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Date: 11 January 2016
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STANDARDS COMMITTEE

21 JANUARY 2016

A meeting of the Standards Committee will be held at **7.00 pm on Thursday, 21 January 2016** in the Council Chamber, Cecil Street, Margate, Kent.

Membership:

Dr Jonathan Sexton (Chairman), Mrs Janet Bacon (Vice-Chairman)

Councillors: Braidwood, Buckley, Dexter, J Fairbrass, Johnston, Tomlinson and Jaye-Jones

Parish Councillors: Way and Wright

A G E N D A

Item
No

Subject

1. **APOLOGIES FOR ABSENCE**
 2. **MINUTES OF PREVIOUS MEETING** (Pages 1 - 2)
To approve the Minutes of the meeting of Standards Committee held on 15 September 2015, copy attached.
 3. **DECLARATIONS OF INTEREST**
 4. **CONSTITUTIONAL REVIEW** (Pages 3 - 122)
 5. **STANDARDS COMPLAINT STATISTICS 2015** (Pages 123 - 126)
 6. **STANDARDS COMPLAINT STATISTIC 2016** (Pages 127 - 128)
- Declaration of Interest form - back of agenda**

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Public Document Pack Agenda Item 2

STANDARDS COMMITTEE

Minutes of the meeting held on 15 September 2015 at 7.00 pm in Austen Room, Cecil Street, Margate, Kent.

Present: Dr Jonathan Sexton (Chairman); Mrs Janet Bacon (Independent Member of the Standards Committee)

Councillors: Wright (Birchington Parish Council - Birchington South), Ashbee, Braidwood, Buckley, Dexter, J Fairbrass, Johnston and Tomlinson

102. APOLOGIES FOR ABSENCE

Apologies were received from Parish Councillor Way.

103. MINUTES OF PREVIOUS MEETING

It was proposed by Councillor Johnston and seconded by Councillor Buckley and AGREED that the minutes of the meeting of 1 July 2015 were a correct record and be signed by the Chairman.

104. DECLARATIONS OF INTEREST

There were no declarations of interest.

105. CONSTITUTIONAL REVIEW

Tim Howes, Monitoring Officer outlined his report on the review of the Constitution and Member/Officer Protocol.

The Chairman advised Members of the membership of the Constitutional Review Working Party. He reported that the substance of the Constitution had not been changed but work had been done to tidy and change the flow of the document to make it easier to use.

Councillor Collins spoke under Council Procedure rule 24.1.

Members proposed changes to the Constitution and Member/Officer Protocol.

Councillor Johnston proposed, Councillor Buckley seconded and Members AGREED:

“To recommend the revised parts of the Council’s Constitution to Council subject to the agreed amendments”.

106. LOCAL GOVERNMENT OMBUDSMAN ANNUAL REVIEW

The Committee noted the Local Government Ombudsman Annual Review.

107. STANDARDS COMPLAINT STATISTICS

The Committee noted the Standards Complaints statistics.

Meeting concluded : 8.20pm

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CONSTITUTIONAL CHANGES

To: **Standards Committee – 21 January 2016**

By: **Director of Corporate Governance**

Classification: **Unrestricted**

Summary: **This report outlines the proposed changes to the Council's Constitution.**

For Decision

1.0 Introduction and Background

- 1.1 Following the LGA Peer Review it was identified that the Constitution should be reviewed and updated to make it clearer and easier to understand and to reflect current practices as well as amend legislative provisions where appropriate.
- 1.2 The Council commissioned Essex Legal Services to undertake this review in conjunction with council officers. The work undertaken by both Essex Legal Services and Council Officers has, in accordance with the Constitution, been reviewed in detail by the Constitutional Review Working Party at a number of recent meetings.
- 1.3 The Standards Committee must consider the changes proposed by the Constitutional Review Working Party and must then make recommendations to Full Council on these changes.

