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Date: 20 June 2016
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STANDARDS COMMITTEE

28 JUNE 2016

A meeting of the Standards Committee will be held at **7.00 pm on Tuesday, 28 June 2016** in the Council Chamber, Cecil Street, Margate, Kent.

Membership:

Dr Jonathan Sexton (Chairman); Mrs Janet Bacon (Vice-Chairman)

Councillors: Braidwood, Buckley, Dexter, J Fairbrass, Johnston, Tomlinson and Jaye-Jones

Parish Councillors: Way and Wright

A G E N D A

Item
No

Subject

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST**
3. **MINUTES OF PREVIOUS MEETING** (Pages 1 - 2)
To approve the Minutes of the meeting of Standards Committee held on 19 April 2016, copy attached.
4. **MODIFICATION OF PRESCRIBED STANDING ORDERS RELATING TO THE DISMISSAL OF STATUTORY OFFICERS** (Pages 3 - 12)
5. **PILOT SCHEME FOR PUBLIC SPEAKING** (Pages 13 - 24)
6. **STANDARDS COMPLAINT STATISTICS** (Pages 25 - 30)

Declaration of Interest form - back of agenda

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Public Document Pack Agenda Item 3

STANDARDS COMMITTEE

Minutes of the meeting held on 19 April 2016 at 7.00 pm in Council Chamber, Cecil Street, Margate, Kent.

Present: Dr Jonathan Sexton (Chairman); Mrs Janet Bacon (Vice-Chairman)

Councillors: Braidwood, Buckley, Jaye-Jones, Johnston, and Tomlinson

Parish Councillors: Way (Monkton Parish Council), Wright (Birchington Parish Council)

In Attendance: Mr James (Independent Person)

114. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor J. Fairbrass and Councillor Dexter.

115. MINUTES OF PREVIOUS MEETING

It was proposed by Councillor Buckley, seconded by Councillor Johnston and AGREED that the minutes of the meeting of 21 January 2016 were a correct record and be signed by the Chairman.

116. DECLARATIONS OF INTEREST

There were no declarations of interest.

117. CHAIRMAN'S ANNUAL REPORT

The Independent Chairman outlined his report.

The Chairman invited Committee Members' questions.

It was suggested by Members that the contribution of Standards Committee to the recent Constitutional Review should be recognised. It was also suggested that the training programme for 2016-17 should include further sessions on social media as this had been highlighted as an area in which Members would benefit from further training.

Councillor Tomlinson proposed, Councillor Johnston seconded and Members AGREED:

"To recommend the Chairman's Annual Report be presented to Full Council".

118. STANDARDS COMPLAINT STATISTICS

The Committee noted the Standards Complaint Statistics report.

Meeting concluded : 7.30pm

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MODIFICATION OF PRESCRIBED STANDING ORDERS RELATING TO THE DISMISSAL OF STATUTORY OFFICERS AND THE PROCESS FOR APPROVING CHANGES TO THE CONSTITUTION

To: **Standards Committee – 28/06/2016**

By: **Director of Corporate Governance and Monitoring Officer**

Classification: **Unrestricted**

Ward: **Not applicable**

Summary: **To modify standing orders relating to the dismissal of statutory Officers as required by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 and to incorporate them within the Council’s Constitution.**

For Decision

1.0 Summary

1.1 The government has made legislative changes which require the Council to amend its standing orders insofar as they relate to disciplinary action against and the dismissal of the Council’s head of paid service, monitoring officer and chief finance officer. The report identifies the necessary changes and recommends that the Standards Committee commend them to Council.

2.0 Introduction and Background

2.1 Since the Council commenced operating executive arrangements it has been a requirement of the Local Authorities (Standing Orders) (England) Regulations 2001 (‘the 2001 Regulations’) that the Council makes or modifies standing orders so that they include certain provisions relating to staff and other matters

2.2 The standing orders in relation to staff operated so as to require the council to appoint a “designated independent person” before it could discipline or dismiss its head of paid service, monitoring officer or chief finance officer.

2.1 Last year the Secretary of State for Communities and Local Government made the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, available here: www.legislation.gov.uk/ukxi/2015/881/pdfs/ukxi_20150881_en.pdf The 2015 Regulations repeal the provisions of the 2001 regulations insofar as they relate to the appointment of the “designated independent person” and make new provision about the procedure to be followed to dismiss a head of paid service, a monitoring officer or, a chief finance officer. These provisions must be incorporated into the Council’s standing orders.

