

# Public Document Pack



Date: 13 October 2014  
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## GENERAL PURPOSES COMMITTEE

23 OCTOBER 2014

A meeting of the General Purposes Committee will be held at **7.00 pm on Thursday, 23 October 2014** in the Austen Room, Council Offices, Cecil Street, Margate, Kent.

### Membership:

Councillor S Tomlinson (Chairman); Councillors: Bayford, Campbell, Everitt, Fenner, I Gregory, King, Marson, Wiltshire and Poole

## A G E N D A

<u>Item No</u>	<u>Subject</u>
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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. **APPOINTMENT OF EK SERVICES DIRECTOR** (Pages 1 - 4)

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

5. **MINUTES OF PREVIOUS MEETING** (Pages 9 - 12)

To approve the Minutes of the meeting of the General Purposes Committee held on 3 June 2014, copy attached.

6. **REPORT FOLLOWING THE INVESTIGATION OF THE DESIGNATED INDEPENDENT PERSON** (Pages 13 - 68)

7. **REPORT ON THE LETTER FROM THE MONITORING OFFICER** (Pages 69 - 72)

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

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## REPORT ON APPOINTING A NEW DIRECTOR OF EAST KENT SERVICES

To: **General Purposes Committee – 23 October 2014**

By: **Monitoring Officer**

Classification: **Unrestricted**

Ward: **N/A**

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**Summary:** **This report follows the resignation of the existing Director of Shared Services and requests the appointment of an interim director and permanent replacement.**

### **For Decision**

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

- 1.1 Mrs Donna Reed, the present Director of Shared Services is leaving her post on 31 October 2014.
- 1.2 Following a selection and interview process carried out by the Three Council's Chief Executive's her replacement has been designated. It is Dominic Whelan, who is not available to take up his post until later this year without a specified date.
- 1.3 To ensure there is no lapse in the discharge of the functions delegated to the director it is necessary to appoint an interim director to discharge those functions in the meantime.
- 1.4 Thanet District Council is the Host Authority for East Kent Services and as such is required to appoint Chief Officers in accordance with paragraph 4 of the Officer Employment Rules.
- 1.5 As a result of the impending departure Thanet DC will make their Director of Corporate Resources (and section 151 Officer) Paul Cook available to perform the role on an interim basis. The Committee is required to appoint Mr Cook to the interim role and authorise him to discharge the functions previously discharged by Mrs Reed.
- 1.6 The Committee is also required to confirm the appointment of Mr Whelan to the role of Director of Shared Services.
- 1.7 Once Mr Whelan takes up his post it is intended that the function will then be undertaken by him.
- 1.8 East Kent Joint Arrangement Committee will make appropriate delegations to the role to be exercised by the appointed parties following their appointment by Thanet DC.

#### **2.0 Options available with reasons for suitability**

2.1 Members should confirm these appointments as selection involving all three authorities has taken place. Members can decline to make these appointments but in doing so will require the other participating councils to reconsider their approach to joint working as the operation of East Kent Services would be called into question. There may also be financial implications as well.

### **3.0 Corporate Implications**

#### **3.1 Financial and Risk**

3.1.1 The issues raised do not cause any problem and provided for within existing budgets provided appointments are confirmed.

3.1.2 This report follows logically from the resignation of the current Director of Shared Services and if East Kent Services is to continue on the same basis the recommendations should be approved in order to ensure continuity of service.

#### **4.2 Legal**

4.2.1 The failure to confirm these appointments using our procedures would undermine the operations of East Kent Services and could result in the Council being liable to the other partners.

#### **4.3 Corporate**

4.3.1 These decisions must be taken in accordance with our own procedures as Thanet DC is the lead authority for shared services.

#### **4.4 Equity and Equalities**

4.4.1 There are no direct equity or equalities issues arising from this report.

### **5.0 Recommendations**

5.1 That as from 1 November 2014 Paul Cook, be appointed interim Director of Shared Services to exercise the functions ascribed to the Director until such time as the permanent appointment of Dominic Whelan takes effect.

5.2 That Dominic Whelan, be appointed Director of Shared services to exercise the functions ascribed to ascribed to the Director.

### **6.0 Decision Making Process**

6.1 The General Purposes Committee has the power to make Chief Officer appointments and exercise this duty on behalf of the Council.

Contact Officer:	Steven Boyle, Interim Legal Services Manager and Monitoring Officer
Reporting to:	Madeline Homer, Acting Chief Executive

#### **Annex List**

Annex 1	None
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***Background Papers***

<b>Title</b>	<b>Details of where to access copy</b>
N/A	

***Corporate Consultation Undertaken***

Finance	Paul Cook, Interim Deputy Section 151 Officer and Director of Corporate Resources
Legal	N/A

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## Exclusion of Public and Press

To: **General Purposes Committee – 23 October 2014**

By: **Democratic Services and Scrutiny 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 items 5,6 and 7 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

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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 Reasons Why Agenda Items 5, 6 and 7 are considered to be “exempt”

3.1 The report author has classified Agenda Items 5, 6 and 7 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 Items 5, 6 and 7 are withheld as the information contained within them is exempt under the provisions of paragraphs 1 and 2 of Part 1 to Schedule 12A to the Local Government Act 1972 (as amended). Moreover given the release of confidential material from previous meetings it is essential that this information remains restricted and that this restriction is respected by all Members as the release of any information could lead to the Council being liable in damages to several parties including but not limited to its employees and external third parties. For this reason the Monitoring Officer considers it reasonable to impose these restrictions and appreciates members support in taking this step.

#### **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 items 5, 6 and 7 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:	Glenn Back, Democratic Services and Scrutiny Manager, Ext 7187
Reporting to:	Harvey Patterson, Corporate & Regulatory Services Manager

**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 6

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

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# Agenda Item 6

## Annex 1

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

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Agenda Item 6  
Annex 2

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

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# Agenda Item 7

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 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** .....

**DISCRETIONARY 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.