

MEETING OF THE COUNCIL

SUPPLEMENTARY AGENDA NO. 1



QUESTIONS FROM MEMBERS OF THE PUBLIC (*Items 7d to 7h*)
QUESTIONS FROM MEMBERS OF THE COUNCIL (*Items 8a to 8c*)
NOTICE OF MOTION (*Item 9a*)
**REPLACEMENT REPORT – REVIEW OF POLICIES AND
PROCEDURES – PROBITY AND REPUTATION (*Item 14*)**

Thursday, 11th July, 2013

7.00 pm

**Council Chamber
Thanet District Council
Margate**

**www.thanet.gov.uk
01843 577000**

Please note that under the Council's procedure rules, no audio or visual recordings shall be made at any Council meeting except for official recordings by the clerk or recordings agreed by the Chairman to be made by accredited media organisations

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Date: 1 July 2013
Ask For: Anona Somasundaram
Direct Dial: (01843) 577046
Email: anona.somasundaram@thanet.gov.uk



You are hereby summoned to attend the meeting of the Thanet District Council to be held in the Council Chamber, Cecil Street, Margate, Kent on Thursday, 11 July 2013 at 7.00 pm for the purpose of transacting the business mentioned below.

A handwritten signature in black ink, appearing to read "G Bach".

Democratic Services & Scrutiny Manager

To: The Members of Thanet District Council

FIRE ALARM PROCEDURES: If the fire alarm is activated, please vacate the offices via the stairs either through the security door to the left of the Chairman or opposite the lifts in the foyer. Please do not use the lifts. Please assemble in Hawley Square on the green. Officers will assist you and advise when it is deemed safe to return to the Chamber.

SUPPLEMENTARY AGENDA NO. 1

Item
No

Subject

7. **QUESTIONS FROM THE PRESS AND PUBLIC**
- 7d **QUESTION NO. 4 - PLEASURAMA SITE, RAMSGATE** (Pages 1 - 2)
- 7e **QUESTION NO. 5 - PLEASURAMA SITE, RAMSGATE** (Pages 3 - 4)
- 7f **QUESTION NO. 6 - PLEASURAMA SITE, RAMSGATE** (Pages 5 - 6)
- 7g **QUESTION NO. 7 - PLEASURAMA SITE, RAMSGATE** (Pages 7 - 8)
- 7h **QUESTION NO. 8 - RAMSGATE LOWER PROMENADE, PUBLIC RIGHT OF WAY** (Pages 9 - 10)
8. **QUESTIONS FROM MEMBERS OF THE COUNCIL**
- 8a **QUESTION NO. 1 - PLAY EQUIPMENT, WESTGATE** (Pages 11 - 12)
- 8b **QUESTION NO. 2 - CLIFTONVILLE COACH CAR PARK** (Pages 13 - 14)
- 8c **QUESTION NO. 3 - PROPOSED HOUSING AT WESTWOOD** (Pages 15 - 16)

Item
No

Subject

9. **MOTIONS ON NOTICE**

9a **NOTICE OF MOTION - TRANSEUROPA FERRIES** (Pages 17 - 18)

14. **REVIEW OF POLICIES & PROCEDURES - PROBITY AND REPUTATION -
RECOMMENDATIONS FROM CABINET AND REQUEST BY STANDARDS
COMMITTEE** (Pages 19 - 28)

Replacement report, attached

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QUESTION NO. 4 FROM A MEMBER OF THE PUBLIC – PLEASURAMA SITE, RAMSGATE

To: **Council – 11 July 2013**
By: **Democratic Services and Scrutiny Manager**
Classification: **Unrestricted**
Ward: **Eastcliff**

Summary: Councillor C Hart to receive a question from a member of the public in relation to the Pleasurama site, Ramsgate

For Decision

1.0 Introduction and Background

- 1.1. Council Procedure Rule No. 13 governs the process for questions to be submitted by members of the public.
- 1.2 The following question, addressed to Councillor C Hart, has been received from Mr Nicholas Cooper in accordance with that Rule.

"With the ultimate demise of the Royal Sands development, will the council now pledge support for an alternative plan that provides a genuine public amenity, approved by full public consultation, that will attract visitors and revenue to Ramsgate, whereby human joy takes precedence over a developer's profit?"

- 1.3 In accordance with Council Procedure Rule 13.7, the Chairman will, at the meeting of Council, invite the questioner to put their question to the Member named in the notice. If the questioner is not present, the question shall not be put and shall be answered in writing.
- 1.4 Under Council Procedure Rule 13.8, if the Member to whom the question is directed is present they will provide an oral answer. If that Member is not present, the question will be answered by the Leader or another Member nominated by the Leader for the purpose unless it is inappropriate for the Leader to give an oral answer or to nominate another Member to give an oral answer, in which case the question will be dealt with by a written answer.