2.2 The 2015 Regulations require that before dismissing one of the officers identified above, the Council must appoint a “panel” for the purpose of advising on matters relating to the dismissal of the relevant officer. The Council must invite independent persons who have been appointed under section 28(7) of the Localism Act 2011 to be considered for appointment to the panel, with a view to appointing at least two

such persons to the panel. These independent persons are those appointed by the Council in connection with the procedures for dealing with alleged breaches of the Code of Conduct for members.

3.0 Options

- 3.1 The requirements of the 2015 Regulations are mandatory insofar as they related to the adoption of the prescribed standing orders and therefore it is not possible to put options before the Working Party or Council for consideration in this connection.
- 3.2 The Council does have a choice as to whether it appoints a standing panel in pursuance of the standing orders or, whether it only appoints one, if and when the need arises.
- 3.3 The circumstances giving rise to the need to appoint the panel are likely to occur very infrequently, if at all. It is therefore not proposed that the Council should appoint a standing panel. In the event that one were to be needed, this would be the subject of a report to Council at the time.
- 3.4 There is also a fundamental legal difficulty in attempting to appoint a standing panel and this lies in the need to ensure that the panel is comprised of members who are impartial. The nature of the positions to which the Regulations applies is such that there is a high probability that one or more members will themselves be involved in any disciplinary action whether as instigators of it or, as witnesses. Clearly, any member involved in this capacity could not sit on the panel. Therefore, until a particular issue arises and the circumstances are known, it would not be possible to identify which members could and (more importantly) could not, sit on the panel.

4.0 Corporate Implications

4.1 Financial and Taxation

- 4.1.1 There are no financial or other resource implications.

4.2 Legal

- 4.2.1 The Council is legally obliged to revise the current standing orders in the Constitution.

4.3 Equity and Equalities

- 4.3.1 No equalities impact assessment has been carried out as this is a statutory obligation. The processes undertaken in accordance with the 2001 Regulations will have to follow employment and equalities legislation.

6.0 Recommendation

- 6.1 That the modifications to the Prescribed Standing Orders relating to staff, be modified as set out in Appendix 1 to this report and be incorporated into the Council's Constitution
- 6.2 That the Council does not appoint a standing panel to deal with dismissals but appoints a panel on an ad hoc basis as required.

7.0 Decision Making Process

- 7.1 This is to go to Council.

Future Meeting if applicable: Council	Date: 14 July 2016
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Contact Officer:	Tim Howes, Director of Corporate Governance and Monitoring Officer
Reporting to:	Madeline Homer, Chief Executive

Annex List

Annex 1	Tracked changes to the standing orders
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Background Papers

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

Corporate Consultation Undertaken

Finance	Tim Willis, Director of Corporate Resources
Legal	Tim Howes Director of Corporate Governance

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Prescribed and Other Standing Orders

Part I – Prescribed Standing Orders

Introduction, Application and Interpretation

1. The following Standing Orders shall be known as ‘Prescribed Standing Orders’, and shall form part of the Council’s Standing Orders. The Council’s Standing Orders other than Prescribed Standing Orders shall be known as ‘Ordinary Standing Orders’.

2. In the event of any conflict or inconsistency between Ordinary Standing Orders and Prescribed Standing Orders the latter shall prevail.

3. Any word or phrase contained within Prescribed Standing Orders shall, if such word or phrase is given a meaning by The Local Authorities (Standing Orders) Regulations 1993, have that same meaning for the purposes of Prescribed Standing Orders.

Appointment of Chief Officers

4. Where the authority propose to appoint a Chief Officer, and it is not proposed that the appointment be made exclusively from among their existing Officers, they shall:-

(a) draw up a statement specifying:-

(i) the duties of the Officer concerned, and

(ii) any qualifications or qualities to be sought in the person to be appointed;

(b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it: and

(c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

5. (1) Where a post has been advertised as provided in standing order 4 (b) the authority shall:-

(a) interview all qualified applicants for the post, or

(b) select a short list of such qualified applicants and interview those included on the short list.

