



Date: **21 February 2023**  
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## **CONSTITUTIONAL REVIEW WORKING PARTY**

**28 FEBRUARY 2023**

A meeting of the Constitutional Review Working Party will be held at **7.00 pm on Tuesday, 28 February 2023** in the Council Chamber, Cecil Street, Margate, Kent.

### **Membership:**

Independent Members: Peter Tucker (Chair); Peter Lorenzo

Councillors: Ashbee, Austin, Hopkinson, Hart and Potts

## **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 - 6)

To approve the Minutes of the Constitutional Review Working Party meeting held on 01/09/22, copy attached.

4. **START TIMES OF EVENING COUNCIL MEETINGS** (Pages 7 - 10)

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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 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

## START TIMES OF EVENING COUNCIL MEETINGS

**Constitutional Review Working Party** 28 February 2023

<b>Report Author</b>	Committee Service Manager
<b>Portfolio Holder</b>	Councillor Ashbee, Leader of Council
<b>Status</b>	For Decision
<b>Classification:</b>	Unrestricted
<b>Key Decision</b>	No
<b>Ward:</b>	Thanet Wide

### **Executive Summary:**

Members are being requested to consider amending the start time of evening Council meetings from the current start time of 7:00pm to either 6:00pm or 6:30pm.

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

Members are asked to make a recommendation to the Standards Committee regarding the start time of evening Council meetings.

### **Corporate Implications**

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

There are no financial implications of the report.

#### **Legal**

There are no financial implications of the report.

#### **Risk Management**

There are no risks associated with this report.

#### **Corporate**

It is important for the Council to regularly review elements of its constitution to ensure that it remains up to date.

#### **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 Constitutional Review Working Party is asked to look at the start time of evening Council meetings.
- 1.2 The Corporate Management Team asked Democratic Services to enquire with Political Groups as to whether there was any objection to reviewing the start times of evening Council meetings.
- 1.3 Democratic Services contacted the four group leaders and asked their opinions on the matter. The Group Leaders did not raise any objections to discussing the start times of meetings with a view to amending them to either 6:00pm or 6:30pm and for the discussion to be had at a future meeting of the Constitutional Review Working Party.

### **2.0 The Current Situation**

- 2.1 Currently the majority of the most significant public Council meetings start at 7:00pm. These meetings are summarised in the table below:

<b>Committee</b>	<b>Start Time</b>
Council	7:00pm
Cabinet	7:00pm

Governance & Audit	7:00pm
Joint Transport Board	7:00pm
Overview and Scrutiny	7:00pm
Planning Committee	7:00pm
Standards Committee	7:00pm

- 2.2 The following committees meet either during the day or at adhoc times and are not the subject of this paper: Licensing Board, Licensing Sub Committee, General Purposes Committee, Investigations & Disciplinary Sub committee, Investigations & Disciplinary Appeals Sub Committee, Grievance Committee, Grievance Appeals Committee and Independent Persons Panel.
- 2.3 When comparing the start times of evening meetings at TDC against other Councils, there is a wide variation. Locally Canterbury City Council and Folkestone and Hythe DC both start their evening meetings at 7:00pm however Dover DC start their evening meetings at 6:00pm. Nationally there is not a preeminent time for evening meetings with a mixture of 6:00pm, 6:30pm or 7:00pm.
- 2.4 It is important to note that all Councillors with caring responsibilities are eligible to claim care costs via the Council's dependents Carers Allowance irrespective of the start time of meetings. More information on this can be sought from the Democratic Services team.

## 4.0 Options

- 4.1 Members could agree one of the following options:
- a) To move the start times of evening meetings to 6:00pm
  - b) To move the start times of evening meetings to 6:30pm
  - c) To keep the start times of evenings at 7:00pm.

## 5.0 Next Steps

- 5.1 Once an option has been agreed by the Constitutional Review Working Party, it would be recommended to Standards for consideration and onward submission to Full Council.
- 5.2 If agreed by Council the change to evening meeting start times would be added to the Council's Constitution and would become effective from the date of the Full council decision.

Contact Officer: Nick Hughes, Committee Services Manager  
Reporting to: Sameera Khan, Interim Head of Legal Services and Monitoring Officer

## **Annex List**

None

## **Background Papers**

*None*

## **Corporate Consultation**

**Finance:** *Chris Blundell (Director of Finance)*

**Legal:** *Jennifer Phillips (Principal Litigation Solicitor)*