

CONSTITUTIONAL REVIEW WORKING PARTY

Minutes of the meeting held on 30 October 2013 at 10.00 am in Austen Room, Council Offices, Cecil Street, Margate, Kent.

Present: Mr Robin Hills (Chairman); Mrs Frampton (Independent Member) (Vice-Chairman), Hayton, Nicholson, Watkins and Wright

16. APOLOGIES FOR ABSENCE

Apologies for lateness were received on behalf of Councillor Hayton and Mrs Frampton.

17. DECLARATION OF INTERESTS

There were no declarations of interests

18. MINUTES OF PREVIOUS MEETING

It was noted that the following wording had been omitted at the end of Minute No. 15:

'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) at least one eighth of the membership of 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.'*

It was AGREED that the minutes of the meeting of the Constitutional Review Working Party held on 21 August 2013 be approved, subject to Minute No. 15 being amended to include that wording, and signed by the Chairman.

19. REVIEW OF PETITIONS SCHEME

During discussion, the following points were made in relation to petitions reaching the threshold for submission to, and debate at, Council:

1. Although the two petitions referred to in the report related to the same issue, namely, Pleasurama site, Ramsgate, they were substantially dissimilar in that they referred to different aspects of the same issue. It was very unusual for more than one petition on the one subject to be received within two consecutive meetings of council.
2. A petition relating to an issue for which the executive has responsibility must be referred to the executive, and if this is the case, it should be explained to the petition organiser that the council is unable to take a decision in relation to the petition request.

3. Where it is necessary to refer a petition to the executive, as at point 2 above, it should be possible to refer it without debate, i.e., with the referral being merely proposed and seconded.
4. However, if a petition is referred to the executive without debate, the petition organiser should be given an opportunity to re-present the petition at the subsequent meeting of the executive at which the petition is considered.
5. Apart from that exception, the petitions scheme should remain as it is; i.e., petitions containing 1,000 or more signatures should continue to require to be debated by full council.

It was, on the proposal of Councillor Nicholson, seconded by Councillor Watkins, AGREED TO RECOMMEND to Standards Committee:

- 1) THAT a petition with 1,000 or more signatures relating to an executive function can be referred by council to the executive without debate.
- 2) THAT if a petition 1,000 or more signatures relating to an executive function is referred by council to the executive without debate, the person who presents the petition at the ordinary meeting of council should be afforded the opportunity to re-present the petition at the subsequent meeting of the executive at which the petition is considered.
- 3) THAT otherwise the petitions scheme remains as it is.

It was noted by Harvey Patterson, Corporate & Regulatory Services Manager and Monitoring Officer, that in order to allow a petitioner to re-present a petition at a meeting of the executive, the Cabinet Procedure Rules, as well as the Petitions Scheme, would need to be amended.

(Mrs Frampton entered the meeting during discussion, before a decision was taken)

20. QUESTIONS FROM MEMBERS OF THE PUBLIC AT ORDINARY MEETINGS OF COUNCIL

(Councillor Hayton arrived immediately before consideration of this item)

Two issues in relation to public questions at ordinary meetings of council were discussed in turn, namely:

1. Eligibility of Questioners

Discussion focused mainly on whether residents over the age of 16 years should be required to be on the electoral register and whether those under the age of 16 years should be required to be accompanied by a resident who is on the electoral register (*as was the case with Bournemouth Borough Council – Annex 1 refers*).

Some members of the Working Party felt that:

- a) as it is a legal requirement for residents over 16 years of age to be on the electoral register, such residents who are not on the register should be not be allowed to ask a question at an ordinary meeting of council.
- b) participation of young persons at council meetings should be encouraged; therefore, no restrictions whatsoever should apply to those aged under 16 years.

However, another member of the Working Party felt that it was not necessary to base eligibility on the electoral register, and the current requirement to be a resident of the district was sufficient.

Rather than taking a vote upon the matter, it was AGREED TO RECOMMEND that Standards Committee further considers matters relating to eligibility of questioners.

Repeat Questions

During discussion, it was noted that the questions which had been submitted to recent ordinary meetings of council in relation to the Pleasurama site, Ramsgate were substantially different in that they concerned different aspects of the same issue.

It was further noted that the Council could, like West Lindsay District Council, preclude repeat questions on the same issue over a period of time. However, the Working Party felt that the right of the public to ask questions should not be restricted in this way.

It was AGREED TO RECOMMEND to Standards Committee:

“THAT the current restriction on repeat questions remains unchanged, as set out at Council Procedure Rule 13.5 – “Scope of questions”:

*“The Chief Executive will reject a question if it ...
is substantially the same as a question which has been put at a
meeting of the Council in the past six months”*

21. APPOINTMENT OF SUBSTITUTES - PLANNING COMMITTEE

The following points were made during discussion:

1. It was important that all Members attending a meeting of the planning committee had sufficient knowledge and understanding of planning law and procedures.
2. The planning committee was a decision-making body whose decisions could be challenged legally. That being the case, it was important that the Council exercises its power to appoint suitably trained substitutes to a pool, albeit in accordance with the wishes of the respective political groups.
3. Basing the pool of substitutes upon the proportionality of the planning committee itself seemed reasonable and reflected the guidance contained within the model constitution issued by the former Office of the Deputy Prime Minister at the time the Local Government Act 2000 was implemented.

It was AGREED TO RECOMMEND to Standards Committee:

“THAT the option as set out at paragraph 3.1.1 of the report be adopted, namely:

‘Retain the status quo in relation to the size and political composition of the pool of the planning committee substitutes’”.

Meeting concluded : 11.04 am