



Date: 14 June 2024  
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## CONSTITUTIONAL REVIEW COMMITTEE

24 JUNE 2024

A meeting of the Constitutional Review Committee will be held at **7.00 pm on Monday, 24 June 2024** in the Council Chamber, Cecil Street, Margate, Kent.

### Membership:

Independent Members: Peter Tucker (Chair);

Councillors: Austin, Britcher, Everitt, W Scobie, Scott, Crittenden, D Green, Pugh, Worrow, Currie, Edwards, Fellows and Garner

## 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 28 May 2024 copy attached.
4. **AMENDMENTS COUNCIL PROCEDURE RULES REGARDING FREQUENCY OF QUESTIONS** (Pages 9 - 14)
5. **MINUTING OF VOTING** (Pages 15 - 18)
6. **CONSTITUTIONAL REVIEW COMMITTEE WORK PROGRAMME** (Pages 19 - 22)

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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 COMMITTEE

Minutes of the meeting held on 28 May 2024 at 7.00 pm in Council Chamber, Cecil Street, Margate, Kent.

**Present:** Mr Peter Tucker (Chair); Councillors Austin, Britcher, Everitt, W Scobie, Crittenden, Currie, Edwards and Garner

**In Attendance:** Mr Peter Lorenzo (Independent Member) and Mr Michael Clarke (Independent Member)

### 1. APOLOGIES FOR ABSENCE

Apologies were given by Councillor Fellows, Councillor Pugh, Councillor Scott and Independent Member, Ms Carolyn Ruston.

### 2. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 3. MINUTES OF PREVIOUS MEETING

Councillors wanted to make note that in the previous minutes of the meeting held on 27 February 2024, under Item 5. Councillor / Officer Protocol, that there was discussion regarding the culture that was inherited from previous administrations and how Councillors now are attempting to move away from that, specifically addressing the imbalance between officers and Councillors in regards to the support provided to Councillors.

The Chair proposed, Councillor Scobie seconded and Councillors agreed that with the acknowledgement of comments made by Councillors, that the minutes of the meeting held on 27 February 2024 were a correct record.

### 4. SPECIAL URGENCY PROVISIONS

Ingrid Brown, Head of Legal and Democracy & Monitoring Officer, introduced the report and made the following points:

- The report was to address an anomaly in Part 4 of the constitution, for the provision of the taking of urgent decisions and Part 3, under Delegations Scheme, that there was no delegated authority for anyone to take urgent decisions
- The proposed amendment under Part 3, Delegations Scheme, Part A, Section D – 2.2, were as follows:

“With the exception of key decisions that are covered by the special urgency provisions set out under Part 3, B, 22 and in Part 4, all key decisions must be agreed by the Cabinet.”

- The proposed amendment under Part 3, Delegations, Section E, Part B – Part 2, were as follows:

“Delegation to the Chief Executive:

- i. To undertake all action related to the role of the Head of Paid Service;

- ii. To exercise any power whether specified in this Scheme or otherwise delegated to any other officer with the exception of the Monitoring Officer and unless expressly prohibited by law
- iii. In a situation they consider to be an emergency, to undertake all action they consider necessary, including:
  - (a) Incurring expenditure from working balances and/or reserves;
  - (b) To determine whether to take, defend and/or settle any legal proceedings;
  - (c) To make a final determination whether to acquire land and/or dispose of a building and/or land,

subject to consultation with the Section 151 Officer to the extent that they consider it appropriate and feasible and to notifying any emergency action as soon as Page 3 Agenda Item 4 reasonable to the Leader. For the purposes of exercising this power, all restrictions in the Financial Regulations including the contract procedure Rules are deemed waived and any decision may be made regardless of whether it is a Key Decision. In the event of an urgent key decision the procedure rules in Part 4 of this constitution must be followed.”

