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CONSTITUTIONAL REVIEW WORKING PARTY

30 OCTOBER 2013

A meeting of the Constitutional Review Working Party will be held at **10.00 am on Wednesday, 30 October 2013** in the Austen Room, Council Offices, Cecil Street, Margate, Kent.

Membership:

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

Councillors: Hayton, Nicholson, Watkins and Wright

A G E N D A

Item
No

Subject

1. **APOLOGIES FOR ABSENCE**

2. **DECLARATION OF INTERESTS**

To receive any declarations of interest. Members are advised to consider the advice contained within the Declaration of Interest form attached 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 and then take the prescribed course of action.

3. **MINUTES OF PREVIOUS MEETING** (Pages 1 - 6)

To approve the Minutes of the Constitutional Review Working Party meeting held on 21 August 2013, copy attached.

4. **REVIEW OF PETITIONS SCHEME** (Pages 7 - 20)

5. **QUESTIONS FROM MEMBERS OF THE PUBLIC AT ORDINARY MEETINGS OF COUNCIL** (Pages 21 - 30)

6. **APPOINTMENT OF SUBSTITUTES - PLANNING COMMITTEE** (Pages 31 - 38)

Declaration of Interests Form

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CONSTITUTIONAL REVIEW WORKING PARTY

**Minutes of the meeting held on 21 August 2013 at 10.00 am in Pugin & Rossetti Rooms,
First Floor, Council Offices, Cecil Street, Margate.**

Present: Mr Robin Hills (Chairman); Councillors Mrs Frampton (Independent Member), K Gregory, Nicholson, Watkins and Wright

In Attendance: Councillor Driver

1. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Hayton, for whom Councillor K Gregory was present as substitute.

2. MINUTES OF PREVIOUS MEETING

On the proposal of Councillor Nicholson, seconded by Councillor Watkins, the minutes of the meeting of the Constitutional Working Party held on 7 March 2013 were approved and signed by the Chairman.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

REQUEST TO SPEAK UNDER COUNCIL PROCEDURE RULE 24.1

Councillor Driver requested to speak under Council Procedure Rule 24.1 on the following agenda items:

Agenda No.	Item	Subject
5		Revision of Financial Procedure Rules re reporting of balance sheet debt
6		Review of Protocol for the guidance of Planning Committee members and Officers
7		Filming of Council meetings
15		To review Council Procedure Rule 3.1 – Calling Extraordinary Meetings

The request, upon being put to the vote, was refused.

Councillor Driver thereupon left the meeting.

4. CONTRACT STANDING ORDERS AND PURCHASING GUIDE

The Working Party was of the view that the following amendments should be made to the recommendations as set out at paragraph 6.1 of the officer's report:

- i. the words, "minor amendments", being changed to "non-material amendments"; and*

- ii. *the words, “provided that a report on the amendments be brought to the next available meeting of the Constitutional Review Working Party”, being added to the final recommendation*

It was proposed by Councillor K Gregory, seconded by Councillor Wright and AGREED TO RECOMMEND to Standards Committee:

“THAT the amendments to the Contract Standing Orders and Purchasing Guide as shown at Annexes 1 and 2 be approved, such amendments relating to the following areas:

- a) reinforcement of conflict of interest and confidentiality undertaking protocols including addition of “conflict of interest” contract clause as standard for contracts valued £10,000 and over;
- b) inclusion of obligations and requirements of the Council in respect of Public Services (Social Value) Act 2013;
- c) realignment of headings of Standard Contract Clauses to the Council's General Conditions of Contract;
- d) *Non-material* amendments to job titles and section headings to align with the current Council structure / establishment;
- e) authorisation to the Strategic Procurement Manager to undertake such *non-material* amendments as a result of restructures, as required from time to time, without the requirement to revert to the Constitutional Review Working Party, *provided that a report on amendments be brought to the next available meeting of the Constitutional Review Working Party.*

5. REVISION TO FINANCIAL PROCEDURE RULES RE REPORTING OF BALANCE SHEET DEBT

Concern was expressed that, under the proposed arrangements, as set out at paragraph 2.4 of the report, a debtor with payment terms of 90 days might pay off part of the debt at, say day 85, in order to bring it just below the £150,000 threshold level and thereby avoid the requirement to report to Council.

The Working Party was of the view that debts of over £150,000 as at day 60 or day 90 (whatever the case may be) should be reported to Council regardless of whether the debt had been paid in part or in full in the period between day 60 or day 90 and the next available ordinary Council meeting. It was recognised that the Council would be interested in the recovery plan that had put in place in relation to the debt.

It was proposed by Councillor Nicholson, seconded by Councillor K Gregory and AGREED TO RECOMMEND to Standards Committee:

1. THAT the Financial Procedure Rules be amended to require the reporting of all aged debts over £150,000 to the next available ordinary Council meeting;
2. THAT the timelines for reporting debts to Council be 60 days for those debts with standard payment terms of 30 days and 90 days for those debts with payment terms of 60 days regardless of whether or not the debt had been paid in full or in part between the expiry of the 60 or 90 day period (whatever the case may be) and the date of the next available ordinary Council meeting.

6. REVIEW OF PROTOCOL FOR THE GUIDANCE OF PLANNING COMMITTEE MEMBERS AND OFFICERS

It was proposed by Councillor K Gregory, seconded by Councillor Watkins and AGREED TO RECOMMEND to Standards Committee:

THAT the Standards Committee be requested to recommend to full Council approval of the revised Planning Protocol at Annex 1 to the officer's report.

7. FILMING OF COUNCIL MEETINGS

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

1. THAT Option Two, as outlined in the report, be adopted, subject to the decision as to whether or not to permit filming or recording remaining with the Chair of the meeting;
2. THAT the Media Protocol on Filming of Council Committee meetings, as set out at Annex 2 to the report, be approved and included in Part 5 of the Council's Constitution.

8. REVIEW OF DECISIONS MADE IN PRIVATE SESSION

The Working Party felt that not only should there be a review one year after an exempt decision was taken, but that a further review should take place three years later where the outcome of the first review was that the information should remain exempt.

The Working Party also felt that a report on decisions reviewed should be brought to full council on an annual basis, such report to include reasons wherever it is considered not possible to release the report/information to the public.

It was proposed by Councillor Nicholson, seconded by Councillor K Gregory and AGREED TO RECOMMEND to Standards Committee:

1. THAT a confidential / exempt report is reviewed a year after the ultimate decision-taking body has considered it;
2. THAT if, after the first year review, a report is still treated as exempt, that report should then be the subject of a further similar review on the third anniversary of the decision having been first reviewed;
3. THAT the reviews of the status of exempt information relate to all decisions other than those taken by the Standards Committee or its sub-committees;
4. THAT only exempt decisions taken after the constitution has been updated are affected by this process – in other words, it is not retrospective;
5. THAT the list of officer delegations in the constitution be amended to include a delegation to the Corporate and Regulatory Services Manager to conduct the reviews of exempt information and determine whether it should be published;
6. THAT the Corporate and Regulatory Services Manager publishes his decision on review, giving reasons for such decision;
7. THAT Democratic Services uses the modern.gov system to publish reports that are no longer deemed to be exempt.

