

Public Document Pack



Date: 8 August 2011
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CONSTITUTIONAL REVIEW WORKING PARTY

17 AUGUST 2011

A meeting of the Constitutional Review Working Party will be held at **9.30 am on Wednesday, 17 August 2011** in the Rossetti Room, Council Offices, Cecil Street, Margate, Kent.

Membership:

Independent Members: Mr R Hills (Chairman) and Mr B Hinchley (Vice-Chairman);

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

A G E N D A

Item
No

Subject

1. **APOLOGIES FOR ABSENCE**

2. **DECLARATIONS OF INTEREST**

To receive any declarations of interest. Members are advised to consider the extract from the Standard Board Code of Conduct for Members, which forms part of the Declaration of Interest Form at the back of this Agenda. If a Member declares an interest, they should complete that Form and hand it to the Officer clerking the meeting.

3. **MINUTES OF PREVIOUS MEETING** (Pages 1 - 4)

To approve the Minutes of the Constitutional Review Working Party meeting held on 28 July 2011, copy attached.

4. **MEMBER ROLE DESCRIPTIONS** (Pages 5 - 20)

Declaration of Interest form - back of agenda

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Agenda Item 3

CONSTITUTIONAL REVIEW WORKING PARTY

Minutes of the meeting held on 28 July 2011 at 9.30 am in the Austen Room, Council Offices, Cecil Street, Margate, Kent.

Present: Mr Robin Hills (Chairman); Councillors K Gregory, Hayton, Nicholson, Watkins and Wright

1. APOLOGIES FOR ABSENCE

An apology for absence was received from Mr Hinchley.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES OF PREVIOUS MEETING

On the proposal of Councillor Gregory, seconded by Mr Hills, the minutes of the meeting of the Working Party held on 23 March 2011 were approved and signed by the Chairman.

DESPATCH OF AGENDA REPORTS

Mr Hills expressed concern at the report for Agenda Item No. 4 not having been received by him in the post until 3.00 pm the previous day. He asked that, in future, all reports were sent out with the agendas in accordance with the access to information rules.

Other members of the Working Party concurred with those sentiments.

4. MEMBER ROLE DESCRIPTIONS

It was AGREED TO RECOMMEND that the following amendments be made to the Role descriptions as set out in Annex 1 to the report:

- a) **(Section No. 1) Ward Councillor – Duties and responsibilities** (On the proposal of Councillor Gregory, seconded by Councillor Nicholson:

Para (v): remove the words, “and impartially”, between “representations fairly” and “to deal with individual casework”, to read:

“To respond to constituent’s enquiries and representations fairly; to deal with individual casework and act as advocate in resolving constituents’ particular concerns or grievances”.

Para (x): replace the words, “to find” with “to consider finding”, to read:

“When unable to attend a meeting of Committee or other body to which they have been appointed a member, to consider finding a suitable substitute for the meeting and advise the Democratic Support section of the substitution.”

- b) **(Section No. 2) Chairman of a Committee**

Casting Vote

Para (vii): add the words, “second or”, to read:

“To use the Chairman’s second or casting vote as and when appropriate”.

Agenda-setting Responsibility

On the proposal of Councillor Nicholson, seconded by Councillor Hayton:

Insert new **Para (iii)**, as follows:

“To agree the agenda in consultation with the relevant officers”

and number existing Paras (iii) to (ix) to **(iv) to (x)** accordingly.

c) (Section No. 5) Chairman of Standards Committee

Remove the following words from **Para (vi)**:

“To attend the Annual Conference of Standards Committees at least once during their term of office and”, to read:

“To attend the Kent and Medway Independent Standards Committee.”

d) (Section No. 11) Leader of the Council

Purpose of Role

Para (i): remove the word, “political”, between the words “direction and” and “leadership”, to read:

“To provide strategic direction and leadership to the Council and lead in its relations with government, other public bodies, partner organisations and the media”.