- The proposed amendment under Paragraph (q) of section 15 (Call-in) of Overview and Scrutiny procedure rules, in Part 4 of the Constitution to were as follows:

“The Chair of the Council must agree both that the decision proposed is reasonable in all of the circumstances and to it being treated as a matter of urgency. In the absence of the Chair, the Vice-Chair’s consent shall be required. In the absence of both, the consent of the Chair of the Overview and Scrutiny shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.”

Councillors made comments and asked questions as follows:

- Councillors asked about the frequency of the use of this part in the Constitution and the steps it would take to use this provision. Officers replied that it had been rarely used in the past and was unlikely to be used more often in the future due to the proposed changes. Regarding the steps to use the provision, the Chief Executive would have to demonstrate urgency in consultation with the Monitoring Officer, Section 151 Officer and other key officers, as well as consulting with the Leader of the Council in order to make the decision to use the provision. Following this, further consultation would be needed with the Chair of Council to satisfy that the need for urgency was justified. The decision would then be taken and reported to Councillors at the next full Council meeting;
- Councillors brought up the alternative options involving consultation with the Leader of the Council. Councillors agreed that in circumstances where the Leader of the Council was unavailable that the Chief Executive Officer, being a non-political figure, provided assurance that choices are not politically motivated.

Following discussion, Councillor Britcher proposed, Councillor Austin seconded and Councillors agreed:

That the proposed amendments be approved.

## 5. **RECORDING OF EXECUTIVE AND NON-EXECUTIVE DECISIONS**

Ingrid Brown, introduced the report and made the following points:

- This report had been brought to the Committee in accordance with the Local Authorities Executive Arrangements Regulations 2012 and the meetings and

access to information regulations 2012 which say a decision notice must be published;

- The proposed amendment under Part 2, Article 13 – Decision Making and Types of Decisions (13.03), were as follows:

“(a) Decisions of the Council are either executive or non-executive. Executive decisions relate to all of the council’s functions that are not Full Council (or Non-Executive) functions. They include those Local Choice functions identified in Part 3 of the Constitution as the responsibility of the Executive. Executive decisions are taken by the Leader, Cabinet, Cabinet committees, Cabinet Members or officers under delegated authority in accordance with, and in order to implement, the Budget and Policy Framework.

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and subsequent regulations give effect to section 13 of the Local Government Act 2000 by specifying which functions are not to be the responsibility of the Executive; which may (but need not) be the responsibility of the Executive (the “Local Choice functions”); and which are to some extent the responsibility of the Executive. All other functions not so specified are the responsibility of the Executive.

Non-Executive functions are powers and duties that under statute are not the responsibility of the Executive Leader, Cabinet or Cabinet members. The power to exercise Non-Executive functions is either reserved to Full Council or delegated by Full Council to committees or officers. Decisions that are reserved to Full Council and may not be delegated are set out in Article 4.02.”

- Also proposed, would be the following, inserted as paragraph (d) after paragraph (c):

“Executive decisions that are not key decisions:

(d) Non-key executive decisions are decisions that are more than merely administrative. They are major operational decisions and are important enough to be open to public scrutiny. These include the following:

- i. all officer decisions which will result in the Council incurring expenditure, including the loss of income, of between £140 000 and £250 000, with the exception of operational expenditure identified within the agreed Service Plan and Service Budget;
- ii. a decision which has been specifically delegated to Officers – for example to conclude an agreement or contract within the outline terms agreed by the Cabinet; and/or
- iii. a decision which is controversial and/or politically sensitive in nature or is, in the opinion of the Director, of such significance that a published record of the decision would ensure transparency and accountability in relation to decision making within the Council.”

- Also proposed, would be the following under paragraph (e):

“(e) All executive non-key decisions as described above, must also be made in accordance with the requirements of the executive decision Procedure Rules set out in Part 4 of this Constitution at paragraphs 21.0- 22.2.”