2.0 The Current Situation

- 2.1 Standards Committee considered the amended Member/Officer protocol, Parts 1 (Summary of the Constitution) and Part 2 (Articles of the Constitution) and Part 4 (Rules of Procedure) and recommended them to Council at its meeting on 15 September 2015.
- 2.2 Attached to this report at Annex's 1 to 7 are the parts of the constitution that the Constitutional Review Working Party and have considered and proposed changes to. In response to feedback received at the last Standards Committee meeting, all of the changes proposed are shown in track changes.
- 2.3 The Annex's contain the following documents:
 - Annex 1 – Access to Information Rules
 - Annex 2 – Article 14 - This is referred to the Standards Committee again as further necessary changes have emerged and were reconsidered by the CRWP since the last meeting of the Standards Committee.
 - Annex 3 – Delegation Scheme

Annex 4 – Rules of Procedure – This is referred to the Standards Committee again as further necessary changes have emerged and were reconsidered by the CRWP since the last meeting of the Standards Committee.

Annex 5 – Overview and Scrutiny Procedure Rules

Annex 6 – Petitions Scheme

Annex 7 – Members Allowances Scheme – This is for information only as the scheme is agreed by Full Council only.

3.0 Options

3.1 To agree the revised parts of the Constitution as drafted and recommend them to Council.

3.2 To amend the revised Constitution as drafted and recommend them to Council.

4.0 Corporate Implications

4.1 Financial and VAT

4.1.1 The financial implications relate to the costs of Essex Legal Services which have already been budgeted for and the costs of printing the new Constitution.

4.2 Legal

4.2.1 Under the Local Government and Housing Act 1989 the Monitoring Officer is responsible for the operation of the Council's Constitution.

4.2.2 Under section 37 of the Local Government Act 2000, a local authority which is operating executive arrangements must prepare and keep up to date a document (referred to as their constitution) which contains:

- (a) Such information as the Secretary of State may direct,
- (b) A copy of the authorities standing orders for the time being,
- (c) A copy of the authority's code of conduct for the time being under section 51, and
- (d) Such other information (if any) as the authority consider appropriate.

A local authority must ensure that copies of their constitution are available at their principal office for inspection by members of the public at all reasonable hours.

A local authority must supply a copy of their constitution to any person who requests a copy and who pays to the authority such reasonable fee as the authority may determine.

4.3 Corporate

4.3.1 This review of the Constitution has been undertaken as part of the action plan following the peer review by the Local Government Association.

4.4 Equity and Equalities

4.4.1 The document when completed will be published in appropriate formats to comply with our public sector equality duties.

5.0 Recommendation

- 5.1 The Committee consider the revised parts of the Council's Constitution and recommend them to Council with amendment if appropriate.

Future Meeting if applicable: Council	Date: 25 February 2016
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Contact Officer:	Timothy Howes, Director of Corporate Governance
Reporting to:	Madeline Homer, Chief Executive

Annex List

Annex 1	Access to Information Rules
Annex 2	Article 14
Annex 3	Delegations Scheme
Annex 4	Rules of Procedure
Annex 5	Overview and Scrutiny Procedure Rules
Annex 6	Petitions Scheme
Annex 7	Members Allowances Scheme

Background Papers

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

Corporate Consultation Undertaken

Finance	N/A
Legal	Timothy Howes, Director of Corporate Governance

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Access to Information Procedure Rules

1.0 Scope

These rules apply to all meetings of the Council, Overview and Scrutiny Committees, area Committees (if any), the Standards Committee and regulatory and other Committees and meetings of the Cabinet (together called meetings). Where additional rules that apply only to Cabinet are included, they are clearly marked as such.

2.0 Additional Rights to Information

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law, including the Freedom of Information Act 2000

3.0 Rights to Attend Meetings

Members of the public may attend all meetings subject only to the exceptions in these rules.

4.0 Notices of Meeting

Unless the Meeting is called at shorter notice, the Council will give at least five clear working days' notice of any meeting by posting details of the meeting on its website and at Thanet Gateway Plus, Cecil Street, Margate, Kent CT9 1RE (the designated office).

5.0 Access to Agenda and Reports before the Meeting

The Council will make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear working days before the meeting except that:

- a) where the meeting is convened at shorter notice, copies of the agenda and report shall be published on the Council's website and open to inspection from the time the meeting is convened; and
- b) where an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the ~~designated officer~~ Monitoring Officer shall make each such report available to the public and publish it on the Council's website as soon as the report is completed and sent to Councillors) will be published on the Council's website and open to inspection from the time the item was added to the agenda.

