



Agenda

Governance Committee

Thursday 11 April 2024
at 7pm

The Guildhall, St Peter's Place, Canterbury

Membership of the Committee:

Councillor Alan Baldock (Chair)
Councillor Alex Ricketts (Vice Chair)
Councillor Mike Bland
Councillor Dane Buckman
Councillor Rachel Carnac
Councillor Elizabeth Carr-Ellis
Councillor Lee Castle
Councillor Joe Howes
Councillor Keji Moses
Councillor Paul Prentice
Councillor Mike Sole
Councillor Ian Stockley
Councillor Clare Turnbull

Quorum: 7

NOTES

1. Members of the public may speak at meetings of the Committee so long as they contact Democratic Services by 12.30pm the working day before the meeting.
2. The venue for the meeting is wheelchair accessible and has an induction loop to help people who are hearing impaired.
3. Everyone is welcome to record meetings of the Council and its Committees using whatever non-disruptive methods you think are suitable. If you are intending to do this please mention it to the Democratic Services Officer and do not use flash photograph unless you have previously asked whether you may do so. If you have any questions about this please contact Democratic Services (members of the press please contact the Press Office).

Please note that the Chair of the meeting has the discretion to withdraw permission and halt any recording if in the Chair's opinion continuing to do so would prejudice proceedings at the meeting. Reasons may include disruption caused by the filming or recording or the nature of the business being conducted.

Anyone filming a meeting is asked to only focus on those actively participating but please also be aware that you may be filmed or recorded whilst attending a council meeting and that attendance at the meeting signifies your agreement to this if it occurs. You are also reminded that the laws of defamation apply and all participants whether speaking, filming or recording are reminded that respect should be shown to all those included in the democratic process.

Persons making recordings are requested not to put undue restrictions on the material produced so that it can be reused and edited by all local people and organisations on a noncommercial basis.

If a meeting passes a motion to exclude the press and public then, in conjunction with this, all rights to record the meeting are removed.

4. The information contained within this agenda is available in other formats, including Braille, large print, audio cassettes and other languages.

Contact: Democracy, 01227 862009, democracy@canterbury.gov.uk

Agenda

1 APOLOGIES FOR ABSENCE

2 SUBSTITUTE COUNCILLORS

3 DECLARATIONS OF INTEREST

TO RECEIVE any declarations for the following in so far as they relate to the business for the meeting:-

- a. Disclosable Pecuniary Interests
- b. Other Significant Interests (what were previously thought of as nonpecuniary Prejudicial interests)
- c. Voluntary Announcements of Other Interests

Voluntary Announcements of Other Interests not required to be disclosed as DPI's or OSI's, ie announcements made for transparency reasons alone, such as:

- Membership of outside bodies that have made representations on agenda items, or
- Where a Councillor knows a person involved, but does not have a close association with that person, or
- Where an item would affect the well-being of a Councillor, relative, close associate, employer, etc but not his/her financial position.

[Note: an effect on the financial position of a Councillor, relative, close associate, employer, etc; OR an application made by a Councillor, relative, close associate, employer, etc, would both probably constitute either an OSI or in some cases a DPI].

4 PUBLIC PARTICIPATION

Members of the public may speak on any item on the agenda, for a maximum of three minutes, provided that notification has been given to Democratic Services by 12.30pm on the working day before the Meeting.

5 MINUTES OF THE MEETING HELD ON 13 February 2024

TO CONFIRM as a true record.

6 UPDATES TO THE CONSTITUTION - APRIL 2024

TO CONSIDER the report of the Director of Corporate Services.

6 ANY OTHER URGENT BUSINESS

7 EXCLUSION OF THE PRESS AND PUBLIC

TO RESOLVE - That under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items of business on the grounds that there would be disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act or the Freedom of Information Act or both.

8 ANY OTHER URGENT BUSINESS WHICH FALLS UNDER THE EXEMPT PROVISIONS OF THE LOCAL GOVERNMENT ACT 1972 OR THE FREEDOM OF INFORMATION ACT 2000 OR BOTH

CANTERBURY CITY COUNCIL

GOVERNANCE COMMITTEE

**Minutes of a meeting held on Tuesday 13 February 2024 at 2 pm in The Guildhall,
St Peter's Place, Westgate, Canterbury**

Present:

Councillor Alan Baldock (chair)
Councillor Alex Ricketts (vice chair)
Councillor Mike Bland
Councillor Dane Buckman
Councillor Rachel Carnac
Councillor Elizabeth Carr-Ellis
Councillor Michael Dixey (substitute)
Councillor Andrew Harvey (substitute)
Councillor Joe Howes
Councillor Keji Moses
Councillor Paul Prentice
Councillor Mike Sole
Councillor Ian Stockley

In attendance:

Matthew Archer - Head of Corporate Governance
Jan Guylar - Head of Legal and Monitoring Officer
Andrea James - Democratic Services Officer
Tricia Marshall - Head of Paid Service

549. Apologies

Apologies were received from Councillors Lee Castle and Clare Turnbull.

550. Substitutes

Councillor Michael Dixey was present as a substitute for Councillor Castle, and Councillor Andrew Harvey was present as a substitute for Councillor Turnbull.

551. Declarations of any interests by councillors or officers

Councillor Alex Ricketts made a voluntary announcement that he was Chair of the Joint Transportation Board, with reference to the proposed changes to terms of reference for boards and committees in Item 5 on the agenda, Updates to the Constitution.