Duties and responsibilities

Para (vii): remove the word, “political” between the words, “to act as the” and “spokesperson”, to read:

“To positively promote the Council and the District in the media and to act as the spokesperson for the Council”.

e) (Section No. 13) Leader of the majority and majority opposition group

Insert new Para (ii)

“To ensure effective corporate governance including working with other groups to achieve, where possible, cross-party co-operation and to promote the highest standards of probity”

and number existing **Paras (ii) to (vii)**, (iii) to (viii) accordingly.

f) Insert new Section on Chairman of Constitutional Review Working Party (Harvey Patterson, Monitoring Officer to draft wording).

On the proposal of Councillor Gregory, seconded by Councillor Hayton, it was AGREED TO RECOMMEND TO STANDARDS COMMITTEE the introduction of Member Role Descriptions as set out at Annex 1 to the report, and as amended in accordance with recommendations set out at (a) to (f) above.

Harvey Patterson, Monitoring Officer, undertook to bring back a report incorporating the changes recommended by the Working Party.

5. TIMING OF MEETINGS

Reference was made to the unsuitability of day-time meetings to Members who worked during the day.

It was AGREED TO RECOMMEND TO STANDARDS COMMITTEE:

1. that the Constitutional Review Working Party be added as "Ad Hoc" to the list of committees at Para 2.1 of the report;
2. that all meetings of Committees listed at Para 2.1 should normally commence at 7.00 pm, with the exception of "Ad Hoc" meetings and Licensing Board meetings, the latter of which should continue to be held at 10.00 am.

The view was expressed that the Mill Lane Car Park should be open when there are evening meetings.

6. LEADER'S REPORT

Reference was made to the merits of enabling Ward Councillors to raise points in relation to issues affecting their wards.

On the proposal of Councillor Nicholson, seconded by Councillor Gregory, it was AGREED TO RECOMMEND TO STANDARDS COMMITTEE that Council Procedure Rule 2.2 be amended to allow:

1. The Leader of the Council, the Leader of the Opposition and the Leader of any other Political Group to appoint substitutes to speak on their behalf;
2. Other Members to make comments and ask questions on the Leader's Report, subject to the total time (including existing time slots) being limited to 30 minutes.

7. SCHEME OF OFFICER DELEGATIONS

This item was withdrawn, on request by the Monitoring Officer, who apologised that his report was not ready for this meeting.

Meeting concluded : 11.15 am

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MEMBER ROLE DESCRIPTIONS

To: **Constitutional Review Working Party – 18 August 2011**

Main Portfolio Area: **Performance**

By: **Monitoring Officer**

Classification: **Unrestricted**

Ward: **N/A**

Summary: To re-consider Member Role Descriptions and finalise recommendations to the Standards Committee.

For Decision

1.0 Introduction and Background

1.1 In May 2010 an audit of the 'Local Code of Corporate Governance' by the East Kent Audit partnership resulted in a recommendation as follows:

'The Council should establish Member role descriptions and publish these on the Council website'.

1.1 At its meeting on 28 July 2011, the Constitutional Review Working Party agreed to recommend to the Standards Committee:

"the introduction of Member Role Descriptions as set out at Annex 1 to the report, and as amended in accordance with recommendations set out at (a) to (f) ..."

The Monitoring Officer undertook to bring back a report incorporating the changes recommended by the Working Party. (Minute No. 4 refers)

2.0 The Current Situation

2.1 The Working Party is now asked to re-consider the Member Role Descriptions with a view to finalising its recommendations to the Standards Committee.

2.2 Attached are:

2.2.1 An extract of Minute No. 4 (Annex 1);

2.2.2. Revised draft Member Role Descriptions, to include amendments (a) to (e) referred to in Minute No. 4 (Annex 2)

2.2.3 Suggested role description for the Chairman of the Constitutional Review Working Party (Minute No. 4(f) – to become new Section 6 (Annex 3)

3.0 Corporate Implications

3.1 **Financial**

3.1.1 There are no financial implications.

3.2 Legal

3.2.1 There are no legal implications.

3.3 Corporate

3.3.1 The introduction of Member Role descriptions would mean that the Council's Constitution would have to be amended.

3.4 Equity and Equalities

3.4.1 None Apparent

4.0 Recommendation

4.1 That the Working Party finalises its recommendations to the Standards Committee in relation to the establishment and publication of the Member Role Descriptions.