Previous to this, the constitution provided for the publication of a decision record in relation to executive key decisions. The Constitution defined what was meant by an executive key decision, however there was no definition of an executive non-key decision. The amendment would provide greater consistency in the application of the regulations and transparency in relation to this type of decision.

Councillors made the following comment:

- Councillors made brief mention of the last sentence preceding point (a) under 6.2 of the report and how it had a few unneeded extra words. Officers made note of this.

Following discussion, Councillor Scobie proposed, Councillor Everitt seconded and Councillors agreed:

That the proposed amendments be approved.

## **6. CONSTITUTIONAL REVIEW COMMITTEE WORK PROGRAMME**

Nick Hughes, Committee Services Manager, introduced the report and made the following points:

- Based on recommendations from the previous Constitutional Review Working Party, the work programme had been suggested with topics laid out under 3.2 of the report;
- Councillors were reminded that topics could be added to the work programme and that the work programme itself was flexible. They were also told that for any items Councillors would like to add to the work programme, they should come to Democratic Services in order to get them added. After that the Committee would decide if they approve of the report, at which point Democratic Services would research the topic to bring it back at a later point;
- This report would be standard for all future Constitutional Review Committee meetings.

Councillors made comments and asked questions as follows:

- Councillors welcomed this work programme, noting the concise and clear way items can be added to future meetings;
- Councillors discussed items that they would like to suggest for future meetings to be added to the work programme, including: Adding; reserve Councillors to the Licensing Board; the possibility of political groups having joint leaders; reviewing the rules around petitions; raising the number of Councillors on the Licensing Sub-Committee from 3 to 5 and speech length overruns;
- Officers clarified the reasoning for items already included on the work programme, highlighting Questions at meetings (Council), the length of time allowed of speeches and the recording of votes. They also touched upon other items on the plan, including the process of how motions are debated, the rules of debate and the annual review report of the Committee that would be considered by Full Council during the Annual meeting

Following discussion, Councillor Scobie proposed, Councillor Austin seconded and Councillors agreed:

That the proposed amendments be approved.

Meeting concluded: 7:34pm



## AMENDMENTS COUNCIL PROCEDURE RULES REGARDING FREQUENCY OF QUESTIONS

<b>Constitutional Review Committee</b>	24 June 2024
<b>Report Author</b>	Committee Services Manager
<b>Portfolio Holder</b>	Cllr Yates, Portfolio Holder for Corporate Services
<b>Status</b>	For Recommendation
<b>Classification:</b>	Unrestricted
<b>Ward:</b>	All

### Purpose of the Report

This issue was referred back to the Constitutional Review Committee by the Full Council when it was considered on [7 December 2003](#) for the committee to reconsider the issue. This report allows the Committee to re-consider the issue.

### Recommendation(s):

1. That the Committee consider the substance of this report in relation to questions asked by a member of the Public that is the same or substantially the same as a question asked within a six month period.
2. That the Committee makes recommendations in relation to the above issue to be considered and determined by Full Council.

### 1. Summary of Reasons

- 1.1 The current question rules allow for a question that has been asked by a Councillor to be asked again by a member of the Public within a six month period and vice versa. This report allows the Committee to consider how to remedy this issue by amending the Council Procedure Rules.

### 2. Background

- 2.1 The current question rules allow for a question that has been asked by a Councillor to be asked again by a member of the Public within a six month period and vice versa. This can be seen from Part 4, Rules of Procedure, paragraphs 13.5 and 14.6 of the Council's constitution.

2.2 Part 4, Rules of Procedure, Paragraph 13.5 of the Council's constitution reads:

"The Chief Executive will reject a question if it:.....

- is substantially the same as a question which has been put at a meeting of the Council in the past six months

It could be interpreted that this paragraph means any question at all irrespective of its author, however as it sits in a section regarding questions from the press and public there is an equally valid argument that it only applies to questions covered by this section i.e questions from the press and public.

2.3 Part 4, Rules of Procedure, Paragraph 14.6 of the Council's constitution reads:

"A question shall not be:.....

