



Date: 28 October 2020
Ask For: Katie Brewer
Direct Dial: (01843) 577046
Email: Katie.brewer@thanet.gov.uk

CONSTITUTIONAL REVIEW WORKING PARTY

5 NOVEMBER 2020

A meeting of the Constitutional Review Working Party will be held at **5.00 pm on Thursday, 5 November 2020** Online Only: https://www.youtube.com/watch?v=3JTQ3_TTT4I

Membership:

Independent Members: Mr Tucker and Mr Wellbrook;

Councillors: Hopkinson, Cllr Rev. S Piper, Tomlinson and Hart

A G E N D A

Item
No

Subject

1. **APOLOGIES FOR ABSENCE**

2. **DECLARATIONS OF INTEREST** (Pages 3 - 4)

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 [Declaration of Interest Form](#)

3. **MINUTES OF PREVIOUS MEETING** (Pages 5 - 8)

To approve the Minutes of the Constitutional Review Working Party meeting held on 21 November 2019, copy attached.

4. **REVIEW OF PETITION SCHEME** (Pages 9 - 28)

5. **REVIEW OF QUESTIONS WORD LIMIT** (Pages 29 - 34)

6. **USE OF NON-GENDER SPECIFIC PRONOUNS IN THE CONSTITUTION** (Pages 35 - 38)

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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](#).

CONSTITUTIONAL REVIEW WORKING PARTY

Minutes of the meeting held on 21 November 2019 at 3.00 pm in Council Chamber, Cecil Street, Margate, Kent.

Present: Dr Jonathan Sexton (Chairman); Councillors Hopkinson, Cllr Rev. S Piper, Stevens and Tomlinson

In Attendance: Councillor Bailey

118. APOLOGIES FOR ABSENCE

There no apologies of absence made at the meeting.

119. DECLARATIONS OF INTEREST

There were no declarations of interest made by Members of the working party.

Mr Tim Howes, Director of Corporate Governance and Monitoring Officer declared an interest as the subject under discussion in agenda item 3 as the matter was about employment conditions for council employees.

One Member requested that Mr Howes recused himself from the meeting due to the declared interest. Mr Howes further advised Members that his role in the meeting was to advise Members as the Monitoring Officer about legal and constitutional matters before Members could make any recommendations regarding the adoption of standing orders for council employees.

120. MINUTES OF PREVIOUS MEETING

Councillor Piper proposed, Councillor Stevens seconded and Members agreed the minutes to be a correct record of the meeting that was held on 24 September 2019.

121. STANDING ORDERS IN RELATION TO STAFF

Dr Sexton, Chairman of the working party opened the discussion by stating that the report before Members reflected the state of the situation as at the 24 September working party meeting. He then invited Mr Tim Howes, Director of Corporate Governance & Monitoring Officer to introduce the report. Mr Howes advised Members that the council had received advice from JNC, which was included in the updated report and made the following comments:

- The flowchart had been amended to remove reference to the filtering mechanism;
- Paragraph 12.2 had been amended to reflect the advice given by the JNC (this advice was from both the employers and employees side of the JNC); which is that the filtering process should be light touch and should not have substantive Member involvement other than the Chair of the IDC.

Members made comments and asked questions seeking clarifications on a number of issues in the officer report. These are detailed below:

- Was the title Chairman of Independent Disciplinary Committee (IDC) interchangeable with Chairman of GPC?
- There was little reference in Table 1 and Table 2 to the decisions made at the meeting on 24 September;

- In response to the point raised above, the Chairman indicated that the substance of the whole discussion had been embedded in the report;
- The suggestions Members were putting forward were intended to protect the statutory officers;
- In other councils, they had the Head of Legal Services as a receiving officer of cases for filtering, who would then signpost the issue to an appropriate body for consideration.
- There should be a sub-committee for investigations and another for presiding over appeals;
- It was important to get the membership numbers that would ensure viable political proportionality on these sub committees, whilst maintaining a reasonably sized sub-committee that would not be intimidating to an employee that would come before it;
- In urgent cases, the committee meeting would need to be convened using council procedures for calling urgent meetings.