5.0 Decision Making Process

5.1 The recommendations of the Constitutional Review Working Party will be considered by the Standards Committee, who will make recommendations to Full Council.

Meeting: Standards Committee	Date: 7 September 2011
Meeting: Council	Date: 13 October 2011

Contact Officer:	Harvey Patterson, Monitoring Officer
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Annex List

Annex 1	Extract, Minute No. 4
Annex 2	Revised Member Role Descriptions, to include amendments (a) to (e) referred to in Annex 1
Annex 3	Suggested role description for the Chairman of the Constitutional Review Working Party

Background Papers

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

Corporate Consultation Undertaken

Finance	N/A
Legal	N/A
Communications	Justine Wingate, Corporate Information Manager

Agenda Item 4 Annex 1

MEETING OF CONSTITUTIONAL REVIEW WORKING PARTY,
28 JULY 2011

MINUTE NO. 4

It was AGREED TO RECOMMEND that the following amendments be made to the Role descriptions as set out in Annex 1 to the report:

- a) **(Section No. 1) Ward Councillor – Duties and responsibilities** (On the proposal of Councillor Gregory, seconded by Councillor Nicholson:

Para (v): remove the words, “and impartially”, between “representations fairly” and “to deal with individual casework”, to read:

“To respond to constituent’s enquiries and representations fairly; to deal with individual casework and act as advocate in resolving constituents’ particular concerns or grievances”.

Para (x): replace the words, “to find” with “to consider finding”, to read:

“When unable to attend a meeting of Committee or other body to which they have been appointed a member, to consider finding a suitable substitute for the meeting and advise the Democratic Support section of the substitution.”

- b) **(Section No. 2) Chairman of a Committee**

Casting Vote

Para (vii): add the words, “second or”, to read:

“To use the Chairman’s second or casting vote as and when appropriate”.

Agenda-setting Responsibility

On the proposal of Councillor Nicholson, seconded by Councillor Hayton:

Insert new **Para (iii)**, as follows:

“To agree the agenda in consultation with the relevant officers”

and number existing Paras (iii) to (ix) to **(iv) to (x)** accordingly.

- c) **(Section No. 5) Chairman of Standards Committee**

Remove the following words from **Para (vi)**:

“To attend the Annual Conference of Standards Committees at least once during their term of office and”, to read:

“To attend the Kent and Medway Independent Standards Committee.”

d) (Section No. 11) Leader of the Council

Purpose of Role

Para (i): remove the word, “political”, between the words “direction and” and “leadership”, to read:

“To provide strategic direction and leadership to the Council and lead in its relations with government, other public bodies, partner organisations and the media”.

Duties and responsibilities

Para (vii): remove the word, “political” between the words, “to act as the” and “spokesperson”, to read:

“To positively promote the Council and the District in the media and to act as the spokesperson for the Council”.

e) (Section No. 13) Leader of the majority and majority opposition group

Insert new Para (ii)

“To ensure effective corporate governance including working with other groups to achieve, where possible, cross-party co-operation and to promote the highest standards of probity”

and number existing **Paras (ii) to (vii)**, (iii) to (viii) accordingly.

f) Insert new Section on Chairman of Constitutional Review Working Party (Harvey Patterson, Monitoring Officer to draft wording).

On the proposal of Councillor Gregory, seconded by Councillor Hayton, it was **AGREED TO RECOMMEND TO STANDARDS COMMITTEE** the introduction of Member Role Descriptions as set out at Annex 1 to the report, and as amended in accordance with recommendations set out at (a) to (f) above.

Harvey Patterson, Monitoring Officer, undertook to bring back a report incorporating the changes recommended by the Working Party.

1. Ward Councillor

Purpose of Role:

To participate constructively and effectively in the good governance of Thanet District Council.