(2) Where no qualified person has applied, the authority shall make further arrangements for advertisement in accordance with standing order 4 (b).

6. Every appointment of a Chief Officer shall be made by the authority unless made by any duly authorised Committee, Action/Sub-Committee, or a relevant Joint Committee.

7. The steps under Prescribed Standing Orders 4 and 5 above may be taken by any Committee, Action/Sub-Committee or Chief Officer of the authority if duly authorised in that behalf.

8. Where the duties of a Chief Officer include the discharge of functions of two or more local authorities in pursuance of Section 101 (5) of the Local Government Act 1972:-

(a) the steps under prescribed standing orders 4 and 5 above may be taken by any duly authorised joint committee of those authorities, sub committee of such a committee or a chief officer of any of the authorities concerned, and

(b) any chief officer may be appointed by such a duly authorised joint committee, sub committee of such a committee or a committee or sub committee of any of those authorities.

9. Excluded from the application of prescribed standing orders 4 to 6 shall be any appointment in pursuance of Section 9 (assistants for political groups) of the Act.

Disciplinary Action Against Head of Paid Service and Others

~~10. (1) No disciplinary action in respect of the head of the authority's paid service (unless he/she is also a council manager of the authority), its monitoring officer, or its chief finance officer, except joint action described in paragraph 2, may be taken by the authority, or by a committee, a sub committee, a joint committee on which the authority is represented or any other person acting on behalf of the authority, other than in accordance with a recommendation in a report made by a designated independent person under regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001 (investigate of alleged misconduct).~~

~~(2) The action mentioned in paragraph 1 is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension must be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.~~

~~(Note: in paragraph (1), "chief finance officer", "council manager", "disciplinary action", "head of authority's paid service" and "monitoring officer", have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001 and "designated independent person" has the same meaning as in regulation 7 of those Regulations).~~

~~10.1 A relevant officer may not be dismissed by the Council unless the procedure set out in Schedule 3 to the Local Authorities (Standing Orders) (England) Regulations 2001 is complied with.~~

~~(Note: In this standing order 'relevant officer' means the chief finance officer, head of the authority's paid service or monitoring officer as the case may be.~~

Recording of Votes at Meetings

11. (1) Where immediately after a vote is taken at a meeting of a relevant body any member of that body so requires, there shall be recorded in the minutes of the proceedings of that meeting whether that person cast his/her vote for the question or against the question or whether he/she abstained from voting.

(2) In this paragraph 'relevant body' means the authority, a committee or sub committee of the authority or a relevant joint committee or sub committee of such a committee.

Signing Minutes - Extraordinary Meetings

12. Where in relation to any meeting of the authority the next such meeting is a meeting called under paragraph 3 (extraordinary meetings) of Schedule 12 to the Local Government Act 1972, the next following meeting of the authority (being a meeting called otherwise than under that paragraph) shall be treated as a suitable meeting for the purposes of paragraph 41 (1) and (2) (signing of minutes) of that Schedule.

Variation and Revocation

13. Otherwise than to incorporate options allowed by the Regulations these prescribed standing orders shall not be revoked or amended.

Part II – Standing Orders relating to Staff

1. In this Part:

“the 1989 Act” means the Local Government and Housing Act 1989;

“the 2000 Act” means the Local Government Act 2000;

“disciplinary action” has the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001;

“executive” and “executive leader” have the same meaning as in Part II of the 2000 Act;

“member of staff” means a person appointed to or holding a paid office or employment under the authority; and

“proper officer” means the Human Resources Manager or his or her nominee.

2. Subject to paragraphs 3 and 7, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the authority must be discharged, on behalf of the authority, by the officer designated under section 4(1) of the 1989 Act (designation and reports of head of paid service) as the head of the authority’s paid service or by an officer nominated by him/her.

3. Paragraph 2 shall not apply to the appointment or dismissal of, or disciplinary action against:

(a) the officer designated as the head of the authority’s paid service;

(b) a statutory chief officer within the meaning of section 2(6) of the 1989 Act (politically restricted posts);

(c) a non-statutory chief officer within the meaning of section 2(7) of the 1989 Act;

(d) a deputy chief officer within the meaning of section 2(8) of the 1989 Act; or

(e) a person appointed in pursuance of section 9 of the 1989 Act (assistants for political groups).