2.0 Corporate Implications

2.1 Financial

- 2.1.1 None arising from this report

2.2 Legal

- 2.2.1 None arising from this report

2.3 Corporate

2.3.1 Council Procedure Rule 13 affords members of the public the opportunity to ask questions of Members of the Cabinet at ordinary meetings of the Council. The total time devoted to all questions from members of the public cannot exceed 30 minutes.

2.4 Equity and Equalities

2.4.1 None arising at this stage

3.0 Recommendation

3.1 This report is for information purposes only.

4.0 Decision Making Process

4.1 This report is for information purposes only.

Contact Officer:	Glenn Back, Democratic Services and Scrutiny Manager, ext 7187
Reporting to:	Harvey Patterson, Corporate & Regulatory Services Manager and Monitoring Officer, ext 7005

Annex List

None	
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Background Papers

Title	Details of where to access copy
None	

Corporate Consultation Undertaken

Finance	n/a
Legal	n/a

QUESTION NO. 5 FROM A MEMBER OF THE PUBLIC – PLEASURAMA SITE, RAMSGATE

To: **Council – 11 July 2013**
By: **Democratic Services and Scrutiny Manager**
Classification: **Unrestricted**
Ward: **Eastcliff**

Summary: Councillor Poole to receive a question from a member of the public in relation to the Pleasurama site, Ramsgate

For Decision

1.0 Introduction and Background

- 1.1. Council Procedure Rule No. 13 governs the process for questions to be submitted by members of the public.
- 1.2 The following question, addressed to Councillor Poole, has been received from Emma Warne in accordance with that Rule.

“Given that you are continuing negotiations with SFP, despite the deadline of 22nd May having passed, please provide the details of what exactly these negotiations consist of?”

- 1.3 In accordance with Council Procedure Rule 13.7, the Chairman will, at the meeting of Council, invite the questioner to put their question to the Member named in the notice. If the questioner is not present, the question shall not be put and shall be answered in writing.
- 1.4 Under Council Procedure Rule 13.8, if the Member to whom the question is directed is present they will provide an oral answer. If that Member is not present, the question will be answered by the Leader or another Member nominated by the Leader for the purpose unless it is inappropriate for the Leader to give an oral answer or to nominate another Member to give an oral answer, in which case the question will be dealt with by a written answer.

2.0 Corporate Implications

2.1 Financial

- 2.1.1 None arising from this report

2.2 Legal

- 2.2.1 None arising from this report

2.3 Corporate

2.3.1 Council Procedure Rule 13 affords members of the public the opportunity to ask questions of Members of the Cabinet at ordinary meetings of the Council. The total time devoted to all questions from members of the public cannot exceed 30 minutes.

2.4 Equity and Equalities

2.4.1 None arising at this stage

3.0 Recommendation

3.1 This report is for information purposes only.

4.0 Decision Making Process

4.1 This report is for information purposes only.

Contact Officer:	Glenn Back, Democratic Services and Scrutiny Manager, ext 7187
Reporting to:	Harvey Patterson, Corporate & Regulatory Services Manager and Monitoring Officer, ext 7005

Annex List

None	
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Background Papers

Title	Details of where to access copy
None	

Corporate Consultation Undertaken

Finance	n/a
Legal	n/a

QUESTION NO. 7 FROM A MEMBER OF THE PUBLIC – PLEASURAMA SITE, RAMSGATE

To: **Council – 11 July 2013**

By: **Democratic Services and Scrutiny Manager**

Classification: **Unrestricted**

Ward: **Eastcliff**

Summary: Councillor C Hart to receive a question from a member of the public in relation to the Pleasurama site, Ramsgate

For Decision

1.0 Introduction and Background

- 1.1. Council Procedure Rule No. 13 governs the process for questions to be submitted by members of the public.
- 1.2 The following question, addressed to Councillor C Hart, has been received from Rebecca Sewell in accordance with that Rule.

“Can you please advise members of the public why you have not done any due diligence on any of the Pleasurama development and why has work stopped as the flats should be built in 2011? This is a breach by the Swiss bank investor/developer surely?”

- 1.3 In accordance with Council Procedure Rule 13.7, the Chairman will, at the meeting of Council, invite the questioner to put their question to the Member named in the notice. If the questioner is not present, the question shall not be put and shall be answered in writing.
- 1.4 Under Council Procedure Rule 13.8, if the Member to whom the question is directed is present they will provide an oral answer. If that Member is not present, the question will be answered by the Leader or another Member nominated by the Leader for the purpose unless it is inappropriate for the Leader to give an oral answer or to nominate another Member to give an oral answer, in which case the question will be dealt with by a written answer.