Responding to Member comments and questions Mr Howes made the following points:

- The title of chairman of IDC and GPC Chairman as reflected in the report section in question could be used interchangeably. This was because the GPC Chair would be acting as the Chairman of IDC;
- Most of the discussion that took place on 24 September was captured in the minutes and the reported captured the essence of that discussion;
- The filtering process had been removed from the process under discussion and the working party had to focus on the recommendations in the officer report without encroaching onto human resources functions;
- The recommendations were requesting the working party to consider proposals that would ensure that the council would fulfil legal requirements for adopting standing orders for council employees;
- Members ought to note that the purpose of the meeting was to agree standing orders and not to consider employment contracts;
- TDC through its Scheme of Delegations, delegated the authority to other bodies to carry out the human resources function;
- It was a viable option to establish two sub-committees out of the GPC as proposed by Members.

Mr Howes further advised that consequential changes would have to be made to subsequent documents to the officer report, in order to reflect the new recommendations to be forwarded to the Standards Committee and Council.

Councillor Stevens proposed, Councillor Piper seconded and Members of the Constitutional Review Working Party recommended to the Standards Committee the following:

- a. To create an Investigation and Disciplinary Sub-Committee and Disciplinary Appeals Sub-Committee as sub-committees of the General Purposes Committee , with the terms of reference as set out in Annex 1 of the report; each Sub-Committee to be formed from half of the Members of the General Purposes Committee and each Sub-Committee to include a Cabinet Member;
- b. To appoint an Independent Persons Panel, agree its terms of reference, as set out in Annex 1 to the report, and agree that it should comprise three Independent Persons;
- c. To agree to pay a fee to Independent Persons appointed to the Independent Persons Panel equal to the agreed rate paid in respect of their role in advising Council on Councillor Conduct issues;

- d. To amend the Employment Rules, as set out in Annex 2 of the report;
- e. To delegate to the Committee Services Manager authority to invite and appoint members to serve on the Independent Persons Panel as set out in paragraph 5 of the report.

Members further requested that an extraordinary meeting of the Standards Committee be arranged to expedite the consideration of the above recommendations.

Meeting concluded: 4.05 pm

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CHANGES TO THE PETITION SCHEME

Meeting	Constitutional Review Working Party - 5 November 2020
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 Leader of the Council asked Democratic Services to review the Council's petition scheme. Democratic Services has done so and the main changes can be summarised as:

- Now accept petitions from Change.org and 38Degrees.
- Completely remove the Council's petition facility.
- Retain ability to submit paper petitions.
- If under 50 signatories now treated as correspondence.
- 50-1500 signatories now dealt with as a petition by an officer in consultation with the Cabinet Member, then reported for info to Cabinet or Council, depending on subject matter.
- Council debates now for petitions with over 1500 signatories.
- Members of the public can only speak to petitions to the Full Council with over 1500 signatories.
- The main rejection categories are mainly unchanged.
- The appeals process unchanged.
- The scheme retains the ability to simultaneously do petition and paper petitions, but reported as separate numbers.

The Constitutional Review Working Party is asked to make a recommendation on the proposed change to the Standards Committee.

Recommendation(s):

The Constitutional Review Working Party is asked to make a recommendation on the proposed change to the Standards Committee.

Corporate Implications

Financial and Value for Money

There are no financial implications to the report.

Legal

Since the repeal of Chapter 2 of Part 1 of the Local Democracy, Economic Development and Construction Act 2009 (petitions to local authorities) via the Localism Act 2011, the Council

is no longer required to have a petition scheme, however it was agreed at the Council meeting of 19 April 2012 to continue to maintain a scheme.

Corporate

The Petitions policy helps the Council to promote community involvement.