6.0 Items of Business

6.1 An item of business may not be considered at a meeting unless either:

- a) a copy of the agenda including the item (or a copy of the item) is published on the Council's website and open to inspection by a member of the public for at least five clear working days before the meeting or, where the meeting is convened at shorter notice, from the time the meeting is convened; or
- b) by reason of special circumstances, which shall be specified in the minutes, the Chairman of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

6.2 "Special circumstances" justifying an item being considered as a matter of urgency will relate to both why the decision could not be made by calling a meeting allowing the proper time for inspection as well as why the item or report could not have been available for five clear days before the meeting.

6.3 Where the item of business relates to a Key Decision, Rules 16, 17 and 18 also apply.

7.0 Supply of Copies

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the Democratic Services Manager thinks fit, any other documents supplied to Councillors in connection with an item to any person on payment of a charge for postage and any other costs or electronically at no charge. A reasonable number of copies of the agenda and reports will be made available at the meeting.

8.0 Access to Minutes etc after the Meeting

The Council will make available for public inspection copies of the following documents for six years after a meeting:

- (a) the minutes of the meeting or records of decisions taken, together with reasons, for Cabinet decisions, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

9.0 Background Papers

9.1 List of background papers

The proper officer will set out in every report that is open to public inspection a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined in Rule 11) and in respect of Cabinet reports, the advice of a political assistant.

9.2 Public inspection of background papers

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers. As far as Cabinet decisions are concerned, the Council will also publish on its website any background papers that are included in the list.

10.0 Public's Rights

A copy of the Access to Information Procedure Rules, which sets out the public's rights to attend meetings and to inspect and copy documents, shall be kept at and available to the public at the Council's main offices for inspection. A member of the public shall be entitled to a copy of these Rules on request.

11.0 Exclusion of Access by the Public to Meetings

11.1 Confidential information – requirement to exclude public

The public must 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 confidential information would be disclosed.

11.2 Exempt information – discretion to exclude public

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. Any resolution to exclude the public due to disclosure of exempt information must identify the proceedings, or the part of the proceedings to which it applies, and state, by reference to the descriptions in Schedule 12A to the Local Government Act 1972 (access to information:

exempt information), the description of exempt information giving rise to the exclusion of the public.

11.3 Meaning of confidential information

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.

11.4 Meaning of exempt information

Exempt information means information falling within the following 7 categories (subject to any condition):

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

1. Information relating to any individual. Information is exempt if and so long as in all the circumstances of the case, the public interests in maintaining the exemption outweighs the public interest in disclosing the interests.

2. Information that is likely to reveal the identity of an individual. Information is exempt if and so long as in all the circumstances of the case, the public interests in maintaining the exemption outweighs the public interest in disclosing the interests.

3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).

a) Information is exempt if and so long as in all the circumstances of the case, the public interests in maintaining the exemption outweighs the public interest in disclosing the interests;

b) Information is not exempt if it is required to be registered under:

- Companies Act 1985;
- Friendly Societies Acts 1974 and 1992;
- Industrial and Provident Societies Acts 1965 to 1978;
- Building Societies Act 1986;
- Charities Act 1993.

c) The rights of access by Members are contained in Section 1007 of the 1972 Act.

4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations in connection with any labour relations matter arising between the authority or a

Minister of the Crown and employees of, or office holders under, the Authority. Information is exempt if and so long as in all the circumstances of the case, the public interests in maintaining the exemption outweighs the public interest in disclosing the interests.

5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. Information is exempt if and so long as in all the circumstances of the case, the public interests in maintaining the exemption outweighs the public interest in disclosing the interests.

6. Information which reveals that the authority proposes

a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or

b) to make an order or direction under any enactment. Information is exempt if and so long as in all the circumstances of the case, the public interests in maintaining the exemption outweighs the public interest in disclosing the interests.

7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime. Information is exempt if and so long as in all the circumstances of the case, the public interests in maintaining the exemption outweighs the public interest in disclosing the interests.