Councillor Paul Prentice made a voluntary announcement that he was a ward Councillor for Barton Ward, in relation to the discussion of the South Canterbury housing development and the changes to the Planning Sub-Committee regarding large developments.

552. Public Participation

There were no public speakers for the meeting.

553. Updates to the Constitution

The Head of Corporate Governance introduced the report, which recommended updates to the Constitution that would ensure the continued efficient and effective governance of the Council.

Members then went through the recommendations one at a time, asking questions of the officers and making clarifications, including the following:

Recommendation 1: To agree the amendments to Part 5, terms of reference of committees outlined in the report

- It might be useful to have more than 15 members on the Licensing Committee as training was arduous and there were many meetings, but the law stated a maximum of 15.
- The Whitstable Harbour Board Memorandum of Understanding would come to the next Governance Committee meeting later in the spring.

Recommendation 2: In relation to the changes proposed to the Audit Committee -

i) To include separation between cabinet membership and those charged with oversight on the Audit Committee in the Audit Committee terms of reference.

ii) To consider whether to invite nominations for an independent member to serve on the Audit Committee.

- Members welcomed the idea of an independent member for Audit Committee and felt that the post should be openly advertised.
- The independent member or members should not be former City councillors.
- There should be clear criteria for who could be an independent member.
- Maybe expert witnesses could also be called by the Chair when necessary, but would that encroach on the Scrutiny Sub-Committee's role of holding services to account?
- Expert advisors would have to be paid.
- An independent member job role / person specification should be prepared.

Recommendation 3: To confirm the arrangements in relation to the Planning Sub Committee

- This was a very sensible idea to help keep track of large developments and keep the public informed of performance.
- Councillors wanted to be involved in monitoring developments, but meetings between councillors and developers without officers present were not good practice.
- This committee could not set out the detail of how planners should engage with developers, but this method of monitoring could be used as a model for the future: the Planning Committee could recommend that the Sub-Committee monitor any large development that came forward in future.

Recommendation 4: To remove the Herne Bay Residents Association from the list of amenity groups with a reserved speaking slot at the Planning Committee.

- The Herne Bay Residents Association had folded after many years of successful operation, following the death of its founder Dick Eburne.
- In the absence of the Herne Bay Residents Association, there was no one group that could represent the town as a whole.
- The pre-selected slots for local groups were there to ensure urban areas had the same grass-roots representation at Planning Committee as rural areas did through parish councils.

Recommendation 5: To amend the call-in procedures to allow 15 clear working days from receipt of a valid call-in to convene a meeting of the Scrutiny Sub Committee.

- No comments

Recommendation 6:

i) That the webcasting and hybrid technology is piloted at Cabinet and then rolled out to Council and other committee meetings when we are confident with the use and reliability of the technology.

ii) That the hybrid meeting protocol set out in Appendix D is adopted.

- The cameras on the new system worked automatically, focussing on the person speaking at any given time.
- A meeting would only be quorate if sufficient numbers of members were physically present.
- It was very positive that there would be video coverage of meetings, especially in terms of engaging the public in general and better accessibility by people with disabilities. For example, by publishing the video stream via Youtube, it meant Youtube captions would be instantly supplied. The visual element would allow lipreading.
- The provider of the new technology (which also provided the chamber voting system) was a bigger company than the previous audio streaming service provider, and the testing so far, using 'audio only', was more reliable.
- The Disability Advisory Panel would be invited to watch initial video meeting streams and feedback their views and advice.
- The hybrid technology would be very useful for meetings of the Joint Transportation Board (JTB) especially, where KCC officers needed to join remotely.
- It was noted that voting by participants taking part remotely was not allowed by law, even though representatives of local government had been campaigning for this to change.
- While it was very useful that some members would be able to join remotely to speak (but not vote) at some meetings, it should not become the norm that a member who was, for example, on holiday or unwell, should be expected to join a meeting in this manner.

Recommendation 7: That the changes recommended to Article 12 (Statutory officer responsibilities) and Part 8.1 (Scheme of delegation from council to officers) outlined in the report are approved.

- The figures concerning leases reflected reality and had been advised by professionals. The levels were being lifted, but the mode of operation was not being changed.
- The adjustments reflected the market rather than a shifting in position.

- The council offered a number of heavily discounted rents for 10-15 year periods to charities.
- Any lease over 30 years would come to committee.
- The Council was currently migrating leasehold data into a new system which would allow it to better identify where it could work assets harder.

Recommendation 8: To amend the Financial Procedure Rules as set out in the report.

- These were tidying up processes to allow the legal team to operate in a more efficient and economical manner.

It was proposed, seconded and when put to a vote

AGREED

To amend Recommendation 3 of the Item 'Updates to the Constitution' as follows:

Add the words 'and to delegate to the Planning Committee the ability to devolve the monitoring of conditions on other major applications, as necessary, to the Planning Sub Committee' after the words 'To confirm the arrangements in relation to the Planning Sub Committee', so that the amended Recommendation 3 would read:

'To confirm the arrangements in relation to the Planning Sub Committee, and to delegate to the Planning Committee the ability to devolve the monitoring of conditions on other major applications, as necessary, to the Planning Sub Committee.'