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 Whilst it is not legally mandated that the Council has to maintain a petition scheme, it chose to do so as a scheme helps to promote community involvement and gives a clear explanation as to what happens when the Council receives a petition.
- 1.2 The Leader of the Council approached Democratic Services to undertake a review of the Council's petition scheme primarily as a number of recent petitions have taken an unusually long time to progress through the process, rendering the subject matter somewhat redundant. Democratic Services agreed to undertake a review based on this approach together with correcting a number of longstanding issues that affected the administration of petitions.

2.0 Proposed Changes to the Petitions Scheme

2.1 What are the main proposed changes to the petitions scheme?

- Completely removing the Council's in-house epetition facility and replacing it by accepting epetitions from Change.org and 38Degrees.
- If a petition is received with under 50 signatories it is now treated as correspondence.
- 50-1500 signatory petitions are now dealt with as a petition by an officer, then reported for info to Cabinet or Council, depending on subject matter.
- Full Council debates are now reserved only for petitions with over 1500 signatories.
- Members of the public can only speak to petitions to the Full Council with over 1500 signatories.

These features of the existing scheme will remain:

- Retain ability to submit paper petitions.
- The main rejection categories are mainly unchanged.
- The appeals process unchanged.
- The scheme retains the ability to simultaneously do epetition and paper petitions, but reported as separate numbers.

2.1.1 A copy of the existing petition scheme is attached at Annex 1 to the report and a copy of the proposed scheme is attached at Annex 2 to the report.

2.2 What is the justification for the proposed changes to the scheme?

- 2.2.1 The new scheme retains in full the existing processes for accepting paper petitions. Our current epetition system is quite cumbersome and anecdotally perceived by many members of the public as not easy to use. By replacing it by allowing epetitions from both 38Degrees and change.org it makes it much easier for people to sign up to petitions on issues that they want brought to the Council's attention.
- 2.2.2 Using a neutral third party provider for epetitions also provides evidence of the impartiality of the process and further, provides distance from the council where the petition may be contrary to the aims or values of the council.
- 2.2.3 Using specialist epetition providers, means that members of the public can use established providers whose sole purpose is to facilitate electronic petitions. This allows for a far superior user experience for those people who wish to sign or create a petition.
- 2.2.4 The current system for considering a petition is very bureaucratic and long-winded. A petition (either an epetition or a paper petition) is first presented to a meeting of full Council, then recommended to a meeting of Cabinet, then assigned to an officer to carry out the agreed actions and then being reported back to another meeting of Full Council.
- 2.2.5 This process more often than not takes a long time, this is because the process relies heavily on fixed meeting dates, rather than when a petition is submitted. This means that petitioners can often wait months for a petition to be considered by Council. For example, the recent petition regarding postponement of dog restrictions initially ran for 2 months on the Council's website from April to June, was first presented at Council in July and then wasn't considered by Cabinet until near the end of September because of the summer break and finally back to Council on 15 October.

This was two weeks after the *end* of seasonal dog restrictions that the petition was actually campaigning against. This is obviously not helpful to any of those involved and certainly wasn't the intention of the design of the original scheme.

- 2.2.6 Under the new scheme the petition once it is submitted will go straight to the decision maker and will significantly decrease the amount of time it takes the Council to deal with the petition. This greatly benefits the petitioners. The portfolio holder will always be consulted when the appropriate officer is deciding on what action to take with a petition and the petition and the action taken will then be presented to Cabinet/Council for information, where Councillors can still discuss the petition if they wish.
- 2.2.5 Petitions with over 1500 signatures will still be presented to Council for a full debate as larger petitions are today and petitioners will still be able to speak at Council as they do now. This 1500 signatures is deemed a 'low threshold' under the former statutory guidance and well under the maximum limit of 7100 signatures allowed under that guidance. It is also important to note that the 1500 figure does not change our position as requiring the 3rd fewest number of signatures required for a Council debate amongst our fellow Kent Councils.
- 2.2.6 There will be a reduced burden on the administrative side, as Democratic Services are often trying to fix issues with petitions, as members of the public have registered incorrectly or have forgotten their passwords. Whilst petitions are generally infrequent this burden can often be very time consuming when an petition is live. All of the administration for petition will be transferred to the specialist petition providers.