Information falling within any of the paragraphs above is not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

Disclosure by Members

Members will not make public Confidential or Exempt Information without the written consent of the Authority or divulge information given in confidence to anyone other than a Member or Officer entitled to know it.

12.0 Exclusion of Access by the Public to Reports

If the proper officer thinks fit, the Council may exclude access by the public to a report or a part of a report which in his or her opinion relates to an item during which, in accordance with Rule 11, the meeting is likely not to be open to the public. Every copy of such report, or part of report, as the case may be, must be marked, "not for publication" and there must be stated on every copy of the whole or the part of the report:

- (a) that it contains confidential information; or
- (b) by reference to the descriptions in Schedule 12A to the Local Government Act 1972, the description of exempt information by virtue of which the decision making body discharging the executive function are likely to exclude the public during the item to which the report relates.

13.0 Review of confidential / exempt information

13.1 A confidential / exempt report or part of report will be reviewed by the Monitoring Officer one year after the ultimate decision-taking body has considered it. If, upon that review, a report or part of report is still treated as exempt, the report or part of report will be subject to a further similar review on the third anniversary of the first review.

13.2 The reviews referred to in paragraph 13.1 above do not apply to decisions taken by the Standards Committee or its sub-committees.

13.3 The Monitoring Officer will publish his decision on each review, giving reasons for such decision.

13.4 The Monitoring Officer will submit to the Council an annual report containing details of decisions reviewed, such report to include the reasons wherever it is considered not possible to release the report/information to the public.

14.0 Reporting of proceedings at Cabinet meetings

While a Cabinet meeting is open to the public, any person attending the meeting for the purpose of reporting the proceedings is, so far as practicable, to be afforded reasonable facilities for taking their report.

15.0 Procedure prior to a Private Meeting of Cabinet

15.1 Subject to 15.2, a decision by Cabinet to hold a meeting, or part of a meeting in private may not be taken unless:

- (a) a notice has been published in the Forward Plan and Exempt Cabinet Report List at least 28 clear days before the meeting in question and made available on the council's website and at Thanet Gateway Plus, Cecil Street, Margate. This notice is to include a statement of the reasons why the meeting, or part of the meeting, is held in private;
- (c) a further notice will be published on the Council's website and at Thanet

Gateway Plus, Cecil Street, Margate at least five clear working days before the meeting; such notice to include:

- i. a statement of the reasons for the meeting to be held in private;
- ii. details of any representations received by the Cabinet not later than 14 calendar days in advance of the meeting about why the meeting should be open to the public; and
- iii. a statement of its response to any such representations, which will be decided upon by the Leader in consultation with the Monitoring Officer.

15.2 Where the date by which a Cabinet meeting must be held makes compliance with Rule 15.1 impracticable, the meeting, or part of the meeting, may only be held in private where Cabinet has obtained agreement from:

- a) the Chairman of the relevant Overview and Scrutiny Committee; or
- b) if there is no such person, or if the Chairman of the relevant Overview and Scrutiny Committee is unable to act, the Chairman of Council; or
- c) where there is no Chairman of either the relevant Overview and Scrutiny Committee or of Council, the Vice-Chairman of Council.

16.0 Publicity in connection with key decisions

Subject to Rule 18 (general exception) and Rule 19 (special urgency), a key decision may not be taken unless:

- (a) a notice has been published in the Forward Plan and Exempt Cabinet Report List in connection with the matter in question;
- (b) the notice referred to at sub paragraph (a) has been available for public inspection at least 28 days at Thanet Gateway Plus, Cecil Street, Margate and on the Council's website;
- (c) where the decision is to be taken at a meeting of the Cabinet or its Committees notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

17.0 The Forward Plan and Exempt Cabinet Report List

17.1 Contents of forward plan and exempt cabinet report list

The Forward Plan and Exempt Cabinet Report List will contain matters which will be the subject of a key decision to be taken by the Cabinet, a Committee of the Cabinet, individual members of the Cabinet, officers, area Committees or under joint arrangements in the course of the discharge of an Executive function It will provide the following details:

- (a) that a key decision is to be made on behalf of the Council;
- (b) the matter in respect of which a decision is to be made;
- (c) where the decision maker is an individual, his/her name and title, if any and where the decision maker is a body, its name and a list of its members;
- (d) the date on which, or the period within which, the decision is to be made;
- (e) a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made;
- (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
- (g) that other documents relevant to those matters may be submitted to the decision maker;
- (h) the procedure for requesting details of those documents (if any) as they become available.

