities.

Actions and behaviours that demonstrate good governance:

Sub-principle - Developing the local authority's capacity.

- Reviewing operations, performance use of assets on a regular basis to ensure their continuing effectiveness.
- Improving resource use through appropriate application of techniques such as benchmarking and other options in order to determine how the authority's resources are allocated so that outcomes are achieved effectively and efficiently.
- Recognising the benefits of partnerships and collaborative working where added value can be achieved.
- Developing and maintaining an effective workforce plan to enhance the strategic allocation of resources.

Sub-principle - Developing the capability of the local authority's leadership and other individuals.

- Developing protocols to ensure that elected and appointed leaders negotiate with each other regarding their respective roles early on in the relationship and that a shared understanding of roles and objectives is maintained.
- Publishing a statement that specifies the types of decisions that are delegated and those reserved for the collective decision making of the governing body.
- Ensuring the Leader and the Chief Executive have clearly defined and distinctive leadership roles within a structure whereby the Chief Executive leads the authority in implementing strategy and managing the delivery of services and

other outputs set by Members and each provides a check and a balance for each other's authority.

- Developing the capabilities of Members and senior management to achieve effective shared leadership and to enable the organisation to respond successfully to changing legal and policy demands as well as economic, political, and environmental changes and risks by:
  - ensuring Members and staff have access to appropriate induction tailored to their role and that ongoing training and development matching individual and organisational requirements is available and encouraged,
  - ensuring Members and Officers have the appropriate skills, knowledge, resources, and support to fulfil their roles and responsibilities and ensuring that they are able to update their knowledge on a continuing basis, and
  - ensuring personal, organisational, and system-wide development through shared learning, including lessons learnt from governance weaknesses both internal and external.
- Ensuring that there are structures in place to encourage public participation.
- Taking steps to consider the leadership's own effectiveness and ensuring leaders are open to constructive feedback from peer review and inspections.
- Holding staff to account through regular performance reviews which take account of training or development needs.
- Ensuring arrangements are in place to maintain the health and wellbeing of the workforce and support individuals in maintaining their own physical and mental wellbeing.

What we have in place:

- Kent Council Leaders
- Operating Standards
- Personnel policies
- Performance management
- Members Induction and Development
- Selection and Member Services Committee
- Staff Induction, training, and development (including Managing in Kent)
- Constitution Sections 10 and 11 (Delegations)
- People Strategy 2022 to 2027
- Pay policy
- Civil Society Strategy for Kent
- Personnel Committee
- Managing in KCC programme
- Health, Safety, and Wellbeing services

26.15 *Principle F - Managing risks and performance through robust internal control and strong public financial management.*

Local government needs to ensure that the organisations and governance structures that it oversees have implemented, and can sustain, an effective performance management system that facilitates effective and efficient delivery of planned services. Risk management and internal control are important and integral parts of a performance management system and are crucial to the achievement of outcomes. Risk should be considered and addressed as part of all decision-making activities.

A strong system of financial management is essential for the implementation of policies and the achievement of intended outcomes, as it will enforce financial discipline, strategic allocation of resources, efficient service delivery and accountability.

It is also essential that a culture and structure for scrutiny are in place as a key part of accountable decision making, policy making and review. A positive working culture that accepts, promotes, and encourages constructive challenge is critical to successful scrutiny and successful service delivery. Importantly, this culture does not happen automatically, it requires repeated public commitment from those in authority.

Actions and behaviours that demonstrate good governance:

Sub-principle - Managing risk.

- Recognising that risk management is an integral part of all activities and must be considered in all aspects of decision making.
- Implementing robust and integrated risk management arrangements and ensuring that they are working effectively.
- Ensuring that responsibilities for managing individual risks are clearly allocated.

Sub-principle - Managing performance.

- Monitoring service delivery effectively including planning, specification, execution, and independent post implementation review.
- Making decisions based on relevant, clear objective analysis and advice pointing out the implications and risks inherent in the organisation's financial, social, and environmental position and outlook.
- Ensuring an effective scrutiny or oversight function is in place which encourages constructive challenge and debate on policies and objectives before, during and after decisions are made thereby enhancing the organisation's performance and that of any organisation for which it is responsible.
- Providing Members and senior management with regular reports on service delivery plans and on progress towards outcome achievement.
- Ensuring there is consistency between specification stages (such as budgets) and post implementation reporting (e.g., financial statements).

