



Date: 1 March 2021  
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## STANDARDS COMMITTEE

9 MARCH 2021

A meeting of the Standards Committee will be held at **5.30 pm on Tuesday, 9 March 2021** by Video Conference.

### Membership:

Councillor Peter Tucker (Chairman); Councillors: Braidwood, J Bayford, Crittenden, Dexter, Duckworth, Fellows, Kup, Scobie, Quittenden, Crow-Brown, Patricia Causier, Peter Lorenzo and Lee Wellbrook

## A G E N D A

- | <u>Item No</u> | <u>Subject</u>   |
|----------------|--|
| 1.             | <b><u>APOLOGIES FOR ABSENCE</u></b>  |
| 2.             | <b><u>MINUTES OF PREVIOUS MEETING</u></b> (Pages 3 - 6)<br>To approve the Minutes of the meeting of Standards Committee held on 18 November 2020, copy attached.   |
| 3.             | <b><u>DECLARATIONS OF INTEREST</u></b> (Pages 7 - 8)<br>To receive any declarations of interest. Members are advised to consider the advice contained within the Declaration of Interest advice attached to this Agenda. If a Member declares an interest, they should complete the <a href="#">Declaration of Interest Form</a> |
| 4.             | <b><u>CHAIR'S REPORT</u></b> (Pages 9 - 12)  |
| 5.             | <b><u>FULL COUNCIL QUESTIONS FROM MEMBERS OF THE PUBLIC</u></b> (Pages 13 - 24)  |
| 6.             | <b><u>STANDARDS COMPLAINT STATISTICS</u></b> (Pages 25 - 28)   |

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## STANDARDS COMMITTEE

**Minutes of the meeting held on 18 November 2020 at 1.00 pm by Video conference.**

**Present:** Mr Peter Tucker (Chairman); Councillors J Bayford, Campbell, Crittenden, Dexter, Fellows, Kup, Quittenden (Minster Parish Council), Crow-Brown (Minster Parish Council), Patricia Causier (Independent Member of the Standards Committee), Peter Lorenzo (Independent Member of the Standards Committee) and Lee Wellbrook (Independent Member of the Standards Committee)

### **190. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Braidwood and Duckworth.

### **191. DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **192. MINUTES OF PREVIOUS MEETING**

With an edit made that Mr Tucker be noted as present in the minutes of the meeting held on 5 March 2020, they were proposed approved by himself, seconded by Cllr Campbell and agreed as a correct record by members.

### **193. CHAIRMAN'S REPORT**

The Chairman presented his report.

- He welcomed three new Independent Members to the Standards Committee: Patricia Causia, Lee Wellbrook and Peter Lorenzo.
- Since taking post as Chairman, a couple of meetings have been dealt with according to council policy. He expressed thanks to the Officers who have supported that process.

### **194. REVIEW OF PETITION SCHEME**

The Chairman outlined the CRWP recommendation to the Standards Committee, namely:

1. that the number of signatories required to debate at council should be reduced from the proposed 1500 to 1000.
2. That the number of signatories signing paper and e-petition should be added together when calculating the threshold reached, rather than them being reported separately.
3. That the appropriate Cabinet member is copied into the response to the petitioner when a petition doesn't reach the minimum threshold (under 50 signatories) and is treated as correspondence.

Nick Hughes, Committee Services Manager, presented the report to the committee.

The committee then discussed the report and made the following points:

- Members raised concerns about the proposal to add together signatories on paper and e-petitions.
- Members asked whether Democratic Services currently check for duplicate signatures in submitted petitions. The Committee Services Manager confirmed that current resources doesn't allow for detailed cross-referencing of petitions.
- Councillors highlighted the need to provide accessible petition schemes and the importance of not disenfranchising those who don't have access to e-petitions.

It was proposed by Cllr Campbell and seconded by Cllr J Bayford, that:

1. Signatures from paper and e-petitions should not be added together when calculating thresholds.
2. The total number of signatories required to debate a petition at Council is reduced from the proposed 1500 to 1000 as recommended by the CRWP.

This was voted on by the members and the proposal was LOST.

It was proposed by Cllr Campbell, seconded by Cllr Crittenden and AGREED by members that:

1. Signatories of paper and e-petitions would be added together when calculating thresholds.
2. The total number of signatories required to debate a petition at Council remains at the proposed 1500.
3. The committee raised no other objections to the remaining proposed changes.