2.0 Corporate Implications

2.1 Financial

- 2.1.1 None arising from this report

2.2 Legal

- 2.2.1 None arising from this report

2.3 Corporate

2.3.1 Council Procedure Rule 13 affords members of the public the opportunity to ask questions of Members of the Cabinet at ordinary meetings of the Council. The total time devoted to all questions from members of the public cannot exceed 30 minutes.

2.4 Equity and Equalities

2.4.1 None arising at this stage

3.0 Recommendation

3.1 This report is for information purposes only.

4.0 Decision Making Process

4.1 This report is for information purposes only.

Contact Officer:	Glenn Back, Democratic Services and Scrutiny Manager, ext 7187
Reporting to:	Harvey Patterson, Corporate & Regulatory Services Manager and Monitoring Officer, ext 7005

Annex List

None	
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Background Papers

Title	Details of where to access copy
None	

Corporate Consultation Undertaken

Finance	n/a
Legal	n/a

QUESTION NO. 7 FROM A MEMBER OF THE PUBLIC – PLEASURAMA SITE, RAMSGATE

To: **Council – 11 July 2013**
By: **Democratic Services and Scrutiny Manager**
Classification: **Unrestricted**
Ward: **Eastcliff**

Summary: Councillor Poole to receive a question from a member of the public in relation to the Pleasurama Site, Ramsgate

For Decision

1.0 Introduction and Background

- 1.1. Council Procedure Rule No. 13 governs the process for questions to be submitted by members of the public.
- 1.2 The following question, addressed to Councillor Poole, has been received from Janet Woods in accordance with that Rule.

“Given that almost 3 months have passed since this issue was sent to Overview and Scrutiny, what is the timescale for the Task and Finish Group to finish, and report back to Cabinet?”

- 1.3 In accordance with Council Procedure Rule 13.7, the Chairman will, at the meeting of Council, invite the questioner to put their question to the Member named in the notice. If the questioner is not present, the question shall not be put and shall be answered in writing.
- 1.4 Under Council Procedure Rule 13.8, if the Member to whom the question is directed is present they will provide an oral answer. If that Member is not present, the question will be answered by the Leader or another Member nominated by the Leader for the purpose unless it is inappropriate for the Leader to give an oral answer or to nominate another Member to give an oral answer, in which case the question will be dealt with by a written answer.

2.0 Corporate Implications

2.1 Financial

- 2.1.1 None arising from this report

2.2 Legal

- 2.2.1 None arising from this report

2.3 Corporate

2.3.1 Council Procedure Rule 13 affords members of the public the opportunity to ask questions of Members of the Cabinet at ordinary meetings of the Council. The total time devoted to all questions from members of the public cannot exceed 30 minutes.

2.4 Equity and Equalities

2.4.1 None arising at this stage

3.0 Recommendation

3.1 This report is for information purposes only.

4.0 Decision Making Process

4.1 This report is for information purposes only.

Contact Officer:	Glenn Back, Democratic Services and Scrutiny Manager, ext 7187
Reporting to:	Harvey Patterson, Corporate & Regulatory Services Manager and Monitoring Officer, ext 7005

Annex List

None	
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Background Papers

Title	Details of where to access copy
None	

Corporate Consultation Undertaken

Finance	n/a
Legal	n/a

QUESTION NO. 8 FROM A MEMBER OF THE PUBLIC – RAMSGATE LOWER PROMENADE – PUBLIC RIGHT OF WAY

To: **Council – 11 July 2013**
By: **Democratic Services and Scrutiny Manager**
Classification: **Unrestricted**
Ward: **Eastcliff**

Summary: Councillor C Hart to receive a question from a member of the public in relation to the Public Right of Way, Ramsgate Lower Promenade

For Decision

1.0 Introduction and Background

- 1.1. Council Procedure Rule No. 13 governs the process for questions to be submitted by members of the public.
- 1.2. The following question, addressed to Councillor C Hart, has been received from Geoff Woods in accordance with that Rule.

“Please confirm that TDC is responsible for Ramsgate lower promenade as a public right of way under the 1980 Highways Act. It has a duty to minimise obstructive hoarding through the use of a time-limited chargeable licence that must be displayed. Would you show how this is to be implemented?”