3.0 Options

- 3.1 The Constitutional Review Working Party can make recommendations on any element of the petition scheme. The Working Party can recommend some parts, all or none of the revised scheme to the Standards Committee.

4.0 Next Steps

- 4.1 Any recommendations from the Constitutional Review Working Party would be considered at the Standards Committee in November. The Standards Committee can then make recommendations to accompany the report when it is discussed and agreed by Full Council on 10 December.

Contact Officer: Nick Hughes, Committee Services Manager, 57208.

Reporting to: Estelle Culligan, Director of Legal and Governance

Annex List

Annex 1: Current Petitions Scheme

Annex 2: Proposed Amended Petitions Scheme

Background Papers

None

Corporate Consultation

Finance: Matthew Sanham, Financial Services Manager

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

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Petitions from the public

1.0 Paper petitions can be sent to:

Committee Services 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 650 or more petitioners, but fewer than 1,000, will be considered at a meeting of the Overview & Scrutiny Panel (if the petition is requesting for a new service or requiring Council action on an emerging matter affecting the local community) or the Overview & Scrutiny Panel (if the petition is requiring reviewing or rescinding a Cabinet or Council decision), 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:
 - (a) 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 relevant Overview and Scrutiny Panel or
 - (b) the petition relates to an issue for which the executive has responsibility and Council decides, following presentation of the petition, to refer it to Cabinet without debate. In such a case, the person who presents the petition at the Council meeting will be able to re-present the petition at the subsequent meeting of Cabinet at which the petition is considered.

1.1 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.

A petition proforma for paper petitions that will help you to collect the correct information is available to download on the Council's website at www.thanet.gov.uk.

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If a petition has 25 or more, but 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 650 or more, but less than 1,000, signatories or has 1,000 or more signatories but requests that an officer gives evidence at a relevant Overview and Scrutiny Panel meeting it must be submitted to the Council at least 25 working days in advance of a meeting of the relevant Overview and Scrutiny Panel in order for it to be considered at that meeting.

If a petition has 1,000 or more signatures and does not request that an officer gives evidence to the relevant 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 relevant 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 relevant Overview and Scrutiny Panel consider to be vexatious, abusive, otherwise inappropriate or substantially the same as one already received within the preceding 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. Also 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.

Further to the above, the Monitoring Officer will also reject a petition if the matter has already been or is currently subject to an existing consultation exercise. In such a case the petition will be forwarded to the officer responsible for that consultation exercise and considered as part of that process.

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.

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Annex 1

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 relevant 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.

1.2 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 needs more investigation, we will tell you the steps we plan to take. Otherwise, if the petition can be presented at a Council or Overview and Scrutiny Panel meeting because it falls into one of the categories described in the introduction to this scheme, we will advise you of the date of the meeting, where the meeting will take place, and what you can expect to happen at the meeting.

Further, if your petition has 1,000 or more signatures and relates to an issue for which the executive (Cabinet) has responsibility, we will let you know. Council is unable to take a decision on something that is the responsibility of the executive and may, therefore, decide, following presentation of the petition at the Council meeting, to refer the petition to Cabinet with or without debate. If the petition is referred to Cabinet without debate, you will be able to re-present the petition at the subsequent meeting of Cabinet at which the petition is considered. We will inform you of the date of that Cabinet meeting and what you can expect to happen when you attend to make your presentation.

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.

