

# Public Document Pack



Date: 17 September 2014  
Our ref: Extra Overview & Scrutiny Panel/Agenda  
Ask For: Charles Hungwe  
Direct Dial: (01843) 577186  
Email: charles.hungwe@thanet.gov.uk

## EXTRAORDINARY OVERVIEW AND SCRUTINY PANEL

25 SEPTEMBER 2014

An extraordinary meeting of the Overview and Scrutiny Panel will be held at **7.00 pm on Thursday, 25 September 2014** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

### Membership:

Councillor Gideon (Chairman); Councillors: Campbell (Vice-Chairman), Driver, Dwyer, Fenner, Gibson, I Gregory, K Gregory, Hornus, Huxley, Matterface, Moore, Poole, D Saunders, M Tomlinson and Worrow

## 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. **OVERVIEW & SCRUTINY PANEL CALL-IN OF A CABINET DECISION - ROYAL SANDS DEVELOPMENT** (Pages 1 - 14)

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

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## OVERVIEW & SCRUTINY PANEL CALL-IN OF A CABINET DECISION - ROYAL SANDS DEVELOPMENT

To: **Extraordinary Overview & Scrutiny Panel – 25 September 2014**

Main Portfolio Area: **Financial Services & Estates**

By: **Senior Democratic Services Officer**

Classification: **Unrestricted**

Ward: **Thanet Wide**

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**Summary:** **The Overview & Scrutiny Panel called-in a Cabinet decision on the Royal Sands Development. This covering report highlights the grounds for that call-in.**

### **For Decision**

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#### **1.0 Introduction and Background**

- 1.1 Cabinet considered an officer report regarding the Royal Sands Development on 11 September 2014 and were cognisant of the fact that they had previously made a number of decisions relating to this subject on the basis of recommendations from the Overview & Scrutiny Panel. One of the decisions implemented by officers was to serve a Notice on the developers' legal advisor requiring remedy of the breach of the agreement.
- 1.2 The Panel may wish to note that this Notice triggered a clause in the current development agreement that requires that the parties enter into mediation. The mediation process started on 10 July 2014 when the Council's Project Team (the mediation team) supported by external expert legal advisors met the developer on a 'without prejudice basis.' At the September Cabinet, officers requested for time to continue the negotiations with the developer. The report that was considered at the meeting is attached as Annex 1 to the Panel report.
- 1.3 A commitment was given by Cabinet to publish all reasonable questions from members of the public and the Cabinet responses to these questions and queries within two weeks of the Cabinet meeting. Cabinet also gave a commitment to publish the conclusions to the negotiations. The published minutes for the 11 September 2014 Cabinet meeting are attached as Annex 2 to the report.
- 1.4 On the basis of the above discussion Cabinet agreed the following:
- i. To authorise officers to defer the recommendations of the Cabinet paper dated 20<sup>th</sup> February 2014 whilst positive negotiations continue;
  - ii. That a report be brought back to Cabinet in October 2014, documenting the outcome of the negotiations for final decision.
- 1.5 Cabinet will sit at an extraordinary meeting on 16 October 2014 to consider the officer recommendations from the outcome of the mediation with the developer.

## **2.0 Reasons for Call-in**

2.1 The Chairman of the Overview and Scrutiny Panel called-in the Cabinet decision on 15 September 2014. In calling-in the decision the Chairman indicated the follows:

“I am not persuaded by the argument and evidence given in the report to postpone implementing the earlier Cabinet decision agreed on 20 February 2014. I have some doubt about the clarity of aims and desired outcomes arising out of this decision and I would therefore wish for these to be explored further. Given the considerable local interest in the site I would wish for the matter to be called in.”

2.2 At the Cabinet meeting on 20 February agreed the following:

1. That the recommendations of the Overview & Scrutiny Panel be received and adopted;
2. That the Developer's request for an extension of time be refused;
3. That the power to implement the recommendations of the Overview & Scrutiny Panel be delegated to the Cabinet Member for Financial Services and such power to be enacted by a published decision notice following consultation with the Chief Executive.

## **3.0 Options**

3.1 The Panel could request Cabinet to reconsider its decision made on 11 September.

3.2 Members may wish to take no further action in which case the Cabinet decision becomes implementable from the date of this meeting.