Record of the vote:

For (13): Councillors Baldock, Bland, Buckman, Carnac, Carr-Ellis, Dixey, A Harvey, Howes, Moses, Prentice, Ricketts, Sole, I Stockley

Against (0): none

Abstained (0): none

It was then proposed, seconded and, when put to the vote

AGREED

- that the proposed changes to the Constitution be recommended to Council for approval, as follows:

1. To agree the amendments to Part 5, terms of reference of committees outlined in the report.
2. In relation to the changes proposed to the Audit Committee -
 - i) To include separation between cabinet membership and those charged with oversight on the Audit Committee in the Audit Committee terms of reference.
 - ii) To consider whether to invite nominations for an independent member to serve on the Audit Committee.

3. To confirm the arrangements in relation to the Planning Sub Committee, and to delegate to the Planning Committee the ability to devolve the monitoring of conditions on other major applications, as necessary, to the Planning Sub Committee.
4. To remove the Herne Bay Residents Association from the list of amenity groups with a reserved speaking slot at the Planning Committee.
5. To amend the call-in procedures to allow 15 clear working days from receipt of a valid call-in to convene a meeting of the Scrutiny Sub Committee.
6. i) That the webcasting and hybrid technology is piloted at Cabinet and then rolled out to Council and other committee meetings when we are confident with the use and reliability of the technology.
ii) That the hybrid meeting protocol set out in Appendix D is adopted.
7. That the changes recommended to Article 12 (Statutory officer responsibilities) and Part 8.1 (Scheme of delegation from council to officers) outlined in the report are approved.
8. To amend the Financial Procedure Rules as set out in the report.

Record of the vote:

For (13): Councillors Baldock, Bland, Buckman, Carnac, Carr-Ellis, Dixey, A Harvey, Howes, Moses, Prentice, Ricketts, Sole, I Stockley

Against (0): none

Abstained (0): none

554. Councillor Interest Governance Review Recommendations

The Head of Legal and Monitoring Officer introduced the report, which asked the Committee to consider proposed solutions to address recommendations made by the Councillor Interest Governance Review.

She also gave a verbal update as follows:

Christine Parker, who undertook the Governance Review presented to the Audit Committee on 24 January 2024, has asked me to make a correction regarding updated advice she had previously relied on in her report.

The former Councillor's directorship in the company CCH Milton Manor Park Limited does not amount to a Disclosable Pecuniary Interest (DPI) and did not therefore need to be registered as an interest at the time.

Having reviewed the information available on Companies House and the relevant legislation (Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012/1464) it is noted that in order to be a DPI the company needs to be registered in or own land in Canterbury City Council's area PLUS the Councillor has shares over a set threshold.

In this case the company is registered to an address in Hythe and does not own any land. The shares being over the threshold is not enough in itself to amount to a DPI.

This clarification does not however have any impact on the recommendations made in the Governance Review and the suggested way forward to implement those recommendations set out in the report to the Standards Committee remains as set out in the report.

The Head of Legal then talked through the report's recommendations and the amendment that had been recommended by the Standards Committee.

Members then asked questions, made points and asked for clarifications, including the following:

- The current situation had been an eye-opener for some new councillors especially, who were suddenly hearing from local residents accusations of sleaze against councillors.
- The actions taken by officers to update the forms and update the Constitution were very welcome as residents needed to see that the Council was taking action.
- While the amendment requiring the Monitoring Officer to refer matters to the police might look appealing, in practice what action could the Monitoring Officer actually take against former councillors? Could this open the door to vexatious accusations?
- The Monitoring Officer could not compel a former councillor to assist a council investigation of misconduct, but if there was the potential for criminal liability, the Monitoring Officer could report that former councillor to the police.
- A cut-off period could be set if councillors thought it should be - for example, 3 or 4 years following the date of any incident.
- This recommendation was about the expected actions of the Monitoring Officer if a member of the public reported a councillor or former councillor to them. That member of the public could go straight to the police themselves at any time to report the councillor or former councillor, so this measure was not providing a new route for someone who wanted to be vexatious.
- Setting a time limit on the measure might just invite suspicion or cause more difficulty.
- The Monitoring Officer should be able to take appropriate professional and even-handed action about any report of possible illegal conduct by any councillor or former councillor if such was made to them.
- The Code of Conduct should apply to former councillors also.
- The fact that any relevant registered business address had to be within the district or a place of business within the district for it to count towards a DPI seemed a massive loophole, as most businesses had registered addresses in strange places not linked to their trade, but this criteria was set out in the 2012 Regulations and was not something set by the Council.
- On the call for sites form, it did not appear to require you to declare if you had any land ownership held via shares in a company.
- More clarity about what should be declared generally was needed, and also about sensitive interests, as different councillors seemed to have different understandings of what needed to be declared, and what didn't.
- The Sensitive Interests Form was for the Monitoring Officer to fill out so that there was a record of the rationale applied.
- Councillors were welcome to talk to the Democratic Services team and the Monitoring Officer at any time to clarify possible interests and updates to DPIs.
- Refresher training on interests would be provided during the spring.

It was proposed, seconded and, when put to a vote

AGREED

To include the amendment recommended by the Standards Committee to recommendation 2) c) by adding the words 'or former councillor' after the words '...of other regulations by the Subject Councillor-' so that paragraph 4.4 of Annex 1 of the Arrangements would read as follows:

'If the complaint identifies potential criminal conduct or potential breach of other regulations

by the Subject Councillor or Former Councillor, or any other person, the Monitoring Officer shall report the complaint to the police or other prosecuting or regulatory authority...'