1.3 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

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- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by the relevant Overview and Scrutiny Panel*
- writing to the petition organiser setting out our views about the request in the petition
- requiring a Senior Officer to attend a meeting of the relevant Overview and Scrutiny Panel to give evidence*
- Holding a debate at that full Council meeting

* Scrutiny Panels are committees of Councillors who are primarily responsible for scrutinising the work of the Council in other words, the panels have 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 with 25 or more 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.

1.4 **Smaller Petitions**

If a petition has 25 or more, but less than 650, signatories 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 report will include the

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number of signatories providing a Thanet address and the number providing an outside of Thanet address.

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

1.5 **Officer evidence**

If your petition contains 650 or more, but less than 1,000, signatures, or contains 1,000 or more signatures and specifically requests officer evidence, the Chief Executive, Corporate Director, Service Director or 3rd tier Manager will give evidence at a public meeting of the relevant 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. The accompanying report will include the number of signatories providing a Thanet address and the number providing an outside of Thanet address.

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 relevant Overview and Scrutiny Panel up to three working days before the meeting. Confirmation of an officer giving evidence at a public meeting of that 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.

1.6 **Full Council debates**

If a petition contains 1,000 or more signatures it will be debated by the Council unless it falls into the categories described at paragraphs (a) and (b) below. The report will include the number of signatories providing a Thanet address and the number providing an outside of Thanet address.

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.

Exceptions:

- (a) if a petition with 1,000 or more signatures asks for a senior Council officer to give evidence at a public meeting, it will be considered by the relevant Overview and Scrutiny Panel, as described at Clause 1.5 above;
- (b) If the petition with 1,000 or more signatures relates to an issue for which the executive (Cabinet) has responsibility, it may, following presentation be referred by Council to Cabinet without debate.

1.7 **Re-presentation of petitions at meetings of Cabinet**

If a petition with 1,000 or more signatures that relates to an issue for which the executive (Cabinet) has responsibility is referred by Council to Cabinet without debate, the person who presents the petition at the meeting of Council will be able to re-present it at the subsequent meeting of Cabinet at which it is considered and will have up to five minutes to do so.

1.8 **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 relevant 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.

1.9 **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.

Agenda Item 4

Annex 1

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 1.0 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.

2.0 **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, postal address 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.

2.1 **Can I run an e-petition and a paper petition at the same time?**

Yes, you can run an e-petition and a paper at the same time, but there are a number of rules that you must adhere to.

The clear and concise statement covering the subject of the petition stating what action the petitioners wish the Council to take, often known as the "petition prayer", must be identical for both your e-petition and paper petition. If they are not then they would be treated as separate petitions.

The end date of your e-petition and the date that you submit your paper petition must be the same, if not then they would be treated as separate petitions.

It is important to note that any petition treated as "separate" because of failure to comply with the above two rules would almost certainly be ruled out on the "substantially similar" to a previous petition rule outlined in paragraph 1.1 of this scheme.

The number of signatories to both the e-petition and to the paper petition would then be reported separately but within the same report to either a Council meeting or a meeting of the relevant Overview and Scrutiny Panel. The Council will take a course of action based on the largest threshold met by either petition.

For example, if the Council received an e-petition with 250 signatures and an accompanying paper petition with 1,500 then the Council would treat the petition as reaching the threshold for a debate at Council. The report to Council would state the number of signatories to both the e-petition and the paper petition, but it would not add them together.

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Petitions from the public

1.0 Paper petitions can be sent to:

Committee Services Manager
Thanet District Council
PO Box 9
Cecil Street
CT9 1XZ

The council also welcomes e-petitions which are created via recognised e-petition providers Change.org or 38Degrees.org.uk.

1.1 **What are the guidelines for submitting a petition?**

Petitions and Epetitions 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 in the case of a paper petition and the name and email address of any person supporting the petition in the case of an e-petition.
- The contact details of the petition organiser, including an address. 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

A petition proforma for paper petitions that will help you to collect the correct information is available to download on the Council's website at www.thanet.gov.uk.