**195. REVIEW OF QUESTIONS WORD LIMIT**

The Chairman outlined the recommendation from CRWP, that being to increase the word limit for Full Council questions from members of the public and Councillors from 50 words to 150 words.

Nick Hughes, Committee Services Manager, outlined the report to members.

Members sought clarification whether members of the public would still only be allowed to read their question, rather than make a speech in the 150 words. The Committee Services Manager confirmed that the public would only be allowed to read out their question.

It was proposed by Cllr Campbell, seconded by Cllr Crittenden and AGREED by members to recommend to Council to increase the word limit for Full Council questions from members of the public and Councillors from 50 words to 150 words.

**196. USE OF NON-GENDER SPECIFIC TITLES IN THE CONSTITUTION**

The Chairman outlined the recommendation from CRWP, that this report be put to the Standards Committee with a change to the title as follows: 'Removing from the constitution gender-specific titles'.

Estelle Culligan, Director of Law and Democracy, outlined the report to members.

It was proposed by Cllr Bayford, seconded by Cllr Crittenden and AGREED by members to recommend to Council the removal of gender-specific titles from the constitution.

**197. STANDARDS COMPLAINT STATISTICS**

Councillors notes the current standards complaint statistics.

Meeting concluded : 1.50 pm

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### 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 £25 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 Committee Services Manager well in advance of the meeting.

If you need to declare an interest then please complete the declaration of [interest form](#).



## CHAIR'S ANNUAL REPORT

<b>Meeting</b>	9 March 2021
<b>Report Author</b>	Chair of the Standards Committee
<b>Status</b>	For Information
<b>Classification:</b>	Unrestricted

### Executive Summary:

The Chairman's annual report summarises and comments on the work of the Standards Committee for the period March 2020 - March 2021.

### Recommendation(s):

Members note the report.

### Corporate Implications

#### Financial and Value for Money

None arising from this report.

#### Legal

The role of the Standards Committee is to promote high standards of conduct by councillors and co-opted members in accordance with the Members' Code of Conduct. This report relates to the Committee's function to monitor the effectiveness of the Code of Conduct.

#### Corporate

The role of the Standards Committee is to promote high standards of conduct by councillors and co-opted members in accordance with the Members' Code of Conduct. This report relates to the Committee's function to monitor the effectiveness of the Code of Conduct.

#### Equality Act 2010 & Public Sector Equality Duty

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 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, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

This report relates to the following aim of the equality duty: -

- To eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act.
- To advance equality of opportunity between people who share a protected characteristic and people who do not share it
- To foster good relations between people who share a protected characteristic and people who do not share it.

## **CORPORATE PRIORITIES**

This report relates to the following corporate priorities: -

- Communities

### **1.0 Introduction**

1.1 This is my first annual report as Chair of the Standards Committee. I have been involved in Standards for a number of years as a substitute independent person and as such attended numerous council meetings over the years.

1.2 When I agreed to take on the role I was a bit sceptical about what my full role would entail. Little did I know that my first year would be virtual meetings, but we managed.

1.3 One face-to-face training session was also held for the Independent Members of the Committee.

### **2.0 Constitutional Review Working Party (CRWP) and Standards Committee Meetings**

2.1 CRWP met on 5 November 2020 and 23 February 2021. These meetings were looking into improving the efficiency and effectiveness of the petition scheme and questions to Full Council, as well as updating the Constitution.

2.2 The review of questions to Full Council was put to the Standards Committee on 18 November 2020 and re-considered by CRWP on 23 February 2021 in light of further suggestions from councillors.

2.3 Some scheduled Standards Committees were cancelled (28 May and 8 Sept 2020) due to paucity of business.

### **3.0 Complaints about Member Behaviour Considered by a Standards Sub Committee of Thanet District Council 2020/21**

- 3.1 The totality of complaints received relating to both District and Town/Parish Councils between March 2020 and March 2021 was 12.
- 3.2 Of the 12 complaints received in this period, 5 were judged not to meet the jurisdiction test. 7 cases were therefore progressed for consideration by a sub-committee.
- 3.3 Of those 7 assessed by sub-committees, 6 were deemed not worthy of further action. Reasons included: being corporate complaints not concerning councillors; the subject not acting in their capacity as a Member at the time; insufficient evidence; and the complaint having already been referred to the police.
- 3.4 The one remaining complaint against a Parish councillor was upheld and an informal resolution process was instigated.
- 3.5 An investigation from the previous year was also carried over and in light of that investigation it was concluded that no further action should be taken.
- 3.6 It is pleasing to see that Council Meetings are running a lot more smoothly than they have in the past and the Council has made a great deal of progress on this.
- 3.7 I would like to issue just one word of caution and that concerns social media. I would ask that members who use social media both as a Councillor and member of the public be aware that the large majority of the public assume you are speaking as a Councillor, when sometimes this is not the case. I refer you to complaint TDCSC 242/20 in the Standard Statistics agenda item.
- 3.8 If re-appointed I am happy to continue my role as Chair of the Standards Committee.