Record of the vote:

For (13): Councillors Baldock, Bland, Buckman, Carnac, Carr-Ellis, Dixey, A Harvey, Howes, Moses, Prentice, Ricketts, Sole, I Stockley

Against (0): none

Abstained (0): none

It was then proposed, seconded and, when put to a vote

AGREED

- that (1) be noted and (2) be recommended to Full Council;

1) to note the adoption by Management Team of the new forms/processes listed below:

- A. Call for Sites Submission Form which includes an Authority Employee / Member Declaration to be completed by employees or members putting forward sites to alert Planners of a potential conflict of interest so the Monitoring Officer can be informed; It was requested and agreed that Management Team would review the Call for Sites Submission Form to ensure that it captured land owned through a company as well as land owned directly.
- B. Call for Sites Authority Employee / Member Declaration - Process Note requiring planning colleagues to record on a spreadsheet that the authority employee / member declaration has been appropriately reviewed and the Monitoring Officer has been contacted where necessary
- C. Sensitive Interests form (see Appendix 3 of the Councillor Interest Governance Review) for use by the Monitoring Officer to record applications for a sensitive interest in accordance with s32 Localism Act

and

2. that delegated authority be given to the Monitoring Officer, in consultation with the Head of Paid Service, to:

- A. amend the Members Code of Conduct to include the requirement for Members to register all directorships as Other Registrable Interests, whether or not they include a pecuniary interest;
- B. make further changes to the constitution that relate to the proposed amendments to the Members' Code of Conduct, including for example, changes to procedure rules in terms of when members with a DPI and OSI may speak at a meeting to mirror the addition of Other Registrable Interests and in relation to sensitive interests;
- C. amend the Arrangements for dealing with Councillor Conduct Complaints to require the Monitoring Officer to refer a matter to the police where there is a potential criminal offence regarding the failure by a Councillor or Former Councillor to appropriately disclose a Disclosable Pecuniary Interest.

Record of the vote:

For (13): Councillors Baldock, Bland, Buckman, Carnac, Carr-Ellis, Dixey, A Harvey, Howes, Moses, Prentice, Ricketts, Sole, I Stockley
Against (0): none
Abstained (0): none

555. Any other urgent business to be dealt with in public

There was no other urgent business to be dealt with in public.

556. Exclusion of the press and public

This item was not required.

557. Any other business which fall under the exempt provisions

There was no other business which fell under the exempt provisions.

The meeting ended at 16:08.

Governance Committee

11 April 2024

Subject: Updates to the constitution - April 2024

Director and Head of Service:

Tricia Marshall, Director of Corporate Services

Officer:

Matthew Archer, Head of Corporate Governance

Cabinet Member:

Chris Cornell, Cabinet Member for Coastal Towns

Key or Non Key decision:

Non Key

Decision Issues:

These matters are within the authority of the Council

Is any of the information exempt from publication:

This report is open to the public.

CCC ward(s):

All

Summary and purpose of the report:

The purpose of the report is to recommend further updates to the constitution to ensure continued efficient and effective governance of the council.

To Recommend:

That the proposed changes to the constitution are recommended to Council for approval, as follows -

TO RECOMMEND -

- 1) That the proposed amendments to the Whitstable Harbour Board (WHB) governance arrangements set out in the proposals below be recommended for adoption, to take effect from the annual meeting in May 2024 -

- a) That the WHB becomes a committee of Council and not Cabinet.
 - b) That WHB maintains a 10-year (not five-year) plan of quay maintenance and provides this annually to the Council.
 - c) That the WHB agree a 10-year strategic plan and develop a business plan to identify cost implications to the Council throughout this period.
 - d) That proposals for a ring-fenced reserve for quay maintenance are referred directly to the Service Director for Finance and Procurement to consider the financial implications on the wider council budget. These implications will be fed into the future budget-setting process.
 - e) That the WHB would receive a copy of the budget submission for the Harbour and the agreed budget – in order to ensure we have sufficient funds to complete works.
 - f) That the designated officer will annually ensure flexibility and discretion is given to the Lead Officer of the Harbour in the budget setting process, to achieve the strategic goals, in line with the delegations set out in the Constitution.
 - g) That the WHB will have full discretion on the formation of ‘task and finish groups’ (previously referred to as working groups) subject to officer capacity being available.
 - h) That clarification will be sought as to whether the Memorandum of Understanding (MoU) will need amending were the byelaw to be amended/repealed
 - i) The size of the WHB change to 5 councillors and 4 independent members, in line with the Department for Transport’s Ports Good Governance Guidance, with political balance retained and a councillor appointed as chair.
 - j) Additionally, that the Memorandum of Understanding, once agreed with Cabinet, be incorporated into the Terms of Reference of the Board.
- 2) That the following changes to the Petition Scheme are recommended for adoption -
- a) acceptance of e-petitions from third party sites
 - b) an initial response by the Leader or nominee at Council to petitions referred to Cabinet
- 3) To amend the carers allowance in the Members Allowance Scheme to pay the real Living Wage, irrespective of the age of the carer.

TO NOTE -

- 4) The amendments made by the Head of Legal Services under delegation F28.

Next stage in process:

The recommendations from this committee will be put to Council on 25 April 2024.

1. Introduction

Periodically, changes to the constitution are brought forward as the council adapts its processes to ensure business is conducted in a way that is effective and convenient to both the council and the residents it serves.

The Governance Committee considers officer proposals and makes recommendations to full Council.

Full Council considers the recommendations and resolves the decisions set out in the report, with any amendments it considers necessary.

2. Detail

The following proposals are submitted for consideration.

The first set of proposals are based on recommendations from the Whitstable Harbour Board, as follows.