1.2 **What will the Council do when it receives my petition?**

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

1. Petitions received that total under 50 signatories will be treated as a correspondence and will be dealt with by the relevant Council department.
2. Ordinary petitions - those petitions signed by 50 or more petitioners but fewer than 1500 will be presented to a senior Officer of the Council who, after consultation with the relevant portfolio holder will respond. Then a report on that Petition noting what action has been taken will be referred to the next meeting of Cabinet or Council for their information.
3. Petitions signed by 1,000 or more petitioners will be debated at a meeting of Council, unless the petition relates to an issue for which the executive has responsibility and Council decides, following presentation of the petition, to refer it to Cabinet without debate. In such a case, the person who presents the petition at the Council meeting will be able to re-present the petition at the subsequent meeting of Cabinet at which the petition is considered.

Agenda Item 4

Annex 2

If a petition has 1,500 or more signatures 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.

An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition or epetition. 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 prayer and the number of people who have signed it 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 needs more investigation, we will tell you the steps we plan to take. Otherwise, if the petition can be presented at a Council meeting we will advise you of the date of the meeting, where the meeting will take place, and what you can expect to happen at the meeting.

Further, if your petition has 1,500 or more signatures and relates to an issue for which the executive (Cabinet) has responsibility, we will let you know. Council is unable to take a decision on something that is the responsibility of the executive and may, therefore, decide, following presentation of the petition at the Council meeting, to refer the petition to Cabinet with or without debate. If the petition is referred to Cabinet without debate, you will be able to re-present the petition at the subsequent meeting of Cabinet at which the petition is considered. We will inform you of the date of that Cabinet meeting and what you can expect to happen when you attend to make your presentation.

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.

1.3 Reasons your Petition may be rejected

Petitions of over 1500 signatures 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 preceding 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'. Petitions under 1500 signatures can be rejected by the Monitoring Officer acting alone.

In addition if the petition applies to a planning or licensing application, these may also be rejected by the Monitoring Officer alone. 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.

Further to the above, the Monitoring Officer will also reject a petition if the matter has already been or is currently subject to an existing consultation exercise. In such a case the petition will be forwarded to the officer responsible for that consultation exercise and considered as part of that process.

Agenda Item 4

Annex 2

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.

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.

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

1.4 **How will the Council respond to petitions?**

When a petition is considered by a Senior Officer, Cabinet or Full Council, they will consider all the specific actions that they can potentially take on the issues highlighted in the petition, however it also reserves the right not to take any action.

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.

1.6 **Full Council debates**

If a petition contains 1,500 or more signatures it will be debated by the Council unless it falls into the categories described at paragraphs 1.3 above. The report will include the number of signatories providing a Thanet address and the number providing an outside of Thanet address.

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 will be accompanied by a report from Officers outlining the implications of undertaking the actions requested in the petition.

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.

1.7 Re-presentation of petitions at meetings of Cabinet

If a petition with 1,500 or more signatures that relates to an issue for which the executive (Cabinet) has responsibility is referred by Council to Cabinet without debate, the person who presents the petition at the meeting of Council will be able to re-present it at the subsequent meeting of Cabinet at which it is considered and will have up to five minutes to do so.

1.8 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 relevant 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 Cabinet or Full Council.

It is important to note that not taking the action requested in the petition is not a valid reason for an appeal. Any appeal based on this reason will be rejected and not be presented to the Overview and Scrutiny Panel.

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.

1.9 Can I run an e-petition and a paper petition at the same time?

Yes, you can run an e-petition and a paper at the same time, but there are a number of rules that you must adhere to.

The clear and concise statement covering the subject of the petition stating what action the petitioners wish the Council to take, often known as the "petition prayer", must be identical for both your e-petition and paper petition. If they are not then they would be treated as separate petitions.

The date you submit your e-petition and the date that you submit your paper petition must be the same, if not then they would be treated as separate petitions.

