

CONSTITUTIONAL REVIEW WORKING PARTY

Minutes of the meeting held on 7 March 2013 at 10.00 am in Pugin & Rossetti Rooms, First Floor, Council Offices, Cecil Street, Margate.

Present: Mr Robin Hills (Chairman); Mrs L Frampton (Vice-Chairman);
Councillors: Hayton, Nicholson, Watkins and Wright

In Attendance: Councillor King

40. APOLOGIES FOR ABSENCE

There were no apologies for absence.

41. DECLARATIONS OF INTEREST

There were no declarations of interest.

42. MINUTES OF PREVIOUS MEETING

On the proposal of Councillor Watkins, seconded by Councillor Hayton, the minutes of the meeting of the Constitutional Review Working Party held on 24 October 2012 were approved and signed by the Chairman as a correct record.

43. REVIEW OF THANET DISTRICT COUNCIL SCRUTINY ARRANGEMENTS - AN OPTIONS REPORT

Members raised the following points:

- a) the current overview & scrutiny structure seemed to be working effectively, although there seemed to be further scope for earlier pre-decision scrutiny and reviews of the effectiveness of executive decisions, say, 12 months to 2 years after decisions had been made;
- b) in the proposed 3-committee model, overlapping of functions and problems arising from cross-referencing would be inevitable;
- c) the role of the proposed committees would not be dissimilar to that of cabinet advisory groups;
- d) the cost of implementing the new structure, in terms of additional Special Responsibility Allowances and democratic services staffing resources would be hard to justify, especially in the light of current budgetary constraints.

It was proposed by Councillor Nicholson, seconded by Councillor Hayton and AGREED TO RECOMMEND to Standards Committee:

“That no change to the current overview and scrutiny committee structure be endorsed”.

It was noted that if that recommendation was adopted by the Standards Committee, it would be unnecessary to submit a report to full Council.

44. PETITIONS SCHEME - REVIEW

Consideration was given to the various points raised in the report, after which it was, on the proposal of Councillor Nicholson, seconded by Councillor Hayton, AGREED TO RECOMMEND to the Standards Committee:

1. That the Petitions Scheme be amended so that when a second petition is rejected on the basis that it is generally similar to a previous valid one that has not yet been reported to Council, then the Council should be made aware of the second petition;
2. That Ward Councillor(s) should be informed of all petitions that directly affect their ward once they have been received by Council, regardless of whether they were valid or not; in the case of petitions that relate to the whole district of Thanet, then all Members should be informed;
3. That Ward Councillors be informed of E-petitions only after the thresholds of signatures, as set out in the Petitions Scheme, have been reached.

45. TO REVIEW CONSTITUTIONAL PROCEDURE RULES RELATING TO MOTIONS ON NOTICE, QUESTIONS AND CALL-IN

In speaking under Council Procedure Rule 24.1, Councillor King suggested that the preclusion of questions and motions on notice relating to the ethical conduct of Members might appear undemocratic and that Rule 16.3, as set out in Annex 1, should be further amended to extend the right of reply on motions on notice to other opposition political groups.

A Member expressed the view that if a motion related to a particular political group, a member of that group should be entitled to reply.

Harvey Patterson, Corporate & Regulatory Services Manager and Monitoring Officer, asked for time to reconsider proposal relating to the “putting of the motion” at the meeting.

Following discussion, it was, on the proposal of Councillor Hayton, seconded by Councillor Nicholson, AGREED TO RECOMMEND to the Standards Committee:

1. That, with the exception of the change relating to Council Procedure Rule 16.3 (**Putting the Motion at the Meeting**) the constitutional changes as set out at Annex 1 be approved;
2. That the change to Rule 16.3 (**Putting the Motion at the Meeting**) be deferred for reconsideration and report to the next meeting of the Constitutional Review Working Party.

46. NOTICE OF MOTION TO COUNCIL REGARDING MEMBERSHIP OF LICENSING BOARD

On the proposal of Councillor Hayton, seconded by Councillor Watkins, it was AGREED TO RECOMMEND to the Standards Committee:

“That no further action be taken in relation to the motion on notice, on the grounds that each political group has sole responsibility for appointments to seats which have been allocated to it under the political balance rules of Sections 15 and 16 of the Local Government and Housing Act 1989”.

Meeting concluded : 11.34 am