1. Governance of Whitstable Harbour Board

Recommendation 1 -

That the proposed amendments to the Whitstable Harbour Board governance arrangements set out in the proposals below be recommended for adoption, to take effect from the annual meeting in May 2024 -

- a) **That the WHB become a committee of Council and not Cabinet.**
- b) **That WHB maintains a ten-year (not five-year) plan of quay maintenance and provides this annually to the Council.**
- c) **That the WHB agree a ten-year strategic plan and develop a business plan to identify cost implications to the Council throughout this period.**
- d) **That proposals for a ring-fenced reserve for quay maintenance are referred directly to the Service Director for Finance and Procurement to consider the financial implications on the wider council budget. These implications will be fed into the future budget-setting process.**
- e) **That the WHB would receive a copy of the budget submission for the Harbour and the agreed budget – in order to ensure we have sufficient funds to complete works.**
- f) **That the designated officer will annually ensure flexibility and discretion is given to the Lead Officer of the Harbour in the budget setting process, to achieve the strategic goals, in line with the delegations set out in the Constitution.**
- g) **That the WHB will have full discretion on the formation of ‘task and finish groups’ (previously referred to as working groups) subject to officer capacity being available.**
- h) **That clarification will be sought as to whether the MoU will need**

amending were the byelaw to be amended / repealed

- i) The size of the WHB change to 5 councillors and 4 independent members, in line with the Department for Transport's Ports Good Governance Guidance, with political balance retained and a councillor appointed as chair.**

At the Whitstable Harbour Board meeting held on 15 March 2024, the Board considered proposals to amend the governance arrangements of the Board.

The full report to the Board can be found in [this link](#). The report set out initial ideas put forward at the previous meeting of the Board and the officer response to each of those recommendations.

Having considered the officer response, the final recommendations of the Board, as set out above, are now put to the Governance Committee for consideration.

Additionally, the Memorandum of Understanding was included in the report to the WHB and Council will be asked to endorse its inclusion in the constitution alongside the WHB terms of reference.

2. Revisions to the Petition Scheme

Recommendation 2 -

That the following changes to the Petition Scheme are recommended for adoption -

- a) acceptance of e-petitions from third party sites**
- b) an initial response by the Leader or nominee at Council to petitions referred to Cabinet**

Acceptance of e-petitions from third party sites

The petition scheme permits petitions to be collated electronically or in paper form.

Currently e-petitions will only be accepted if submitted via the council's e-petitions system.

The reason for this was a wish to manage the wording of petitions in order that they are valid at the point of publication and include a clear call for action of the council.

This was intended to avoid a scenario where the petitioner had done lots of work collecting signatures, which were then invalidated. It also ensured that a relevant address was included within the Canterbury district, where the signatory either lived, worked or studied.

It also ensures that there is a clear link between the submitted names and the petition wording.

It is felt that more flexibility is needed to ensure that our processes are not a barrier to people making their views known by the means most convenient to them.

On that basis it is proposed that the rule be relaxed to permit the use of third party e-petition sites.

This would enable people to manage their own petition and use their platform of

choice. The weaknesses are those above, and the fact that the spreadsheets of signatories do not always contain the petition wording so these would have to be accepted in good faith.

Councillors are asked to consider this change.

Response to petitions with 15 or more signatures at Council

Currently there are two types of petition submitted to full Council.

Those exceeding 1000 signatures trigger a debate at Council.

Those with 15 or more signatures can be presented by the petitioner or their nominee and are then referred by the Lord Mayor to cabinet, a committee or an officer for consideration.

This can feel unsatisfactory for the petitioner so it is proposed that where the petition is referred to cabinet, the Leader or their nominee is offered the opportunity to provide an initial response to indicate how the council will deal with the matter raised.

The Leader has a mandate to speak on behalf of cabinet but it is difficult to draw the same comparison in relation to a committee or an officer referral so it is proposed that the initial response only be extended to cabinet referrals for the time being.

3. Amendment to carers allowance

Within the Members Allowances Scheme, councillors may claim a carers allowance for reimbursement of costs they incur for carers looking after children or elderly, infirm or sick relatives while the councillor is carrying out an "approved duty".

The current rate of payment is the national Living Wage rate applying at the time, irrespective of the age of the person providing the care.

It is proposed that this is amended to the real Living Wage, which is currently £12 per hour, according to the Living Wage Foundation.

This would be awarded irrespective of age.

4. Amendment to officer delegations made under delegation F28

Director delegation

The committee is asked to note a clarificatory amendment made to Directors delegation No. 20 by the Head of Legal Services, using her delegation F28. The clarification ensures that other similarly named agreements can be dealt with the same way as a Memorandum of Understanding, removing ambiguity about the intent of the delegation.

Amend from:

20. To enter into Memorandum of Understanding(s) having previously sought legal advice and bearing in mind the requirement for sealing as set out in the Contract Standing Orders.

To:

20. To enter into Memorandum of Understanding or other similarly named

arrangements, including agreements for bids or grant applications, having previously sought legal advice and bearing in mind the requirement for sealing as set out in the Contract Standing Orders.

Licensing Committee

Additional preamble has been added to the Licensing Committee terms of reference to make it clear that certain delegations are granted by Council under the Local Government Act (LGA) 1972, while others arise directly from statutory requirements under the Licensing Act 2003 and the Gambling Act 2005.

The existing Licensing sub-committee has been established by the Licensing Committee to deal with matters under the 2003 and 2005 Acts.

