

## CONSTITUTIONAL REVIEW COMMITTEE

Minutes of the meeting held on 24 September 2024 at 7.00 pm in Council Chamber, Cecil Street, Margate, Kent.

**Present:** Mr Peter Tucker (Chair); Councillors Albon, Austin, Britcher, Currie, Davis, Edwards, Fellows, Garner, Pugh, Scobie, W Scobie, Worrow and Mr Peter Lorenzo

### 7. APOLOGIES FOR ABSENCE

Apologies were received from the following committee members:

Councillor Green, substituted by Councillor Harry Scobie;  
Councillor Everitt, substituted by Councillor Whitehead;  
Councillor Crittenden, substituted by Councillor Albon.

### 8. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 9. MINUTES OF PREVIOUS MEETING

The Chair proposed, Councillor Britcher seconded, and the committee agreed the minutes of the meeting of the Constitutional Review Committee on 26 June 2024.

### 10. SHARING OF THE LEADERS REPORT

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

- The Leader of Council would like to continue to share the Leader's report. The constitution did not say that his report was confidential, however, there was an understanding that the report should not be shared outside the group leaders circle until after the council meeting at which that report would be discussed;
- As a result of a recent incident where the Leader's report was shared with the press, the Leader had asked Democratic Services to present provisions to the CRC to amend the constitution to prevent any more leaks of the Leader's report to Council;
- The committee was being asked to consider the various options as detailed in the committee report and make recommendations to Full Council.

The committee went into debate and made the following points:

- It was important that the Leader's report was shared with group leaders in advance of a Council meeting;

- This approach would make discussions during Council meetings more informed;
- Moving forward a reminder about confidentiality of the Leader's report should be go out each time the Leader's report was shared with them;
- One member said that given that the constitution allowed for sanctions for breach of confidentiality, Option 2 was the best way forward;
- It would be wrong not to share the report with group leaders ahead of a Council meeting;
- Another member said that the sanctions had not acted as a deterrent as there was at least one incident where the report was leaked to the press.

Councillor Will Scobie proposed and Councillor Edwards seconded the following recommendation, that:

The paragraph could be amended to say; "The Leader of the Council has the discretion to make available in writing the content of their oral report to opposition group leaders no later than the Saturday before the meeting."

This would allow the Leader more choice as to whether he shared the report in advance subject to its content.

- Another member said that the Leader's report usually contained a lot of information that needed time to study before any discussion at a Council meeting. Therefore sharing in advance of a meeting would provide for time to study the report;
- One member said that not getting the report in advance would make it difficult for the group leaders to make substantial responses to the contents of the report. They further said that that it was worth noting that there had only been one leaking incident;
- Another member asked whether group leaders could share with their members the report prior to the meeting;
- One member said that dealing with issues as they emerged during a meeting was part of a political environment that group leaders should be used to. This meant that group leaders should be able to respond to the Leader's report without the need for advance access to the report. They also said that group leaders did not provide advance access of their responses to the Leader of Council ahead of a meeting;
- Another member said that action should be taken against the individual who leaked the report instead of changing the current arrangements;
- One member said that sharing of the Leader's report relied on trust, which had been broken because of the breach. This breach required a review of these arrangements;
- Another member asked for a compromise in order to ensure that debates of the Leader's report remained balanced.

Ingrid Brown, head of Legal and Democracy & Monitoring Officer responded to member comments and questions as follows:

- If the constitution was amended, any unauthorised sharing of the confidential report would be dealt with as a breach of the constitution;
- Under the current arrangements, it would be inappropriate for group leaders to share the Leader's report with their respective group members.

Councillor Will Scobie proposed, Councillor Pugh seconded and the committee recommended to Full Council that the following paragraph be added to the constitutional provisions for sharing the Leader's Report:

"The Leader of the Council will make available in writing a summary of the content of their report to opposition group leaders no later than the Saturday before the meeting. The content of the report should remain confidential and not be shared until after the report is presented at the meeting."

#### 11. **TIMINGS OF INDIVIDUAL ELEMENTS OF A COUNCIL MEETING**

Nick Hughes introduced the item for discussion and made the following points:

- Democratic Services carried out research through contacting colleagues in other local councils to get a comparative picture of practices regarding setting timings for discussion of different individual elements of a council meeting;
- The committee was asked to consider the various practices and recommend an approach from the different options that were highlighted in the committee report.

