

CONSTITUTIONAL REVIEW WORKING PARTY

Minutes of the meeting held on 1 September 2022 at 7.00 pm in Council Chamber, Cecil Street, Margate, Kent.

Present: Mr Peter Tucker (Chair); Councillors Ashbee, Austin and Hart

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES OF PREVIOUS MEETING

The Chair proposed, Councillor Ashbee seconded and the Working Party agreed that the minutes of the meeting held on 23 February 2022 were a correct record.

4. REVISED MEMBERS CODE OF CONDUCT

Mr Hughes, Committee Services Manager, introduced the item to get the opinions of the councillors on changes to the code of conduct. He explained that the LGA had published a new model code of conduct for Councillors and that this was the basis of the changes being proposed to the "Kent code" of conduct. The "Kent code" was created and maintained by the Kent Secretaries group, composed of all of the monitoring officers in Kent.

He confirmed that versions of the "Kent code" were used throughout Kent and the changes were detailed in the report provided. Mr Hughes wanted to give particular attention to the follow subjects:

- Limits on Gifts and Hospitality -
Currently councillors must declare receipt of gifts of £25 and over, but under the new Code of Conduct, it was suggested that the limit be changed to £100 and over.

- Definition of Antisemitism -
TDC currently has a definition of antisemitism in it's current code of conduct, but the revised one did not, but members might wish to retain it.

Mr Hughes later confirmed a code of conduct was applicable to all three tiers of local government. The code agreed by TDC would apply to the district and parishes in Thanet.

There was some debate regarding the gifts amongst the committee with Councillor Ashbee asking when the £25 was set originally. Mr Hughes replied that the £25 limit was set in 2012 and that it was reduced from £50 at the time.

Councillor Hart proposed, Councillor Ashbee seconded and the Working Party agreed:

"To recommend the changes to the Code of Conduct as outlined in the report with the following amendments:

To set the level of gift and hospitality declaration to £100.

To retain the definition of anti-semitism from the current TDC code of conduct.”

5. REVISED COMPLAINTS ARRANGEMENTS

Mr Hughes explained that the Kent Secretaries group had also reviewed the complaints handling procedures at the same time as the code of conduct and the proposed changes were outlined before members.

Mr Hughes explained that many of the proposed changes were to the timescales. The principle was to extend the time limits due to the complaints procedure being time consuming and some of the original time scales simply not being achievable.

He pointed out that there was nothing that could be done if members refused to accept their sanction. However under the changes that refusal to accept the sanction would be a new breach of the code.

Councillor Austin raised that the notification of the appointment of an investigator to complainants was currently 10 working days but had changed to 20 working days. The committee agreed that this was not very desirable and suggested amending the paragraph to define the wording more as “normally 10 working days and 20 days maximum”.

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

“To recommend the changes to the Complaints Handling Arrangements as outlined in the report with the following amendments:

The Investigating Officer will notify the Subject Member and the Complainant of their appointment, normally within 10 working days of being appointed, but within a maximum of 20 working days.

That membership of hearing sub-committees continues to include an independent member as the chair of the hearing panel.”

Meeting concluded : 7.40 pm