The Forward Plan and Exempt Cabinet Report List must be published on the Council's website and at Thanet Gateway at least 28 clear days before a key decision is made. Where in relation to any matter, the public may be excluded under Rule 11 from the meeting at which the matter is to be discussed, or the documents relating to the decision need not by virtue of Rule 12 be disclosed to the public, the forward plan and exempt cabinet report list must contain particulars of the matter but may not contain any confidential, exempt information or particulars of the advice of a political adviser or assistant.

18.0 General Exception

18.1 Subject to Rule 19 (special urgency), where the publication of the intention to make a key decision under Rule 16 is impracticable, that decision may only be made:

- (a) where the proper officer has informed the Chairman of the relevant Overview and Scrutiny Committee, or, if there is no such person, each member of the Overview and Scrutiny Committee by notice in writing, of the matter about which the decision is to be made;
- (b) where the proper officer has made available at Thanet Gateway Plus, Cecil Street, Margate for inspection by the public and published on its website a copy of the notice given pursuant to sub-paragraph (a); and
- (c) after five clear working days have elapsed following the day on which the proper officer made available the notice referred to in sub-paragraph (b).

18.2 Where Rule 18.1 applies to any matter, Rule 16 need not be complied with in relation

to that matter.

18.3 As soon as reasonably practicable after the proper officer has complied with Rule 18.1, he or she must make available at Thanet Gateway Plus, Cecil Street, Margate a notice setting out the reasons why compliance with Rule 16 is impracticable and publish that notice on the Council's website.

19.0 Special Urgency

19.1 Where the date by which a key decision must be made makes compliance with Rule 18 impracticable, the decision may only be made where the decision maker has obtained agreement from

- (a) the Chairman of the Overview and Scrutiny Committee, or
- (b) if there is no such person, or if the chairman of the Overview and Scrutiny Committee is unable to act, the chairman of Council; or
- (c) where there is no Chairman of either the relevant Overview and Scrutiny Committee or Council, the Vice-Chairman of Council that the making of the decision is urgent and cannot reasonably be deferred.

19.2 As soon as reasonably practicable after the decision maker has obtained agreement under Rule 19.1 that the making of the decision is urgent and cannot reasonably be deferred, the decision maker must make available at Thanet Gateway Plus, Cecil Street, Margate a notice setting out the reasons that the meeting is urgent and cannot reasonably be deferred and publish that notice on the Council's website.

19.3 Provision of urgent reports to Ward Members

19.3.1 In cases where the content of the report on the urgent decision is not exempt within the meaning of Schedule 12A of the Local Government Act 2000, Ward Members will be notified of the decision as soon as the decision is taken;

19.3.2 In cases where the content of the report on the urgent decision is exempt within the meaning of Schedule 12A of the Local Government Act 2000 and that exemption does not relate to commercial or contractual matters, Ward Members will be notified of the decision as soon as the decision has been taken, but without disclosure of the exempt matters (for example, if the exemption relates to the identification of individual or personal matters, those details will not be disclosed until after the decision has been implemented);

19.3.3 In cases where the content of the report on the urgent decision is exempt within the meaning of Schedule 12A of the Local Government Act 2000 and that exemption relates to commercial or contractual matters, Ward Members will be notified of the decision as soon as the decision has been implemented.

20.0 Report to Council

20.1 When an Overview and Scrutiny Committee can require a report

Where an executive decision has been made and:

- (a) was not treated as being a key decision; and
- (b) a relevant Overview and Scrutiny Committee are of the opinion that the decision should have been treated as a key decision, that Overview and Scrutiny Committee may require the executive which is responsible for the decision to submit a report to Council within such reasonable period as the committee may specify.

