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Date: 25 April 2014
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GENERAL PURPOSES COMMITTEE

29 APRIL 2014

A meeting of the General Purposes Committee will be held at **6.00 pm on Tuesday, 29 April 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, Wiltshire and Bayford

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 advice contained within the Declaration of Interest form attached 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 and then take the prescribed course of action.

3. **MINUTES OF PREVIOUS MEETINGS** (Pages 1 - 4)

To approve the Minutes of the meetings of the General Purposes Committees held on 26 March and 1 April 2014, copies attached.

4. **EXCLUSION OF PUBLIC AND PRESS** (Pages 5 - 8)

5. **REPORT OF INITIAL ASSESSOR** (Pages 9 - 20)

Declaration of Interests Form

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GENERAL PURPOSES COMMITTEE

Minutes of the meeting held on 26 March 2014 at 5.30 pm in Austen Room, Council Offices, Cecil Street, Margate, Kent.

Present: Councillors Fenner (Chairman) Everitt, I Gregory, Kirby, Poole, King and Wiltshire

In Attendance: Harvey Patterson - Monitoring Officer
Nick Hughes - Clerk

39. APOLOGIES FOR ABSENCE

Apologies of absence were received from Cllr Hart, who was substituted by Cllr H Scobie, Cllr S Tomlinson, who was substituted by Cllr M Tomlinson and from Cllr Marson.

40. DECLARATIONS OF INTEREST

There were no declarations of interest.

41. MINUTES OF PREVIOUS MEETING

The minutes of the meeting of the Committee held on 5 February 2014 were approved and signed by the Chairman.

42. EXCLUSION OF PUBLIC AND PRESS

On the proposal of Councillor Fenner, seconded by Councillor Poole, it was AGREED:

“That the public and press be excluded from the meeting during consideration of the report relating to item number 5 on the agenda, “Appointment of Initial Assessor”, on the grounds that the report contained exempt information by virtue of Paragraph 1 of Schedule 12A of the Local Government Act 1972.

43. APPOINTMENT OF INITIAL ASSESSOR

Members discussed the report.

It was proposed by Councillor Fenner, seconded by Councillor M Tomlinson and AGREED that:

- 1) That the report of the Monitoring Officer be received and noted.
- 2) That Alison Lowton be appointed as a consultant to conduct an assessment of the complaints made by Councillor Driver in respect of a senior officer in order to determine whether or not in the opinion of the consultant there is a case to answer in respect of any of them that would warrant the appointment of a Designated Independent Person.
- 3) That the Assessor reports her findings to a future meeting of the General Purposes Committee.
- 4) That the reasonable costs and disbursements of the Assessor incurred in connection with her appointment be met by the Council.

Meeting concluded: 5.55 pm

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GENERAL PURPOSES COMMITTEE

Minutes of the meeting held on 1 April 2014 at 5.30 pm in Pugin & Rossetti Rooms, First Floor, Council Offices, Cecil Street, Margate.

Present: Councillor Michelle Fenner (Chairman); Councillors Bayford, Everitt, I Gregory, C Hart, King, Marson, Poole, M Tomlinson and Wiltshire

In Attendance: Councillors Campbell, Cohen, Driver and Worrow

44. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Kirby and S Tomlinson, for whom, respectively, Councillors Bayford and M Tomlinson were present as substitutes.

45. DECLARATIONS OF INTEREST

There were no declarations of interest.

46. APPOINTMENT OF TEMPORARY MONITORING OFFICER

Councillors Driver, Cohen and Campbell spoke under Council Procedure Rule 24.1.

It was proposed by the Chairman, seconded by the Leader, Councillor C Hart:

“THAT Steven Boyle, Interim Legal Services Manager, be appointed Temporary Monitoring Officer from the time that the current Monitoring Officer leaves office.”

Amendment

Following debate, an amendment was proposed by Councillor Everitt and seconded by Councillor Poole as follows:

“THAT the following words are added to the end of the original motion:

‘ ...until the next meeting of full Council, and that Council either confirms that interim appointment or appoints an alternative Temporary Monitoring Officer.’”

