

CONSTITUTIONAL REVIEW WORKING PARTY

Minutes of the meeting held on 20 February 2018 at 3.00 pm in Council Chamber, Cecil Street, Margate, Kent.

Present: Dr Jonathan Sexton (Chairman); Mrs Janet Bacon (Independent Vice Chairman)

Councillors Campbell, Dixon and Tomlinson

93. APOLOGIES FOR ABSENCE

No apologies for absence were received.

94. DECLARATIONS OF INTEREST

There were no declarations of interest.

95. MINUTES OF PREVIOUS MEETING

Councillor Campbell proposed, Councillor Dixon seconded and it was AGREED that the minutes of the Constitutional Review Working Party held on 24 August 2016 be approved and signed by the Chairman.

96. CHANGES TO THE COUNCIL'S CONSTITUTION

Tim Howes, Director of Corporate Governance & Monitoring Officer outlined the proposed changes to the Council's Constitution and advised that recommendation 3 regarding amending Council Procedure Rule 13.5 had been withdrawn.

Further to discussion, the Working Party recommended the following

1. To amend Article 16 of the Constitution to remove the requirement to provide a paper copy of the Constitution.

The Working Party suggested the following wording to provide additional clarity:

"The Committee Services Manager will give access to an electronic copy of the Constitution to each Member of the Authority upon receipt of that individual's declaration of acceptance of office on the member first being elected to the Council."

2. To amend Council Procedure Rule 3.3 by introducing a new paragraph regarding non-attendance by Councillors due to present a motion of notice. The new wording to read:

"3.3 The Monitoring Officer shall include all notices of motion and accompanying statements in the agenda for the next relevant meeting of Council in the order received.

3.4 A member giving notice in writing prior to the start of the meeting at which their motion is to be considered, may defer their motion to a later meeting or withdraw it if they are unable to attend the said meeting. If no such notice is received and the member is not present to move the motion it will automatically fall and will not be able to be re-considered for six months as per CPR 3.8 xi)."

It was further recommended that consideration should be given to specifying "by email or in a letter" to provide clarity on the meaning of 'notice in writing'.

3. To amend Council Procedure Rule 14.6 to provide clarity that a question would be rejected by the Monitoring Officer if it did not comply with the rules on questions. The monitoring Officer would advise the questioner of the grounds for rejecting their question. The new wording to read:

“The Monitoring Officer will reject a question if it is:

- defamatory, frivolous or offensive;
- substantially the same as a question which has been put at a meeting of the Council in the past six months;
- such as to require the disclosure of confidential or exempt information;
- related to an individual planning or licensing application; or
- related to the ethical conduct of individual Members of Council unless the conduct relates to the Member acting as a Member of the Council.”

4. To amend Council procedure Rule 14 to provide clarity on the situation where a Member is not present to ask a question at Council by including the following:

“14.7 A member giving notice in writing prior to the start of the meeting at which their question is to be considered, may defer their question to a later meeting or withdraw it if they are unable to attend the said meeting.

14.8 If such notice is not received and the questioner is not present the question shall not be put and shall be answered in writing. There will be no ability to ask a supplementary question.

The Working Party recommended that consideration be given to the appropriate time for giving the notice and whether it should be a time prior to the ‘start of the meeting’ for example’ by noon on the day of the meeting’.

The Working Party agreed the recommendations as above and recommended them to the Standards Committee.

Meeting concluded : 3.35pm