## **4.0 Overview & Scrutiny Panel Procedure Rules for Call-in**

4.1 Under the call-in procedure as outlined in the Overview and Scrutiny Procedure Rule 15.0:

4.1.1 If, having considered the decision of Cabinet, the Panel is still concerned about it, it may refer it back to Cabinet for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council.

4.1.2 If referred to Cabinet, Cabinet shall then reconsider within a further 15 working days from the date of this meeting, amending the decision or not, before adopting a final decision.

4.1.3 If the Panel does not refer the matter back to Cabinet, the decision shall take effect on the date of this meeting.

4.2 The Overview and Scrutiny Procedure Rule 15.0 also provides for a referral of the decision by the Panel to full Council. If that is the case, Council should meet within 15 working days of referral and if it objects to the decision, it will refer it back to Cabinet, together with its views on the decision. Cabinet would then have to convene to reconsider within 15 working days of the Council meeting.

## **5.0 Corporate Implications**

### **5.1 Financial and VAT**

5.1.1 The financial implications of the Cabinet decision are as outlined in the Cabinet report attached.

### **5.2 Legal**

5.2.1 The legal implications of the cabinet decision are as outlined in the Cabinet report attached.

5.2.2 The procedure for calling in Cabinet decisions is as prescribed by Overview & Scrutiny Procedure Rule 15.0.

### **5.3 Equity and Equalities**

5.3.1 There are no equity and equalities issues arising directly from this report.

## **6.0 Recommendation**

6.1 With reference to the options in section 3.0 of the report, Members' guidance is sought.

## **7.0 Decision Making Process**

7.1 If the Panel refers the decision to Cabinet it may be possible to include it in the agenda for the Extraordinary Cabinet meeting of the 16 October 2014. If the decision is referred to Council for reconsideration it would be necessary to organise an extraordinary meeting to discuss the matter.

Contact Officer:	Charles Hungwe, Senior Democratic Services Officer, Ext 7186
Reporting to:	Glenn Back, Democratic Services & Scrutiny Manager, Ext 7187

## **Annex List**

Annex 1	Cabinet Report – Royal Sands Development
Annex 2	Cabinet Minutes – 11 September 2014

## **Background Papers**

<b>Title</b>	<b>Details of where to access copy</b>
None	N/A

## **Corporate Consultation Undertaken**

Finance	Matt Sanham, Finance Manager (Corporate Finance Manager)
Legal	Steven Boyle, Interim Legal Services Manager & Monitoring Officer

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## Royal Sands Development

To: **Cabinet – 11 September 2014**

Main Portfolio Area: **Cllr Rick Everitt, Cabinet Member for Finance & Estates**

By: **Edwina Crowley, Head of Economic Development & Asset Management**

Classification: **Unrestricted**

Ward: **Eastcliff**

**Summary:** Further information has become available since Cabinet adopted the recommendations of the Overview and Scrutiny Panel on 20<sup>th</sup> February. Cabinet are asked to consider this information and determine the resolution.

### For Decision

#### 1.0 Introduction and Background

1.1 On 20<sup>th</sup> February Cabinet made a number of decisions based upon the recommendations of the Overview and Scrutiny Panel which it received and adopted.

#### 2.0 The Progress since the Decision on 20<sup>th</sup> February

2.1 Since the Cabinet report of 20<sup>th</sup> February there has been a change in project team as follows:

Edwina Crowley	Project Lead, Head of Economic Development and Asset Management
Steven Boyle	Interim Legal Services Manager
Mike Humber	Technical Services Manager
Grant Burton	Capital Development Manager

2.2 The team is supported by Stuart Wortley and Luke Miotte of Pinsent Masons (legal advice) and Tim Mitford-Slade of Strutt and Parker (valuation advice). The project team have re-visited the site and reviewed the documents and correspondence.

2.3 Acting on the recommendations contained in the Cabinet report made on the 20<sup>th</sup> February the Council served Notice on the developers legal advisor requiring remedy of the breach of the agreement.

2.4 Following the service of the Notice the development agreement contractually provides for parties to enter into mediation when there is a significant dispute and therefore on 10<sup>th</sup> July, a without prejudice meeting took place at the offices of Pinsent Masons.

2.5 At this meeting the Developer informed officers that they had been approached by Cardy Construction Ltd to acquire the share capital of SFP (Ventures) Ltd thereby proposing to take ownership of all SFP contractual obligations (including this development agreement with the Council) and that in principle, the Developer is keen

to accept the offer. This would mean that Cardy Construction Ltd would become responsible for finishing the construction works in accordance with the planning permission.

