

# Public Document Pack



Date: **Monday 24 March 2014**  
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## **GENERAL PURPOSES COMMITTEE**

**26 MARCH 2014**

A meeting of the General Purposes Committee will be held at **5.30 pm on Wednesday, 26 March 2014** in the Austen Room, Council Offices, Cecil Street, Margate, Kent.

### Membership:

Councillors: Fenner (Chairman) S Tomlinson, Everitt, C Hart, I Gregory, Kirby, Marson, Poole, King and Wiltshire

## **A G E N D A**

Item  
No

Subject

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST**

To receive any declarations of interest. Members are advised to consider the extract from the Standard Board Code of Conduct for Members, which forms part of the Declaration of Interest Form at the back of this Agenda. If a Member declares an interest, they should complete that Form and hand it to the Officer clerking the meeting.

3. **MINUTES OF PREVIOUS MEETING** (Pages 1 - 2)  
To approve the Minutes of the meeting of the General Purposes Committee held on 5 February 2014, copy attached.
4. **EXCLUSION OF PUBLIC AND PRESS** (Pages 3 - 6)
5. **APPOINTMENT OF INITIAL ASSESSOR** (Pages 7 - 14)

**Declaration of Interest form - back of agenda**

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**GENERAL PURPOSES COMMITTEE**

**Minutes of the meeting held on 5 February 2014 at 5.30 pm in Austen Room, Council Offices, Cecil Street, Margate, Kent.**

**Present:** Councillor Michelle Fenner (Chairman); Councillors Binks, Everitt, I Gregory, C Hart, King, Kirby, Marson, Poole and Wiltshire

**34. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor S Tomlinson, for whom Councillor Binks was present as substitute.

**35. ELECTION OF CHAIRMAN**

It was proposed by Councillor Poole and seconded by Councillor Hart that Councillor Fenner be elected Chairman. There being no further nominations, Councillor Fenner was declared elected, whereupon she took the Chair.

**COUNCILLOR FENNER IN THE CHAIR****36. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**37. MINUTES OF PREVIOUS MEETING**

The minutes of the meeting of the Committee held on 21 February 2013 were approved and signed by the Chairman.

**38. PROPOSAL TO AMEND THE DESIGNATION OF THE TWO STATUTORY POSTS OF CHIEF FINANCIAL OFFICER AND MONITORING OFFICER**

It was proposed by the Leader of Council, Councillor C Hart, and seconded by Councillor Fenner that the recommendations as set out at paragraph 6.1 of the report be adopted, namely:

“THAT General Purposes Committee confirms agreement with the proposal as set out in the report and recommends to Council that:

- 1) The statutory post of Chief Financial Officer is designated to the Director of Corporate Resources;
- 2) The statutory post of Monitoring Officer is designated to the Legal Services Manager.”

Sue McGonigal, Chief Executive, who outlined the main objectives of the proposals as being to achieve financial savings and enhance resilience in key areas of the organisation, also made the following points in relation to the staff restructure:

1. It was important to consider the changes as relating to posts, not individuals.
2. Statutory consultation with staff had occurred in October and November 2013, and feedback received had resulted in revising the restructure to include designating the post of Monitoring Officer to the Legal Services Manager instead of to the Corporate Standards Manager, as the qualifications of the Legal Services Manager were considered to fit better with the Monitoring Officer role.

3. A further consultation with staff would take place on the revised restructure and if feedback from this consultation impacted the proposal for either the S.151 Officer or Monitoring Officer posts, this would be reported to the General Purposes Committee in the first instance.
4. The Committee is being asked to consider supporting the proposals "in principle", and putting them forward as a recommendation for final decision with full Council.

A discussion then took place, during which the Chief Executive and Juli Oliver Smith, Head of EK Human Resources, provided the following information:

- a) The new Director of Corporate Resources would be required to be CCAB (*Consultative Committee of Accountancy Bodies*) qualified.
- b) The first stage of staff consultation, which had taken place over a period of 45 days, had been preceded by significant informal consultation through last Summer and early Autumn. The General Purposes Committee was now being consulted on the proposals affecting the S.151 and Monitoring Officer posts as part of the overall consultation.
- c) Once the revised restructure had been agreed, redeployment opportunities would be offered to individuals at risk, with internal recruitment, where possible, taking precedence over external recruitment. However, in view of the new Director of Corporate Resources requiring to be CCAB qualified, that post would have to be recruited to externally.
- d) Through the restructure process individuals at risk are identified and where there are "suitable alternatives", i.e., posts of similar scope and salary range to their current posts, they would either be slotted into those posts or put into a "pool" of others who have the same claim on a single post for interview. If an individual accepts a suitable alternative with a lower salary, their current salary would be protected for a year. If an individual refuses a suitable alternative, they could be treated as if they had resigned from their current post. Individuals can also apply for posts that are not "suitable alternatives" and if successful are not entitled to protection should the salary be lower than their current role.
- e) The interests of individuals affected by the restructure needed to be balanced against the interests of the organisation as a whole.
- f) It was hoped that agency fees arising from any temporary cover for vacant posts that would be necessary would be contained within the budget.
- g) The current Chief Executive/ S.151 Officer's salary was based on a "Hay" evaluation of the Chief Executive role on its own.
- h) It was felt that there would be more capacity for the Monitoring Officer role, when designated to the Legal Services Manager post, than existed under the current structure.
- i) It was considered appropriate to hold this meeting in open session in view of the public interest in disclosing the information, which concerned posts, not individuals.

Upon the motion, as set out above, being put to the vote, it was ADOPTED IN PRINCIPLE.

Meeting concluded : 6.25 pm

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## Exclusion of Public and Press

To: **General Purposes Committee – 26 March 2014**

By: **Corporate and Regulatory Services Manager**

Classification: **Unrestricted**

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**Summary:** This report seeks the approval of the General Purposes Committee to exclude the public and press from the meeting for agenda item 5 as it contains exempt information as defined in Paragraphs 1 of Schedule 12A of the Local Government Act 1972 (as amended).

## For Decision

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### 1.0 Introduction

1.1 Whilst the starting point for all public meetings of the Council is to admit the public and press, they may be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted that confidential or exempt information would be disclosed. Under such circumstances, confidential or exempt information may be excluded from the public agenda. The public and press **must** be excluded from meetings if confidential information will be considered and disclosed, and such material must be excluded from the public agenda.

#### **Meaning of confidential information**

1.2 Confidential information **means** information given to the Council by a Government Department on terms which forbid its public disclosure, or information which cannot be publicly disclosed by Court Order.

#### **Exempt information – discretion to exclude public**

1.3 Subject to Article 6 of the Human Rights Act 1998 (right to a fair trial) the public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that “exempt” information would be disclosed.

### 2.0 Exempt information

2.1 The full rules are set out in Part V and Schedule 12A Local Government Act 1972 (as Amended).

### 3.0 Reason Why Agenda Item X is considered to be “exempt”

3.1 The report author has classified Agenda Item 5 as disclosing exempt information under Paragraphs 1, (*Information relating to an individual*) of Schedule 12A of the Local Government Act 1972 (as amended) thereby suggesting that the press and public be excluded from the meeting whilst this item is debated.

#### **4.0 Justification/Public Interest Test**

4.1 Whereas confidential information must not be disclosed, a “public interest test” must be applied to any decision to regard an agenda item as being “exempt” from publication.

4.2 The report contains a highly sensitive complaint regarding a senior member of staff. The Council has a duty of care to the member of staff involved to ensure fairness and the member of staff has a legitimate expectation that the Council treats the matters referred to in the exempt report as confidential. A failure to do so could constitute a breach of the employer’s contractual obligations to the employee. Consequently this matter should remain confidential until resolved; therefore the public interest in maintaining confidentiality outweighs the public interest in the disclosure of the report.

#### **5.0 Not Excluding the Press and Public**

5.1 There will be occasions when the meeting may decline to exclude the press and public from the meeting. If that occurs it does not simply mean that those members of the press and public who are present are allowed to stay for the discussion of the item. Declining to exclude the press and public would also mean that the press and public are allowed access to the actual report contained within the confidential part of the agenda (what Democratic Services refer to as the “pink pages”).

5.2 If a committee member thinks that it is possible that the recommendation in this report may not be approved at the meeting, it would be helpful to let Democratic Services know that in order that spare copies are available to distribute, if necessary, at the meeting.

5.3 If this report is not exempted, Democratic Services would also make arrangements for the report to be retrospectively published on the Council’s website.