Duties and responsibilities:

- (i) To observe the Members' Code of Conduct, act at all times with probity and propriety in the best interests of the Council and maintain confidentiality in all relevant Council business.
- (ii) To be collectively the ultimate policy-makers by contributing actively to the formation and scrutiny of the Council's policies, budget, strategies and service delivery
- (iii) To represent effectively and impartially the Ward to which they were elected and bring their communities' views and concerns into the Council's decision-making process by becoming the advocate of and for their communities.
- (iv) To champion causes which best relate to the interests and sustainability of the community and campaign for improvement of quality of life in the community in terms of equity, economy and the environment.
- (v) To respond to constituents' enquiries and representations fairly; ~~and impartially~~, to deal with individual casework and act as advocate in resolving constituents' particular concerns or grievances.
- (vi) To participate effectively as a Member of any Committee, Sub-Committee, working party or other body to which they are appointed and to develop and maintain a working knowledge of the Council's services, powers, duties, policies and practices including a good working relationship with officers of the Council.
- (vii) To represent the Council effectively on any outside body to which they are appointed, providing two-way communication between the organisations and reporting to the Council on the work of the body and its contribution to the District.
- (viii) To develop and maintain a working knowledge of other organisations and services within the District including the promotion of partnership working.
- (ix) To contribute constructively to open government and generally encourage all sections of the community to participate in the democratic process.
- (x) When unable to attend a meeting of Committee or other body to which they have been appointed a member, to ~~find-consider finding~~ a suitable substitute for the meeting and advise the Democratic Support section of the substitution.
- (xi) To attend Member training whenever possible in order to develop competencies, increase knowledge and receive updated information.

2. Chairman of a Committee

Purpose of Role:

To chair meetings of the Committee to which they have been appointed by Council in accordance with the Committee's terms of reference and to provide leadership and direction to the Committee.

Duties and responsibilities (in addition to those of a Ward Councillor):

- (i) To develop a constructive relationship with the relevant Head of Service, senior officers and appropriate Portfolio Holder.

- (ii) To maintain a good working relationship with the Vice-Chairman and Group Spokespersons of the committee and ensure they are adequately briefed on all relevant issues.
- ~~(iii)~~ To agree the agenda in consultation with the relevant officers.
- ~~(iv)~~ To be consulted as necessary on addition of items to the agenda as a matter of urgency.
- (iv) To attend briefing meetings with appropriate senior officer(s) as necessary.
- (v) To uphold the Council's Constitution for the conduct of meetings.
- (vii) To chair effective and efficient meetings of the committee ensuring that approved procedures are followed, all members of the committee are given equal opportunity to debate business to be conducted, and order is maintained during the meeting.
- (viii) To ensure that the Council's decision making process is transparent, consistent and accountable.
- ~~(ixvii)~~ To use the Chairman's second or casting vote as and when appropriate.
- ~~(xviii)~~ To vary the order of business if considered appropriate.
- ~~(xix)~~ To approve the final draft Minutes or Notes submitted by Democratic Services officers, suggesting amendments if necessary, and to sign the Minutes/Notes as a correct record of the meeting when approved by the committee at the following meeting.

3. Chairman of the Overview & Scrutiny Panel

Purpose of Role:

To chair the Council's Overview and Scrutiny Panel to ensure effective consideration and scrutiny by the Panel of decisions, proposals and reports of the Cabinet.

Duties and responsibilities (in addition to those of a Chairman of a Committee):

- (i) At all times to use their own discretion and act in the interests of the Council and not of their political group.
- (ii) To lead the Panel on scrutiny of the Council's policies, budget, strategies and service delivery as appropriate.
- (iii) To set the agenda for Panel meetings, with assistance from officers.
- (iv) To assist with formulation of the agreed work programme.
- (v) To represent the Panel's views and present its resolutions to meetings of the Cabinet, Council or other Committees.
- (vi) To promote the role of overview and scrutiny within and outside the Council.
- (vii) To meet regularly with relevant officers to ensure the receipt of appropriate independent advice.
- (viii) To be fully aware of the Council's Forward Plan and to ensure that the Panel is able to consider all relevant issues within the timescale set out in the work programme.
- (ix) To provide agreement where appropriate for special urgency decisions to be implemented if not in the Forward Plan, in accordance with relevant guidelines.
- (x) To fully involve external stakeholders such as service users, expert witnesses and partners in overview and scrutiny activities.
- (xi) To call in a decision of the Executive in accordance with the agreed procedure.
- (xii) To contribute effectively to the Council's scrutiny process by ensuring the questioning of the relevant officers on performance management.