4. (1) Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the appointment ~~or dismissal~~ of an officer designated as the head of the authority's paid service, the authority must approve that appointment before an offer of appointment is made to ~~that person. him/her or, as the case may be, must approve that dismissal before notice of dismissal is given to him/her.~~

(2) Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the dismissal of an officer designated as the head of the authority's paid service, as the authority's chief finance officer, or as the authority's monitoring officer, the authority must approve that dismissal before notice is given to that person.

~~(3)~~ (2) Where a committee or a sub-committee of the authority is discharging, on behalf of the authority, the function of the appointment or dismissal of any officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3, at least one member of the executive must be a member of that committee or subcommittee.

5. (1) In this paragraph, "appointor" means, in relation to the appointment of a person as an officer of the authority, the authority or, where a committee, subcommittee or officer is discharging the function of appointment on behalf of the authority, that committee, sub-committee or officer, as the case may be.

(2) An offer of an appointment as an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3 must not be made by the appointor until:

(a) the appointor has notified the proper officer of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment;

(b) the proper officer has notified every member of the executive of the authority of:

(i) the name of the person to whom the appointor wishes to make the offer;

(ii) any other particulars relevant to the appointment which the appointor has notified to the proper officer; and

(iii) the period within which any objection to the making of the offer is to be made by the executive leader on behalf of the executive to the proper officer; and

(c) either:

(i) the executive leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the appointee that neither he/she nor any other member of the executive has any objection to the making of the offer;

(ii) the proper officer has notified the appointor that no objection was received by him/her within that period from the executive leader; or

(iii) the appointor is satisfied that any objection received from the executive leader within that period is not material or is not ~~wellfounded~~ well-founded.

6. (1) In this paragraph, “dismissor” means, in relation to the dismissal of an officer of the authority, the authority or, where a committee, sub-committee or another officer is discharging the function of dismissal on behalf of the authority, that committee, sub-committee or other officer, as the case may be.

(2) Notice of the dismissal of an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3 must not be given by the dismissor until:

(a) the dismissor has notified the proper officer of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;

(b) the proper officer has notified every member of the executive of the authority of –

(i) the name of the person who the dismissor wishes to dismiss;

(ii) any other particulars relevant to the dismissal which the dismissor has notified to the proper officer; and

(iii) the period within which any objection to the dismissal is to be made by the executive leader on behalf of the executive to the proper officer; and

(c) either:

(i) the executive leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the dismissor that neither he/she nor any other member of the executive has any objection to the dismissal;

(ii) the proper officer has notified the dismissor that no objection was received by him/her within that period from the executive leader; or

(iii) the dismissor is satisfied that any objection received from the executive leader within that period is not material or is not ~~wellfounded~~well founded.

7. Nothing in paragraph 2 shall prevent a person from serving as a member of any committee or sub-committee established by the authority to consider an appeal by:

(a) another person against any decision relating to the appointment of that other person as a member of staff of the authority; or

(b) a member of staff of the authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.

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PUBLIC SPEAKING AT COMMITTEE MEETINGS TRIAL

STANDARDS COMMITTEE – 28 JUNE 2016

Report Author	Committee Services Manager
Portfolio Holder	Portfolio Holder for Corporate Governance Services
Status	For recommendation
Classification:	Unrestricted
Key Decision	No
Previously Considered by	Constitutional Review Working Party – 8 June 2016
Ward:	All Wards

Executive Summary:

Democratic Services are suggesting a limited trial of public speaking at committee meetings is introduced. Democratic Services oversee the democratic process and ensure it is open and accessible to those using it, introducing public speaking at meetings would be a significant step in opening the democratic process to the public.

Democratic Services have conducted a desktop benchmarking exercise of Council's across Kent looking at other Council's rules on allowing the public to speak at its meetings. The benchmarking shows that public speaking at most meetings, whilst far from standard practice, does have a small following particularly for Overview and Scrutiny Committees. The trial would therefore, see the introduction of public speaking at Overview and Scrutiny Panel meetings and its sub-committees between August 2016 and February 2017.

A copy of the draft public speaking scheme is attached at Annex 1 to this report.