#### **6.0 Corporate Implications**

##### **6.1 Financial**

6.1.1 There are no direct financial implications.

##### **6.2 Legal**

6.2.1 As per Schedule 12A of the Local Government Act 1972 (as amended).

##### **6.3 Corporate**

6.3.1 Thanet District Council will endeavour to keep the number of exempt reports it produces to a minimum in order to promote transparency.

##### **6.4 Equity and Equalities**

6.4.1 There are no specific equity and equality considerations that need to be addressed in this report.

#### **7.0 Recommendation**

- 7.1 That the public and press be excluded from the meeting for agenda item 5 as it contains exempt information as defined in Paragraph 1 of Schedule 12A of the Local Government Act 1972 (as amended).

## 8.0 Decision Making Process

- 8.1 If the press and public are to be excluded for the agenda item this Committee must exercise its power to agree the recommendation

Contact Officer:	Harvey Patterson, Corporate & Regulatory Services Manager
Reporting to:	Sue McGonigal, Chief Executive

## Corporate Consultation Undertaken

Finance	N/A
Legal	Harvey Patterson, Corporate & Regulatory Services Manager

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# Agenda Item 5

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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# Agenda Item 5

Annex 1

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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## THANET DISTRICT COUNCIL DECLARATION OF INTEREST FORM

### Do I have a personal interest?

You have a **personal interest** in any business of your authority where it relates to or is likely to affect:

- a) An interest you must **register**.
- b) An interest that is not on your register, but where the well-being or financial position or you, members of your family (spouse; partner; parents; in laws; step/children; nieces and nephews), or people with whom you have a close association (friends; colleagues; business associates and social contacts that can be friendly and unfriendly) is likely to be affected by the business of your authority more than it would affect the majority of:
  - Inhabitants of the ward or electoral division affected by the decision (in the case of the authorities with electoral divisions or wards.)
  - Inhabitants of the authority's area (in all other cases)

These two categories of personal interests are explained in this section. If you declare a personal interest you can remain in the meeting, speak and vote on the matter, unless your personal interest is also a prejudicial interest.

### Effect of having a personal interest in a matter

You must declare that you have a personal interest, **and the nature of that interest**, before the matter is discussed or as soon as it becomes apparent to you except in limited circumstances. Even if your interest is on the register of interests, you must declare it in the meetings where matters relating to that interest are discussed, unless an exemption applies.

### When an exemption may be applied

An exemption applies where your interest arises solely from your Membership of, or position of control or management on:

1. Any other body to which you were appointed or nominated by the authority.
2. Any other body exercising functions of a public nature (e.g. another local authority)

### Is my personal interest also a prejudicial interest?

Your personal interest will also be a **prejudicial interest** in a matter if all of the following conditions are met:

- a) The matter does not fall within one of the **exempt categories** of decisions
- b) The matter affects **your financial interests** or relates to a **licensing or regulatory matter**.
- c) A member of public, who knows the relevant facts, would **reasonably think your personal interest is so significant** that it is likely to prejudice your judgement of the public interest.

### What action do I take if I have a prejudicial interest?

- a) If you have a **prejudicial interest** in a matter being discussed at a meeting, you must declare that you have a prejudicial interest as the nature of that interest becomes apparent to you.
- b) You should then leave the room, **unless members of the public are allowed to make representations, give evidence or answer questions about the matter**, by statutory right or otherwise. If that is case, you can also attend the meeting for that purpose.
- c) However, you must immediately leave the room once you have finished or when the meeting decides that you have finished (if that is earlier). You cannot remain in the public gallery to observe the vote on the matter.

d) In addition you must not seek to **improperly influence** a decision in which you have a prejudicial interest.

**This rule is similar to your general obligation not to use your position as a Member improperly to your or someone else's advantage or disadvantage.**

**What if I am unsure?**

If you are in any doubt, Members are strongly advised to seek advice from the Monitoring Officer or the Democratic Services Manager well in advance of the meeting.

**DECLARATION OF PERSONAL AND, PERSONAL AND PREJUDICIAL INTERESTS**

**MEETING** .....

**DATE**..... **AGENDA ITEM** .....

**IS YOUR INTEREST:**

**PERSONAL**

**PERSONAL AND PREJUDICIAL**

**NATURE OF INTEREST:**

.....  
.....  
.....

**NAME (PRINT):** .....

**SIGNATURE:** .....

Please detach and hand this form to the Committee Clerk when you are asked to declare any interests.