4. Chairman of Planning Committee

Purpose of Role:

To chair meetings of the Council's Planning Committee in accordance with the Committee's terms of reference; to provide leadership and direction to the Committee and open and transparent decision making on planning applications brought to Committee.

Duties and responsibilities (in addition to those of a Chairman of a Committee):

- (i) At all times to use their own discretion and act in the interests of Thanet District Council and not of their political group.
- (ii) To be fully conversant with the procedure for public speaking at Committee and to ensure that all parties are given an equal opportunity to express their views within that procedure.
- (iii) Whenever possible to attend and chair site visits, ensuring that the correct procedure is followed in order for Members to obtain the necessary information from the visit.
- (iv) To maintain and update a working knowledge of Town and Country Planning matters, Planning Policy Guidance and Planning Policy Statements, the Council's Local Development Framework, and other policies and practices affecting applications for planning permission which come before Committee.

5. Chairman of Standards Committee

Purpose of Role:

To chair meetings of the Council's Standards Committee in accordance with the Committee's terms of reference; to provide leadership and direction to the Committee in close liaison with the Council's Monitoring Officer

Duties and responsibilities (in addition to those of a Chairman of a Committee):

- (i) As an independent, non-elected member of the Council to be conversant with the protocols and practices of the Council insofar as they affect the conduct of elected District or Parish councillors who may be required to appear before the Committee or its Sub-Committees.
- (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.
- (iii) To assist the Council's Monitoring Officer as required with training elected councillors, both District and Parish.
- (iv) To liaise with the appropriate officers on reports.
- (v) To submit a report to the Annual Meeting of the Council on the work of the Standards Committee during the previous year.
- (vi) ~~To attend the Annual Conference of Standards Committees at least once during their term of office and t~~o attend the Kent and Medway Independent Standards Committee.

6. Chairman of the Constitutional Review Working Party

(Refer to draft Role Description, Annex 3)

7. Chairman of Licensing Board

Purpose of Role:

To chair meetings of the Council's Licensing Board in accordance with the Board's terms of reference; to provide leadership and direction to the Board and open and transparent decision making on licensing matters brought to Board.

Duties and responsibilities (in addition to those of a Chairman of a Committee):

- (i) At all times to use their own discretion and act in the interests of the Licensing Authority and not of their political group.
- (ii) To be fully conversant with the procedure for hearings at Committee and to ensure that all parties are given an equal opportunity to express their views within that procedure.
- (iii) To liaise with the Council's Regulatory Services Manager and Legal department as necessary.
- (iv) To maintain and update a working knowledge of the Licensing Act 2003, relevant guidelines and regulations, and the Gambling Act 2005 as they affect applications which come before the Licensing Board.
- (v) To maintain and update a working knowledge of the various licences dealt with by the Council's Licensing Section, the guidelines for fit and proper persons and the Council's guidelines and policies in respect of the Hackney Carriage and Private Hire trades as they affect applications and other matters brought before the Licensing Board.
- (vi) To undertake training on new or amended legislation, regulations or procedures as required.

87. Chairman of Governance and Audit Committee

Purpose of Role:

To chair meetings of the Council's Governance and Audit Committee in accordance with the Committee's terms of reference; to provide leadership and direction to the Committee on detailed financial and audit matters brought before Committee.

Duties and responsibilities (in addition to those of a Chairman of a Committee):

- (i) Maintain and update a working knowledge of the Council's financial practices, budget process and timetable, draft and year end accounts
- (ii) Have an overall understanding of the various functions and service areas of the Council with regard to audit reports on performance levels.
- (iv) To work closely with the Head of Audit Partnership, Financial Services Manager and Deputy S.151 Officer and the Business Support and Compliance Manager in respect of reports to be considered by Committee.
- (v) To undertake training on new or amended legislation, regulations or procedures as required.

9. Chairman of General Purposes Committee (when appointed)

Purpose of Role:

To chair meetings of the Council's General Purposes Committee in accordance with the Committee's terms of reference; to provide leadership and direction to Members on matters which would otherwise have been dealt with by Council.