- 1.3. In accordance with Council Procedure Rule 13.7, the Chairman will, at the meeting of Council, invite the questioner to put their question to the Member named in the notice. If the questioner is not present, the question shall not be put and shall be answered in writing.
- 1.4. Under Council Procedure Rule 13.8, if the Member to whom the question is directed is present they will provide an oral answer. If that Member is not present, the question will be answered by the Leader or another Member nominated by the Leader for the purpose unless it is inappropriate for the Leader to give an oral answer or to nominate another Member to give an oral answer, in which case the question will be dealt with by a written answer.

2.0 Corporate Implications

2.1 Financial

- 2.1.1 None arising from this report

2.2 Legal

- 2.2.1 None arising from this report

2.3 Corporate

2.3.1 Council Procedure Rule 13 affords members of the public the opportunity to ask questions of Members of the Cabinet at ordinary meetings of the Council. The total time devoted to all questions from members of the public cannot exceed 30 minutes.

2.4 Equity and Equalities

2.4.1 None arising at this stage

3.0 Recommendation

3.1 This report is for information purposes only.

4.0 Decision Making Process

4.1 This report is for information purposes only.

Contact Officer:	Glenn Back, Democratic Services and Scrutiny Manager, ext 7187
Reporting to:	Harvey Patterson, Corporate & Regulatory Services Manager and Monitoring Officer, ext 7005

Annex List

None	
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Background Papers

Title	Details of where to access copy
None	

Corporate Consultation Undertaken

Finance	n/a
Legal	n/a

QUESTION FROM A MEMBER – REQUEST FOR PLAY EQUIPMENT - WESTGATE

To: **Council – 11 July 2013**
By: **Democratic Services and Scrutiny Manager**
Classification: **Unrestricted**
Ward: **Westgate-on-Sea**

Summary: **Councillor Johnston, as Cabinet Member for Community Services, to receive a question from Councillor King in relation to play equipment at Westgate**

For Decision

1.0 Introduction and Background

- 1.1. Council Procedure Rule No. 14 governs the process for questions to be submitted by Members of Council.
- 1.2 The following question, addressed to Councillor Johnston, has been received from Councillor King.

“As Member for Communities, will Councillor Mrs Johnston agree that there is a need for play equipment for under-fives along the coastal areas of Westgate from Epple Bay through to Westbrook Sands and help to identify such an area and bring it into much needed use?”

- 1.3 Council Procedure Rule 14.2 states that a Member of the Council may ask

- a Member of the Cabinet; or
- the Chairman of any Committee or Sub-Committee

a question on any matter in relation to which the Council has powers or duties or which affects the district.

- 1.4 Council Procedure Rule 14.6 states that an answer may take the form of:

- a) a direct oral answer;
- b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- c) where the reply cannot conveniently be given orally, a written answer circulated within three working days to the questioner.

- 1.5 A Member may, in accordance with Council Procedure Rule 14.7, ask one supplementary question without notice to the Member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

1.6 The questioner shall have two minutes for the initial question and one minute for the supplementary question and the respondent shall have five minutes for the initial reply and two minutes for the supplementary reply. (Council Procedure Rule 14.8 refers)

2.0 Corporate Implications

2.1 Financial

2.1.1 None arising at this stage

2.2 Legal

2.2.1 None arising at this stage

2.3 Corporate

2.3.1 Council Procedure Rule 14 enables Members of Council to ask a Member of the Cabinet or the Chairman of any Committee or Sub-Committee questions on matters in relation to which the Council has powers or duties or which affect the district. No Member, however, can submit more than one question to one meeting.

2.4 Equity and Equalities

2.4.1 None arising at this stage

3.0 Recommendation

3.1 This report is for information only.

4.0 Decision Making Process

4.1 This report is for information only.

Contact Officer:	Glenn Back, Democratic Services and Scrutiny Manager
Reporting to:	Harvey Patterson, Corporate & Regulatory Services Manager and Monitoring Officer

Annex List

None	
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Background Papers

Title	Details of where to access copy
None	

Corporate Consultation Undertaken

Finance	n/a
Legal	Harvey Patterson, Corporate & Regulatory Services Manager and Monitoring Officer, ext 7005

QUESTION FROM A MEMBER NO. 2 – CLIFTONVILLE COACH CAR PARK

To: **Council – 11 July 2013**
By: **Democratic Services and Scrutiny Manager**
Classification: **Unrestricted**
Ward: **Cliftonville West**

Summary: Councillor Poole, as Cabinet Member for Operational Services, to receive a question from Councillor Bruce in relation to the Cliftonville Coach Car Park

For Decision

1.0 Introduction and Background

- 1.1. Council Procedure Rule No. 14 governs the process for questions to be submitted by Members of Council.
- 1.2 The following question, addressed to Councillor Poole, has been received from Councillor Bruce.