8. THAT full Council receives a report on the decisions reviewed by the Corporate and Regulatory Services Manager on an annual basis; such report to include the reasons wherever it is considered not possible to release the report/information to the public.

9. **SUBSTITUTE MEMBERS OF THE GOVERNANCE & AUDIT COMMITTEE**

It was proposed by Councillor Watkins, seconded by Councillor Nicholson and AGREED TO RECOMMEND to Standards Committee:

1. THAT there should be named substitutes for the Governance & Audit Committee, the number of the pool of substitutes to replicate the number of members on the committee;
2. THAT political balance rules should apply to the appointment of substitutes in the same way as they apply in the case of substitute members of the Planning Committee;
3. THAT the terms of reference of the Governance Committee (as set out at Annex 1 to the report) be amended by the insertion of the following table:

Number of Members	Nine Members
Substitute Members Permitted	Yes –only from the list approved by Council, which matches the proportionality of the Committee itself.
Political Balance Rules Apply	Yes
Appointments/removals from Office	By resolution of Full Council
Restriction on Memberships	None – Membership decided upon by Full Council
Restrictions on Chairmanship/Vice-Chairmanship	None - Membership decided upon by Full Council
Number of ordinary meetings per year	4

10. **TO REVIEW CONSTITUTIONAL PROCEDURE RULE RELATING TO "PUTTING THE MOTION TO THE MEETING"**

It was proposed by Councillor Watkins, seconded by Councillor K Gregory, and AGREED TO RECOMMEND that CPR 16.3 be amended as follows:

"16.3 Putting the Motion at the Meeting

*The Member whose name appears first on the Notice will move the motion during his or her speech and call for a seconder. **If seconded and the mover of the motion is a member of a political group other than the ruling political group, the Chairman will call upon a member of the ruling political group to reply. If seconded and the mover of the motion is a member of the ruling political group, the Chairman will call upon a member of one of the other political groups to reply. In such circumstances the Chairman will call upon a member of the second largest political group unless, exceptionally and based upon the nature of the motion, the Chairman considers it appropriate to call upon a member of another political group (other than a member of the ruling political group) to reply.** The motion shall then stand referred without further discussion to the Cabinet or appropriate*

Committee for determination or report unless the Council decides to debate the motion in accordance with Rule 19.”

11. REVIEW OF MEMBERS' CODE OF CONDUCT

The report was NOTED.

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

It was AGREED TO RECOMMEND to Standards Committee that the following constitutional amendments be approved:

1. THAT the words, “Standards Board for England” be replaced with, “Standards Committee” at:

Para 8.0 Citizens' Rights – Summary and Explanation
Para 3.01(d) – Complaints – Article 3 – Citizens and the Council.

2. THAT the following words be removed from Para 8.1 – When things go wrong – Procedure for Officers – Protocol on Member / Officer Relations:

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

3. THAT the following words be deleted from Article 2 – Members of the Council – Duties and Responsibilities of the Chairman (in addition to those of a Chairman of a committee):

“the work of the Standard's Board for England in respect of the Code of Conduct”

and

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

It was NOTED that amendments to Paragraph 3.2 – Registration and Declarations of Interests – Protocol for the Guidance of Planning Committee Members and Officers - were being considered under agenda item 6 - “Review of Protocol for the Guidance of Planning Committee Members and Officers” (minute no. 6 refers).

13. CHANGING THE PETITIONS SCHEME TO A PROTOCOL

It was AGREED TO RECOMMEND to Standards Committee:

THAT paragraphs 12.0 to 12.9 of the Council Procedure Rules be moved to Part 5 of the Council's constitution and that the following new paragraph 12.0 be added:

“12.0 Petitions from the Public

The Council will receive, accept and deal with petitions from members of the public in accordance with the requirements of any Petitions (*singular in report rec*) Scheme from time to time adopted by the Council. The Council’s current Petitions Scheme is included in Part 5 of the Council's constitution.”

It was NOTED that the Overview and Scrutiny Panel had, at its meeting on 20 August agreed:

“to refer the issue of the re-wording the Constitution in relation to debating of petitions at Council to the Constitutional Review Working Party”

and that a report on this matter would be brought to the next meeting of the Working Party.

14. LEADER'S REPORT - REVIEW OF COUNCIL PROCEDURE RULE 2.2

It was proposed by Councillor Nicholson, seconded by Councillor Watkins and AGREED TO RECOMMEND to Standards Committee:

THAT the following wording be removed from Council Procedure Rule 2.2:

“The total time (including time slots as mentioned above) will be limited to 31 minutes”.

15. TO REVIEW COUNCIL PROCEDURE RULE 3.1 - CALLING EXTRAORDINARY MEETINGS

The Working Party was of the view that increasing the number of Members required to sign a requisition to one-eighth of the total membership of Council would not compromise the ability of a relatively small number of Members to call an extraordinary meeting.

It was proposed by Councillor Watkins, seconded by Councillor Nicholson and AGREED TO RECOMMEND to Standards Committee:

THAT Council Procedure Rule 3.1 be amended to read:

Meeting concluded : 11.45 am

REVIEW OF PETITIONS SCHEME

To: **Constitutional Review Working Party – 31 October 2013**

Main Portfolio Area: **Business, Corporate and Regulatory Services**

By: **Democratic Services and Scrutiny Manager**

Classification: **Unrestricted**

Ward: **Not applicable**

Summary: **To review the petitions scheme, particularly in so far as it relates to petitions requiring a debate at full council and repeat petitions**

For Decision

1.0 Introduction and Background

1.1 Two petitions relating to the Pleasurama site at Ramsgate were presented to Council at two consecutive ordinary meetings of Council; the first on 18 April 2013, and the second on 11 July 2013.

1.2 As each of those petitions contained over 1,000 signatures, it was, under the Council’s current petitions scheme, required to be debated by the Council; the relevant clauses of the scheme being as follows:

<p>12.0 Petitions from the Public</p> <p>.....Petitions signed by 1,000 or more petitioners will be debated at a meeting of Council....</p>
<p>12.6 Full Council debate</p> <p>If a petition contains more than 1000 signatures it will be debated by the Council unless it is a petition asking for a senior Council officer to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a meeting which all Councillors can attend.....</p> <p>Council will then decide how to respond to the petition at that meeting.</p>

1.3 The current petitions scheme is attached as Annex 1 for Members’ ease of reference.

1.4 One of the reasons for rejecting a petition is if it is “substantially the same as one already received within the preceding twelve months”. (Clause 12.1 of the petitions scheme refers). Although the two petitions referred to related to the same subject, namely, the Pleasurama site, Ramsgate, the requests were essentially different, in that the earlier petition called upon the Council to “Stop the freehold of the Pleasurama site being sold” and the later one, “... that under no circumstances will a

discretionary extension of the practical completion be given to SFP Ventures (UK) Ltd or any developer of Royal Sands before or after 22 May 2013...”.