- 2.6 Furthermore Cardy Construction Ltd would amalgamate this company into the established parent group of companies which has a long history of successful performance with such schemes.
- 2.7 Additionally, Cardy Construction Ltd are, in principle, in a position to enter into an agreement which, subject to successful negotiations between the parties, would mean the Council would not only receive the overage payments in advance of completion of the construction but also provide additional benefits for the Council.
- 2.8 Cabinet is asked to note at this point that the current contractual arrangements with SFP entered into in 2006 mean that the Council has substantially disposed of its freehold interest in the land (with freehold transfer provisions documented in the development agreement); the Council's only continuing legal interest is the right to receive overage payments in respect of the completed units.
- 2.9 Notwithstanding the problems that the developer has outlined which they state have caused a problem in developing out this construction (see 3.2.3) if the matter progressed to Court, the Courts would expect the Council to undertake an objective assessment of all reasonable offers put forward in order to complete this construction project and by doing so receive the overage payments owed to them.

### **3.0 The Current Situation**

- 3.1 In light of this offer advanced through the mediation process, the council development project team has reviewed all the documents and correspondence and can provide the following comment on the position.
- 3.2 It is clear following legal advice that terminating the development with SFP would not be straightforward for the following reasons:-
- 3.3 Notwithstanding the expiry of the date for compliance contained within the Notice served on the developer's legal advisors, the procedure for terminating the development requires the service of 3 additional separate notices. The Notice served referred to the breach committed and had to allow the developer reasonable time to comply with performance documented in the notice. The developer may comply in full or in part, and at the end of the period for compliance the developer would be allowed further time to proceed to the next phase of works.
- 3.4 To continue down this route of performance management means the process will be likely to be drawn out over a number of years.
- 3.5 Furthermore, SFP (Ventures) Ltd could at any stage decide to contest any attempt to terminate the development agreement by formal action on the basis of several arguments. Whilst there are varying degrees of merit to these potential challenges they might include:-
  - a) some of the delays to the development were caused by matters outside of their control and therefore may validate the request by SFP to extensions of time, for example the problems with the cliff face wall, access and egress restrictions.



- b) SFP have also made allegations about the actions of a particular Councillor trying to undermine its attempts to fund the scheme and promote the development (including its attempts to identify a suitable hotel operator).
- c) Notwithstanding the programme of works agreed at the time of the 2009 variations required the developer to build in an illogical manner because the hotel could not sensibly be opened with the residential still underway; the highways issue in 2010 made it practically impossible too for the reasons documented in (d) below.
- d) A review of the programme of works in light of the access/egress restrictions mentioned means that it would be extremely difficult to follow in a safe and practicable manner (given that if the hotel was built first in accordance with the programme, access to the remaining site would be obstructed by the hotel), and Health & Safety Construction Regulations require adjustments to works programmes where there is a safer way of delivering the project.

3.6 SFP claim to have invested significant sums of money in the development, accordingly, they are likely to fight very hard to protect SFP's interest in the development site.

3.7 For these reasons, any formal attempt to terminate the development agreement would undoubtedly take a considerable time and there is always a risk with litigation that the Council may be unsuccessful and at the very least the outcome would be uncertain. Contentious litigation would be very likely in this case and progressing with such action would be expensive (with uncertainty as to where the Court would award the costs) and could tie the development site up for many years.

3.8 The Council's decision through Cabinet to terminate the development agreement on 20<sup>th</sup> February 2014 was reached on the basis of a summary of Pinsent Masons' legal advice. Issues which have been raised by Parry Law in response to the Notice served for the breach have resulted in amendment to the original advice, including (as requested by Members) a review of the comments around the absence of a long stop date being a "material defect"

3.9 There was no one off long stop date in the development agreement whereby if the developer had not performed the Council would have step in rights to get the site back. The agreement did however have several performance indicators; failure to perform one of them would trigger a review of the agreement with the Council taking action as appropriate. In light of the amount of money that the developer would have invested at each stage, Pinsent Masons advise it is unlikely that they would have been agreeable to a long stop date when the contracts were being negotiated in 2006.

