

TONBRIDGE & MALLING BOROUGH COUNCIL

COUNCIL

26 October 2021

Report of the Monitoring Officer

Part 1- Public

Matters For Decision

1 CHANGES TO CONSTITUTION

The report recommends that changes are made to the constitution to allow additional speaking time for opposition group leaders, and to address concerns raised by Members concerning the Electoral Review Working Group.

A minor amendment is also required to the appointment of a proper officer for the purposes of public health functions, following the replacement of Public Health England by the UK Health Security Agency (UKSHA).

1.1 Introduction

Additional speaking time for opposition group leaders

- 1.1.1 Members will be familiar with the time limits imposed by the constitution relating to Leader's announcements.
- 1.1.2 Rule 5.25(b) of the constitution currently limits the time permitted for opposition group leaders to respond to announcements by the Leader (who is allowed up to twenty minutes), with the time permitted for such responses limited to five minutes in total. The rule does not provide for each opposition group leader to be given an equal share of the five minutes, thus creating the potential for an inequality between the respective leaders. Furthermore, as we currently have three opposition group leaders, the time permitted for the response of each leader is very short.
- 1.1.3 At the previous meeting of Council on 13 July 2021 the Leader requested that I bring forward a report to allow for opposition group leaders to be given a longer period of time to respond to his announcements, with the intention that each opposition group leader be allowed a period of three minutes. This report recommends appropriate amendments to the constitution.
- 1.1.4 It is proposed that Rule 5.25(b) of the Council and Committee Procedure Rules is amended so that it now reads

'the opposition group leaders shall be given an opportunity to comment upon the announcements and the total time allowed shall be limited to three minutes per opposition group leader'

Electoral Review Working Group

- 1.1.5 The Electoral Review Working Group (ERWG) has met on 3 occasions during 2021, all 3 meetings considering aspects of the Boundary Commission Review of Tonbridge and Malling.
- 1.1.6 The terms of reference for the ERWG (as set out in the constitution) are to advise the Council in respect of matters referred to it in respect of Constituency, Borough, ward and parish boundaries. The ERWG is not programmed to meet on a regular basis, and is instead convened as and when required. It has 9 Members – currently 7 Conservative, 1 Liberal Democrat and 1 Independent Alliance Kent.
- 1.1.7 Whilst the recommendations from the working group have been referred to General Purposes Committee/ Council for further consideration, Members in attendance at those meetings have expressed concern at the private nature of the working group, with members of the public unable to read the papers or watch the meeting via YouTube as would be the case for other Council meetings.
- 1.1.8 The private status of the working group is prescribed by the constitution and reflects the historical approach of the Council towards consideration of electoral review matters. It is not a statutory requirement for the working group to meet in private, so it is entirely within the gift of the Council to review the operation of the working group. Furthermore, there is no specific statutory requirement for the Council to create a working group or other Member meeting to deal solely with electoral review matters.
- 1.1.9 In order to promote the transparency of decision making, and to streamline the decision-making process, it is proposed that the Electoral Review Working Group is abolished, with all matters relating to electoral review to sit within the terms of reference for the General Purposes Committee.
- 1.1.10 The abolition of the ERWG will not require any changes to the terms of reference for the General Purposes Committee, as this Committee is already empowered to deal with all matters relating to European, Parliamentary and Local Elections and Parish Council Elections (in consultation with the Parish Council), electoral registration and representation.
- 1.1.11 The proposed changes will have a consequential impact on the political balance arrangements. These changes are dealt with in a separate report.

1.2 Proper Officer – Public Health

- 1.2.1 Part 3 of the Constitution currently designates any person for the time being employed as a consultant in Communicable Disease Control/ Consultant in Health

Protection (or such other title as may be notified to the Borough Council by Public Health England from time to time) at Public Health England as the Proper Officer for the purposes of exercising various public health functions under the Health Protection (Notification) Regulations 2010 and the Public Health (Control of Disease) Act 1984.

- 1.2.2 On 1 October 2021 Public Health England was replaced by the UK Health Security Agency (UKSHA) and the Office for Health Improvement and Disparities. We have therefore been requested by the UKSHA to update our Proper Officer appointment to reflect this transition.
- 1.2.3 It is proposed to replace reference to Public Health England within Part 3 of the Constitution (as set out in 1.2.1 above) with UKSHA.

1.3 Legal Implications

- 1.3.1 Article 10 of the Constitution sets out the procedure for review and revision of the Constitution. Except in specified circumstances, changes to the Constitution may only be approved by full Council after consideration of a report on the proposal from the Council's Monitoring Officer.

1.4 Financial and Value for Money Considerations

- 1.4.1 None.

1.5 Risk Assessment

- 1.5.1 The changes proposed in this report will promote transparent decision-making processes and ensure each opposition group leader is permitted an equal period of time to respond to the Leader's announcements.

1.6 Equality Impact Assessment

- 1.6.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.7 Recommendations

- 1.7.1 It is **RECOMMENDED** that the Monitoring Officer be authorised to amend the Constitution to give effect to the changes outlined in this report.

Background papers:

contact: Adrian Stanfield

Adrian Stanfield
Monitoring Officer