Agenda Item 4

Annex 2

It is important to note that any petition treated as “separate” because of failure to comply with the above two rules would almost certainly be ruled out on the “substantially similar” to a previous petition rule outlined in paragraph 1.3 of this scheme.

The number of signatories to both the e-petition and to the paper petition would then be reported separately but within the same report to a Full Council meeting. The Council will take a course of action based on the largest threshold met by either petition.

The reason for presenting the number of signatories separately is because the Council has no way of judging whether a person has doubled signed as the information required for signing a paper petition is different from that for signing an e-petition.

For example, if the Council received an e-petition with 250 signatures and an accompanying paper petition with 1,500 then the Council would treat the petition as reaching the threshold for a debate at Council. The report to Council would state the number of signatories to both the e-petition and the paper petition, but it would not add them together.

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FULL COUNCIL QUESTIONS FROM MEMBERS OF THE PUBLIC AND COUNCILLORS

Meeting	Constitutional Review Working Party - 5 November 2020
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 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 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 Options

- 3.1 The Constitutional Review Working Party can make recommendations on the word for questions to the Standards Committee.

4.0 Next Steps

- 4.1 Any recommendations from the Constitutional Review Working Party would be considered at the Standards Committee in November. The Standards Committee can then make recommendations to accompany the report when it is discussed and agreed by Full Council on 10 December.

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

Annex List

Annex 1: Details of Annex attached

Background Papers

None

Corporate Consultation

Finance: Matthew Sanham, Financial Services Manager

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

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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 Appropriate Person 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 150 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 by either a member of the public or a Councillor at a meeting of the Council in the past six months;
- requires the disclosure of confidential or exempt information;
- If the questioner is not normally a resident of Thanet; or
- If a question relates to an individual planning or licensing application.

13.6 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.

13.7 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.

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USE OF NON-GENDER SPECIFIC PRONOUNS IN THE CONSTITUTION

Meeting	Constitutional Review Working Party - 5 November
Report Author	Corporate Director of Governance and Monitoring Officer
Status	For Recommendation
Classification:	Unrestricted
Ward:	All

Executive Summary:

A request has been made to the Monitoring Officer that the Constitutional Review Working Party (CRWP) should consider recommending that the Constitution should be amended to replace the use of gender specific pronouns e.g. *chairman* with the use of alternatives such as *chair* or *chairperson*.

Chair has been recognised in the sense of 'occupant of the chair' since the 17th century.

Recommendation(s):

The CRWP considers this request and decides whether or not to recommend a change in the Constitution to the Standards Committee and thereafter to Council.

This would not preclude those Chaining meetings of the Council choosing that they should be called by the title Chairwoman, Chairman or a gender-neutral title such as Chairperson or Chair should they so wish.

Corporate Implications

Financial and Value for Money

There are no financial implications resulting from this report.

Legal

There are no legal implications resulting from this report.

Corporate

Any proposed changes should reflect the Council's commitment to inclusion and gender equality. Those Chaining meetings of the Council should still be able to choose to be called by the title Chairman, Chairwoman or a gender-neutral title such as Chairperson or Chair.

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 A request has been made to the Monitoring Officer that the Constitutional Review Working Party should consider recommending that the Constitution should be amended to change the use of gender specific pronouns e.g. chairman to the use of alternatives such as *chair* or *chairperson*. *Chair* has been recognised in the sense of 'occupant of the chair' since the 17th century.

1.2 A change to the Constitution would not preclude those charring meetings of the Council choosing that they should be called by the title Chairwoman, Chairman or a gender-neutral title such as Chairperson or Chair should they so wish.

2.0 Next Steps

2.1 All recommendations will go to the Standards Committee and thereafter to Council for approval.

Contact Officer: Tim Howes, Corporate Director of Governance
Reporting to: Madeline Homer, Chief Executive

Corporate Consultation

Agenda Item 6

Finance: Matthew Sanham, Financial Services Manager

Legal: Tim Howes, Corporate Director of Governance

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