### **4.0 Thanks**

- 4.1. I would like to thank Democratic Services especially Mr Hughes and Miss Brewer for the help and support they have afforded me in the last year. It certainly made my role easier. I would also like to thank the Council Members of the Committee for the support they have given me. One must also not forget the work of the late Councillor Campbell who was an extremely active member and keeping me on my toes. He will be missed. Finally I want to thank the Independent Members of the Committee for their commitment to the Committee and also the Council Independent Person for his work over the year.

### **Annex List**

*None.*

## **Background Papers**

*None.*

## **Corporate Consultation**

**Finance:** *N/A*

**Legal:** Estelle Culligan, Director of Law & Democracy and Deputy Monitoring Officer.

## Full Council Questions From Members Of The Public And Councillors With Supplementaries

**Standards Committee - 9 March 2021**

**Previously Considered by** Constitutional Review Working Party - 23 February 2021

**Report Author** Nicholas Hughes, Committee Services Manager

**Portfolio Holder** Deputy Leader and Cabinet Member for Housing and Community Services

**Status** For Recommendation

**Classification:** Unrestricted

### Executive Summary:

The original report regarding amending the rules on questions from members of the public and Councillors was considered by Full Council at its meeting on 10 December 2020. The report was returned to the CRWP as Members felt that they would like the issue of Members of the Public being allowed to ask supplementary questions considered as well as the possibility of an appeal process against rejected questions. There were no issues with the principle of increasing the word limit from 50 to 150. The report sets out how other Councils in Kent allow supplementary questions for the public and the pros and cons of changing our current rules regarding public questions and provides the views of the CRWP on the additional issues raised by Council.

### Recommendation(s):

The panel is to consider the issue and views of the CRWP and is asked to make recommendations regarding supplementary questions for members of the public to the Full Council.

### Corporate Implications

#### Financial and Value for Money

There are no financial implications to the report.

#### Legal

The rules surrounding asking questions at Full Council meetings are contained in the Council's constitution. Any substantial changes to the constitution should be brought to the Constitutional Review Working Party and the Standards Committee prior to be agreed upon at a meeting of the Full Council.

#### Corporate

Asking questions to the Council's Executive is a fundamental part of the Council's democratic process and an important way for individual Councillors and members of the public to hold the Executive to account.

## **Equality Act 2010 & Public Sector Equality Duty**

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 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, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

This report relates to the following aim of the equality duty: -

- To eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act.
- To advance equality of opportunity between people who share a protected characteristic and people who do not share it
- To foster good relations between people who share a protected characteristic and people who do not share it.

## **Corporate Priorities**

This report relates to the following corporate priorities: -

- Communities

### **1.0 Introduction and Background**

1.1 When the original report regarding amending the rules on questions from members of the public and Councillors was considered by Full Council at its meeting on 10 December 2020, the report was returned to the CRWP as members felt that they would like the issue of Members of the Public being allowed to ask supplementary questions considered as well as the possibility of an appeal process against rejected questions. Democratic Services have undertaken further desktop research in this area, the results of which are summarised in this report. The Constitutional Review Working Party considered this report at its meeting on the 23 February and a summary of their recommendations are included later in this report.

### **2.0 The Current Situation**

2.1 This report will predominantly focus on the two issues raised at the last Council meeting regarding supplementary questions and the right of appeal against a

rejected question. The original report supporting the revised word limit for questions is included at annex 1 of the report.

- 2.2 The Council does not currently allow for members of the public to ask supplementary questions, only Councillors can do so. In addition the Council does not allow any right of appeal against the rejection of a question for either Councillors or members of the public.