The Committee should make a recommendation to Full Council regarding whether to introduce a trial or not, taking in to account the content of the report and the recommendation from the Constitutional Review Working Party which are outlined at paragraph 6.1 of the report.

Recommendation:

That the Constitutional Review Working Party makes a recommendation to the Standards Committee as per the options outlined at paragraph 7.1 of this report.

CORPORATE IMPLICATIONS

Financial and Value for Money	There are no financial implications to the report.
Legal	Under section 37 of the Localism Act 2011, the Council must prepare and keep up to date a constitution. Whether to allow public speaking or not is a matter for the Council to determine.
Corporate	Introducing public speaking to committees relates directly to the Council Value 3: Promoting open communications.
Equalities Act 2010 & Public Sector	Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the

Equality Duty	Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.	
	Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.	
	Please indicate which is aim is relevant to the report.	
	Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,	
	Advance equality of opportunity between people who share a protected characteristic and people who do not share it	
Foster good relations between people who share a protected characteristic and people who do not share it.	✓	
Introducing public speaking will open up the Council's decision making process and allow more people to engage in the democratic process. The Council would not discriminate or restrict the ability to speak at meetings for any of the protected groups and would always try to accommodate requests for additional help where possible.		

CORPORATE PRIORITIES (tick those relevant)✓	
A clean and welcoming Environment	
Promoting inward investment and job creation	
Supporting neighbourhoods	

CORPORATE VALUES (tick those relevant)✓	
Delivering value for money	
Supporting the Workforce	
Promoting open communications	✓

1.0 Introduction and Background

- 1.1 This report introduces the idea of public speaking at meetings other than Planning Committee and proposes undertaking a trial in order to assess whether amending the Council's constitution to allow public speaking on a permanent basis would be advantageous.

2.0 Why are Democratic Services proposing changes?

- 2.1 Democratic Services' service plan includes a target on "ensuring that the democratic process that Democratic Services oversees is open and accessible to those using it". Allowing public speaking at committee meetings is a way that the public can become more involved in the Council's decision making process and therefore making it more accessible and open.
- 2.2 Currently the Council only allows public speaking at Planning Committee when considering planning applications and in exceptional circumstances when the Chairman of a committee allows it. Amending the Council's procedure rules to allow members of the public to speak would allow for their points of view to be heard at meetings on the matters under discussion, this could add value to the decision making process and also mean that the public have more input to decisions that the Council makes.

2.3 Democratic Services have conducted a desktop benchmarking exercise of Council's across Kent looking at other Council's rules on allowing the public to speak at its meetings. The benchmarking shows that public speaking at most meetings, whilst far from standard practice, does have a small following particularly for Overview and Scrutiny Committees. With this in mind Democratic Services are initially proposing that a trial of the new public speaking rules should be undertaken by the Overview and Scrutiny Panel.

2.4 Democratic Services would propose that public speaking be allowed at the Overview and Scrutiny Panel and its sub groups on a trial basis between 14 August 2016 and 14 February 2017. This would include five Overview and Scrutiny Panel meetings and an as yet unknown number of sub group meetings, which would be a sufficient number to ensure that a fair trial could be undertaken.

3.0 How would it work?

3.1 A copy of the draft public speaking attached at Annex 1 to this report. The scheme is based loosely on a hybrid of our current planning committee speaking proposals and other District Council schemes in Kent. The scheme is open to anyone to register to speak at an Overview and Scrutiny Panel meeting in writing or via email. This would be on a first come, first basis and members of the public would have to register at least two clear days in advance of the date of the meeting. In addition whilst the trial is ongoing Democratic Services will also investigate the possibility of registering to speak via the Council's website.

3.2 A member of the public would register to speak on a particular item of business on that agenda and what they wanted to say would have to be directly relevant to the subject of that agenda item. Each member of the public would be allowed a maximum of three minutes to speak and there would be a maximum of two members of the public allowed to speak on each agenda item.

3.3 Statements made must not be defamatory or derogatory and the Council would reserve the right to withdraw public speaking rights from those who had abused those rights in the past.

3.4 It would be the duty of Councillors to listen to the points of view being expressed by the members of the public. Councillors may agree or disagree with the points of view being expressed and would not be obliged to follow any course of action suggested by the public, but to form their own opinions and vote on an issue in the same way that they do now.