- substantially the same as a question which has been put at a meeting of the Council in the past six months.

Again, as this paragraph sits in a section regarding questions from members of the Council it is reasonable to make a case that it only applies to those types of questions and not from other originators.

### 3. Relevant Issues

3.1 Democratic Services have reviewed this issue since it was referred back to the Constitutional Review Committee, to see if there were any alternative ways that the issues mentioned above could be addressed.

#### 3.2 Option 1

3.2.1 The first option is to simply re-submit the same recommendation that were previously considered by Council namely:

"To amend paragraph 13.5 of Part 4, Rules of Procedure in the Council's constitution to read:

"The Chief Executive will reject a question if it:.....

- is substantially the same as a question which has been **validly received** or put at a meeting of the Council in the past six months **by either a Councillor or a member of the public;**

To amend paragraph 14.6 of Part 4, Rules of Procedure in the Council's constitution to read:

"A question shall not be:.....

- substantially the same as a question which has been **validly received** put at a meeting of the Council in the past six months **by either a Councillor or a member of the public;**
- 3.2.2 These amendments make it clear that these sections are to be interpreted as meaning that if Democratic Services received a question from either a member of the public or a Councillor that is substantially the same as one validly put in the last six months it will be rejected.
- 3.2.3 In addition "validly received" has also been added to the criteria. This has also been added, as there have been numerous occasions where both Councillors and members of the public have submitted almost identical questions, but because they were yet to be put, they could not be rejected for being "substantially similar".
- 3.2.4 These amendments will avoid repeat questions and will allow more time for a wider variety of questions to be asked by both members of the public and Councillors.

### **3.3 Option 2**

- 3.3.1 If the Committee is uncomfortable with changing the constitution to rule out more questions, then how questions are answered could be an alternative.
- 3.3.2 Rather than amending paragraph 13.5 of Part 4, Rules of Procedure as shown at Paragraph 3.2.1 above, a change could be made to allow the relevant Cabinet Member to amalgamate their answers. This would allow for the public to continue to ask any questions they like (within the existing rules), but only one answer given. For example if four questions were received all on the same subject the Cabinet member could reply once, answering all four questions at the same time. This would reduce the amount of time needed to answer multiple questions and leave more time in the 30 minute window for other questions.
- 3.3.3 It would also be advisable to include a check with the Chief Executive, to ensure that it is appropriate to amalgamate the answers to very similar questions, in order to prevent Cabinet Members from amalgamating answers to questions that were tenuously on the same subject, simply to avoid having to answer what could be perceived as "difficult" questions.
- 3.3.4 To make this change a new paragraph 13.8 would need to be added as follows:

#### **"13.8 Amalgamated Answers to Questions**

When very similar questions on the same subject are received by Democratic Services for the same meeting, a Cabinet Member may amalgamate the answers and so provide a single answer to multiple questions. Before doing so the Cabinet Member should seek the approval of the Chief Executive to do so."

- 3.3.5 It would not be possible to repeat this arrangement for questions from Councillors, due to Councillors rights to ask a supplementary question after their initial question.
- 3.4 It is also important as a matter of clarity that all answers to both questions from members of the public and Councillors are available on the Council's website at: <https://www.thanet.gov.uk/info-pages/speaking-at-council-meetings/>

## **4. Alternative Options**

- 4.1 The options are outlined at paragraph 3.2 and 3.3, the Committee could also decide to make alternative arrangements. If that was the case then Democratic Services would need to take those proposals away to ensure they do not conflict with any other parts of the Council Procedure Rules and bring a report back to the next CRC meeting. In addition the Committee could also decide to keep the rules as they currently are and so would take no further action.

## **5. Consultation**

- 5.1 There is no public law or statutory duty to consult on this matter.

## **6. Corporate Implications**

### **6.1 Finance and Resources**

- 6.1.1 There are no financial implications arising directly from this report.