“Given the council’s inability to persuade its tenant, Freshwater, to keep the Arlington car park open, can Councillor Poole assure this council that the Cliftonville coach car park is now operating as originally intended?”

- 1.3 Council Procedure Rule 14.2 states that a Member of the Council may ask
- a Member of the Cabinet; or
 - the Chairman of any Committee or Sub-Committee
- a question on any matter in relation to which the Council has powers or duties or which affects the district.
- 1.4 Council Procedure Rule 14.6 states that an answer may take the form of:
- a) a direct oral answer;
 - b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
 - c) where the reply cannot conveniently be given orally, a written answer circulated within three working days to the questioner.
- 1.5 A Member may, in accordance with Council Procedure Rule 14.7, ask one supplementary question without notice to the Member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.
- 1.6 The questioner shall have two minutes for the initial question and one minute for the supplementary question and the respondent shall have five minutes for the initial reply and two minutes for the supplementary reply. (Council Procedure Rule 14.8 refers)

2.0 Corporate Implications

2.1 Financial

2.1.1 None arising at this stage

2.2 Legal

2.2.1 None arising at this stage

2.3 Corporate

2.3.1 Council Procedure Rule 14 enables Members of Council to ask a Member of the Cabinet or the Chairman of any Committee or Sub-Committee questions on matters in relation to which the Council has powers or duties or which affect the district. No Member, however, can submit more than one question to one meeting.

2.4 Equity and Equalities

2.4.1 None arising at this stage

3.0 Recommendation

3.1 This report is for information only.

4.0 Decision Making Process

4.1 This report is for information only.

Contact Officer:	Glenn Back, Democratic Services and Scrutiny Manager
Reporting to:	Harvey Patterson, Corporate & Regulatory Services Manager and Monitoring Officer

Annex List

None	
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Background Papers

Title	Details of where to access copy
None	

Corporate Consultation Undertaken

Finance	n/a
Legal	Harvey Patterson, Corporate & Regulatory Services Manager and Monitoring Officer, ext 7005

QUESTION FROM A MEMBER NO. 3 – PROPOSED HOUSING AT WESTWOOD

To: **Council – 11 July 2013**
By: **Democratic Services and Scrutiny Manager**
Classification: **Unrestricted**
Ward: **Thanet Villages**

Summary: Councillor D Green, as Cabinet Member for Housing and Planning Services, to receive a question from Councillor Wiltshire in relation to proposed housing at Westwood, Broadstairs

For Decision

1.0 Introduction and Background

- 1.1. Council Procedure Rule No. 14 governs the process for questions to be submitted by Members of Council.
- 1.2 The following question, addressed to Councillor D Green, has been received from Councillor Wiltshire.

““Could the Member for Housing give an update on the number of homes proposed for Westwood and is the Member aware of speculation that London Authorities are considering purchasing or renting some of the new homes being built to house their residents. Could the Member confirm or deny this speculation?”

- 1.3 Council Procedure Rule 14.2 states that a Member of the Council may ask

- a Member of the Cabinet; or
- the Chairman of any Committee or Sub-Committee

a question on any matter in relation to which the Council has powers or duties or which affects the district.

- 1.4 Council Procedure Rule 14.6 states that an answer may take the form of:

- a) a direct oral answer;
- b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- c) where the reply cannot conveniently be given orally, a written answer circulated within three working days to the questioner.

- 1.5 A Member may, in accordance with Council Procedure Rule 14.7, ask one supplementary question without notice to the Member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

1.6 The questioner shall have two minutes for the initial question and one minute for the supplementary question and the respondent shall have five minutes for the initial reply and two minutes for the supplementary reply. (Council Procedure Rule 14.8 refers)

2.0 Corporate Implications

2.1 Financial

2.1.1 None arising at this stage

2.2 Legal

2.2.1 None arising at this stage

2.3 Corporate

2.3.1 Council Procedure Rule 14 enables Members of Council to ask a Member of the Cabinet or the Chairman of any Committee or Sub-Committee questions on matters in relation to which the Council has powers or duties or which affect the district. No Member, however, can submit more than one question to one meeting.