Should the Licensing Committee ever decide to establish a sub-committee to deal with delegations made under the 1972 Act, it would be a separate, additional sub-committee designed specifically for that purpose.

The revised terms of reference are attached in Appendix D.

3. Relevant Council policy, strategies or budgetary documents

Constitution

4. Consultation planned or undertaken

This committee is being consulted and invited to make recommendation to Full Council

5. Options available with reasons for suitability

The options are to accept, amend or reject the recommendations.

6. Reasons for supporting option recommended, with risk assessment

It is recommended that the proposals are put to Full Council, as amended by the committee.

7. Implications

(a) Financial

None

(b) Legal

None

(c) Equalities

None

(d) Environmental including carbon emissions and biodiversity

None

Contact Officer: Matthew Archer, Head of Corporate Governance

Background documents and appendices

Appendix A - Climate Change Impact Assessment

Appendix B - [Report to the Whitstable Harbour Board governance arrangements - 15 April 2024, item 8](#)

Appendix C - Proposed changes to the Petition Scheme.

Appendix D - Revised Licensing Committee Terms of Reference

Additional document(s) containing information exempt from publication:

No

Appendix A Climate Change Impact Assessment (Checklist)

Please provide an assessment of the impact of the proposal under each of the headings below. If none, please say so.

1. Climate Change impacts

Impact of proposal Positive/ Neutral/ Negative	Explanation of impact If you have any relevant data, please include that in the explanation and reference the source.	Mitigation
Impact on the council's target of being carbon neutral by 2030 This applies to emissions of carbon dioxide as a direct result of our own activities and services. Please consider the whole life impact of your proposals		
Neutral		
Impact on carbon emissions in the Canterbury district This applies to the carbon dioxide emissions in the district as a result of your proposal. Please consider the whole life impact of your proposals.		
Neutral		
Emission of other climate changing gases including methane, CFCs, nitrous oxide		
Neutral		

2. Adaptation to climate change - Impact on our resilience to the effects of climate change

The greatest risks posed by climate change to the UK are:

- Flooding and coastal changes including erosion from extreme events
- Risks to health caused by high temperatures
- Water shortages and drought
- Risk to natural environments & services - landscape, wildlife, pollinators, timber etc
- Risk to food production & trade
- Emergence of new pests and diseases affecting people, plants & animals

What impact do your proposals have on our ability to resist or tackle these problems in the future?

Impact of proposal Positive/ Neutral/ Negative	Explanation of impact	Mitigation

Appendix B

See link - [Report to the Whitstable Harbour Board governance arrangements - 15 April 2024, item 8](#)

Appendix C

Petition Scheme

The Council welcomes petitions as a way for people to let us know their concerns.

These guidelines apply to all petitions submitted to Canterbury City Council, with the exception of those set out in Section 3.

Section 1: Submitting a petition

- 1.1 Anyone who lives, works or studies in the district may organise or sign a petition. They must include a qualifying address that is within the district – so for someone studying or working in the district but living elsewhere, the place of work or study would be the qualifying address. Addresses quoted that are outside the district are invalid.
- 1.2 A petition must contain at least 15 valid signatures. Any petition with less than 15 valid signatures is treated as ordinary correspondence and referred to the relevant service area for a response.
- 1.3 Petitions may either be referred to a meeting of Council or to an officer for attention. The procedure for petitions submitted to Council is described in Section 5 of this note. Matters referred directly to an officer are dealt with as ordinary correspondence.
- 1.4 Petitions submitted for a full Council debate must include a minimum of 1,000 valid signatures from people who live, work or study in the area.
- 1.5 Petitions can be sent by post or delivered in person, addressed to the Head of Corporate Governance, at Canterbury City Council, Military Road, Canterbury CT1 1YW. Alternatively, they can be sent by email to democracy@canterbury.gov.uk
- 1.6 An electronic or 'e-petition' is only accepted if submitted on the Council's own e-petitions webpage. Petitions submitted from third-party websites **will be accepted if they contain the information required in section 2 below. Petitions submitted without the required information will be ~~are~~** treated as ordinary correspondence and referred to the appropriate department for attention.
- 1.7 A combined paper and e-petition can be accepted if the petition wording is the same.
- 1.8 Petitioners have the option to present their petitions at any meeting of the full Council except for the annual meeting or an extraordinary meeting. Dates and times of the meetings can be found on the Council website.

- 1.9 If any petition organiser does not wish to present their petition to a full Council meeting, it is referred to the Head of Corporate Governance, logged and referred to the appropriate department for attention.

Section 2: What a petition must contain

- 2.1 A petition must include a short, clear statement on the subject of the petition, which must relate to the functions, powers or duties of the Council. It should also state what lawful action the petitioners wish the Council to take.
- 2.2 The petition organiser must provide their name, address and contact details so that they can be contacted by the Council.
- 2.3 Signatories to paper petitions must provide their name and the valid address where they live, work or study in the district, and a signature. The wording of the petition must be included at the top of every page of the paper petition.
- 2.4 E-petition signatories must include their name, valid address within the district and email address.
- 2.5 Petitions that do not follow these guidelines may be rejected by the Director of Corporate Services. If that happens, the petition organiser will be informed of the reasons. The Director's decision is final.

Section 3: Petitions that are excluded

- 3.1 The Council will not take action on any petition that the Director of Corporate Services considers is vexatious, abusive or otherwise inappropriate, and will explain the reasons for this in our acknowledgement of the petition.
- 3.2 This petition scheme does not apply to the following, where other procedures apply:

Consultation petitions

These are petitions submitted in response to an invitation from the Council for feedback on a particular proposal or application, for example on planning or licensing applications or proposals for parking restrictions. Consultation petitions, received by the required date, are included with other consultation responses reported to the Cabinet, committee or officer taking the relevant decision.

