

CONSTITUTIONAL REVIEW WORKING PARTY

Minutes of the meeting held on 23 February 2022 at 2.00 pm in Council Chamber, Cecil Street, Margate, Kent.

Present: Mr Peter Tucker (Chair); Councillors Ashbee, Hopkinson and Rusiecki

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Hart

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES OF PREVIOUS MEETING

The Chair proposed, Councillor Rusiecki seconded and the Working Party agreed that the minutes of the meeting held on 11 November 2021 were a correct record.

4. REVISION TO DELEGATIONS

Mr Hughes, Committee Services Manager, introduced the item noting that currently there was a requirement for full Council to meet in order to formally declare a vacancy when a Member was disqualified from office.

The Council did not have any discretion on whether or not to declare a vacancy as it was a requirement of the law, therefore it was suggested that this function be delegated to the Chief Executive in order to make the process more efficient both for the Council, and for the disqualified individual.

During discussion of the item it was noted that:

- The Chief Executive would be expected to declare the vacancy as soon as possible after a disqualification had been established.
- It was unusual that the existing system required Members to vote to declare a vacancy when there was no alternative option to be chosen, the only lawful course of action was to agree to declare a vacancy.

Councillor Ashbee proposed, Councillor Rusiecki seconded and the Working Party agreed the recommendation within the report, namely:

'That CRWP recommends to the Standards Committee that Council amends its scheme of delegations by delegating to the Chief Executive (and in her absence the Director of Democracy and Law) the authority to declare vacancies in office under section 86 of the Local Government Act 1972.'

5. AMENDMENTS TO THE LEADERS REPORT

Mr Hughes introduced the report, noting that Officers had been asked to bring a report to the Working Party to allow Members to review the rules governing the Leader's report.

During consideration of the item it was noted that:

- The Leader felt she would be able to offer a more accurate and wide-ranging leaders report if the other group leaders were required to submit their responses

to the Report in advance of the meeting. This would give her the opportunity to fully research the answers to any questions raised, rather than relying upon her memory in the spur of the moment, which could be less accurate.

- The Leader suggested that another alternative could be that the Report did not need to be shared in advance of the meeting. She felt that this alternative would make the situation fairer, and was how the Report had been presented in the past.
- There was democratic value in the Leader not receiving the questions in advance, as it held the Leader to account.
- Scripted answers were less engaging for the public.
- Officers could not be called upon to assist Members in answering questions at full Council meetings; it was a debating chamber reserved for Councillors.
- If a newsworthy event occurred following the submission of the Report, the Leader could contact the Chair and ask for permission to include it in the Report.

It was proposed by Councillor Rusiecki, seconded by the Chair and agreed that the recommendation in the report be approved, namely:

'That CRWP recommends to the Standards Committee that Council make the amendments to Council Procedure Rule 2.4 regarding the Leader's Report as outlined in Annex 1 to the report.'

6. MEMBERS' QUESTIONS

Ms Culligan, Director of Law and Democracy, introduced the report to consider a revision of the rules for Member questions to Council. It was noted that this only related to questions from Members, in relation to procedure rules 14.6 and 14.8. There were no specific recommendations in the report, instead, this was an opportunity for the Working Party to look at the process and make any recommendations that it felt would be appropriate.

During consideration of the item it was noted that:

- While it was understood that Council should work at a high strategic level, sometimes Members asked straightforward operational matter questions because they could receive a quicker response than by going to a Service Director.
- A Members Portal was being designed to help Members log and monitor operational enquiries. This could negate the need to amend the constitution. The issue of operational questions at Council would be reviewed in six months time, once the Portal was in place
- An operational question should only reach Full Council if the proper process had been followed without success. It should be a last resort because the task of preparing responses to questions asked at full Council meetings was resource intensive and involved senior council officers.
- The opportunity to ask a supplemental question should not be used as a chance to make a political statement, it should be used solely to ask a question arising from the response to the question.
- The Leader and Cabinet Members were available to help all Members regardless of political party. Members were encouraged to get in touch if there was an operational matter that a Cabinet Member could help with.

It was proposed by Councillor Hopkinson, seconded by Councillor Rusiecki and agreed that the Working Party recommend the following amendments are considered by the Standards Committee:

Council Procedure Rule 14.6

- There would be no restriction on questions relating to straight forward operational matters at this time. This would be reviewed in six months, following the implementation of the Members Portal.

- That the bullet point '*related to a matter which has already been raised as a Standards Complaint against a member and which has not yet been concluded through the Code of Conduct procedures.*' be added to the list of reasons that would invalidate a question.

Council Procedure Rule 14.8

- That the following sentence be added at the end of the existing paragraph: '*The question must be a question and not a statement, and rise directly out of the response.*'

Meeting concluded : 3.20 pm