2.4 Equity and Equalities

2.4.1 None arising at this stage

3.0 Recommendation

3.1 This report is for information only.

4.0 Decision Making Process

4.1 This report is for information only.

Contact Officer:	Glenn Back, Democratic Services and Scrutiny Manager
Reporting to:	Harvey Patterson, Corporate & Regulatory Services Manager and Monitoring Officer

Annex List

None	
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Background Papers

Title	Details of where to access copy
None	

Corporate Consultation Undertaken

Finance	n/a
Legal	Harvey Patterson, Corporate & Regulatory Services Manager and Monitoring Officer, ext 7005

NOTICE OF MOTION – TRANSEUROPA FERRIES

To: **Council – 11 July 2013**

By: **Democratic Services and Scrutiny Manager**

Classification: **Unrestricted**

Ward: **All Wards**

Summary: To consider a Notice of Motion submitted in relation to Transeuropa Ferries

For Decision

1.0 Introduction and Background

- 1.1. Council Procedure Rule No. 16 governs the process for motions on notice being submitted to Council.
- 1.2.1 The following motion on notice has been received from Councillor Driver:

“This Council agrees to establish an enquiry into how Transeuropa Ferries (TEF) was allowed to run up a debt estimated to be £3.4 million to Thanet District Council.

“This enquiry will review the legal, constitutional, accounting and ethical issues relating to the management of this debt. It will report back on any inappropriate actions and make recommendations on how best to manage similar situations in the future.

“Because the decision to extend credit and allow TEF to run up debt was made at the highest managerial and political level, this enquiry must be conducted by a suitably qualified person who is totally independent of the Council.

“The results of this enquiry must be made public.”

2.0 Options

- 2.1 To debate the motion
- 2.2 Not to debate the motion

3.0 Corporate Implications

3.1 Financial

- 3.1.1 None arising from this report

3.2 Legal

- 3.2.1 Council Procedure Rule 16.3 states that the Member whose name appears first on the notice will move the motion during his or her speech and call for a seconder. If

seconded, a Member from the controlling political group will be entitled to a reply, after which the motion shall stand referred without further discussion to the Cabinet or appropriate committee for determination or report unless the Council decides to debate the motion in accordance with Rule 19 (*rules of debate*). As only Council can adopt the motion on notice, the motion will fall should Council not agree to debate it.

3.3 Corporate

3.3.1 Council Procedure Rule 16 provides the opportunity for Councillors to give advance notice of motions to be put to Council.

3.4 Equity and Equalities

3.4.1 None arising at this stage.

4.0 Recommendation

4.1 Council is invited to consider whether to debate the motion.

5.0 Decision Making Process

5.1 It is for Council to decide whether or not to debate the motion.

Contact Officer:	Glenn Back, Democratic Services and Scrutiny Manager, ext 7187
Reporting to:	Harvey Patterson, Corporate & Regulatory Services Manager, ext 7005

Annex List

None	
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Background Papers

Title	Details of where to access copy
None	

Corporate Consultation Undertaken

Finance	n/a
Legal	n/a

**REVIEW OF POLICIES AND PROCEDURES – PROBITY AND REPUTATION -
RECOMMENDATIONS FROM CABINET AND REQUEST BY THE STANDARDS
COMMITTEE TO RE-ESTABLISH THE STANDARDS WORKING PARTY**

To: **Council – 11 July 2013**

Main Portfolio Area: **Business, Corporate and Regulatory Services**

By: **Corporate & Regulatory Services Manager**

Classification: **Unrestricted**

Wards: **N/A**

Summary:

- 1. To consider the recommendations of Cabinet in relation to decisions taken in private session and rules concerning the audio and visual recording of Council meetings**
- 2. To consider the Standards Committee’s request to re-establish the Standards Working Party and to write to the Local Government Association regarding the lack of effective sanctions for breach of the Members Code of Conduct**

For Decision

1.0 Introduction and Background

- 1.1 As part of its decision in relation to a review of policies and procedures affecting probity and the reputation of Council, Cabinet, at its meeting on 25 April 2013, agreed to recommend to Council:
- a) “THAT where a decision is made in private session, such decision is revisited after one year to determine if the decision can be published”;
 - b) “THAT the rules concerning the audio and visual recording of Council meetings be reviewed”.
- 1.2 On 6 June 2013, the Standards Committee approved the commencement of a review of the Members’ Code of Conduct and related processes and procedures on the terms set out in the Monitoring Officer’s report (*attached at Annex 1*) and agreed that full Council be requested to re-establish the Standards Working Party.

2.0 The Current Situation

Review of decisions made in private session

- 2.1 Council is asked to note that Cabinet resolved on 25 April 2013:

“That to strengthen transparency and accountability reports to Council, Cabinet or Committee that recommend the exclusion of the press and public

from any part of a meeting to which the press and public would normally have access will in future describe the grounds of exclusion and set out why such a recommendations is in the public interest by reference to the factors that favour inclusion and those that favour exclusion. Members will be advised that where a decision whether or not to exclude the press and public is finely balanced, doubts should be resolved in favour of not excluding the press and public.”