- 1.5 Following presentation of the later petition by the petition organiser at the Council meeting on 11 July 2013, Council agreed refer to the petition to Cabinet; the relevant minute being as follows:

“It was proposed by Councillor Poole, seconded by the Leader, and RESOLVED that the petition be referred to Cabinet for determination”.

- 1.6 Under Clause 12.3 of the petitions scheme, referral to Cabinet of a petition is a one of the options that Council can decide on:

12.3 How will the Council respond to petitions?

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- Taking the action in the petition
- Considering the petition at a Committee meeting...

[list continues]

- Holding a debate at that full Council meeting.

- 1.7 When the motion, as set out at paragraph 1.5 above, had been proposed and seconded, no Councillor had indicated an intention to speak by way of debate. Thus, no debate had taken place.

- 1.8 Subsequent to the Council meeting on 11 July 2013, the petition organiser complained to the Democratic Services and Scrutiny Manager that the petition had not been debated by Council.

- 1.9 The relevant clause, 12.7 - “What can I do if I feel my petition has not been dealt with properly?” - was explained to the complainant.

- 1.10 The complainant subsequently requested that the matter be referred to the Overview and Scrutiny Panel on the following grounds:

I am puzzled as to why the Members can decide "not to debate" — an entitlement we had earned and assembled for on behalf of our petitioners.

- 1.11 The complaint was referred to the meeting of the Overview and Scrutiny Panel which was held on 20 August 2013.

- 1.12 During consideration of the issue at that meeting (*to quote from the relevant minute*) ...

“Some Members felt that Councillors could not be forced to debate an issue and the wording regarding debating of petitions in the Constitution required a small amount of rewording. Following some discussion the Chairman said the issue of possible repetition of questions/petitions needs to be considered.”

- 1.13 The Panel AGREED:

“to refer the re-wording the Constitution in relation to debating of petitions at Council to the Constitutional Review Working Party”.

2.0 The Current Situation

2.1 Members will recall that in order to comply with the requirements of Chapter 2 of Part 1 (Petitions to local authorities) of the Local Democracy, Economic Development and Construction Act 2009 (LDED&C Act 2009), the Council agreed on 15 July 2010, as part of a new petitions scheme, that petitions containing at least 1,300 signatures would require debate at full council.

2.2 Members will also recall that Chapter 2 of Part 1 of the LDED&C Act 2009 was repealed by Chapter 10 of the Localism Act 2011. Following that repeal, Council reviewed its petitions scheme on 19 April 2012, and RESOLVED:

That the level of threshold automatically triggering full Council debate be reduced from 1,300 signatures to 1,000 signatures.

2.3 A quick online research was carried out in relation to our neighbouring councils' petitions schemes and that of Kent County Council. The research focused on three key areas:

2.3.1 Did petitions containing a certain number of signatures still trigger full council debate?

2.3.2 Did the petitions scheme change following implementation of the Localism Act 2011, and, consequently, the repeal of the Chapter 2, Part 1, LDED&C Act 2009? and

2.3.3 Thirdly, were there any provisions in relation to repeat petitions?

2.4 A summary of the results, which includes Thanet's current position for comparison purposes, can be viewed at Annex 2.

2.5 In brief, Members will note:

2.5.1 That, with the exception of Shepway, debate is still mandatory where petitions contain signatures above a certain threshold;

2.5.2 That of the four remaining Councils, where debate is still mandatory, Thanet & Kent Councils altered the signature thresholds which trigger full council debate following implementation of the Localism Act – in both cases, reducing them – and Canterbury and Ashford Councils kept their signature thresholds as they were.

2.5.3 That two councils do not have any provisions regarding repeat petitions; and that the remaining three councils have provisions which, whilst being quite similarly worded, are subtly different. For example, Canterbury's provision that a petition received “within 6 months of another petition being considered by the authority on the same matter will not normally be considered”, could be construed as precluding the second petition on the matter of Pleasurama Site, Ramsgate, as referred to above.

2.5.4 That Democratic Services have been advised by Dover Council that a review of its petitions scheme is imminent.

3.0 Options

3.1 The Working Party may wish to recommend changes to the petitions scheme; or

3.2 The Working Party may wish to recommend that the petitions scheme be retained in its current form.

4.0 Corporate Implications

4.1 Financial and VAT

4.1.1 None arising directly from this report

4.2 Legal

4.2.1 Following implementation of Chapter 10 of the Localism Act, there is no longer a requirement to provide that petitions containing signatures over a certain level will automatically trigger full council debate.

4.3 Corporate

4.3.1 The Council's petitions scheme can be used to promote community involvement.

4.4 Equity and Equalities

4.4.1 The petitions scheme is open for use by all people, and it is not considered that equality considerations need to be addressed in this report.

5.0 Recommendation

5.1 That the Working Party considers whether or not to recommend that the Council's petitions scheme be amended.

6.0 Decision Making Process

6.1 Any recommendations by the Working Party will be referred to Standards Committee, which will make final recommendations to Council.

Future Meeting if applicable:	Date:
Standards Committee	21 November 2013
Council	5 December 2013

Contact Officer:	<i>Glenn Back, Democratic Services & Scrutiny Manager, ext. 7187</i>
Reporting to:	<i>Harvey Patterson, Corporate & Regulatory Services Manager and Monitoring Officer, ext 7005</i>

Annex List

Annex 1	Current Petitions Scheme (<i>Council Procedure Rule 12 – to be transferred to Part 5 of the Constitution as a new Protocol, in accordance with Council's decision on 3 October 2013</i>)
Annex 2	Summary of neighbouring councils' petitions schemes, as they relate to requirement for Council debate and repeat petitions

Background Papers

Title	Details of where to access copy
None	

Corporate Consultation Undertaken

Finance	n/a
Legal	(Harvey's name to be added in due course)

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12.0 Petitions from the Public

Thanet District Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the Council will receive an acknowledgement from the Council within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.

Paper petitions can be sent to:

Democratic Services and Scrutiny Manager
Thanet District Council
PO Box 9
Cecil Street
CT9 1XZ

Petitions can also be presented to a meeting of the Council. Dates and times can be found at www.thanet.gov.uk

This scheme sets out thresholds for responding to petitions, as follows:

1. Ordinary petitions - those petitions signed by 25 or more petitioners but fewer than 650 will be presented to Council and referred to the Cabinet or another appropriate committee without debate, for report to the Council within three ordinary meetings.
2. Petitions signed by at least 650 petitioners but fewer than 1,000 will be considered at a meeting of the Overview and Scrutiny Panel, and, the petitioner will have the option to have a named officer attend the meeting to give evidence.
3. Petitions signed by 1,000 or more petitioners will be debated at a meeting of Council, unless the petitioner has already exercised the above option to request that a named officer attends, in which case it will be considered at a meeting of the Overview and Scrutiny Panel.