The power to require a report rests with the Committee, but is also delegated to the proper officer, who shall require such a report on behalf of the Committee when so requested by the Chairman or any 5 members. Alternatively the requirement may be raised by resolution passed at a meeting of the relevant Overview and Scrutiny Committee.

20.2 Cabinet's report to Council

The Cabinet will prepare a report under Rule 20.1 for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 5 working days of receipt of the written notice, or the resolution of the Committee, then the report may be submitted to the meeting after that. The report must include details of:

- (a) the decision and reasons for the decision;
- (b) the decision maker by which the decision was made; and
- (c) if the Cabinet are of the opinion that the decision was not a key decision, the reasons for that opinion.

20.3 Quarterly reports on special urgency decisions

The Leader of the Council will submit to the Council quarterly reports containing details of each executive decision taken during the period since the last report was submitted to the Council where the making of the decision was agreed as urgent in accordance with Rule 19 (special urgency).

21.0 Recording of executive decisions made at meetings

As soon as reasonably practicable after any meeting of a decision-making body at which an executive decision was made, the proper officer, or if the proper officer was not present at the meeting, the person presiding, must ensure that a written statement is produced and published on the council's website for every executive decision made which includes:

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected by the decision-making body at the meeting at which the decision was made;
- (d) a record of any conflict of interest relating to the matter decided which is declared by any member of the decision-making body which made the decisions; and
- (e) in respect of any declared conflict of interest, a note of dispensation granted by the Council's Head of Paid Service, following consultation with the Monitoring Officer.

22.0 Recording of executive decisions made by Individual Members of the Cabinet and Officers

22.1 Recording of executive decisions made by Individual Members of the Cabinet

As soon as reasonably practicable after an Individual Member has made an executive decision, that Member must produce or instruct the proper officer to produce and publish on the Council's website a written statement of that executive decision which includes :

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected by the member when making the decision;
- (d) a record of any conflict of interest declared by any executive member who is consulted by the member which relates to the decision; and
- (e) in respect of any declared conflict of interest, a note of any dispensation granted by the Council's Head of Paid Service, following consultation with the Monitoring Officer.

The provisions of Rules 7 and 8 (inspection of documents after meetings) will also apply to the making of decisions by individual members of the Cabinet. This does not require the disclosure of exempt or confidential information or advice from a political assistant.

22.2 Recording of executive decisions made by Officers

As soon as reasonably practicable after an officer has made a decision which is an executive decision, the officer must produce and publish on the Council's website a written statement which must include:

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected by the officer when making the decision;
- (d) a record of any conflict of interest declared by an Executive Member who is consulted by the officer which relates to the decision; and
- (e) in respect of any declared conflict of interest, a note of any dispensation granted by the Council's Head of Paid Service, following consultation with the Monitoring Officer.

22.3 Reports intended to be taken into account

When an individual Cabinet Member is taking a key decision they must make that decision considering a report from the relevant officer and that decision must not be made until 5 clear working days after receipt of that report.

When an officer is taking a key decision they must make that decision considering a report and that decision must not be made until 5 clear working days after receipt of that report.

23.0 Rights of access to documents for members of the Overview and Scrutiny Committee

23.1 Subject to Rule 23.3 below, an Overview and Scrutiny Committee will be entitled to a copy of any document which is in the possession or under the control of the Cabinet or its Committees and which contains material relating to

- (a) any business transacted at a meeting of the Cabinet or its Committees; or
- (b) any decision that has been made by an individual member of the Cabinet in accordance with executive arrangements; or
- (c) any decision that has been made by an officer of the Council in accordance with executive arrangements.

23.2 Subject to Rule 23.3 below, where a member of an Overview and Scrutiny Committee requests a document which falls within Rule 23.1, the Cabinet must provide that document as soon as reasonably practicable and in any case no later than 10 clear days after the Cabinet receives the request.