Statutory petitions

Legislation sometimes requires the Council to consider petitions, for example, a petition for a community governance review. Petitions in this category are dealt with in accordance with the relevant statutory requirements. This also applies to petitions relating to matters where

there is already an existing way of reviewing or right of appeal, such as council tax banding or non-domestic rates.

Section 4: What the Council does when it receives a petition

4.1 The Council notifies the petition organiser of the steps it plans to take.

If officers can deal with the matter under delegated authority, and agree that the requested action should be done, the organiser is informed and the petition closed.

If the matter is referred to the Cabinet or a committee, the petitioner is notified.

4.2 The petition details are added to the Council's Opinions log and published on our website, except in cases where this would be inappropriate (i.e. where a petition discloses personal data).

Section 5: How the Council responds to a petition

A – Petitions submitted for debate on issues not on the Council agenda (threshold 1,000 valid signatures)

5.1 Petitions for debate are reported to the next convenient meeting of full Council.

Petitions are not considered at the annual meeting of Council, or at extraordinary meetings of Council, unless such is convened to consider the subject matter of the petition in question.

5.2 The petition organiser, or their nominee, is invited to address the Council meeting for up to three minutes on the subject of the petition.

5.3 Any other petitioner at the same meeting who is presenting a petition, signed by no less than 15 signatories and on the same or a related matter, but who is seeking a different outcome, is heard by the Council for three minutes after the speaker to the substantive petition but prior to the Council debate.

5.4 After this but prior to the debate, the Lord Mayor invites the Leader or their nominee to make a proposal in relation to the petitioner's call for action.

The petition is then debated.

5.5 These petitions are considered before the normal business of the meeting, and are considered in the order in which they were received, unless the Lord Mayor determines otherwise.

5.6 A maximum of 30 minutes is allowed at the start of each Council meeting for considering petitions, and any petitions not reached in the time allowed are referred

to the relevant committee for consideration, or deferred until the next Council meeting.

- 5.7 Before or during the debate, the Lord Mayor may ask the Council if it wishes to vary the length of time allowed for petitions.
- 5.8 Full Council decides how to respond to petitions debated at Council meetings. It may decide to take the action the petition requests, or not to take the action requested (for reasons put forward in the debate), or to commission further investigation into the matter, for example by a relevant committee.

Where the issue is one on which the Cabinet is required to make the final decision, the Council can decide whether to make recommendations to inform that decision. The petition organiser receives written confirmation of this decision. This confirmation is also published on the Council's website.

**B – Petitions submitted in response to items on the Council agenda
(threshold 15 valid signatures)**

- 5.9 A petition can be submitted concerning an item on the Council agenda so that the petitioner can speak at the meeting. The deadline for submission is no later than 12.30pm two working days before the meeting (i.e. Tuesday at 12.30 pm for a Thursday evening meeting). This allows time for the petition to be validated.
- 5.10 These petitions are considered before the normal business of the meeting and in the order they are received, unless the Lord Mayor determines otherwise.
- 5.11 If more than one petition is received on the same subject, each supporting the same outcome, they are treated as two separate petitions but only the organiser of the first petition received, or their nominee, is invited to address the meeting.
- 5.12 Any other petitioner presenting a valid petition signed by at least 15 signatories, on the same or related subject matter but seeking a different outcome, is heard under the same item.
- 5.13 The petition organiser, or their nominee, has up to three minutes to present the petition at the meeting. The Lord Mayor then advises that the petition will be taken into account during the consideration of the relevant item.
- 5.14 Valid petitions received after the deadline that relate to items on the Full Council agenda are accepted, but the petition organisers are not able to speak.

**C – Petitions submitted to Council unrelated to published agenda items
(threshold 15 valid signatories)**

5.15 Any petition containing a new 'call for action' is referred by the Lord Mayor to the Cabinet, a committee or an officer for attention. The Director of Corporate Services advises the Lord Mayor on the appropriate routing.

5.15/1 Where a matter is referred to the Cabinet, the Lord Mayor will permit the Leader or nominated cabinet member to provide an initial response to the petition. No further debate shall be allowed.

5.16 Matters referred to the Cabinet or a committee are accompanied by an officer report setting out relevant information. The Cabinet or Committee can decide to:

- take a decision, informed by the officer report
- commission a report, if additional information is required
- refer the matter to the appropriate officer for determination and response, or
- reject the petition request

Petitions referred to the appropriate officer

5.17 When a petition is referred to an officer, the officer will respond to the petition organiser directly.

Section 6: Cabinet and Committees referring matters back to Council

6.1 Petitions are normally debated by the Cabinet or a committee that has the ability to determine the matter. Petitions are only debated by Full Council where they relate to a matter on the Council agenda, or have met the threshold for a Full Council debate.

6.2 A petition referred to the Cabinet or a committee will only be referred back to Council, with a recommendation from the relevant body, if the proposed resolution is outside the budget and policy framework and therefore requires Council approval.

Section 7: Petitions that are not accepted

Duplicate Petitions

7.1 When more than one petition is received in time for a particular meeting, each supporting the same outcome on one matter, each petition organiser will be treated as an independent petition organiser, but only the petition organiser of the first petition received will be invited to address the relevant meeting. The Head of Corporate Governance will notify the petition organiser.

