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Date: 13 August 2013
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CONSTITUTIONAL REVIEW WORKING PARTY

21 AUGUST 2013

A meeting of the Constitutional Review Working Party will be held at **10.00 am on Wednesday, 21 August 2013** in the Pugin & Rossetti Rooms, First Floor, Council Offices, Cecil Street, Margate.

Membership:

Independent Members: Mr Hills (Chairman) and Mrs Frampton (Vice-Chairman);

Councillors: Hayton, K Gregory, Nicholson, Watkins and Wright

SUPPLEMENTARY AGENDA NO. 1

Item
No

Subject

12. **TO UPDATE THE CONSTITUTION WITH A VIEW TO REMOVING REFERENCES TO THE STANDARDS BOARD FOR ENGLAND** (Pages 1 - 4)
15. **TO REVIEW COUNCIL PROCEDURE RULE 3.1 - CALLING EXTRAORDINARY MEETINGS** (Pages 5 - 6)

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TO UPDATE THE CONSTITUTION WITH A VIEW TO REMOVING REFERENCES TO THE STANDARDS BOARD FOR ENGLAND

To: **Constitutional Review Working Party - 21 August 2013**

By: **Harvey Patterson, Corporate & Regulatory Services Manager**

Classification: **Unrestricted**

Ward: **N/A**

Summary: **To recommend the removal of references to the Standards Board for England from the Constitution**

For Decision

1.0 Current Situation

1.1 Although the Council has amended the Constitution following the abolition of the Standards Board for England and the adoption in July last year of a revised Members Code of Conduct, a small number of references to the Standards Board for England can still be found in the Constitution and need to be removed.

1.2 A word search of an electronic copy of the Constitution revealed five specific references to the Standards Board for England as shown below in italics:-

1.3 **Summary and Explanation**
8.0 Citizens' Rights (page 7)

"Citizens have the rights to:

... complain to the Standards Board for England if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct ..."

1.3.1 It is suggested that the words, "Standards Board for England" be replaced with, "Standards Committee"

1.4 **Article 3 – Citizens and the Council**
3.01 (d) Complaints (page 20)

"Citizens have the right to complain to

... the Standards Board for England about a breach of the Members' Code of Conduct."

1.4.1 Again, it is suggested that the words, "Standards Board for England" be replaced with, "Standards Committee".

1.5 Protocol for the Guidance of Planning Committee Members and Officers
3.2 – Registration and Declaration of Interests (page 272)

“Guidance on personal and prejudicial interests reference may be obtained from the Monitoring Officer and reference should be made to the guidance published by the Standards Board title, ‘Code of Conduct guidance 2007’ which may be downloaded from the Standards Board website. However, the ultimate responsibility for complying with the obligations to declare interests imposed by the Members Code and to act accordingly rests with each member.”

- 1.5.1 The Working Party will note that proposed changes to Para 3.2 of the Planning Protocol are dealt with in Annex 1 to the report on agenda item no. 6, “Review of Protocol for the Guidance of Planning Committee Members and Officers”.

1.6 Protocol on Member/Officer Relations
8.1 When Things Go Wrong – Procedure for Officers

“From time to time the relationship between Members and Officers may become strained or break down. Whilst it will always be preferable to resolve matters informally, through conciliation by an appropriate senior manager or Members, officers will have recourse to the Council’s Grievance Procedure or to the Council’s Monitoring Officer, as appropriate to the circumstances. In the event of the basis for a grievance or complaint being found, the matter will be referred to the Chief Executive, who, having advised the Leader of the Council and the appropriate group leader, will refer it to the Standards Committee for consideration and determination, unless a breach of the Code of Conduct for Members is involved in which case the Chief Executive shall report the matter to the Standards Board for England.”

- 1.6.1 It is suggested that the following words be removed from Para 8.1:

“unless a breach of the Code of Conduct for Members is involved in which case the Chief Executive shall report the matter to the Standards Board for England”.

1.7 Article 2 – Members of the Council
5. Duties and responsibilities of the Chairman of Standards Committee (in addition to those of a Chairman of a Committee)

“(ii) To be fully conversant with the Council’s Code of Conduct, the work of the Standard’s Board for England in respect of the Code of Conduct and the procedures for hearing complaints against elected District or Parish Councillors”.

- 1.7.1 It is suggested that the words, “the work of the Standard’s Board for England in respect of the Code of Conduct”, be deleted from that paragraph.

2.0 The Kent and Medway Independent Standards Committee Members Forum

- 2.1 A review of Paragraph 5 of Article 2 also revealed the following included in the list of duties and responsibilities of the Chairman of the Standards Committee:

Article 2 – Members of the Council
5. Duties and responsibilities of the Chairman of Standards Committee (in addition to those of a Chairman of a Committee)

“(iv) To attend the Kent and Medway Independent Standards Committee”

- 2.1.1 This is no longer a duty or responsibility of the Chairman of the Standards Committee and therefore should be deleted.