### **6.2 Legal and Constitutional**

- 6.2.1 There are no particular legal issues arising from this report and the constitutional issues are referred to throughout the report. By virtue of Section 9P of the Local Government Act 2000, each Local Authority must prepare and keep up to date its constitution. This must include the following:

- A, a copy of the authority's standing orders for the time being
- B, a copy of the authority's code of conduct
- C, such information as the Secretary of State may direct; and
- D, such other information (if any) as the authority considers appropriate.

The Council has the discretion to determine this matter and the Committee has the authority to to make recommendations for consideration and determination by Full Council.

### **6.3 Council Policies and Priorities**

- 6.3.1 Reviewing the Council's constitution on a regular basis ensures that the rules that Council meetings follow are up to date and ensure that business is conducted effectively and efficiently. This report relates to the following corporate priorities: -

- To work efficiently for you

## **6.4 Risk**

6.4.1 There are no risk implications arising directly from this report.

## **6.5 Climate Change and Biodiversity**

6.5.1 [There are no climate change or biodiversity implications to the report.

## **7. Equality, Equity and Diversity Implications**

7.1 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 aims 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.

There are no particular equalities considerations arising from this report.

## **8. Crime and Disorder Implications and Community impact**

8.1 There are no crime and disorder implications to this report.

## **9.0 Subject History**

9.1 Constitutional Review Working Party - 9 November 2023  
Standards Committee - 20 November 2023  
Full Council - 7 December 2023

**Annexes**

N/A.

**Background Papers**

N/A

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**Report Sign Off / Signed off by / Date sent / Date signed off / Initials**

**Legal** Ingrid Brown-Head of Legal and Democracy and Monitoring Officer.

**Finance** Matthew Sanham (Head of Finance and Procurement)

## MINUTING OF VOTING

<b>Constitutional Review Committee</b>	24 June 2024
<b>Report Author</b>	Committee Services Manager
<b>Portfolio Holder</b>	Cllr Yates, Portfolio Holder for Corporate Services
<b>Status</b>	For Recommendation
<b>Classification:</b>	Unrestricted
<b>Ward:</b>	All

### Purpose of the Report

This report allows the Constitutional Review Committee (CRC) to consider whether to make any recommendations to Full Council regarding amending the Council's constitution to allow for the number of votes for and against a motion to be recorded in the minutes of a meeting without that counting as a recorded vote.

### Recommendation(s):

1. That the Committee consider this report and take a view on whether or not the Council's Constitution should be amended so that a note should be taken of the number of votes for and against each motion. This will be distinct from a recorded vote.

### 1. Summary of Reasons

- 1.1 This report is presented to the CRC as it was added to the CRC's work programme for this meeting at the CRC meeting of 28 May 2024.

### 2. Background

- 2.1 Currently Democratic Services, when minuting a vote on a motion only state whether that motion was agreed or not. They do not note how many Councillors voted for or against the motion nor those who abstained, they only do this when a recorded vote is undertaken (as per the provisions of the Constitution and the Council Procedure Rule (CPR) 17.4) Under the current provisions of the Constitution to add in the minutes how many Councillors voted each way would mean falling under CPR 17.4 and the vote would be deemed recorded.

## 3. Relevant Issues

3.1 In order to record the numbers of votes for and against a motion in a meeting being a change in CPR 17.4 is required to make clear that recording the numbers of those for, against and abstentions does not count as a recorded vote.

3.2 This can be achieved by making the following changes to CPR 17.4

“If a majority of members present at the meeting demand it before the vote is taken, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. *Recording the number of votes for and against a motion is not considered to be a recorded vote.*”

3.3 There are a small number of points that are worth drawing to the committee's attention.

3.3.1 Of the 12 Councils in Kent, only two (Canterbury and Folkestone) include any reference to the numbers for and against in their minutes.