12.1 What are the guidelines for submitting a petition?

Petitions submitted to the Council must include:

- A clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take
- The name and address and signature of any person supporting the petition.

If a petition has over 25 and less than 650 signatories, it must be submitted 10 working days in advance of a Council meeting in order for it to be considered at that meeting.

If a petition has over 650 signatories but less than 1000, or has over 1000 but requests that an officer gives evidence at an Overview and Scrutiny Panel meeting it must be submitted to the Council at least 25 working days in advance of a meeting of the Overview and Scrutiny Panel in order for it to be considered at that meeting.

If a petition has over 1000 signatures and does not request that an officer gives evidence to the Overview and Scrutiny Panel meeting it must be submitted at least 25 working days in advance of a Council meeting in order for it to be considered at that meeting.

If the deadlines are not met in paragraphs above, the petition submitted will be not be considered until the subsequent meeting of either Council or the Overview and Scrutiny Panel (as appropriate).

To be valid Petitions must be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be disclosed. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.

Petitions which the Monitoring Officer in consultation with the Leader of the Council and the Chairman of the Overview and Scrutiny Panel consider to be vexatious, abusive, otherwise inappropriate or substantially the same as one already received within the proceeding twelve months will not be accepted and the reasons for this will be explained in our acknowledgement of the petition. The test that should apply in such circumstances would be the same as that used for Freedom of Information requests i.e. 'Is the request likely to cause distress, disruption or irritation without any proper or justified cause'.

In addition if the petition applies to a planning or licensing application, these may be rejected by the Monitoring Officer alone. In addition if the petition is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as Council tax banding and non-domestic rates, other procedures apply. Further information on all these procedures and how you can express your views is available here www.thanet.gov.uk.

If the Council receives a petition that is rejected because it is substantially similar to, or counter to, one already received and the original petition has not yet been presented to a Council meeting, then Democratic Services will ensure that the Council meeting that considers the original petition will be made aware of the existence of the rejected petition.

If the Council receives a petition, but it is rejected for any of the reasons outlined within this scheme, then the grounds for rejecting that petition must be reported to the next available meeting of the Overview and Scrutiny Panel.

In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

12.2 What will the Council do when it receives my petition?

An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. The petition will also be published on our website

If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a Council debate, or a senior officer giving evidence, then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate as determined above.

When we receive a paper petition we will inform relevant Ward Councillor(s) if it is about a specific issue relevant to one or more Wards, or if your petition affects the whole of Thanet then we will inform all of our Councillors.

12.3 How will the Council respond to petitions?

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a committee meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by the Overview and Scrutiny Panel*
- writing to the petition organiser setting out our views about the request in the petition
- requiring an Senior Officer to attend a meeting of the Overview and Scrutiny Panel to give evidence*
- Holding a debate at that full Council meeting

* The Overview and Scrutiny Panel is a committee of Councillors who are primarily responsible for scrutinising the **work of the Council** in other words, the overview and scrutiny panel has the power to hold the Council's decision makers to account.

In addition to these steps, the Council will consider all the specific actions it can potentially take on the issues highlighted in a petition.

If your petition is about something over which the Council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The Council works with a large number

of local partners and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with Council policy), then we will set out the reasons for this to you. You can find more information on the services for which the Council is responsible at www.thanet.gov.uk .

If your petition is about something that a different Council is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other Council, but could involve other steps. In any event we will always notify you of the action we have taken.

The Council will publish on its website the results of petitions over 25 signatories.

Total time devoted to the consideration of Petitions at any single Council meeting will not exceed 30 minutes in total. If there are insufficient petitions to fill the time allocated then Council business shall proceed automatically.

The order of reports on petitions received shall be printed within the agenda papers in the order in which they were received by the Council.

12.4 Smaller Petitions

If a petition contains more than 25 signatories, but less than 650 signatories or over it will be presented to Council and referred to the Cabinet or another appropriate committee without debate, for report to the Council within three ordinary meetings.

The petition organiser will be offered three minutes to present the petition at the meeting.

12.5 Officer evidence

If your petition contains at least 650, but less than 1000 signatures, the Chief Executive, Director, Head of Service or 3rd tier Manager will give evidence at a public meeting of the Overview and Scrutiny Panel.

The petition organiser will be offered five minutes to present the petition at the meeting and the petition will then be discussed by Councillors.

You should be aware that the Overview and Scrutiny Panel may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition. The Panel may also decide to call the relevant Councillor Portfolio Holder to attend the meeting. Panel members will ask the questions at this meeting, but you will be able to suggest questions to the chair of the committee by contacting the Chairman of the Overview and Scrutiny Panel up to three working days before the meeting. Confirmation of an officer giving evidence at a public meeting of the Overview and Scrutiny Panel will also be published on our website.

When the Overview and Scrutiny Panel considers a petition it will make a report back to the next available (ordinary) Council meeting.

12.6 Full Council debates

If a petition contains more than 1000 signatures it will be debated by the Council unless it is a petition asking for a senior Council officer to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a

meeting which all Councillors can attend. Council will endeavour to consider the petition at the meeting following receipt of a petition, although on some occasions this may not be possible and consideration will then take place at the following meeting.

The petition organiser will be offered five minutes to present the petition at the meeting and the petition will then be discussed by Councillors.

Council will then decide how to respond to the petition at that meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one on which the Council executive are required to make the final decision, the Council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

12.7 What can I do if I feel my petition has not been dealt with properly?

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the Overview and Scrutiny Panel review the steps that the Council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the Council's response is not considered to be adequate.

The Panel will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the Panel determine we have not dealt with your petition, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Council executive and arranging for the matter to be considered at a meeting of the full Council.

Once the appeal has been considered the petition organiser will be informed of the results within five working days. The results of the review will also be published on our website.

12.8 E Petitions

The council welcomes e-petitions which are created and submitted through our website www.thanet.gov.uk. E-petitions must follow the same guidelines as paper petitions as outlined above. The petition organiser will need to provide us with their name and email address.

You will also need to decide how long you would like your petition to be open for signing.

When you create an e-petition, it may take five working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for the public to sign. If we feel we cannot publish your petition for some reason, we will contact you within this time to explain why this is the case. You will then be able to change and resubmit your petition if you wish.

When an e-petition has closed for signing, it will automatically be submitted to Democratic Services In the same way as a paper petition, you will receive an

acknowledgement within 10 working days. It will let you know what we plan to do with the petition and when you can expect to hear from us again

If you would like to present your e-petition to a meeting of the council, please contact Democratic Services and they will advise you how to do this.