4.0 Amending the Constitution

4.1 In order to allow for the public speaking trial to take place the Council will need to amend its constitution. Democratic Services believe that including a small reference to public speaking in the Council's procedure rules and then including the scheme as attached at Annex 1 (subject to any amendments) in Section 5 – codes and protocols of the constitution would be neater and more convenient than having extensive public speaking rules embedded within the constitution for the period of the trial. The appropriate amendments to the constitution to allow for the trial are attached at Annex 2 to the report.

4.2 Having the rules as a separate scheme would also allow Democratic Services to use the scheme document (attached at Annex 1) for other purposes, such as distributing to the public or uploading it to our Democratic Services website rather than using a

series of Council Procedure Rules, which could potentially be confusing for users and less easy to understand.

5.0 What happens after the trial?

- 5.1 Democratic Services will produce a report for the 14 February 2017 Overview and Scrutiny Meeting allowing the panel to comment on their experiences of public speaking. These comments, together with officers experiences of administering the scheme would then be considered at a Full Council meeting in Spring 2017 which would then decide on the future of the scheme. This could include widening the scope of the scheme to include other meetings, withdrawing the scheme, keeping it as it is or amending how the scheme works.

6.0 What did the Constitutional Review Working Party recommend?

- 6.1 The Constitutional Review Working Party reviewed the scheme at its meeting of 8th June, where they made a number of suggested changes. These included clarifying in the “How much time will speakers be allowed?” section to make clear that the public speaking will occur before the panel starts to consider each item. Also the Working Party asked for a rule that prohibited any public speaking on confidential items, this was because it was felt that the public would not be aware of the content of confidential reports. In addition it was also requested that members of the public should be asked whether they would like their contact details shared with those who subsequently try to register to speak in order that additional points of view might be taken on board by those who had secured the speaking slot. Finally they asked that the “other rules” section be amended to read “You must not discuss the conduct or capability of individual Council employees or Councillors.”
- 6.2 The report author accepts all the suggestions of the Working Party and has included them in the draft scheme attached to this report at Annex 1.
- 6.3 The formal recommendation from the Constitutional Review Working Party is as follows:

“The Working Party agreed to recommend the Scheme to the Standards Committee, subject to the agreed amendments being made.”

7.0 Options

- 7.1 The Standards Committee can choose to recommend the scheme attached at Annex 1 to this report to the Standards Committee, it may also in doing so recommend any amendments to the scheme as well. Alternatively the Working Party may choose to recommend not pursuing the trial of public speaking or any of the subsequent changes to the constitution.

8.0 Next Steps

- 8.1 Any recommendation of the Standards Committee will be referred to the Full Council for final adoption.

Contact Officer:	Nicholas Hughes, Committee Services Manager
Reporting to:	Tim Howes, Director of Corporate Governance

Annex List

Annex 1	Draft Public Speaking Scheme
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Annex 2	Amended Constitution
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Background Papers

Title	Details of where to access copy
None	

Corporate Consultation

Finance	Nicola Walker, Finance Manager (HRA, Capital, Ext Funding, Policy & Performance)
Legal	Tim Howes, Director of Corporate Governance

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3rd - 4th Draft

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**Pilot Scheme for Public Participation
at
Overview & Scrutiny Panel Meetings**

**The public participation scheme allows you to voice
opinions, objections and ask questions at these meetings**

16 August 2016 – 14 February 2017

Meetings start at 7.00 pm and held in the Council Chamber

May 2016

Introduction

This scheme will initially be on a trial basis between 16 August 2016 and 14 February 2017. At the end of the trial period Full Council will consider a report and decide whether to extend the trials to cover additional committees for another time limited period or discontinue the scheme.

Procedure Rules Explained

You may speak at all meetings of the Overview & Scrutiny Panel and its sub committees, within the prescribed limits and as advised by the Chairman of the Panel. It should be noted that all other meeting procedure rules for conducting an orderly meeting apply.

Who can speak?

Any member of the public can speak, provided they are present at the meeting when the Chairman of the meeting calls their names.

How much time will speakers be allowed?

A total of six minutes will be allocated to public speaking for each item on the agenda with individuals limited to three minutes each. Only two people can speak on an item. The public speaking will occur immediately after the Chairman has moved to the relevant item and before the Panel starts to consider that item.