3.3.2 There could be issues with what to include in the minutes when a committee is asked “to note a report” or whether a report is “agreed”? Currently Democratic Services accept a consensus of members calling out “noted” or “agreed” and no vote is taken, as a result there are no numbers to include. This could not be interpreted as unanimous in favour, as it is a reflection of a majority. Folkestone includes “agreed by the affirmation of the meeting” when this occurs, this could be used for these types of reports.

3.3.2 There is the potential for meetings to become more drawn out as each vote that is simply agreed or noted would now need to be a formal show of hands so that the Democratic Services Officer could count those present. Members will need to show patience whilst this occurs, there have been in the past signs of frustration with the time it takes to undertake formal recorded votes in the past, particularly at Budget Council meetings.

## 4. Alternative Options

4.1 The Committee can choose to follow the suggested solution outlined in paragraph 3.2, or it could choose to retain the status quo.

4.2 The Committee could also amend the suggestion in paragraph 3.2 taking into account the points raised at paragraph 3.3.1 - 3.3.3 and propose an alternative solution. In this event Democratic Services would need to take those proposals away to ensure they do not conflict with any other parts of the Council Procedure Rules and bring a report back to the next meeting of this Committee.



## 5. Consultation

5.1 There is no public law duty or statutory requirement to consult on this matter.

## 6. Corporate Implications

### 6.1 Finance and Resources

6.1.1 There are no financial implications arising directly from this report.

### 6.2 Legal and Constitutional

6.2.1 There are no particular legal issues arising from this report. The Committee has the power to make recommendations in respect of this matter but these will have to be considered and approved by Full Council.

### 6.3 Council Policies and Priorities

6.3.1 Reviewing the Council's constitution on a regular basis ensures that the rules that Council meetings follow are up to date and ensure that business is conducted effectively and efficiently. This report relates to the following corporate priorities: -

- To work efficiently for you

### 6.4 Risk

6.4.1 There are no risk implications arising directly from this report.

### 6.5 Climate Change and Biodiversity

6.5.1 There are no climate change or biodiversity implications to the report.

## 7. Equality, Equity and Diversity Implications

7.1 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:

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

There are no particular equality implications arising from this report.

## 8. Crime and Disorder Implications and Community impact

8.1 There are no crime and disorder implications to this report.

## 9.0 Subject History

9.1 Constitutional Review Working Party - 9 November 2023

## Annexes

### Background Papers

None

**Report Author(s) Contact:** Nick Hughes, Committee Services Manager and Deputy Monitoring Officer

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**Report Sign Off / Signed off by / Date sent / Date signed off / Initials**

**Legal** Ingrid Brown (Head of Legal and Democracy & Monitoring Officer)

**Finance** Matthew Sanham (Head of Finance and Procurement)

## CONSTITUTIONAL REVIEW COMMITTEE WORK PROGRAMME

Constitutional Review Committee 24 June 2024

<b>By</b>	Ingrid Brown, Head of Legal and Democracy & Monitoring Officer
<b>Cabinet Portfolio Member</b>	Cllr Yates, Cabinet Member for Corporate Services
<b>Key Decision</b>	No
<b>Decision classification</b>	Unrestricted
<b>Ward:</b>	All

### Purpose of the Report

The report acts as a work programme for the Constitutional Review Committee allowing Councillors foresight of future topics for the Committee. This report confirms the dates of the meetings for the ensuing year.

### Recommendation(s):

1. That the Committee note the content of this report
2. That the Committee either agrees the topics proposed for its consideration during the following year or it proposes amendments to those suggested topics and/or the order it is proposed the Committee consider those topics.

## 1. Summary of Reasons

- 1.1 Setting out a confirmed series of dates for future meetings allows Councillors certainty in their calendar and also reduces the amount of officer time needed to organise meetings in comparison with ad hoc meetings. In addition, having a work programme allows both Councillors and Officers time to properly research and prepare for forthcoming meetings, rather than “surprising” Members with a different topic on an ad-hoc basis.