Sub-principle - Robust internal control.

- Aligning the risk management strategy and policies on internal control with achieving the objectives.
- Evaluating and monitoring the authority's risk management and internal control on a regular basis.
- Ensuring effective counter fraud and anti-corruption arrangements are in place.
- Ensuring additional assurance on the overall adequacy and effectiveness of the framework of governance, risk management and control is provided by the internal auditor.
- Ensuring an audit committee or equivalent group or function which is independent of the executive and accountable to the governing body:
    - provides a further source of effective assurance regarding arrangements for managing risk and maintaining an effective control environment, and
    - that its recommendations are listened to and acted upon.

Sub-principle - Managing data.

- Ensuring effective arrangements are in place for the safe collection, storage, use and sharing of data, including processes to safeguard personal data.

- Ensuring effective arrangements are in place and operating effectively when sharing data with other bodies.
- Reviewing and auditing regularly the quality and accuracy of data used in decision making and performance monitoring.

Sub-principle - Strong public financial management.

- Ensuring financial management supports both long-term achievement of outcomes and short-term financial and operational performance.
- Ensuring well-developed financial management is integrated at all levels of planning and control, including management of financial risks and controls.

What we have in place:

- Equality Impact Assessments Policy
- Constitution Section 13 (Financial Procedures)
- Financial Regulations
- Councillor allowances and expenses
- Local Authority Companies Manual
- Data quality policy
- Artificial Intelligence (AI) Policy
- The Code of Recommended Practice for Local Authorities on Data Transparency
- Risk Management Strategy
- Corporate Risk Register
- Governance and Audit Committee
- Spending the Council's Money (procurement policy)
- Anti-Bribery Policy
- Anti-Fraud and Corruption Strategy
- Anti-Money Laundering Policy
- Data Protection Policy
- Data Protection Impact Assessments
- Data Breach Policy
- Records Management Policy
- Information Security Policy
- Information Sharing Policy
- Information Governance Policy
- Corporate Information Governance Group

26.16 *Principle G - Implementing good practices in transparency, reporting and audit to effective accountability.*

Accountability is about ensuring that those making decisions and delivering services are answerable for them. Effective accountability is concerned not only with reporting on actions completed, but also ensuring that stakeholders are able to understand and respond as the organisation plans and carries out its activities in a transparent manner. Both external and internal audit contribute to effective accountability.

Actions and behaviours that demonstrate good governance:

Sub-principle - Implementing good practice in transparency.

- Writing and communicating reports for the public and other stakeholders in an understandable style appropriate to the intended audience and ensuring that they are easy to access and interrogate.

- Striking a balance between providing the right amount of information to satisfy transparency demands and enhance public scrutiny while not being too onerous to provide and for users to understand.

Sub-principle - Implementing good practices in reporting.

- Reporting at least annually on performance, value for money and the stewardship of its resources.
- Ensuring Members and senior management own the results.
- Ensuring robust arrangements for assessing the extent to which the principles contained in the Framework have been applied and publishing the results on this assessment including an action plan for improvement and evidence to demonstrate good governance (annual governance statement).
- Ensuring that the Framework is applied to jointly managed or shared service organisations as appropriate.
- Ensuring the performance information that accompanies the financial statements is prepared on a consistent and timely basis and the statements allow for comparison with other similar organisations.

Sub-principle - Assurance and effective accountability.

- Ensuring that recommendations for corrective action made by external audit are acted upon.
- Ensuring an effective internal audit service with direct access to Members is in place which provides assurance with regard to governance arrangements and recommendations are acted upon.
- Welcoming peer challenge, reviews and inspections from regulatory bodies and implementing recommendations.
- Gaining assurance on risks associated with delivering services through third parties and that this is evidenced in the annual governance statement.
- Ensuring that when working in partnership, arrangements for accountability are clear and that the need for wider public accountability has been recognised and met.

What we have in place:

- Webcasting of public meetings
- Web Accessibility Policy
- Statement of Accounts
- Annual Governance Statement
- Business Plans
- Access to information
- Let's Talk Kent (consultation website)
- Governance and Audit Committee
- Personnel Committee
- Peers/External reviews
- Internal audit opinion
- External audit letters
- Internal audit charter

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The Appendix can be accessed here - https://www.kent.gov.uk/about-the-council/how-the-council-works/constitution