## **3.0 Supplementary Questions for Members of the Public**

- 3.1 Democratic Services have reviewed the processes of all of the Councils in Kent. Of the twelve Councils in Kent (inclusive of Thanet DC) five Councils allow members of the public to ask supplementary questions and seven do not.
- 3.2 Of those five Councils, it was unanimously the case that any supplementary question allowed had to relate directly to the original question asked. The Chair of the Council had the ability to reject or disallow any supplementary question that did not adhere to that Council's question rules or in their opinion did not sufficiently relate to the original question put. The Chair decision in this regard was final.
- 3.3 If the Committee were inclined to allow members of the public to ask supplementary then thought must be put into how much time is allowed to ask and respond to a supplementary question. Currently Councillors are allowed one minute to ask a supplementary question and the respondent has two minutes to respond. It would seem reasonable to replicate this for members of the public. There would also need to be careful monitoring from the Chairman to ensure that any supplementary questions from members of the public were not simply statements that displayed dissatisfaction with the answer to the original question. In practice, other councils are quite strict about refusing supplementary questions which are, in fact, statements.
- 3.4 With the addition of supplementary questions, the Committee must be mindful that this will increase the time it takes for each individual questioner to complete their turn. Whilst the addition of a total of three minutes to each question may not sound a great deal, members should bear in mind that the word limit for questions was recommended to be increased to 150, extending the length of questions, and that only 30 minutes is allowed in total. Allowing supplementary questions may therefore contribute to reducing the total number of members of the public who can ask questions.

## **4.0 Right of appeal against rejected questions**

- 4.1 Democratic Services have reviewed the processes of all of the Councils in Kent. Of the twelve Councils in Kent (inclusive of Thanet DC) none allows any form of appeal against the rejection of a question for either a Councillor or a member of the public.
- 4.2 In addition to the fact that no other Council allows a right of appeal, there would be a significant administrative burden in providing an appeals process; points to consider include:

- Most questions are received on the last day allowed, any appeal process would then have to happen in the five working days between the question deadline and the date of the meeting.
- When would the appeal deadline be, taking into account the above?
- There is already a short period of time for Cabinet Members and officers to draft answers to questions received, if there were an appeals process which would effectively allow “late” questions, this would result in even less time for answers to be drafted.
- Who would consider an appeal? Questions are already considered and approved against the relevant criteria by the Chief Executive.
- What is the basis for an appeal?

4.3 It is in fact unusual for a question to be rejected and it is often the case that Democratic Services will assist people in amending their questions. However our ability to do this for all questioners is hampered by questioners leaving submissions to just before the deadline.

4.4 Since 1 January 2020, the Council has received 34 questions from members of the public and Councilors, 27 were accepted. Of the seven rejected, three concerned ongoing planning applications, three were deemed to be vexatious and one was considered substantially similar to a question received in the previous six months. Given that there is little objectivity in the rejection of questions related to ongoing planning applications, it leaves just four questions out of 34 that could potentially have been “appealable”. This amount doesn’t suggest that there is a substantial problem with an excess of questions being rejected that would require some sort of appeals process.

4.5 Given the above, Democratic Services do not feel that an appeals process would be an appropriate change to the current questions system.

### **5.0 Review by Constitutional Review Working Party**

5.1 The Constitutional Review Working Party discussed this report at their meeting on the 23 February. After an extensive discussion on the matter they agreed the following recommendations:

1. It was decided not to recommend to the Standards Committee the introduction of an appeals process for rejected questions.
2. That the Standards Committee discuss further whether to allow Members of the public to ask supplementary questions.
3. That when the Chief Executive considers rejecting a question, they should consult with the Chairman of the Council first.
4. That information on the process for submitting questions and the support available is shared at full council and on social media.



## 6.0 Options

6.1 The Standards Committee makes recommendations to the Full Council.

Contact Officer: Nicholas Hughes, Committee Services Manager  
Reporting to: Estelle Culligan, Director of Legal and Governance

### Annex List

Annex 1: Original Report to Council re: extending the question word limit.  
Annex 2: Constitutional Review Working Party Minutes 23 February 2021

### Background Papers

None

### Corporate Consultation

**Finance:** Matthew Sanham, Financial Services Manager

**Legal:** Estelle Culligan, Director of law and Democracy and Deputy Monitoring Officer

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## FULL COUNCIL QUESTIONS FROM MEMBERS OF THE PUBLIC AND COUNCILLORS

<b>Meeting</b>	Council 10 December 2020
<b>Previously Considered by</b>	Constitutional Review Working Party - 5 November 2020 Standards Committee - 19 November 2020
<b>Report Author</b>	Nicholas Hughes, Committee Services Manager
<b>Portfolio Holder</b>	Deputy Leader and Cabinet Member for Housing and Community Services
<b>Status</b>	For Recommendation
<b>Classification:</b>	Unrestricted

### **Executive Summary:**

The Leader and Deputy Leader of the Council asked Democratic Services to review the 50 word limit for Council questions submitted by both members of the public and Councillors with a view to increasing it. Democratic Services have undertaken that review comparing the TDC scheme with others in Kent. As a result Democratic Services are proposing an increase to the word limit for both questions from both members of the public and Councillors to 150 words.

