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CONSTITUTIONAL REVIEW WORKING PARTY

Minutes of the meeting held on 17 June 2010 at 10.30 am in Austen Room, Council Offices, Cecil Street, Margate, Kent.

Present: Mr Robin Hills (Chairman); Councillors B Hinchley (Independent Member)
Councillors; Gregory, Harrison, Latchford and Mrs Roberts

31. APOLOGIES FOR ABSENCE

There were no apologies received at the meeting.

32. DECLARATIONS OF INTEREST

There were no declarations of interest.

33. MINUTES OF PREVIOUS MEETING

The minutes were **Agreed** and signed by the Chairman.

34. PETITIONS POLICY

The Democratic Services and Scrutiny Manager, Glenn Back introduced the report. Thanet's constitution currently only allows petitioners to address Council when petitions are first considered. If the petitions are referred to Cabinet or another body for subsequent report back to Council, no further public speaking is allowed. There have been times where this appeared to disappoint petitioners.

New legislation had been introduced that requires Councils to adopt petition schemes that help determine where proper debate on any petitions should take place. The report sets out a suggested approach. The electronic petition scheme needs to be in place by December 2010.

The Head of Legal and Democratic Services, Harvey Patterson said that one of the most significant provisions of the proposed petitions scheme was that petitions that trigger the lower threshold in the scheme would be referred to the Overview and Scrutiny Panel. That body has responsibilities and powers that would allow a wide ranging debate on a petition. If a petition triggers the higher threshold they would be referred to Council for debate.

In setting these thresholds there was a need to get the balance right in order not to allow too many, or too few, petitions to go to the Panel or to Council..The Working Party considered the thresholds being set by other Councils in east Kent.

The Democratic Services and Scrutiny Manager asked the Working Party if it wished to use the legislative powers available to restrict signatures on petitions to people that live, work or study within the district. Members expressed some concern regarding the possibility that the Council might need to consider petitions from individuals who live outside the district. However, some people outside the district might have a legitimate interest in regional matters such as Manston Airport, and in any case, it might be hard to enforce the restrictions that were available.

The draft scheme suggested that at Council each petition could only be discussed for ten minutes. The Working Party was not supportive of such a restriction, so long as the

existing overall limit within the constitution of 30 minutes to discuss petitions was retained.

Members asked that the implementation date for e-petitioning be made clearer in the petitions scheme.

Councillor Gregory Moved and Councillor Latchford seconded, Members Agreed:

- a) That Council approves the draft Petition Scheme with immediate effect;
- b) That the Monitoring Officer in consultation with the Leader of the Council and the Chairman of Overview and Scrutiny Panel be delegated the power to reject petitions which he or she considers to be vexatious, abusive or otherwise inappropriate;
- c) That the threshold for signatures be as follows:-
 - For 'ordinary petitions' – 25
 - For 'petitions to hold officers to account at the Overview and Scrutiny Panel' – 650
 - For 'petitions requiring debate at Full Council' – 1300
- d) That the Monitoring Officer be delegated authority to make appropriate changes to the Constitution to incorporate the agreed Petition Scheme into the Council's Constitution.
- e) That the Working Party recommends that all petitions are allowed and there be no restriction on signatures on petitions to people that do not live, work or study in the district.
- f) That the Policy be reviewed in December 2010 after the introduction of the "E-Petitions" scheme.

35. ADOPTION OF REVISED POLITICAL MANAGEMENT ARRANGEMENTS

Harvey Patterson introduced the item. He said that Thanet District Council was required to consider two models of council leadership which are the elected mayor model and the strong leader model, and then adopt one of them. The Council had to make a decision by December 2010 on which model to adopt and that model should be in place by the time of the next Local Government elections in May 2011.

During the public consultation process the Council is required to provide the public with neutral and objective information to enable the public to make an informed choice. However the Council is permitted to make its pre-consultation preference known. Under the new arrangements a leader's term of office would be four years, although Council can still remove a leader by vote of Council before that period expires. Members noted that there appeared to be not much interest in the elected mayor model in Thanet District.

Members received and noted the report.

Moved by Councillor Latchford and seconded by Councillor Harrison, Members **Recommended** the expression of a preference for a strong leadership model.

Thanet District Council may want to consider an electronic consultation exercise and feedback to Council. Members said that it was best practice to have a separate Group Leaders consultation.

Moved by Councillor Hinchley and seconded by Councillor Gregory Members **Agreed**:

That the Working Party supports consultation with the Group Leaders as part of the process of determining a pre consultation preferred option.

Meeting concluded : 11.25 am

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