Duties and responsibilities (in addition to those of a Chairman of a Committee):

- (i) To have a clear understanding of the role of the Committee and the matters which it can consider and those powers and functions which are reserved to Council.
- (ii) Have an overall understanding of the various functions and service areas of the Council.
- (iii) Maintain and update a working knowledge of the Council's terms and conditions of employment.
- (iv) To work closely with the Chief Executive and the Service Managers as necessary.

10. Cabinet Member

Purpose of Role:

- (i) To carry out all of the Council's functions which are not the responsibility of any other part of the Council, whether by law or under the Council's Constitution.
- (ii) In addition, to have the general role of providing leadership and guidance in respect of all executive functions within the portfolio area for which they are accountable,

Duties and responsibilities (in addition to those of a Ward Councillor):

- (i) To participate effectively as a member of the Cabinet, being responsible collectively and individually for making and implementing executive decisions, including proposing for adoption the Council's budget and policy framework.
- (ii) To review regularly the effectiveness of policies and services for which the portfolio holder is responsible and make recommendations to the Cabinet for continuous improvement.
- (iii) To seek advice from relevant officers before taking any decision which may be within their own delegated authority.
- (iv) To monitor and review capital and revenue budgets in their areas of responsibility to ensure expenditure and income is consistent with the Council's agreed budget.

- (v) Annually to review fees and charges where these are relevant to the responsibility areas and to recommend changes in line with the Council's agreed budget strategy.
- (vi) To liaise and work with other portfolio holders on cross-cutting areas of responsibility and make recommendations to the Cabinet as appropriate for decision.
- (vii) To consider and agree service plans for services for which they are responsible and regularly review these with appropriate officers to ensure agreed actions are taken.
- (viii) To identify and encourage participation and consultation on Council policies and strategies contained in the Corporate Plan with all members of the Council, staff, residents of the District, partners and stakeholders and to promote the Council's core values.
- (ix) To speak on behalf of the Council and to represent the Council on relevant external bodies to which they are appointed by the Council or the Executive.
- (x) To refer to Cabinet any matters with corporate implications.
- (xi) To receive representations from Councillors acting in their capacity as Ward members in relation to the provision of services to residents within their area.
- (xii) To exercise delegated powers in accordance with the Council's Constitution.
- (xiii) To make a decision in accordance with the Council's Constitution in a case where a matter is urgent and cannot wait for the next meeting of the Cabinet.

11. Leader of the Council

Purpose of Role:

- (i) To provide strategic direction and ~~political~~ leadership to the Council and lead in its relations with government, other public bodies, partner organisations and the media.
- (ii) To be responsible for:
 - Leadership
 - Policy co-ordination and development
 - Partnership development
 - Strategic budget co-ordination
 - Communications
 - Corporate Plan
 - Community strategy

Duties and responsibilities (in addition to those of a Ward Councillor and Chairman of a Committee):

- (i) To provide effective political leadership and strategic direction to the Council, stakeholders and partners in the overall co-ordination of Council policies, strategies and service delivery and to achieve the objectives of the Council's Corporate Plan.
- (ii) To ensure effective corporate governance including working with opposition groups to achieve, where possible, cross-party co-operation and to promote the highest standards of probity.
- (iii) To lead the Cabinet and chair its meetings, ensuring that it meets its collective terms of reference and that of individual portfolio holders, and be responsible for the Council's corporate and resource strategy.
- (iv) To lead the development of local, regional, national and European policy and strategic partnerships.

- (v) To lead in developing partnerships with agencies, residents and stakeholders in relation to the delivery of strategic objectives and the provision of services to residents of the District in accordance with the community planning process.
- (vi) To be the key contact for outside organisations including central government, to communicate policies and priorities to the Council's Senior Management Team (SMT) and to receive its advice.
- (vii) To positively promote the Council and the District in the media and to act as the ~~political~~ spokesperson for the Council.
- (viii) To promote the long term financial, business and economic stability of the Council.
- (ix) To ensure that the recommendations of the Overview and Scrutiny Committees are fully considered in the formulation and development of Council policy.
- (x) Annually to appoint members of the Cabinet and determine the individual portfolio holders.
- (xi) To exercise delegated powers in accordance with the Council's Constitution.
- (xii) To consult on and give consent to as appropriate decisions taken between meetings of Cabinet as set out in the Council's Constitution.
- (xiii) To nominate members of his/her group to serve on committees and sub-committees of the Council.
- (xiii) To give an oral report to each ordinary meeting of Council.