If your e-petition reaches one of the Council's thresholds as set out in para. 12.1 above, we will inform the relevant Ward Councillor(s) if it is about a specific issue relevant to one or more Wards, or if your petition affects the whole of Thanet then we will inform all of our Councillors.

12.9 How do I 'sign' an e-petition?

You can see all the e-petitions currently available for signature at www.thanet.gov.uk.

When you sign an e-petition you will be asked to provide your name and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your 'signature' will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it, but your contact details will not be visible.

**DETAILS OF OUR NEIGHBOURING COUNCILS' PETITIONS SCHEMES –
RE: DEBATES AT COUNCIL**

Name of Council	Upon implementation of LDEDCA 2009 HOW MANY SIGNATURES FOR COUNCIL DEBATE?	IS DEBATE STILL MANDATORY?	If YES, what is the current signature threshold?	COMMENTS	PROVISIONS ABOUT REPEAT / SIMILAR PETITIONS
Thames Valley Council	1300	YES	1,000	Level changed in April 2012	Petitions which are "substantially the same as one already received within the preceding 12 months" are disallowed
Canterbury City Council	3,000	YES	3,000		Petitions received "within 6 months of another petition being considered by the authority on the same matter" will not normally be considered
Dover District Council	1,600	YES	1,600	Petitions scheme to be reviewed in Autumn 2013	(as per constitution) a petition must not "be about the same subject as an active petition or have substantially similar effect to a petition that has been made to the Council within the period of 6 months ending with the date on which the petition was considered ..."
Ashford Borough Council	1,500	YES	1,500		"Not be a duplicate or near-duplicate of a similar petition received or submitted under 12 months ago"
Shepway District Council	1,000	NO	n/a ¹		No provision in scheme
Kent County Council	12,000 – county-wide matter 1,000 – district-wide matter	YES	10,000 – county-wide matter for County Council debate 2,500 – 9,999 – county-wide matter for debate by a Cabinet Committee 1,000 – district-wide matter (debate by the most appropriate local meeting, eg. Locality Board or Joint Transportation Board	Level changed in September 2012	No provision in scheme

¹ In November 2012, Shepway District Council has changed its scheme as follows:

"If a petition to Council has at least 250 signatures, the Council may:

- note the petition and take no further action
- refer the petition to cabinet or relevant overview and scrutiny committee, as the case may be, for their observations before deciding whether to examine the issues raised by the petition
- agree to examine the issues raised by the petition by debate at the meeting or a future meeting
- agree to examine the issues raised by the petition as part of a future scrutiny programme."

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QUESTIONS BY THE PRESS AND PUBLIC AT ORDINARY MEETINGS OF THE COUNCIL

To: **Constitutional Review Working Party**

By: **Democratic Services & Scrutiny Manager**

Classification: **Unrestricted**

Wards: **All**

Summary: **To review Council Procedure Rule 13 relating to questions by the press and public at ordinary meetings of the Council in so far as they relate to eligibility of questioners and the ability of questioners to ask repeat questions or more than one question over a period of time**

For Decision

1.0 Introduction and Background

- 1.1 It has recently been suggested by some Members that certain aspects of the Council's procedure rules relating to questions by members of the public at ordinary council meetings should be reviewed, particularly in relation to the qualifications of the questioners, for example, whether they should be required to be a local government elector, and whether the same questioner should be permitted to ask questions at more than one meeting of the council over a given period of time.
- 1.2 The Council's Procedure Rule 13, "Questions by the Public and Press" is based on the wording of a suggested rule (rule 10) for public questions contained within the "modular constitution", which was drawn up by the then Office of the Deputy Prime Minister (now known as the Department for Communities and Local Government) as a guide to councils adopting executive arrangements under the Local Government Act 2000.
- 1.3 An online research of other councils was carried out to determine what their council procedure rules on public questions at council meetings provided for in relation to the eligibility of questioners, repeat questions and multiple questions by the same questioner.
- 1.4 The research was confined to the Council's neighbouring councils, i.e, Ashford, Canterbury, Dover & Shepway and other councils who appeared to have rules based on rule 10 in the modular constitution. Eight of such "other councils" were chosen on a random basis, namely: Bournemouth Borough; Cornwall; Brighton & Hove; West Lindsay District; London Borough of Croydon; London Borough of Harrow; Richmondshire District; and Runnymede Borough.
- 1.5 The findings of the research are summarised at Annex 1. Ashford and Canterbury were excluded on the basis that their provisions were not comparable with those of Thanet, as Ashford, which has public question time at Cabinet as well as Council meetings, permits only questions that are relevant to an item included upon the agenda for the meeting; and Canterbury, which allows questions at a wide range of

committee meetings, permits a question at a council meeting only if it is supported by at least 15 signatories.

- 1.6 For reference purposes, the Council's Procedure Rule 13 is attached at Annex 2, and the modular constitution rule 10, at Annex 3.

2.0 The Current Situation

- 2.1 It will be noted from Annex 1 that:

- 2.1.1 Two councils (including Dover) require the questioner to be a local government elector; one (Thanet) requires the questioner to be a resident/citizen of the area; two councils require that the questioner lives or works in the area; one council requires the questioner to live, work, go to school or another educational establishment or otherwise own or lease land in the area; and, finally, four councils do not impose any restrictions.

- 2.1.2 With the exception of one council, whose constitution is silent on the issue, councils prescribe that a question cannot be substantially the same as one put at a previous Council meeting (normally, in the past six months, as per the modular constitution, although in West Lindsay's case, no time limit is given).

- 2.1.3 West Lindsay District also provides: that no member of the public may submit more than six questions per year; and that no more than six questions on the same subject per year are allowed. Cornwall stipulates that no member of the public may ask more than two questions in any financial year.

- 2.2 Members may also wish to note that of the eight "other councils", three allow the same questioner to ask more than one question at one meeting, subject to conditions such as other questioners having the opportunity to ask their first question before a questioner asks their second.

- 2.3 West Lindsay's limit of no more than six questions on the same subject per year, as referred to at paragraph 2.1.3 above, could be interpreted as limiting the number of questions on a given subject (*for example, in the case of Thanet, Montefiore Tennis Courts or the Pleasurama site*) even though the questions are different in that they ask about different aspects of the subject.

3.0 Options

The Working Party may wish to:

- 3.1 Recommend changes to Council Procedure Rule 13; or
- 3.2 Recommend that Council Procedure Rule 13 stays as it is.

4.0 Corporate Implications

4.1 Financial and VAT

- 4.1.1 None arising from this report

4.2 Legal

- 4.2.1 Constitutional changes can only be approved at Council.

4.3 Corporate

- 4.3.1 Affording members of the public the opportunity to ask questions at ordinary meetings of council promotes transparency and community involvement.