Repeat Petitions

7.2 A petition will not normally be considered if it is received within six months of another petition being considered by the authority on the same matter.

Rejected Petitions

- 7.3 Petitions are not accepted if, in the opinion of the Director of Corporate Services, they are rude, offensive, vexatious, defamatory, scurrilous or time-wasting, or do not relate to something that is the responsibility of the authority, or over which the authority has some influence.

Petitions received during the pre-election period (sometimes known as ‘purdah’)

- 7.4 Prior to an election, during what is called the ‘pre-election period’, politically controversial material may need to be restricted. In such cases a petition may be handled differently, and the Council will explain the way it will be dealt with. The hearing of petitions at meetings during this time may be deferred at the discretion of the Lord Mayor.

Section 8: Amendments to these guidelines

The Council reserves the right to vary these guidelines as and when necessary. However, any changes will not be applied retrospectively.

Appendix D

Licensing Committee

Terms of Reference

Under section 101(2) of the Local Government Act 1972, the Licensing Committee has the full delegated authority to exercise the Council's powers in relation to the following:

1. Licensing and registration - 1972 Act

- 1.1 To issue licences authorising the use of land as a caravan site ("site licences") under Section 3 of the Caravan Sites and Control of Development Act 1960 (as amended).
- 1.2 To license the use of moveable dwellings and camping sites under Section 269 of the Public Health Act 1936 (as amended).
- 1.3 To license hackney carriages and private hire vehicles under the Town Police Clauses Act 1847 as extended by Section 171 of the Public Health Act 1875 (as amended) and Section 15 of the Transport Act 1985 and Sections 47, 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (as amended).
- 1.4 To license drivers of hackney carriages and private hire vehicles under Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (as amended).
- 1.5 To license operators of hackney carriages and private hire vehicles under Sections 55-58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (as amended).
- 1.6 To license sex establishments, including sexual entertainment venues, sex shops and sex cinemas under the Local Government (Miscellaneous Provisions) Act 1982 (as amended).
- 1.7 To license performances of hypnotism under the Hypnotism Act 1952 (as amended).
- 1.8 To register persons and premises for acupuncture, tattooing, ear-piercing and electrolysis under Sections 13-17 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).
- 1.9 To license market and street trading under the Local Government (Miscellaneous Provisions) Act 1982 (as amended).
- 1.10 To register and license premises for the preparation of food under Section 19 of the Food Safety Act 1990.
- 1.11 To register scrap metal dealers under Section 1 of the Scrap Metal Dealers Act 2013.

- 1.12 To license pet shops, dog breeding establishments, boarding establishments and riding establishments (which are kept for the purposes of carrying on a business) under Section 1 of the Pet Animals Act 1951, Section 1 of the Animal Boarding Establishments Act 1963, the Riding Establishments Acts 1964 and 1970, Section 1 of the Breeding of Dogs Act 1973 and 1991 and Sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.
- 1.13 To register animal trainers and exhibitors under Section 1 of the Performing Animals (Regulation) Act 1925.
- 1.14 To license zoos under Section 1 of the Zoo Licensing Act 1981.
- 1.15 To license keepers of dangerous wild animals under Section 1 of the Dangerous Wild Animals Act 1976.
- 1.16 To license knackers' yards under Section 4 of the Slaughterhouses Act 1974.
- 1.17 To license persons to collect for charitable and other causes under Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916 and Section 2 of the House to House Collections Act 1939.
- 1.18 To sanction use of parts of buildings for storage of celluloid under Section 1 of the Celluloid and Cinematograph Film Act 1922.
- 1.19 Any regulations or approvals under EC Regulations 852, 853 and 854/2004 relating to food of animal origin.
- 1.20 To issue pleasure boat operator, boatman and boat licences under the Public Health Acts (Amendment) Act 1907.
- 1.21 To grant or refuse applications for house- to-house collections.
- 1.22 To grant applications for street collections.
- 1.23 To hear cases where the person in control of a house in multiple occupation ceases to be a fit and proper person.
- 1.24 Any of the above powers may be delegated to a sub-committee or to an appropriate officer of the Council. Sub committees formed to deal with the matters above should be separate from any sub committee formed to deal with matters under the Licensing Act 2003 and Gambling Act 2005, which are formed under different powers.

Licensing Act 2003 and Gambling Act 2005

Under section 6(1) of the Licensing Act 2003 and section 154 of the Gambling Act 2005 (the Acts), we now establish a licensing committee under those provisions consisting of at least ten, but not more than fifteen, members of the authority. The following matters to be dealt with by the committee are not delegated by Council, they are established by the Acts.

The Licensing Committee has the authority to exercise the Council's powers in relation to the following:

- 1.25 All functions including applications arising under the following statutes:
 - Gambling Act 2005
 - Licensing Act 2003
- 1.26 To determine appeals arising from door supervisor legislation/applications.
- 1.27 To exercise the powers of the City Council conferred on it by the Canterbury City Council Act 2013.
- 1.28 Any of the above powers may be delegated to a sub-committee or to an appropriate officer of the Council, in accordance with section 10 of the Licensing Act 2003.

2. Fee setting

Subject to statutory consultation requirements:

- 2.1 To apply set fees under the Licensing Act 2003 and the Gambling Act 2005 and insofar as at any time discretionary fees are required to be set under those Acts, to set those fees.
- 2.2 To set discretionary licence fees and charges relating to all other functions, matters and statutory regimes that fall within the remit of the Licensing Committee.