12. Deputy Leader

Purpose of the role:

To support the Leader and fulfil all areas of responsibility of the Leader in their absence and to ensure that the Council's management and political processes function effectively.

Duties and responsibilities (in addition to those of a Ward Councillor and a Chairman of a Committee):

- (i) To assist and work with the Leader of the Council.
- (ii) In the absence of the Leader of the Council, to deputise for them at Council meetings and chair meetings of the Cabinet.
- (iii) To carry out the requirements of the Leader's job profile in as far as legally possible and permissible, in the absence of the Leader.
- (iv) To carry out such duties and undertake portfolio responsibility as delegated by the Leader of the Council.

13. Leader of the majority opposition group

Purpose of Role:

- (i) To provide leadership to the Council's major opposition group.
- (ii) To ensure effective, positive and constructive opposition and/or challenge to the Council's majority group.

Duties and Responsibilities (in addition to those of a Ward Councillor and Chairman of a Committee):

- (i) To provide overall leadership to the Council's major opposition group;

- (ii) To ensure effective corporate governance including working with other groups to achieve, where possible, cross-party co-operation and to promote the highest standards of probity;
- (iii) To lead effectively the opposition and/or challenge to the majority group at the Council and provide, as appropriate, alternatives or amendments to the Council's policies, strategies and budgets and proposed amendments thereto.
- (iv) To act as the principal political spokesperson for the major opposition group.
- (v) To meet regularly with his/her group members to ensure good communications and to inform effective opposition
- (vi) To maintain effective relationships with the Leader of the Council, members of the Executive, the Chief Executive, Service Managers and other relevant senior officers, to meet them as required to ensure effective briefings on service and relevant corporate areas and any other relevant issues pertaining to the Council.
- (vii) To nominate members of his/her group to serve on committees and sub-committees of the Council.
- (viii) To ensure effective contact with community representatives and other local stakeholders, as appropriate, and represent their views in ensuring effective opposition to the majority party.

14. Shadow Cabinet Member

Purpose of Role:

To assist the Leader of the Majority Opposition Group by providing informed comment and advice in respect of their particular shadow portfolio and with regard to the work being undertaken by the current Portfolio Holder.

Duties and responsibilities (in addition to those of a Ward Councillor):

- (i) To provide constructive challenge to the policies of the administration.
- (ii) To assist in shaping the policy of the Opposition Group with regard to its shadow portfolio.
- (iii) To liaise and work with other shadow portfolio holders on cross-cutting areas of responsibility.
- (iv) To receive briefings at regular intervals from Senior Officers of the Council as required.
- (v) To participate effectively as a member of the Shadow Cabinet by becoming thoroughly conversant with the area of expertise relevant to their specific portfolio.

15. Chairman of the Council

Purpose of Role:

The Chairman will be elected by the Council annually to:

- (i) Be the Civic Head of the Council representing the Council as a whole in all civic and ceremonial matters; and
- (ii) Preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the Community.

Duties and responsibilities (in addition to those of a Ward Councillor and Chairman of a Committee):

Ceremonial Role

- (i) The Chairman will attend such civic and ceremonial functions as the Council and he/she determines appropriate having regard to criteria determined in consultation with the Leader of the Council for which events require a civic/ceremonial presence.
- (ii) To positively promote the Council and the District.

Chairing the Council Meeting

- (i) To uphold and promote the purposes of the Council's Constitution and to interpret the Constitution when necessary.
- (ii) To preside over meetings of the Council in an impartial manner.
- (iii) To ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members who are neither on the Executive nor hold Committee chairs are able to hold the Executive and Committee chairmen to account.
- (iv) To promote public involvement in the Council's activities.
- (v) To be the conscience of the Council.
- (vii) To be the arbiter in respect of appropriate decisions taken between meetings of Cabinet where the call-in procedure should not apply.