### **Recommendation(s):**

To consider the the following recommendation from the Standards Committee:

“The Standards Committee recommends to the Full Council to increase the word limit for Full Council questions from Members of the Public and Councillors from 50 words to 150 words.”

### **Corporate Implications**

#### **Financial and Value for Money**

There are no financial implications to the report.

#### **Legal**

The rules surrounding asking questions at Full Council meetings are contained in the Council’s constitution. Any substantial changes to the constitution should be brought to the Constitutional Review Working Party and the Standards Committee prior to be agreed upon at a meeting of the Full Council.

#### **Corporate**

Asking questions to the Council's Executive is a fundamental part of the Council's democratic process and a major way of Councillors and members of the public holding them to account.

### **Equality Act 2010 & Public Sector Equality Duty**

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 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, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

This report relates to the following aim of the equality duty: -

- To eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act.
- To advance equality of opportunity between people who share a protected characteristic and people who do not share it
- To foster good relations between people who share a protected characteristic and people who do not share it.

### **CORPORATE PRIORITIES**

This report relates to the following corporate priorities: -

- Communities

#### **1.0 Introduction and Background**

1.1 The Deputy Leader and the Leader of the Council approached Democratic Services to ask for a review of the word limit for questions at Full Council submitted by members of the public and Councillors.

#### **2.0 The Current Situation**

2.1 The current word limit for questions to Full Council from members of the public and Councillors is currently 50 words. Democratic Services compared our questions scheme with other Council's across Kent. This research indicated that a 50 word limit was significantly less than the vast majority of other Council's in Kent.

2.2 Democratic Services carried out a small experiment regarding the word limits. A 50 word question takes approximately 20 seconds to present, a 150 word question takes approximately 60 seconds to present. This extension of the word limit will allow for

more background and for fuller and rounder questions, without the temptation to enter into political speeches, which is not the point of the question facility.

- 2.3 As such Democratic Services feel that an increase from 50 words to 150 words per question is the most appropriate increase, allowing for fuller questions, but still allowing for a significant number of questions within the respective 30 minute time limits.
- 2.4 An amended copy of the relevant section of the constitution is attached to this report at Annex 1.

### **3.0 Consideration by the Constitutional Review Working Party and the Standards Committee**

- 3.1 When this report was considered by the Constitutional review Working party at its meeting on the 5 November, supported the report and the working party made the following recommendation:

“The Constitutional Review Working Party recommends to the Standards Committee to increase the word limit for Full Council questions from Members of the Public and Councillors from 50 words to 150 words.”

- 3.2 When the report was considered by the Standards Committee at its meeting of the 19 November, the Committee supported the report and made the following recommendation to the Full Council.

“The Standards Committee recommends to the Full Council to increase the word limit for Full Council questions from Members of the Public and Councillors from 50 words to 150 words.”

### **4.0 Options**

- 4.1 Full Council can agree the recommendation from the Standards Committee, choose to keep the word limit the same as it currently is or choose to make different amendments to this section of the constitution.

Contact Officer: Nicholas Hughes, Committee Services Manager  
Reporting to: Estelle Culligan, Director of Legal and Governance

#### **Annex List**

Annex 1: Amended extract of the Constitution.

#### **Background Papers**

None

#### **Corporate Consultation**

# Agenda Item 5

## Annex 1

**Finance:** Matthew Sanham, Financial Services Manager

**Legal:** Tim Howes, Director of Corporate Governance and Monitoring Officer

**CONSTITUTIONAL REVIEW WORKING PARTY**

**Minutes of the meeting held on 23 February 2021 at 5.00 pm by Video Conference.**

**Present:** Mr Peter Tucker (Chairman); Mr Wellbrook, Councillors  
Hopkinson, Rev. S Piper, Tomlinson and Hart.

**128. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**129. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**130. MINUTES OF PREVIOUS MEETING**

Minutes of the CRWP meeting held on 5 November 2020 were approved.

