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Date: 7 September 2022
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STANDARDS COMMITTEE

13 SEPTEMBER 2022

A meeting of the Standards Committee will be held at **7.00 pm on Tuesday, 13 September 2022** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Membership:

Councillor Peter Tucker (Chair); Councillors: J Bayford, Braidwood, Crittenden, Dexter, Fellows, Kup, Scobie, Quittenden, Crow-Brown, Michael Clarke, Peter Lorenzo and Carolyn Ruston

SUPPLEMENTARY AGENDA

Item
No

Subject

2. **MINUTES OF PREVIOUS MEETING** (Pages 3 - 6)

To approve the Minutes of the meeting of Standards Committee held on 10 March 2022.

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STANDARDS COMMITTEE

Minutes of the meeting held on 10 March 2022 at 7.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Present: Mr Peter Tucker (Chair); Councillors J Bayford, Crittenden, Dexter, Duckworth, Fellows, Scobie, Quittenden (Minster Parish Council), Crow-Brown (Minster Parish Council) and Peter Lorenzo (Independent Member of the Standards Committee)

8. APOLOGIES FOR ABSENCE

Apologies were received from Cllr Kup and the Council's Independent Person, Mr Dennis James.

9. MINUTES OF PREVIOUS MEETING

Mr Tucker proposed, Cllr Fellows seconded and members AGREED that the minutes of the meeting held on 25 November 2021 be approved, and signed as a correct record.

10. DECLARATIONS OF INTEREST

There were no declarations of interest.

11. REVISION TO DELEGATIONS

Nick Hughes, Committee Services Manager, introduced the report noting that:

- The delegation suggested it was regarding when a councillor ceases to be in office due to disqualification. It does not relate to resignation or death;
- At the moment a disqualified person would remain a councillor until Full Council could confirm that they were disqualified, which leaves a period of time between being disqualified and that being announced;
- This time lapse could cause confusion and was not helpful for any involved party;
- Other councils delegate this, allowing the council to get on with organising a by-election.

During discussion it was clarified that:

- The only three reasons for disqualification were defined in Section 86 of the Local Government Act 1972. These were:
 1. Becoming employed by the council;
 2. Being sent to prison or;
 3. Not attending meetings for 6 months.
- Legislation was clear that the council shall declare the vacancy forthwith and so once it is apparent that someone is disqualified this should be declared as soon as possible;
- When there has to be a date of vacancy arising, the situation is complicated by the need to wait for Full Council to declare it. This is different from a resignation or death where the date is immediate;
- It was not the responsibility of Democratic Services to notify councillors when they are close to 6 months without attending a meeting.
- An extension can be requested by the group leader if done so within the 6 month period.

Cllr Fellows proposed, Cllr Crow-Brown seconded and members AGREED to recommend to Full Council that:

The Standards Committee recommends that Council amends its scheme of delegations by delegating to the Chief Executive (and in her absence the Director of Democracy and Law) the authority to declare vacancies in office under section 86 of the Local Government Act 1972.

12. AMENDMENTS TO THE LEADER'S REPORT

Cllr Garner spoke under council procedure rule 20.1.

Nick Hughes, Committee Services Manager, introduced the report.

During discussion it was noted that:

- The recommendations in this report were considered by the constitutional review working party on 23 February 2022;
- This change would mean that the leaders report would be made available a week in advance of Full Council, rather than the Saturday beforehand;
- Responses would be required by close of business on the Tuesday before the meeting;
- If, for example, an unexpected news event had occurred in the interim, the Leader could add a bit of content and responses may also, though this would be at the discretion of the Chair;
- Concerns were raised on the democratic process and healthy debate being lost and too much emphasis being put on responses that had been prepared by officers;
- A question was raised about the appropriateness of this timing, considering the ongoing work of the IMO.

Cllr Crittenden proposed and Cllr Scobie seconded an amendment that this item be sent to the IMO for independent advice or action, as he decides.

A vote was taken, with 5 in favour and 4 against it. The proposal was therefore CARRIED.

13. QUESTIONS FROM MEMBERS TO COUNCIL

Cllrs Garner and Bailey spoke under council procedure rule 20.1.

Estelle Culligan, Director of Law and Democracy, introduced the report.

During discussion it was noted that:

- This report was considered by the constitutional review working party on 23 February 2022;
- It had arisen from recent questions asked at council about operations or things the council has little or no control over such as bigger govt. matters;
- The operational questions were not part of the proposal from CRWP as there was an app in the making to improve communication with members and officers. The question of operational questions at council would be revisited once the app had been rolled out and in use for some time;
- Support was shown for not allowing questions relating to ongoing standards complaints;
- Comments were made that supplementary questions were frustrating as they were often wordy statements, not questions;

- Desire was expressed for quantitative and qualitative analysis of how the hub worked. It was noted that this was not in the remit of the standards committee, but officers would take suggestions to the relevant people;
- Members commented on the need for time to consider a supplementary question and the recent robust manner of the Chair in not allowing this.

Recommendation 1 - Members unanimously AGREED the recommendation.

Cllr Bayford proposed, Cllr Crittenden seconded and members AGREED to recommend to Full Council that:

'Council Procedure Rule 14.6

- *There should be no restriction on questions relating to straight forward operational matters at this time. This would be reviewed in six months, following the implementation of the members' portal.*

Recommendation 2 – Members unanimously AGREED the recommendation.

Cllr Crittenden proposed, Cllr Fellows seconded and Members AGREED to forward the report to Full Council.

'Council Procedure Rule 14.6

- *That the bullet point '- related to a matter which has already been raised as a Standards Complaint against a member and which has not yet been concluded through the Code of Conduct procedures.' be added to the list of reasons that would invalidate a question.*

Recommendation 3: Members who voted in favour were 4 and those against were 5. The recommendation was LOST.

Cllr Crittenden proposed and Cllr Scobie seconded an amendment to the wording that:

- *That the following sentence be added at the end of the existing paragraph: 'The question must be a question and not a statement, and rise directly out of the response.' An introduction to the question can be given but should be very brief.*

Comments were made that:

- 'Brief' was too subjective;
- Why would an introduction be needed if it was relating to the original statement?
- Answer: "If you need to explain why the response was insufficient."

Original recommendation 3: When put to the vote, 7 Members voted for and 2 voted against. The recommendation was CARRIED.

Cllr Fellows proposed, Cllr Jill Bayford seconded and members AGREED to put to Full Council that:

Council Procedure Rule 14.8

- *That the following sentence be added at the end of the existing paragraph: 'The question must be a question and not a statement, and rise directly out of the response.'*

14. **CHAIR'S REPORT**

Cllr Crow-Brown proposed, Cllr Scobie seconded and members AGREED to forward the report to Full Council.

15. **STANDARDS COMPLAINT STATISTICS**

Members noted the Standards Complaint Statistics.

Meeting concluded: 7.53 pm