16. Vice-Chairman of the Council

Purpose of Role:

To support the Chairman of the Council and, in his/her absence, to have the same roles and functions as the Chairman.

Duties and Responsibilities:

- (i) To attend such civic functions and events as shall be requested by the Chairman.
- (ii) To assist the Chairman at meetings of Council as necessary.

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MEMBER ROLE DESCRIPTIONS

NEW SECTION 6

6. Chairman of Constitutional Review Working Party

Purpose of Role:

To chair meetings of the Council's Constitutional Review Working Party in accordance with the Working Party's terms of reference; to provide leadership and direction to the Working Party in close liaison with the Council's Monitoring Officer.

Duties and responsibilities (in addition to those of a Chairman of a Committee):

- (i) To be fully conversant with the Council's Constitution and decision-making processes;
- (ii) In so far as is practicable, to promote consensus decision-making in relation to Constitutional changes

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THANET DISTRICT COUNCIL DECLARATION OF INTEREST FORM

Do I have a personal interest?

You have a **personal interest** in any business of your authority where it relates to or is likely to affect:

- a) An interest you must **register**.
- b) An interest that is not on your register, but where the well-being or financial position or you, members of your family (spouse; partner; parents; in laws; step/children; nieces and nephews), or people with whom you have a close association (friends; colleagues; business associates and social contacts that can be friendly and unfriendly) is likely to be affected by the business of your authority more than it would affect the majority of:
 - Inhabitants of the ward or electoral division affected by the decision (in the case of the authorities with electoral divisions or wards.)
 - Inhabitants of the authority's area (in all other cases)

These two categories of personal interests are explained in this section. If you declare a personal interest you can remain in the meeting, speak and vote on the matter, unless your personal interest is also a prejudicial interest.

Effect of having a personal interest in a matter

You must declare that you have a personal interest, **and the nature of that interest**, before the matter is discussed or as soon as it becomes apparent to you except in limited circumstances. Even if your interest is on the register of interests, you must declare it in the meetings where matters relating to that interest are discussed, unless an exemption applies.

When an exemption may be applied

An exemption applies where your interest arises solely from your Membership of, or position of control or management on:

1. Any other body to which you were appointed or nominated by the authority.
2. Any other body exercising functions of a public nature (e.g. another local authority)

Is my personal interest also a prejudicial interest?

Your personal interest will also be a **prejudicial interest** in a matter if all of the following conditions are met:

- a) The matter does not fall within one of the **exempt categories** of decisions
- b) The matter affects **your financial interests** or relates to a **licensing or regulatory matter**.
- c) A member of public, who knows the relevant facts, would **reasonably think your personal interest is so significant** that it is likely to prejudice your judgement of the public interest.

What action do I take if I have a prejudicial interest?

- a) If you have a **prejudicial interest** in a matter being discussed at a meeting, you must declare that you have a prejudicial interest as the nature of that interest becomes apparent to you.
- b) You should then leave the room, **unless members of the public are allowed to make representations, give evidence or answer questions about the matter**, by statutory right or otherwise. If that is case, you can also attend the meeting for that purpose.
- c) However, you must immediately leave the room once you have finished or when the meeting decides that you have finished (if that is earlier). You cannot remain in the public gallery to observe the vote on the matter.

d) In addition you must not seek to **improperly influence** a decision in which you have a prejudicial interest.

This rule is similar to your general obligation not to use your position as a Member improperly to your or someone else's advantage or disadvantage.

What if I am unsure?

If you are in any doubt, Members are strongly advised to seek advice from the Monitoring Officer or the Democratic Services Manager well in advance of the meeting.

DECLARATION OF PERSONAL AND, PERSONAL AND PREJUDICIAL INTERESTS

MEETING

DATE..... **AGENDA ITEM**

IS YOUR INTEREST:

PERSONAL

PERSONAL AND PREJUDICIAL

NATURE OF INTEREST:

.....
.....
.....

NAME (PRINT):

SIGNATURE:

Please detach and hand this form to the Committee Clerk when you are asked to declare any interests.