#### **4.0 Cardy Construction Ltd**

4.1 Focusing on the present situation, it is clear that circumstances have materially changed in that there is now a reputable and established construction company, willing to take over SFP and they in turn have indicated they are willing to transfer their interest to this company. Upon completion of company transfer contracts between SFP and Cardy Construction Ltd, the current owner of SFP would have no further involvement with the development.

4.2 Cardy Construction Ltd have in principle funding in place to complete the development within a reasonable time frame. Furthermore, they are of a sizable nature, have proven technical expertise and a consistent record for delivering quality projects of this type and scale.

- 4.3 It is also proposed that the Cardy Construction Ltd will employ local tradespeople for this project and engage apprentices. A construction project of this scale will employ up to 200 people on this project when in full operation, there is also the ongoing opportunity for jobs aligned to the hotel trade, commercial units and servicing of the residential common parts.
- 4.4 Overall, Cardy Construction Ltd is therefore considered a much stronger covenant for the development and for this reason are able to attract funding for the scheme, making delivery viable.

## **5.0 Commercial Considerations**

- 5.1 The project team had been asked to consider the present value of the site and what the implications would be if the council was able to buy the site from the developer. Valuation experts Strutt and Parker were asked for advice on the present value of the freehold interest.
- 5.2 Strutt and Parker advised that the site is worth a significant amount of money even in its part developed state.
- 5.3 The Council does not have the funds to buy the site back (see section 7.1 below) even if the developer was willing to sell the site. The market value of the scheme is the value added by the granted planning permission for the finished scheme.
- 5.4 Even if the Council was able to buy back the site then the Council would still be required to secure an alternative developer, in order to secure the best financial value for the site, so it is likely that the same scheme or a scheme of similar type and scale would be developed out.
- 5.5 Therefore, the offer by the Cardy Construction Ltd to finish the scheme and compensate the council for the overage money owed is considered to be a good solution. To get the site developed will not only bring financial return to the council but will support regeneration in Ramsgate, both by direct and indirect employment opportunities.
- 5.6 The project team have considered the benefits of receiving the overage payment in advance of completion of the development. The project team are also confident that they can negotiate better contractual terms for the council to include a call in option for non-performance.
- 5.7 The offer from the Cardy Construction Ltd to build out the site in a timely manner is, subject to successful negotiations, considered by the project team to be acceptable in principle.

## **6.0 Recommendations**

- 6.1 It is therefore recommended that Cabinet authorise officers to defer the recommendations of the Cabinet paper dated 20<sup>th</sup> February whilst positive negotiations continue;
- 6.2 Furthermore, that Cabinet authorise the project team (in consultation with the S151 Monitoring Officer, Head of Paid Service and Cabinet Member for Finance and Estates) following due process and procedures to progress with negotiations;
- 6.3 That a report be brought back to Cabinet in October, documenting the outcome of the negotiations for final decision.

## **7.0 Corporate Implications**

### **7.1 Financial and VAT**

The Royal Sands development is currently accounted for within the Council's asset register and subsequently within the Balance Sheet. The financial implications of the aforementioned have been detailed below:-

To receive the overage monies owed to the Council would result in a substantial capital receipt that would be used to fund council's capital expenditure programme.

It is noted that preliminary investigations were held by the project team to get an indicative present value for the site and that this amount is a considerable sum. There is no allowance in the budgets to take this action, it would constitute as capital expenditure for acquisition of the rights bought back that had previously been sold. There has been a decline in capital receipts over the past few years due to the economic downturn and the need to achieve best value. Currently the council does not hold sufficient funds in the unallocated capital receipt reserve to fund such expenditure as it has been fully committed to fund the existing capital programme. It is likely the Council would need to borrow to facilitate the purchase of the leases, which would result in increased revenue costs for the Interest on borrowing and the minimum revenue provision for principal repayment.

Once agreement has been sought on which option would be the most appropriate then specialist VAT advice will need to be sought.

### **7.2 Legal**

The legal issues are broadly as outlined within this report.

There are processes to be followed to seek to terminate the existing agreements as outlined. There is likely to be a challenge to this process which will be costly and time consuming.

Careful attention needs to be made to any action taken either to terminate the existing agreement, purchase the leases or seeking to sign a new agreement to ensure the Council's legal position is secured.

Appropriate advice has been sought at all stages so far to ensure that the Council's position is sustainable.

### **7.3 Corporate**

As outlined within this report the position has changed materially since the Cabinet Decision was taken in February.