- 2.2 If Council adopts Cabinet’s recommendation (*referred to at Para 1.1 (a) above*) that a decision taken in private be revisited after one year, it is suggested that the matter be referred to the Constitutional Review Working Party in the first instance, to consider the options available for implementation.

Review of Rules concerning the audio and visual recording of Council meetings

- 2.2 Council’s current rules concerning the recording of Council meetings are as set out in Council Procedure Rule 34.2:

“No audio or visual recordings shall be made at meetings except for official recordings by the clerk or recordings agreed by the Chairman to be made by accredited media organisations.”

- 2.3 It is suggested that were Council to adopt Cabinet’s recommendation that a review of rules on recording of meetings takes place, the matter be referred for consideration by the Constitutional Review Working Party.

Establishment of the Standards Working Party

- 2.4 Following the Council meeting of 14 July 2011, an informal, cross-party Standards Working Party had been set up for the purpose of considering the development of a Voluntary (but subsequently Statutory) Code of Conduct for Members. The Standards Working Party’s recommendations were considered, in turn, by the Constitutional Review Working Party and Standards Committee, and culminated in Council’s adoption of a new Members’ Code of Conduct on 12 July 2012.
- 2.5 At the meeting of the Standards Committee held on 6 June 2013, the Committee resolved to conduct a review of the operations and effectiveness of the Members Code of Conduct and related arrangements. To this end the Committee further resolved to call on the Council to re-establish the Standards Working Party so that the Working Party could be consulted and its views sought as a key part of the review process. Members of the Standards Committee also recognised that legislation would be required to provide effective sanctions for failing to comply with the requirements of the Code of Conduct and therefore the Committee also resolved to call on Council to write to the Local Government Association expressing disquiet at the absence of any sanctions in Chapter 7 of the Localism Act 2011.
- 2.6 The composition of the Standards Working Party had been: two Members of the Labour Group; two Members of the Conservative Group; and one Member of the Independent Group.
- 2.7 Council is asked to re-establish the Standards Working Party, approve its draft terms of reference, as set out at Annex 2, agree its political composition and note nominations thereto from the Group Leaders.

3.0 Corporate Implications

3.1 Financial and VAT

3.1.1 None arising directly from this report

3.2 Legal

3.2.1 The review of the rules on recording of meetings will consider the Guide published by the Department for Communities and Local Government on 14 June 2013: *“Your council’s cabinet: going to its meetings, seeing how it works – a guide for local people”*.

3.3 Corporate

3.3.1 The issues referred in this report affect the level of transparency and accountability of the Council’s decision-making processes, the reputation of the Council and probity of Council Members.

3.4 Equity and Equalities

3.4.1 None arising directly from this report

4.0 Recommendations

4.1 THAT the Constitutional Review Working Party be requested to consider the options for revisiting a decision made in private session after one year to determine if the report or information on which the decision was made can be published.

4.2 THAT the Constitutional Review Working Party be requested to review the rules concerning the audio and visual recording of Council meetings.

4.3 THAT Council:

4.3.1 Re-establishes the Standards Working Party; and, if so:

4.3.2 Approves the terms of reference, as set out at Annex 2;

4.3.3 Agrees the political composition; and

4.3.4 Notes nominations from the Group Leaders.

4.4 THAT Council writes to the Local Government Association expressing disquiet at the absence of sanctions in Chapter 7 of the Localism Act 2011 for failing to comply with the requirements of the Members Code of Conduct.

5.0 Decision Making Process

5.1 Any matters requiring constitutional changes are normally referred to the Constitutional Review Working Party, which makes recommendations to Standards Committee, which in turn makes final recommendations to Council.

Future Meetings [for constitutional matters]

Constitutional Review Working Party	21 August 2013
Standards Committee	4 September 2013
Council	3 October 2013

Contact Officer:	Harvey Patterson, Corporate and Regulatory Services Manager and Monitoring Officer, ext 7005
Reporting to:	Dr Sue McGonigal, Chief Executive, ext 7002

Annex List

Annex 1	Monitoring Officer's report to Standards Committee, 6 June 2013
Annex 2	Draft Terms of Reference of the Standards Working Party (if re-established)

Background Papers

Title	Details of where to access copy
Department for Communities and Local Government Guide, published 14 June 2013: <i>"Your council's cabinet: going to its meetings, seeing how it works – a guide for local people"</i> .	Published as a background paper to this report on the TDC website, http://www.thanet.gov.uk/

Corporate Consultation Undertaken

Finance	n/a
Legal	n/a

Review of Members Code of Conduct - 6 June 2013

To: **Standards Committee**

By: **Monitoring Officer**

Classification: **Unrestricted**

Summary: **To approve a review of the Members' Code of Conduct adopted by Thanet District Council and by the majority of the Town & Parish Council's established in Thanet.**

For Decision

1.0 Introduction

1.1 It is nearly a year since the Council adopted a revised Member Code of Conduct based on the 'model' Kent Members Code of Conduct and it is considered appropriate that a review should now be conducted into the operation of the Code and related processes. This review should align with the officer level review of the Kent Model Code currently being undertaken by the Kent Secretaries Group.