4.4 Equity and Equalities

- 4.4.1 Members may wish to consider how any restrictions on eligibility might unfairly discriminate against, for example, those who do not live in the area, yet work, visit, attend school or have property or business interests in the area and those who are aged under 16 years (and thus would not satisfy a criterion of being on an electoral register). Members will note from Annex 1 that Bournemouth Council has counteracted any potential discriminatory effects that a requirement that questioners are on the electoral roll might have by providing that under 16 year-olds who are accompanied by a qualifying adult can ask questions.

5.0 Recommendation

- 5.1 That the Working Party considers whether to recommend that Council Procedure Rule 13 be amended.

6.0 Decision Making Process

- 6.1 Any recommendations by the Working Party will be referred to the Standards Committee, which will make final recommendations to Council.

Future Meeting if applicable:	Date:
Standards Committee	21 November 2013
Council	5 December 2013

Contact Officer:	<i>Glenn Back, Democratic Services & Scrutiny Manager, ext. 7187</i>
Reporting to:	<i>Harvey Patterson, Corporate & Regulatory Services Manager and Monitoring Officer, ext 7005</i>

Annex List

Annex 1	Summary of other councils' rules on public questions
Annex 2	The Council's Procedure Rule No. 13 – Questions by the Public and Press
Annex 3	Modular Constitution Rule 10 – Questions for the Public

Background Papers

Title	Details of where to access copy

Corporate Consultation Undertaken

Finance	n/a
Legal	<i>Harvey Patterson, Corporate & Regulatory Services Manager and Monitoring Officer, ext 7005</i>

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PUBLIC QUESTIONS

A BRIEF SUMMARY OF SOME OTHER COUNCILS' RULES

Online research covered:

- 2 neighbouring authorities (*Shepway & Dover*) that allowed general public questions at Council meetings
- 8 other authorities (*Bournemouth Borough; Cornwall; Brighton & Hove; West Lindsay District; London, Croydon; London, Harrow; Richmondshire District; Runnymede Borough*) that had rules reflecting rule 10 of the modular constitution

	Specific Rules	Dover & Shepway	How many of "Others" (8)?	Thanet?
Qualification of questioner	Questioner must be a local government elector? Bournemouth – a person under the age of 16 years living in Bournemouth who is escorted by a qualifying adult can ask a question	1 <i>Dover</i>	1 <i>Bournemouth</i>	X
	Questioner must be a resident/citizen of the local authority area (<i>apart from being required to be on the electoral roll</i>)	0	0	✓
	Questioner must be living or working in the area	0	2	X
	Questioners must live, work, go to school or another educational establishment or otherwise own or lease land in the district	0	1	X
	Questioner must be a resident or a business ratepayer	0	1	X
	No specified restrictions	1 <i>Shepway</i>	3	X

	Specific Rules	Dover & Shepway	How many of "Others" (8)?	Thanet?
Personal details to be provided	Name and address (<i>in some cases telephone and/or email address being required</i>)	2	7	√
	Contact telephone number	0	1	X
Repeat questions	Cannot be substantially the same as one put at a Council meeting in the past six months	2	6	√
	(West Lindsey) Cannot be substantially the same as a question which has previously been put at a meeting of the Council	0	1	X
	No member of the public may submit more than six questions per year	0	1	X
	No more than six questions on the same subject per year are allowed			
	(Cornwall) No member of the public may ask more than two questions in any financial year	0	1	X
	No specific provision	0	1	X

EXTRACT, THANET DISTRICT COUNCIL'S RULE

13.0 Questions by the Public and Press

13.1 General

Members of the public may ask questions of members of the Cabinet at ordinary meetings of the Council. The total time devoted to questions shall not exceed 30 minutes.

13.2 Order of questions

Questions will be asked in the order notice of them was received, except that the Chairman may group together similar questions.

13.3 Notice of questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Corporate Programme Manager at least five full working days before the day of the meeting. Each question must give the name and address of the questioner and must name the member of the Council to whom it is to be put.

13.4 Number of questions

At any one meeting no person may submit more than one question, limited to fifty words.

13.5 Scope of questions

The Chief Executive will reject a question if it:

- is not about a matter for which the local authority has a responsibility or which affects the district;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Council in the past six months;
- requires the disclosure of confidential or exempt information;
- If the questioner is not a resident of Thanet; or
- If a question relates to an individual planning or licensing application.

13.6 Record of questions

The Corporate Programme Manager will enter each question in a book open to public inspection and will immediately send a copy of the question to the member to whom it is to be put. Rejected questions will include reasons for rejection. Copies of all questions will be circulated to all members and will be made available to the public attending the meeting.

13.7 Asking the question at the meeting

The Chairman will invite the questioner to put the question to the member named in the notice. If the questioner is not present the question shall not be put and shall be answered in writing.

13.8 Absence of Member Named and Written answers

Any question which cannot be dealt with during public question time because of lack of time will be dealt with by a written answer. If the member to whom the question is directed is not present, the question will be answered by the Leader or another Member nominated by the Leader for the purpose unless it is inappropriate for the Leader to give an oral answer or to nominate another Member to give an oral answer, in which case the question will be dealt with by a written answer.

EXTRACT, MODULAR CONSTITUTION

10. Questions for the public

This text illustrates a process for public question time at council meetings. Current experience in local authorities suggest that half an hour is an appropriate length of time. Councils may wish to limit the time available for questions and replies (see Rule 11).

10.1 General

Members of the public may ask questions of [members of the executive *in executive arrangements*] [the leader of the council and any chairman of a policy committee *in alternative arrangements*] at ordinary meetings of the Council.

10.2 Order of questions

Questions will be asked in the order notice of them was received, except that the chairman may group together similar questions.

10.3 Notice of questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the [proper officer] no later than midday [n] days before the day of the meeting. Each question must give the name and address of the questioner and must name the member of the Council to whom it is to be put.

10.4 Number of questions

At any one meeting no person may submit more than [n] questions and no more than [n] such questions may be asked on behalf of one organisation.

10.5 Scope of questions

The [proper officer] may reject a question if it:

- is not about a matter for which the local authority has a responsibility or which affects the borough;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- requires the disclosure of confidential or exempt information.

10.6 Record of questions

The [proper officer] will enter each question in a book open to public inspection and will immediately send a copy of the question to the member to whom it is to be put. Rejected questions will include reasons for rejection.

Copies of all questions will be circulated to all members and will be made available to the public attending the meeting.

10.7 Asking the question at the meeting

The chairman will invite the questioner to put the question to the member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the chairman to put the question on their behalf. The chairman may ask the question on the questioners behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

10.8 Supplemental question

A questioner who has put a question in person may also put one supplementary question without notice to the member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The chairman may reject a supplementary question on any of the grounds in Rule 10.5 above.

10.9 Written answers

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the member to whom it was to be put, will be dealt with by a written answer.

10.10 Reference of question to [the executive or] a committee

Unless the chairman decides otherwise, no discussion will take place on any question, but any member may move that a matter raised by a question be referred to [the executive or] the appropriate committee or sub-committee. Once seconded, such a motion will be voted on without discussion.