3.0 Corporate Implications

3.1 Financial and VAT

- 3.1.1 None

3.2 Legal

- 3.2.1 The Council is required to keep the Constitution under review and up to date.

3.3 Corporate

- 3.3.1 The Council's constitution sets out the rules governing the Council's business.

3.4 Equity and Equalities

- 3.4.1 None apparent

4.0 Recommendation(s)

- 4.1 The Working Party is asked to consider the changes recommended at paragraphs numbered 1.3.1, 1.4.1, 1.6.1, 1.7.1 and 2.1.1 above.

5.0 Decision Making Process

- 5.1 Any recommendations of the Working Party will be referred to the next meeting of the Standards Committee, whose recommendations will then be presented to full Council for final approval.

Future Meetings

Standards Committee	4 September 2013
Council	3 October 2013

Contact Officer:	<i>Harvey Patterson, Corporate & Regulatory Services Manager and Monitoring Officer, Ex 7005</i>
Reporting to:	<i>Dr Sue McGonigal, Chief Executive and S. 151 Officer, Ex 7002</i>

Annex List

<i>None</i>	
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Background Papers

Title	Details of where to access copy
<i>None</i>	

Corporate Consultation Undertaken

Finance	<i>n/a</i>
Legal	<i>n/a</i>

TO REVIEW COUNCIL PROCEDURE RULE 3.1 – CALLING EXTRAORDINARY MEETINGS

To: **Constitutional Review Working Party - 21 August 2013**

By: **Harvey Patterson, Corporate & Regulatory Services Manager**

Classification: **Unrestricted**

Ward: **N/A**

Summary: **To determine whether to recommend that Council amends CPR 3.1(iv) to increase the number of members required to requisition an extraordinary meeting of Council.**

For Decision

1.0 Current Situation

1.1 Council Procedure Rule (CPR) 3.1 - Calling extraordinary meetings - provides as follows:-

3.1 *Calling extraordinary meetings*

Those listed below may request the proper officer to call Council meetings in addition to ordinary meetings:

- (i) the Council by resolution;*
- (ii) the Chairman of the Council;*
- (iii) the Monitoring Officer; and*
- (iv) any five members of the Council if they have signed a requisition presented to the Chairman of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.*

1.2 The provision at CPR 3.1(iv) is intended to allow any five members to present a requisition for an extraordinary meeting of Council to the Chairman of Council. Thereon the Chairman has seven days in which to decide to call the meeting herself under CPR 3.1(ii). However, should the Chairman refuse to call an extraordinary meeting or fail to make a decision with the seven day period, the requisition becomes effective at that point and it will then be the responsibility of the proper officer to make the necessary arrangements to call an extraordinary meeting

1.3 Following the requisition signed by five members that resulted in the extraordinary meeting of Council on 6 August 2013 considering two motions that in the opinion of a number of other members could have conveniently waited to the next ordinary meeting of Council, it has been suggested that in order to prevent further abuse of this Rule, the number of members required to requisition an extraordinary meeting be increased.

1.4 In the opinion of the Monitoring Officer any decision to increase in the number of members required to sign a valid requisition to call an extraordinary meeting should be approached carefully in order to preserve the ability of a relatively small number of members to requisition an extraordinary meeting of Council to consider motions in

respect of matters of substantial local significance that are genuinely urgent. Therefore, if the Committee is minded to recommend an increase in the number of members required to sign a requisition calling for an extraordinary meeting of Council, any such increase should be very modest in nature.

2.0 Corporate Implications

2.1 Financial and VAT

2.1.1 None

2.2 Legal

2.2.1 Any changes to procedural rules will require the Council's constitution to be amended.

2.3 Corporate

2.3.1 The Council's constitution sets out the rules governing the Council's business.

2.4 Equity and Equalities

2.4.1 None apparent

3.0 Recommendation(s)

3.1 The Working Party is asked to consider whether to recommend to the Standards Committee any changes to CPR 3.1(iv).

4.0 Decision Making Process

4.1 Any recommendations of the Working Party will be referred to the next meeting of the Standards Committee, whose recommendations will then be presented to full Council for final approval.

Future Meetings

Standards Committee	4 September 2013
Council	3 October 2013

Contact Officer:	<i>Harvey Patterson, Corporate & Regulatory Services Manager and Monitoring Officer, Ex 7005</i>
Reporting to:	<i>Dr Sue McGonigal, Chief Executive and S. 151 Officer, Ex 7002</i>

Annex List

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Background Papers

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<i>None</i>	

Corporate Consultation Undertaken

Finance	<i>n/a</i>
Legal	<i>n/a</i>