**131. FULL COUNCIL QUESTIONS FROM MEMBERS OF THE PUBLIC AND COUNCILLORS**

Nicholas Hughes, Committee Services Manager, outlined the report.

Changes to the questions word limit has already been put to the Standards Committee and will remain as agreed.

Points for discussion included:

- Allowing supplementary questions to the full council.
- Offering the option to appeal against the refusal of a question.

The key issues raised during discussion were:

- Giving the opportunity to come back to an answer could give rise to persons damaging the reputation of the authority and/or putting councillors in a compromising position.
- That the ability to ask a supplementary question can be seen as a significant democratic principle; facilitating follow-up discussion and giving the same right of return to the public as to councillors.
- The existing time limit for all questions to council means that adding supplementary questions would not affect any other business.
- The intent of a follow-up question may be more negative than councillors would like, however, there are 2 filtering processes - CEx approval of the initial question and the Chair's role within the meeting.
- Concern was raised that the procedure for rejecting a question lies with one person (the CEx).
- Councillors were keen to remind the public that questions can be put to councillors or officers outside of the remit of full council and that Democratic Services can help the public compose a question for council if desired.

Responses were as follows:

- Reasons for rejecting a question are given and help is offered where practicable to support the public to produce a question which wouldn't be rejected.
- It would be possible to add a second opinion to rejected questions eg. In consultation with the Chair, if Councillors choose to recommend that.
- As it stands the CEx will often take advice from the Monitoring Officer or Democratic Services Officer before deciding to reject a question.
- We could change the Chair's script to explain the questions process at Full Council and advertise this more widely.

Following a vote it was decided not to recommend to the Standards Committee the option to appeal a rejected question.

It was proposed, seconded and agreed that the CRWP would recommend to the Standards Committee:

- Further discussion on allowing supplementary questions.
- Consultation of the Chair of Council when a question is to be rejected.
- That information on the process for submitting questions and the support available is shared at full council and on social media.

Meeting concluded : 5.53 pm



<b>COMPLAINT NO:</b>	<b>DATE</b>	<b>PROGRESS</b>	<b>COMPLAINANT</b>	<b>AGAINST</b>	<b>ALLEGATION</b>
TDCSC240/20	19/2/20	NFA - Following investigation by the MO.  Closed	TDC Officer	TDC Councillor	Complainant alleges that the subject member is undermining offices by sharing allegations and instigating investigations.
TDCSC242/20	13/5/20	NFA - Subject Member was not acting in their capacity as Member  Closed	Member of the Public	TDC Councillor	The Complainant alleged that the Subject Member had made inappropriate posts inciting violence on social media.
TDCSC243/20	17/6/20	NFA - Corporate complaint, not regarding Cllrs.	N/A	N/A	N/A
TDCSC244/20	17/6/20	NFA - Corporate complaint, not regarding Cllrs.	N/A	N/A	N/A

TDCSC245/20	21/7/20	Did not meet the jurisdiction test.  Closed	Member of the public	TDC Councillor	N/A
TDCSC246/20	22/7/2020	Informal Resolution Process - letter sent to Parish Council	KCC Councillor	TDC Parish Councillor	Complaint against the chairperson of a Parish council meeting for allowing derogatory and racist conversation to go unchallenged.
TDCSC247/20	16/8/2020	Did not meet the jurisdiction test.  Closed	An elected or co-opted member of an authority	TDC Councillor	N/A
TDCSC248/20	25/8/2020	Did not meet the jurisdiction test.  Closed	Member of the public	TDC Councillor	N/A
TDSC249/20	22/9/2020	NFA - Corporate complaint,	Member of the public	TDC Officer	N/A

		not regarding Cllrs.  Closed			
TDCSC0710/20	6/10/2020	NFA - Already referred to police.  Closed	Member of the public	TDC Parish Councillor	Allegation of harassment.
TDCSC251/20	7/12/2020	NFA - Insufficient evidence  Closed	TDC Councillor	TDC Councillor	Allegation of using position for financial gain and insufficiently completing register of interests.
TDCSC252/21	12/01/2021	Did not meet the jurisdiction test.  Closed	TDC Councillor	TDC Councillor	Allegation of using position for financial gain and insufficiently completing register of interests.
TDCSC253/21	15/01/2021	Did not meet the jurisdiction test.  Closed	TDC Councillor	TDC Councillor	Allegation of racial discrimination.