Time is limited, so we encourage the appointment of spokespersons to represent groups of people who wish to make similar points.

Can I speak on any matter?

No. Speakers will be allowed to speak only on matters that appear on the Agenda of the Overview and Scrutiny Panel or any of its sub-committees in question, once such agendas are made public. No public speaking may take place on any confidential item exempted under Schedule 12A of the Local Government Act 1972.

What do I need to do if I decide I want to speak?

If you want to address the Panel or any of its sub-committees, then please contact Democratic Services at least two clear working days before the meeting, i.e. if the

May-June 2016

meeting is on a Tuesday, requests to speak must be received in writing by 5.30 pm on the preceding Thursday.

NB: Where such a deadline date falls on a Friday, then the closing deadline time must be 5.00 pm.

When registering you will be asked for your consent to allow Democratic Services to share your details with others who request to speak after you. This allows those who are unsuccessful in registering to put their points of view to you, so you can raise them on their behalf if you feel they have merit. You are not obliged to do so if you disagree with the points of view expressed.

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You are not obliged to give your consent to sharing your details and your details will only be shared with others trying to register to speak.

What happens at the meeting?

At the appropriate time, the Chairman will invite each person to make his or her comment. Please turn up fifteen minutes before the start of the meeting. Give your name and (if applicable) the group you are representing.

How to get the most out of your time

You should try and prepare notes in advance you can refer to in order to ensure you cover all the important points you want to make. Also try and ensure you stick to the topic being discussed, if you stray off topic you may be asked by the chairman to focus on the issue being discussed.

Other Rules

Avoid derogatory or defamatory statements. You must not discuss the conduct or capability of individual Council employees or Councillors. ~~human resources matters.~~ There is no legal protection for comment made at meetings. The Council reserves the right to not allow an individual to speak at a meeting if they have previously made derogatory or defamatory statements or have acted otherwise inappropriately when exercising their public speaking rights.

How to Apply

Applications should be made in writing and provide the following information:

Name, Contact Telephone/Mobile Number;

Brief outline of your statement;

May-June 2016

Please send your statement to:

committee@thanet.gov.uk or write to:

Democratic Services
Thanet District Council
Cecil Street
P.O. Box 9
Margate
Kent
CT9 1XZ

If you have any queries please contact Democratic Services on 01843 577186 or email committee@thanet.gov.uk

30.0 Audio and Visual recordings of Council Meetings

- 30.1 Audio or visual recordings shall be allowed in accordance with the “Protocol for Filming and Recording of Council meetings” which is included in Part 5 of this constitution.

31.0 Public Speaking at Overview and Scrutiny Panel Meetings

- 30.1 Public speaking at Overview and Scrutiny Panel meetings is allowed as per the scheme for Public Participation as included in Part 5 – Codes and Protocols of this constitution. This Council Procedure Rule will be in effect between 16 August 2016 – 14 February 2017, unless otherwise extended.

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RECORD OF COMPLAINTS

	COMPLAINT NO:	DATE	PROGRESS	COMPLAINANT	AGAINST	ALLEGATION
	2015					
120	TDCSC120/15	08/01/2015	Investigation completed but councillor not re-elected. Closed.	TDC Councillors 11 Members of Public	TDC Councillor	Allegations regarding reported comments made by a councillor.
121	TDCSC121/15	24/04/2015	Councillor not re-elected. Closed.	Member of the Public	TDC Councillor	Allegation of non-response to enquiries made by a member of the public.
122	TDCSC122/15	19/05/2015	Other action-letter from the Monitoring Officer Closed	TDC Officer	TDC Councillor	Allegation regarding reported comments made by a councillor to a member of staff.
123	TDCSC123/15	03/06/2015	No further action. Closed	TDC Councillor	TDC Councillor	Allegation regarding comments posted on social media.
124	TDCSC124/15	06/08/2015	No further action. Closed	Parish Councillor	Parish Councillor	Allegation regarding councillor's behaviour in public meeting.
125	TDCSC125/15	26/08/2015	No further action. Closed	Parish Councillor	Parish Councillor	Allegation regarding email communication and councillor's behaviour in public meeting.