2.0 Review - Scope

2.1 In terms of scope, it is recommended that the review considers both the precise terms of the Members' Code of Conduct and the related processes and procedures that support the enforcement of the Code.

2.2 Issues for the Members Code of Conduct are likely to include:-

- Consideration whether a 'treat others with respect' requirement should be re-introduced into the General Conduct Requirements;
- Whether the scope of the Register of Members Interests should be widened to include declarations in respect of e.g. non corporate tenancies with the Council, or membership of or a position of general control or management of charities or body directed to charitable purposes;
- Whether any extensions to the scope of the Register of Members Interests should apply to spouses/civil partners;
- The value at which the receipt of gifts and hospitality have to be declared;
- Whether 'one size fits all' should continue as e.g. amendments considered necessary or desirable for TDC may not be appropriate for a Parish Council.

2.3 Issues relating to the processes and procedures supporting the enforcement of the Members' Code of Conduct are likely to include:

- Whether TDC should conduct hearings in respect of Town and Parish councillors; and
- The apparent lack of effective sanctions

3.0 Review - Stakeholders

3.1 It is therefore recommended that the review consists of:-

- The re- establishment of, consultation with and receipt of feedback from the Standards Working Party;
- Consultation with and receipt of feedback from the Group Leaders and Group Whips
- Consultation with and receipt of feedback from the Town & Parish Council's established Thanet including the Town & Parish Council's Representatives on the Standards Committee;
- Consultation with and receipt of feedback from the Independent Members of the Standards Committee;
- Consultation with and receipt of feedback from the Independent Person and Nominated Substitute;
- Consultation with and receipt of feedback from the Kent Secretaries Group
- Consultation with and receipt of feedback from complainants who are members of the public;
- Consideration of all stakeholder feedback by the Constitutional Review Working Party prior to consideration by the Standards Committee;

3.2 The Standards Committee will then make recommendations to full Council.

4.0 Corporate Implications

4.1 Financial and VAT

There are no direct financial or VAT implications arising from this report.

4.2 Legal

TDC and the Town & Parish Council's established in Thanet have the power to amend their adopted Codes of Conduct provided they retain consistency with the five 'Nolan principles governing public life

4.3 Corporate

The Members Code underpins the high standard of ethical conduct expected of District, Town and Parish Councillors.

4.4 Equity and Equalities

None specific

5.0 Recommendation(s)

5.1 That the Standards Committee approves the commencement of a review of the Members Code of Conduct and related processes and procedures on the terms set out in the report of the Monitoring Officer.

5.2 That full Council be requested to re-establish the Standards Working Party.

5.3 That the review be concluded within a maximum period of five months

6.0 Decision Making Process

6.1 Stakeholder responses will be considered by the Constitutional Review Working Party prior to consideration by the Standards Committee who, in turn, will make recommendation to full Council

<i>Contact Officer:</i>	<i>Harvey Patterson, Monitoring Officer</i>
<i>Reporting to:</i>	<i>Sue McGonigal, - Chief Executive</i>

Annex List

<i>N/A</i>

Background Papers

<i>Title</i>	<i>Details of where to access copy</i>
<i>None</i>	

Corporate Consultation Undertaken

<i>Finance</i>	<i>N/A</i>
<i>Legal</i>	<i>N/A</i>

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STANDARDS WORKING PARTY

General

A Standards Working Party established to review the Members' Code of Conduct and make recommendations thereon to the Constitutional Review Working Party.

Membership

Number of Members	Five 2 Conservatives, 2 Labour, 1 Independent
Substitute Members Permitted	Yes
Political Balance Rules Apply	No
Appointments/Removals from Office	By Group Leaders
Restrictions on Membership	None
Restrictions on Chairmanship	None
Quorum	Three
Number of meetings per Council year	Meetings will be called as required

Terms of Reference

1. To review the Members' Code of Conduct and related processes and make recommendations to the Constitutional Review Working Party

Delegations

None

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