APPOINTMENT OF SUBSTITUTES – PLANNING COMMITTEE

To: **Constitutional Review Working Party – 30 October 2013**

Main Portfolio Area: **Business, Corporate & Regulatory Services**

By: **Democratic Services & Scrutiny Manager**

Classification: **Unrestricted**

Ward: **N/A**

Summary: **To consider whether the size of the Pool of Planning Committee Substitutes should be adjusted and, if so, whether political balance should be preserved.**

For Decision

1.0 Introduction and Background

- 1.1 It has been suggested by the Leader of the Council that Members of the Labour Group who have received the requisite training for membership of the planning committee, yet are not represented on either the planning committee or its pool of substitutes, could be added to the pool of substitute members.
- 1.2 Members should note that any adjustments in relation to the pool of substitutes will affect the size and political balance of the planning committee itself.

2.0 The Current Situation

- 2.1 The composition of, and nominations to, the planning committee pool of substitute members are agreed by Council, normally at its annual meeting. As stated in Clause 9.1 of the “Protocol for the Guidance of Planning Committee Members and Officers” within the Council’s constitution:

“Substitutions at a Planning Committee shall only be permitted from a designated pool of substitute Members to be agreed at the Annual Meeting of Council each year (and updated as required at subsequent meetings of Council)”.

- 2.2 Currently, there are 15 Members represented on the pool of planning committee substitutes, made up:

Labour Group Members	7
Conservative Group Members	6
Independent Group Members	1
Thanet Independent Group Members	1

The size and political composition of this pool exactly mirrors those of the Planning Committee itself.

- 2.3 This is in keeping with suggested rules for substitution in the modular constitution which was published by the Office of the Deputy Prime Minister (ODPM) (*now known*

as the Department for Communities and Local Government), as a guide to councils on how to prepare constitutions under the Local Government Act 2000:

- 2.3.1 The suggested modular council procedural rule 1.2 “Selection of Councillors on Committees and Outside Bodies” stated that

“At the annual meeting, the council ... will ...

(iii) decide the allocation of seats [and substitutes] to political groups in accordance with the political balance rules”; and

- 2.3.2 The suggested modular council procedure rule 4.2 stated that,

“For each committee or sub-committee, the Council will appoint the same number of substitutes in respect of each political group as that group holds ordinary seats on that committee or sub-committee, up to a maximum of [m]”.

- 2.4 A quick online research was carried out to determine what rules specifically on substitution on the planning committee are in force in other local authorities in East Kent, particularly on whether they had pools of substitute members. A summary of the key findings are summarised at Annex 1.

- 2.5 It will be noted that Thanet council is the only local council in East Kent to have a pool of substitutes for its planning committee (*or its equivalent*); other councils having a system whereby a Member or a spokesperson on behalf of the political group they represent notifies an officer (usually in Democratic Services) up until the time of the commencement of a meeting that another Member will be attending the meeting as a substitute. The key advantage of such a system is flexibility.

- 2.6 However, having a designated pool of substitutes has the benefit of certainty, in that substitute membership is well publicised in advance and enables substitutes to attend training sessions, which, in Thanet’s case, are mandatory.

- 2.7 In the course of doing the online research confined to East Kent, it was found that some councils in West Kent, namely Sevenoaks and Tonbridge & Malling, reportedly do not provide for substitutes at planning committee meetings. Upon telephone checks being made, it was confirmed that Sevenoaks do not allow substitutions for any of its committee meetings, with the exception of Scrutiny and that the membership of each of Tonbridge & Malling’s three area planning committees comprise of the relevant ward Members only, without a system of substitution being in place.

- 2.8 To get an idea of how many other councils within England have pools of named substitutes for planning committees (*or their equivalent*), a further quick online search was carried out. A range of such councils was found, including:

Council

Gravesham	Politically balanced (<i>confirmed by telephone</i>)
East Cambridgeshire	Not politically balanced - up to 2 named substitutes for each political group. (<i>Confirmed by telephone</i>)
Islington	Politically balanced (<i>Confirmed by telephone</i>)

Guildford	11 named substitutes (<i>from website</i>)
South Norfolk	Named substitutes referred to in terms of reference of planning committee (<i>from website</i>)
City of York	Substitutes appointed at annual meeting of council, May 2013 – do not appear to be politically balanced (<i>from website</i>)

3.0 Options

3.1 There appear to be five options available to the Council.

3.1.1 Retain the status quo in relation to the size and political composition of the pool of planning committee substitutes;

3.1.2 Increase the size of the pool, whilst preserving proportionality;

3.1.3 Increase the size of the pool, without preserving proportionality;

3.1.4 Dispense with a pool of named substitutes and adopt the practice used by the other councils within East Kent, as referred to at paragraph 2.5 above

3.1.5 Do not allow substitutes on the planning committee

3.2 The implications of increasing the size whilst preserving proportionality can be illustrated in the following example:

If the Labour Group were to increase its number of seats on the pool from **7 to 9**, the total number of seats on the pool would have to increase from 15 to 19, with a resultant proportionality – based on the current composition of the Council – as follows:

Labour Group (<i>as in this example</i>)	9
Conservative Group: $9 \times 23 / 26 = 7.9615384$ - to nearest whole number	8
Independent Group: $9 \times 3 / 26 = 1.0384615$ – to nearest whole number	1
Thanet Independent Group: $9 \times 2 / 26 = 0.6923$ - to nearest whole number	<u>1</u>
	19
	—

3.3 The corresponding effects of increasing the membership of the Labour Group on the pool to 8, 10 and 11 respectively are illustrated at Annex 2.

3.6 It should be noted that any additional nominations by political group(s) would need to be accepted at a future Council meeting.

4.0 Corporate Implications

4.1 Financial and VAT

4.1.1 Any adjustment to the current system of appointing substitutes to the planning committee might have implications in terms of training costs.

4.2 Legal

4.2.1 There is no clear statutory or case law on appointment of substitutes. The important thing is to reflect agreed arrangements in the constitution and comply with those rules.

4.3 Corporate

4.3.1 The availability of trained Members on a pool of planning committee substitutes can ensure full representation of political groups at all Planning Committee meetings.

4.4 Equity and Equalities

4.4.1 None apparent

5.0 Recommendation

5.1 The Working Party is asked to decide which option, as outlined at paragraph 3.1 above, to recommend to Standards Committee.

6.0 Decision Making Process

6.1 Recommendations by the Working Party will be submitted to Standards Committee, who, in turn, will make final recommendations to Council.