RECORD OF COMPLAINTS

	COMPLAINT NO:	DATE	PROGRESS	COMPLAINANT	AGAINST	ALLEGATION
	2015					
126	TDCSC126/15	03/09/2015	No further action. Closed	TDC Councillor	TDC Councillors	Allegations regarding behaviour in meeting.
127	TDCSC127/15	03/09/2015	No further action. Closed	Parish Councillor	Parish Councillor	Allegations regarding poor communication and bullying.
128	TDCSC128/15	16/09/2015	No further action- Letter from the Monitoring Officer Closed	Member of the public	TDC Councillor	Allegations regarding poor and inappropriate communication.
129	TDCSC129/15	24/09/2015	No further action. Closed.	Parish Councillor	Parish Councillor	Allegations of bullying and poor administration of council business.
130	TDCSC130/15	24/09/2015	No further action. Closed	Member of the public	Parish Councillor	Allegations regarding poor administration of council business.
131	TDCSC131/15	01/10/2015	No further action. Closed	TDC Councillor	TDC Councillor	Allegations regarding discrimination.
132	TDCSC132/15	01/10/2015	No further action –	TDC Councillor	TDC Councillor	Allegations regarding inappropriate communication with a member of the public.

RECORD OF COMPLAINTS

	COMPLAINT NO:	DATE	PROGRESS	COMPLAINANT	AGAINST	ALLEGATION
	2015					
			Letter from the Monitoring Officer Closed			
133	TDCSC133/15	05/10/2015	Currently on hold Open	Member of the public	TDC Councillor	Allegations regarding aggressive behaviour towards another councillor and member of the public.
134	TDCSC134/15	27/10/2015	Closed	Parish Councillor	Parish Councillor	Allegations of rudeness and bullying.
135	TDCSC135/15	09/11/2015	Letter from the Monitoring Officer Closed	Member of the public	TDC Councillor	Allegations regarding post on social media.
136	TDCSC136/15	19/11/2015	Did not meet legal jurisdiction test. Closed	TDC Councillor	TDC Councillor	-
137	TDCSC137/15	03/12/2015	Investigation in progress. Draft report received by M.O. Open	TDC Councillor	Parish Councillor	Allegations of rudeness, bullying and sexism.

RECORD OF COMPLAINTS

	COMPLAINT NO:	DATE	PROGRESS	COMPLAINANT	AGAINST	ALLEGATION
	2015					
138	TDCSC138/15	03/12/2015	Investigation in progress. Draft report received by M.O. Open	Parish Councillor	Parish Councillor	Allegations of sexism.

	COMPLAINT NO:	DATE	PROGRESS	COMPLAINANT	AGAINST	ALLEGATION
139	TDCSC139/16	08/01/2016	Informal complaint resolution instigated. Closed.	Members of the Public	TDC Councillors	Allegations regarding poor and misleading communication
140	TDCSC140/16	11/01/2016	Investigation in progress. Open	Officer	TDC Councillor	Allegations of rudeness and inappropriate behaviour in front of members of the public.
141	TDCSC141/16A	27/01/2016	Investigation in progress. Open	Member of the Public	TDC Councillor	Allegations relating to misrepresentation in regard to military honours and of bringing office into disrepute.
142	TDCSC142/16	25/02/2016	No further action. Closed	Member of the Public	TDC Councillor	Allegations of inappropriate comments made to media bringing office into disrepute.
143	TDCSC143/16	17/03/2016	No further action. Closed	Member of the Public	TDC Councillor	Allegations of inappropriate comments made on social media bringing office into disrepute.
144	TDCSC144/16	29/03/2016	Investigation in progress. Open	Members of the Public	TDC Councillor	Allegations of inappropriate comments made on social media bringing office into disrepute.

	COMPLAINT NO:	DATE	PROGRESS	COMPLAINANT	AGAINST	ALLEGATION
	2016					
145	TDCSC145/16	13/04/2016	Informal Dispute Resolution. Letter from the Monitoring Officer issued. Closed	Member of the Public	TDC Councillor	Allegations of inappropriate comments made to the media bringing office into disrepute
146	TDCSC146/16	04/05/2016	Informal Dispute Resolution. Letter from the Monitoring Officer issued. Closed	Parish Councillor	Parish Councillor	Allegations of bullying and unfair behaviour in council meetings