Given that there is now an alternative which may bring about a solution to the problem avoiding the legal challenges it is appropriate that members are given the opportunity to consider this and to take a decision based upon all of the options.

### **7.4 Equity and Equalities**

If Cabinet agree to taking this forward, all discussions and agreements are subject to a Council equity and equalities assessment.

## **8.0 Decision Making Process**

8.1 This is a key decision subject to call in.

Contact Officer:	Edwina Crowley, Head of Economic Development and Asset Management
Reporting to:	Madeline Homer, Acting Chief Executive

### **Corporate Consultation Undertaken**

Finance	Nicola Walker, Finance Manager - HRA, Capital & External Funding
Legal	Steven Boyle – Interim Legal Services Manager & Monitoring Officer

## CABINET

**Minutes of the meeting held on 11 September 2014 at 7.00 pm in Council Chamber,  
Council Offices, Cecil Street, Margate, Kent.**

**Present:** Councillor Johnston (Chairman); Councillors Everitt, D Green,  
E Green and Harrison

**In Attendance:** Councillors Bayford, Bruce, Edwards, King, Marson, D Saunders,  
M Saunders, M Tomlinson, S Tomlinson, Wells and Wise

### **192. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Nicholson.

### **193. DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **194. MINUTES OF EXTRAORDINARY MEETING**

Councillor Johnston proposed, Councillor E. Green seconded and Members agreed the minutes of the extraordinary meeting held on 17 July 2014.

### **195. MINUTES OF PREVIOUS SCHEDULED MEETING**

Councillor Johnston proposed, Councillor Everitt seconded and Members agreed the minutes of the scheduled meeting held on 31 July 2014.

### **196. RAMSGATE PORT AND HARBOUR GOVERNANCE PROPOSALS**

Cabinet confirmed the importance of the Ramsgate Port and Harbour for Thanet and the local region and agreed that the guidance developed by the government regarding the governance of municipal ports was a useful model that Council could use in designing an appropriate governance model for running the Ramsgate Port and Harbour.

In coming up with the proposed model, Cabinet took into account the experience of a number of municipal ports that adopted the approach recommended by government and also took note of the problems encountered by other local authorities that manage ports.

Cabinet acknowledged the need to ensure that there was sufficient accountability, capacity and capability in the management of the port and harbour. They expressed the need to bring external maritime expertise onto the Cabinet Advisory Group which would help the Executive decision making process.

Councillor Bayford spoke under Council Procedure Rule 24.1

Councillor Harrison proposed, Councillor Everitt seconded and Cabinet agreed the setting up of the Ramsgate Port and Harbour Cabinet Advisory Group under the terms set out in Annex 1 to the Cabinet report.

### **197. VATTENFALL - COMMUNITY PROJECT FUNDING**

Vattenfall provided a grant to TDC of £100,000 in 2009 with the objective of delivering a project benefitting the local community and environment. The planning application for the initial project brief was for the provision of a raised walkway through the saltmarsh at

Pegwell Bay and was withdraw in June 2012 following environmental concerns raised by key stakeholders. Cliffsend play area and Eastcliff Gardens were the two alternative project options that had been identified for funding under the grant.

Councillor Bruce and Councillor Bayford spoke under Council Procedure Rule 24.1.

Councillor Harrison proposed, Councillor Everitt seconded and Cabinet agreed the following:

1. That £50k of the Vattenfall funding be allocated to the replacement of the play area in Cliffsend and that £40k be allocated to the Ramsgate Eastcliff and Westcliff Gardens project. The remaining £3k will be allocated to support the project management and delivery of the two projects.
2. To approve a variation to the use of the Vattenfall grant fund from that which was agreed in the 2010 budget report to allow for the above projects to be delivered. The original project proposal for a raised walkway will not therefore be taken forward.

#### **198. HOUSING REVENUE ACCOUNT GARAGES**

Cabinet was advised that an audit of all the Council owned garages across the district had been undertaken and had established that there was currently a 50% vacancy rate across all the sites. Some of the sites had development potential to provide new affordable homes.

Sites which had development potential currently had planning consent to deliver up to 40 new affordable homes. If developed these new homes would be retained by Thanet District Council and let to households on the housing register. The Homes & Communities Agency (HCA) funding of £1.4m had been received to support this project.