Future Meeting if applicable:	Date:
Standards Committee	21 November 2013
Council	5 December 2013

Contact Officer:	<i>Glenn Back, Democratic Services & Scrutiny Manager, ext 7187</i>
Reporting to:	<i>Harvey Patterson, Corporate & Regulatory Services Manager and Monitoring Officer, ext 7005</i>

Annex List

Annex 1	Provisions which neighbouring councils have in relation to appointment of substitutes at planning committee meetings
Annex 2	Effects of applying option 2 – increasing size of the pool of substitutes whilst preserving political balance

Background Papers

Title	Details of where to access copy
None	

Corporate Consultation Undertaken

Finance	n/a
Legal	<i>Harvey Patterson, Corporate & Regulatory Services Manager and Monitoring Officer, ext 7005</i>

NAME OF COUNCIL	DOES THE COUNCIL HAVE A POOL OF SUBSTITUTES FOR THE PLANNING COMMITTEE? IF SO, IS IT POLITICALLY BALANCED AND HOW ARE ALLOCATIONS MADE?	WHAT SPECIFIC PROVISIONS ARE THERE FOR APPOINTING SUBSTITUTES TO ATTEND PLANNING COMMITTEE MEETINGS?
Thanet District Council	Yes, as per Clause 9.1 of the Protocol for the Guidance of Planning Committee members and Officers Allocations made at Annual meetings of Council Pool is politically balanced	Clause 4.1, Protocol for the guidance of Planning Committee Members and Officers” - “... it is expected that all members of the Planning Committee (including substitute members) will participate in initial and regular update training ...”
Ashford Borough Council	No	As “Appendix 4 to Procedure Rule 1.2” (Scheme of substitutes) “The attendance at a Planning training session is a pre-requisite to being able to act as a substitute at meetings of the Planning Committee”.
Canterbury City Council	No	Code of Guidance for probity in planning “... the Council will provide mandatory training to planning committee members and their substitutes” “A record of member’s attendance at training events will be kept so that training needs can be reviewed regularly.”
Shepway District Council	No	None
Dover District Council	No [but there is a pool of named substitutes appointed by the Council for the Governance Committees CPR 4 (8) – Appointment of Substitute Members ...”]	Article 13 – Decision Making 13.09 “Only members (and named substitutes where appropriate) who have received the appropriate training may serve on the ... Planning ... Committee” CPR 4 – Appointment of Substitute Members of Committees ... 4(3)“In no case shall the number of substitute Members appointed by a political group to a committee or sub-committee ... exceed one third of the number of seats allocated to the political group... save that each political group shall have the right to appoint at least one substitute member in all cases”

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EFFECTS ON SIZE AND POLITICAL BALANCE OF POOL OF NAMED SUBSTITUTE MEMBERS FOR THE PLANNING COMMITTEE

IF THE LABOUR GROUP INCREASES NUMBER OF SUBSTITUTES

(Under Option 2 – preserving of political balance)

If LABOUR GROUP increased number of substitutes from 7 TO:	Resultant SIZE OF POOL	Number of CONSERVATIVE GROUP seats	Number of INDEPENDENT GROUP seats	Number of THANET INDEPENDENT GROUP seats
8	17	8 x 23/26 = 7.076923 To nearest 7	8 x 3/26 = 0.9230769 To nearest 1	8 x 2/26 = 0.6153846 To nearest 1
9	19 <i>[as at para 3.2 of report]</i>	9 x 23/26 to nearest = 8	9 x 3/26 to nearest = 1	9 x 2/26 to nearest = 1
10	21	10 x 23/26 = 8.8461538 To nearest 9	10 x 3/26 = 1.1538461 To nearest 1	10 x 2/26 = 0.7692307 To nearest 1
11	23	11 x 23/26 = 9.7397692 To nearest 10	11 x 3/26 = 1.2692307 To nearest 1	11 x 2/26 = 0.8461538 To nearest 1

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THANET DISTRICT COUNCIL DECLARATION OF INTEREST FORM

Do I have a Disclosable Pecuniary Interest and if so what action should I take?

Your Disclosable Pecuniary Interests (DPI) are those interests that are, or should be, listed on your Register of Interest Form.

If you are at a meeting and the subject relating to one of your DPIs is to be discussed, in so far as you are aware of the DPI, you **must** declare the existence **and** explain the nature of the DPI during the declarations of interest agenda item, at the commencement of the item under discussion, or when the interest has become apparent

Once you have declared that you have a DPI (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must:-**

1. Not speak or vote on the matter;
2. Withdraw from the meeting room during the consideration of the matter;
3. Not seek to improperly influence the decision on the matter.

Do I have a significant interest and if so what action should I take?

A significant interest is an interest (other than a DPI or an interest in an Authority Function) which:

1. Affects the financial position of yourself and/or an associated person; or Relates to the determination of your application for any approval, consent, licence, permission or registration made by, or on your behalf of, you and/or an associated person;
2. And which, in either case, a member of the public with knowledge of the relevant facts would reasonably regard as being so significant that it is likely to prejudice your judgment of the public interest.

An associated person is defined as:

- 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
- Any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or
- Any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000;
- 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
- any body in respect of which you are in a position of general control or management and which:
 - exercises functions of a public nature; or
 - is directed to charitable purposes; or
 - has as its principal purpose or one of its principal purposes the influence of public opinion or policy (including any political party or trade union)

An Authority Function is defined as: -

- Housing - where you are a tenant of the Council provided that those functions do not relate particularly to your tenancy or lease; or
- Any allowance, payment or indemnity given to members of the Council;
- Any ceremonial honour given to members of the Council
- Setting the Council Tax or a precept under the Local Government Finance Act 1992

If you are at a meeting and you think that you have a significant interest then you **must** declare the existence **and** nature of the significant interest at the commencement of the

matter, or when the interest has become apparent, or the declarations of interest agenda item.

Once you have declared that you have a significant interest (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must**:-

1. Not speak or vote (unless the public have speaking rights, or you are present to make representations, answer questions or to give evidence relating to the business being discussed in which case you can speak only)
2. Withdraw from the meeting during consideration of the matter or immediately after speaking.
3. Not seek to improperly influence the decision.

Gifts, Benefits and Hospitality

Councillors must declare at meetings any gift, benefit or hospitality with an estimated value (or cumulative value if a series of gifts etc.) of £100 or more. You **must**, at the commencement of the meeting or when the interest becomes apparent, disclose the existence and nature of the gift, benefit or hospitality, the identity of the donor and how the business under consideration relates to that person or body. However you can stay in the meeting unless it constitutes a significant interest, in which case it should be declared as outlined above.

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 and Scrutiny Manager well in advance of the meeting.

DECLARATION OF DISCLOSABLE PECUNIARY INTERESTS, SIGNIFICANT INTERESTS AND GIFTS, BENEFITS AND HOSPITALITY

MEETING.....

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

DISCLOSABLE PECUNIARY INTEREST

SIGNIFICANT INTEREST

GIFTS, BENEFITS AND HOSPITALITY

THE NATURE OF THE INTEREST, GIFT, BENEFITS OR HOSPITALITY:

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

NAME (PRINT):

SIGNATURE:

Please detach and hand this form to the Democratic Services Officer when you are asked to declare any interests.