## 2. Background

- 2.1 This report reflects the recommendations made by the Constitutional Review Committee at its meeting of 28 May 2024 where it, agreed the work programme as shown at paragraph 3.2 of the report.

## 3. Relevant Issues

# Agenda Item 6

3.1 It is proposed that there is a Constitutional Review Committee meeting in the lead up to most regular Council meetings. Annual and Budget Council being the exception as these have set agendas.

3.2 The dates and suggested work topics are outlined in the table below.

Date of CRC Meeting	Date of Full Council meeting	Topic Areas to be discussed
24 June 24	11 July 24	<ul style="list-style-type: none"><li>• Questions at meetings, length of time allowed, how questions are selected to be answered, scope of questions.</li><li>• Minuting of voting.</li></ul>
24 Sept 24	10 Oct 24	<ul style="list-style-type: none"><li>• Motions - clarification of process, deadlines and who can debate them.</li><li>• <b>Joint Leaders of political groups</b></li><li>• Speech lengths including <b>chairs discretion</b></li></ul>
Nov	12 Dec 24	<ul style="list-style-type: none"><li>• Rules of Debate - number of opportunities to speak on an agenda item.</li><li>• <b>Licensing Sub-Committees and Licensing Board Substitutes</b></li><li>• <b>Petitions - what happens between meetings</b></li></ul>
Feb 25	27 Mar 25	<ul style="list-style-type: none"><li>• Annual review report of the Committee for consideration by Full Council.</li></ul>

3.3 The topic areas in the table above have come from discussion with the Leader of the Council and from other Councillors and the Committee itself; those added at the last meeting on 28 May 2024 are shown in bold.

3.4 If other Councillors would like to add items to future meetings of the Constitutional Review Committee then they are free to submit them to Democratic Services who in turn will include them in the next CRC work programming report where the Committee can decide whether it wants to commission a report on the issue raised ready for the following meeting of the Committee.

## 4. Alternative Options

4.1 The Committee could decide to add additional items to the work programme if it considered that a particular matter needed to be reviewed. Any decision taken to amend the topics for consideration could be taken at this meeting or at any other meeting of the Committee. The Committee could also change the order of the items in the work programme if it took the view that certain items were of a higher priority than others.

## **5. Consultation**

- 5.1 There is no public law duty to consult in relation to this matter nor is there any requirement for any statutory consultation on these issues.

## **6. Corporate Implications**

### **6.1 Finance and Resources**

- 6.1.1 There are no financial implications to the report.

### **6.2 Legal and Constitutional**

- 6.2.1 This report is for noting and as such there are no particular legal or constitutional issues arising. The report proposes a work plan for the Committee. The Committee may decide to agree this plan or to agree an amended plan for the year. As set out in the body of this report, the Committee may at any time during the year take the decision to amend its plan of work.

### **6.3 Council Policies and Priorities**

- 6.3.1 An up to date and regularly reviewed constitution ensures that the Council is using its meeting time in an effective and efficient way. This report relates to the following corporate priorities: -
- To work efficiently for you

### **6.4 Risk**

- 6.4.1 There are no risks associated with this report.

### **6.5 Climate Change and Biodiversity**

- 6.5.1 There are no Climate Change or Biodiversity implications to the report.

## **7. Equality, Equity and Diversity Implications**

- 7.1 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.
- 7.2 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.

7.3 Whilst there are no specific equality implications to the report, the Council should always try to have a constitution that allows participation by all.

## **8. Crime and Disorder Implications and Community impact**

8.1 There are no crime and disorder implications to the report.

## **9. Subject History**

9.1 The work programme is considered at every meeting of the Constitutional Review Committee.

## **Appendices**

None

## **Background Papers**

None

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## **Report Sign Off**

**Legal** Ingrid Brown (Head of Legal and Democracy & Monitoring Officer)

**Finance** Matthew Sanham (Head of Finance and Procurement)