During debate, the committee made comments as follows:

- One member said that in comparison, Thanet District Council had got the balance right regarding the distribution of timings for debate of different agenda items on a Full Council agenda;
- What was critical under any arrangement was whether the Chair could use their discretion to manage the timings, particularly when it came to managing timings for debate of big and or topical issues;
- Another member said that there should not be any time restrictions for debating motions and public questions;
- One Member said that time limits for petitions should be set for each individual petition rather than allocating time for the discussion of all petitions;
- Another member said that group leaders should be given time limit to responds to the Leader's report that was equal to the time given to the Leader to present his report;
- A member suggested that time limit for questions from councillors and members of the public should be increased by fifteen minutes;
- Another member reminded the committee that long sessions might tire members which might then affect debate on other items;

- One member said that there was no need to change the current arrangements of time limits for items, as long as the Chair could manage the meeting using her discretion;
- Another said that since there now was one less Full Council meeting year it meant that the opportunity for councillors to ask questions had decreased. It was therefore imperative that the time limits for asking questions and consideration of motions and petitions should be increased to one hour thirty minutes;
- One member suggested gradual changes to time limits in order to study the impact such changes had on council meetings before making further changes

Nick Hughes advised that any changes could be reviewed in six months' time and recommendations presented to a Full Council meeting in July 2025.

Councillor Pugh proposed, Councillor Davis seconded and the committee agreed that the following provision be added to the constitution:

The time limit for discussion of Motions be changed from 30 minutes to 60 minutes for a trial period of 6 months after which this provision would be brought back to the Committee for review before making a final decision.

## 12. **PORT GOVERNANCE**

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

- Council had the discretion to decide under local choices which functions could be assigned to other bodies of the Council;
- Port governance as one such local choice function that Council could decide to assign to a body of Council that was not necessarily Full Council;
- The committee was asked to make a recommendation to Full on which body of the Council should assume the role of the statutory Harbour Authority that would ensure health and safety compliance at the Harbour.

The committee discussed the item and made the following comments:

- There were important decisions to be made about the harbour and Cabinet was best placed to make those decisions;
- Another member said that there were broad issues pertaining to the harbour, marine and the port which then would mean that this function would be best placed with Full Council;
- One member said that Cabinet was the best placed decision making body to take on this role as it met more regularly than Full Council;
- Another member asked whether this role could not be assigned to a council officer since it only covered health and safety matters.

Ingrid Brown responded to member comments and questions as follows:

- The issue before the committee was for members to make a recommendation to Full Council on what the best arrangement would be regarding the assigning the role of statutory harbour authority function that would include having responsibilities for health and safety matters at the port;
- One of the duties of the this decision making body would be to appoint a Designated Person;
- Council officers would not have that authority to make such an appointment;
- The Duty Holder role cannot be split between decision making bodies of the Council.

Councillor Albon proposed, Councillor Will Scobie seconded and the committee recommended that Full Council agree the following:

1. Agree that the Council's Harbour Authority function rests with Cabinet (Executive) within the Council's constitutional arrangements;
2. Note that as a result of the decision taken at 1 above, Cabinet will become the 'Duty Holder' for the purposes of the Port Marine Safety Code.

### **13. COMPULSORY EQUALITIES TRAINING**

Ingrid Brown introduced the item for discussion and made the following points:

- The recommendations for the adoption of a decision to make it mandatory for councillors to attend equalities, diversity and inclusion training came from the Equalities Cabinet Advisory Group;
- Council was duty bound to give equality impact considerations for all its decisions;
- It was worth noting that recent equality training provided to councillors was poorly attended.

The committee discussed the item and made the following comments:

- A member said that they fully supported the recommendation in the committee report;
- They further said that the poor attendance at the equalities training was due to the short notice given to councillors. They said that it would be helpful to get an update on what trainings a councillor had attended and a reminder of the future training they needed to attend;
- Another member said that this training should not be made compulsory. They asked if the Council had any powers to enforce training attendance;
- A member said that this training was important for creating awareness. They said that a lot of consideration should be given to support councillors to attend;

- Another member said that they were totally against making equalities training compulsory. They said that this similar training was provided to councillors during the induction. Making this training compulsory should only be at the point of incoming of new councillors;
- One member suggested that this training could be provided via online training arrangements. They should also consider conducting drop-in sessions for those councillors with questions to attend;

Ingrid Brown responded to member comments and questions as follows:

- Providing the training online could be an optioned that officers could explore;
- The training would equip councillors with the skills to make decisions that give due consideration to equality impact.

Councillor Will Scobie proposed, Councillor Austin seconded and the committee recommended that Full Council agree the following, that:

A change be made to the Constitution making it mandatory for all Councillors to attend Equalities, Diversity and Inclusion training.

#### 14. **AOB - CRC WORK PROGRAMME**

Nick Hughes advised the committee on the content of the committee's work programme as follows:

- The next committee meeting was scheduled for 12 November 2024;
- Speech length – Rules of debate would be on the November agenda. The committee would like to consider whether it would be plausible to apply Full Council rules of debate to proceedings for committee meetings or come up with different rules;
- The other agenda items were the Code of Conduct, Licensing Board substitutes and Licensing Sub Committee substitutes;
- An additional meeting of the Constitutional Review Committee would be scheduled for January 2025 to consider the new Procurement Act. The current Council's Contract Procedure Rules would need to be reviewed and updated;
- The new Contract Procedure Rules would need to be added to the Full Council agenda for the February 2025 meeting.

Meeting concluded: 9.10 pm