Upon the amendment being debated and put to the vote, it was declared LOST.

Original Motion

Upon the original motion being put to the vote, it was declared LOST.

Meeting concluded : 6.40 pm

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Exclusion of Public and Press

To: **General Purposes Committee – 29 April 2014**

By: **Corporate and Regulatory Services Manager**

Classification: **Unrestricted**

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 and 2 of Schedule 12A of the Local Government Act 1972 (as amended).

For Decision

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 5 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*) and 2, (*Information that is likely to reveal the identity of 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 Paragraphs 1 and 2 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, 2 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, 2 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 Disclosable Pecuniary Interest and if so what action should I take?

Your Disclosable Pecuniary Interests (DPI) are those interests that are, or should be, listed on your Register of Interest Form.

If you are at a meeting and the subject relating to one of your DPIs is to be discussed, in so far as you are aware of the DPI, you **must** declare the existence **and** explain the nature of the DPI during the declarations of interest agenda item, at the commencement of the item under discussion, or when the interest has become apparent

Once you have declared that you have a DPI (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must:-**

1. Not speak or vote on the matter;
2. Withdraw from the meeting room during the consideration of the matter;
3. Not seek to improperly influence the decision on the matter.

Do I have a significant interest and if so what action should I take?

A significant interest is an interest (other than a DPI or an interest in an Authority Function) which:

1. Affects the financial position of yourself and/or an associated person; or Relates to the determination of your application for any approval, consent, licence, permission or registration made by, or on your behalf of, you and/or an associated person;
2. And which, in either case, a member of the public with knowledge of the relevant facts would reasonably regard as being so significant that it is likely to prejudice your judgment of the public interest.

An associated person is defined as:

- A family member or any other person with whom you have a close association, including your spouse, civil partner, or somebody with whom you are living as a husband or wife, or as if you are civil partners; or
- Any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or
- Any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000;
- Any body of which you are in a position of general control or management and to which you are appointed or nominated by the Authority; or
- any body in respect of which you are in a position of general control or management and which:
 - exercises functions of a public nature; or
 - is directed to charitable purposes; or
 - has as its principal purpose or one of its principal purposes the influence of public opinion or policy (including any political party or trade union)

An Authority Function is defined as: -

- Housing - where you are a tenant of the Council provided that those functions do not relate particularly to your tenancy or lease; or
- Any allowance, payment or indemnity given to members of the Council;
- Any ceremonial honour given to members of the Council
- Setting the Council Tax or a precept under the Local Government Finance Act 1992

If you are at a meeting and you think that you have a significant interest then you **must** declare the existence **and** nature of the significant interest at the commencement of the

matter, or when the interest has become apparent, or the declarations of interest agenda item.

Once you have declared that you have a significant interest (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must**:-

1. Not speak or vote (unless the public have speaking rights, or you are present to make representations, answer questions or to give evidence relating to the business being discussed in which case you can speak only)
2. Withdraw from the meeting during consideration of the matter or immediately after speaking.
3. Not seek to improperly influence the decision.

Gifts, Benefits and Hospitality

Councillors must declare at meetings any gift, benefit or hospitality with an estimated value (or cumulative value if a series of gifts etc.) of £100 or more. You **must**, at the commencement of the meeting or when the interest becomes apparent, disclose the existence and nature of the gift, benefit or hospitality, the identity of the donor and how the business under consideration relates to that person or body. However you can stay in the meeting unless it constitutes a significant interest, in which case it should be declared as outlined above.

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 and Scrutiny Manager well in advance of the meeting.

DECLARATION OF DISCLOSABLE PECUNIARY INTERESTS, SIGNIFICANT INTERESTS AND GIFTS, BENEFITS AND HOSPITALITY

MEETING.....

DATE..... AGENDA ITEM

DISCLOSABLE PECUNIARY INTEREST

SIGNIFICANT INTEREST

GIFTS, BENEFITS AND HOSPITALITY

THE NATURE OF THE INTEREST, GIFT, BENEFITS OR HOSPITALITY:

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

NAME (PRINT):

SIGNATURE:

Please detach and hand this form to the Democratic Services Officer when you are asked to declare any interests.