Members agreed that in order to develop the sites, there was a need for Council to purchase-back some of the leaseholds and freeholds of garages which had previously been sold along with properties in the Housing Revenue Account (HRA) through the Right to Buy. Individual valuations will be undertaken on each garage, and this cost had been factored into the project.

Councillor Marson spoke under Council Procedure Rule 24.1.

Councillor Harrison proposed, Councillor D. Green seconded and Members approved that the Director of Community Services be delegated authority to acquire leaseholds and freeholds on Housing Revenue Account land.

#### **199. TO ADOPT FOOD SERVICE PLAN 2014-16**

The food regulation service that Council provided faced some challenges over the last few months with the closure of the Designated Point of Entry and changes to guidance on the frequency of inspections of food premises.

To manage these changes Council refreshed the food law enforcement plan which sets the focus of the public protection team for the next 24 months leading to a consistent work programme as well as ensuring that Council complied with the statutory responsibilities.

Councillor Johnston proposed, Councillor Harrison seconded and Members approved the Food Law Enforcement Plan.

**200. DESTINATION MANAGEMENT PLAN UPDATE**

Cabinet received an update on the progress towards delivering the Destination Management Plan (DMP) for the Thanet District. Since the DMP was adopted Cabinet had allocated £500,000 in reserves to help deliver the priorities of the plan. It was hoped that this funding would deliver projects that supported the priorities of the DMP and that the projects were sustainable and would provide a lasting impact on the destination. In some cases match funding was provided from other sources.

Councillor Bayford spoke under Council Procedure Rule 24.1.

Councillor Johnston proposed, Councillor Everitt seconded and Cabinet noted the update report.

**201. ROYAL SANDS DEVELOPMENT**

Cabinet noted that on 20 February 2014 they made a number of decisions based upon the recommendations of the Overview and Scrutiny Panel.

Acting on the recommendations contained in the Cabinet report of the 20th February; the Council served Notice on the developers' legal advisor requiring remedy of the breach of the agreement. Members were advised that, following the serving of the Notice, the development agreement contractually provided for parties to enter into mediation. Accordingly, the Council Project Team with the support of external expert legal advisors met with the developer on a without prejudice basis on 10th July 2014.

At that meeting new information was made available to the Council Project Team. Cabinet carefully considered the information and were now being asked to authorise the Project Team to continue negotiations and bring back appropriate recommendations to an extraordinary Cabinet meeting on 16 October 2014 for final approval.

There was a commitment given by Cabinet to publish all the questions from members of the public and the Cabinet responses to these questions and queries within two weeks. Cabinet also gave a commitment to publish the detailed conclusions to the negotiations.

The following Members spoke under Council Procedure Rule 24.1:

Councillor Bayford;  
Councillor Marson;  
Councillor Wells.

Councillor Everitt proposed, Councillor D. Green seconded and Cabinet agreed the following:

1. To authorise officers to defer the recommendations of the Cabinet paper dated 20<sup>th</sup> February 2014 whilst positive negotiations continue;
2. That a report be brought back to Cabinet in October 2014, documenting the outcome of the negotiations for final decision.

**202. DRAFT HOUSING ASSISTANCE AND DISABLED ADAPTATIONS POLICY - CONSULTATION**

The Housing Assistance and Disabled Adaptations Policy is required under Article 4 of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 and provides the Council with the discretion to develop new schemes for providing financial assistance to deal with issues in privately owned housing.

Although a two week consultation was proposed starting on 11 August 2014 focusing on key stakeholders, following representation, this consultation was extended to five weeks to end on 15 September. However on the 19 August 2014 the Overview and Scrutiny Panel made the following recommendation for consideration by Cabinet:

“To request Cabinet to organise a well-publicised six week consultation period on the Draft Housing Assistance and Disabled Adaptation Policy 2014-16. That this consultation is focused on reaching disabled people and their carers and includes all those organisations which represent disabled people.”

Councillor D. Green proposed, Councillor Johnston seconded and Cabinet agreed the following:

1. To carry out a six week public consultation using an online survey that identifies the areas of the draft policy that can be consulted on;
2. To publicise the consultation online, through local press and social media;
3. To highlight the consultation to specific groups with an interest in the document and with access to disabled residents and their carers;
4. To extend the consultation with an end date of 24th October 2014.

Meeting concluded: 8.05 pm



## 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.