23.3 Limit on rights

No member of an Overview and Scrutiny Committee is entitled to a copy:

- (a) of any such document or part of a document as contains exempt or confidential information unless that information is relevant to:
 - i) an action or decision that that member is reviewing or scrutinising

- ii) any review contained in any programme of work of such a committee or sub-committee of such a committee; or
- (b) of a document or part of a document containing advice provided by a political adviser or assistant

Where the Cabinet determines that a member of an Overview and Scrutiny Committee is not entitled to a copy of a document or part of any such document for a reason set out in Rule 22.1 or 22.3, the Cabinet Leader in conjunction with the Monitoring Officer will write to all Members of the Overview and Scrutiny Committee, setting out the reasons for that decision.

23.4 Additional rights

The rights described in Rule 23 and 24.1 shall apply also in relation to non-Executive functions dealt with by the Council and any regulatory or other Committees and Sub- Committees.

24.0 Additional Rights of Access to documents for Members of the Council

24.1 Subject to Rules 24.5 and 24.6, any document which:

- (a) is in the possession or under the control of the Cabinet; and
- (b) contains material relating to any business to be transacted at a public meeting, must be available for inspection by any Member of the Council.

24.2 Any document which is required by Rule 24.1 to be available for inspection by any Member of Council must be available for such inspection for at least five clear days before the meeting except that:

- (a) where the meeting is convened at shorter notice, such a document must be available for inspection when the meeting is convened; and
- (b) where an item is added to the agenda at shorter notice, a document that would be required to be available under Rule 24.1 in relation to that item, must be available for inspection when the item is added to the agenda.

24.3 Subject to Rules 24.5 and 24.6, any document which:

- (a) is in the possession or under the control of the Cabinet; and
- (b) contains any material relating to:

- i. any business transacted at a private meeting or part of a meeting held in private;

- ii. any decision made by an individual member in accordance with executive arrangements;
- or
- iii. any decision made by an officer in accordance with executive arrangements

must be available for inspection by any Member of the Council when the meeting concludes or where an executive decision is made by an Individual Member or an Officer immediately after the decision has been made.

24.4 Any document which is required by Rule 24.3 to be available for inspection by any Member of Council must be available for such inspection, in any event, within 24 hours of the conclusion of the meeting or the decision being made, as the case may be.

24.5 Rules 24.1 and 24.3 do not require a document to be available for inspection if it appears to the ~~proper~~ Monitoring eOfficer that it discloses exempt information of a description falling within Part 1 of Schedule 12A to the Local Government Act 1972 (descriptions of exempt information: England).

24.6 Notwithstanding Rule 24.5, Rules 24.1 and 24.3 do require the document to be available for inspection if the information is information of a description for the time being falling within:

- (a) paragraph 3 of Schedule 12A to the Local Government Act 1972 (except to the extent that the information relates to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract); or
- (b) paragraph 6 of Schedule 12A to the Local Government Act 1972.

24.7 Where it appears to the proper officer that compliance with Rules 24.1 or 24.3 in relation to a document or part of a document would involve the disclosure of advice provided by a political adviser or assistant, that paragraph will not apply to that document or part.

24.8 The rights conferred by Rules 24.1 and 24.3 are in addition to any other rights that a member of a local authority may have.

24.9 Agendas and Reports

All members of the Council entitled, on request, to copies of all agenda and reports when published whether relating to Executive or non-Executive functions.

Article 14 – Finance, Contracts and Legal Matters

14.01 Financial management

The management of the Council's financial affairs will be conducted in accordance with the financial rules set out in Part 4 of this Constitution.

14.02 Contracts

Every contract made by the Council will comply with the Contracts Procedure Rules set out in Part 4 of this Constitution.

14.03 Legal proceedings

~~The Legal Services Manager is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where they consider that such action is necessary to protect the Council's interests. Legal proceedings may also be taken by or on behalf of the Director of Customer Services and Business Transformation pertaining to revenues and/or benefit matters in accordance with the delegated powers contained in Part 3 of this Constitution.~~

~~(1) The Head of Legal Services or Monitoring Officer can take any legal action necessary to carry out the Council's decisions or protect its interests e.g. starting defending, withdrawing or settling any claims or legal proceedings.~~

~~(2) All Officers in the senior management structure (see Part A of Section E of the Scheme of Delegations) may start, defend or withdraw any claims or legal proceedings or authorise Officers to appear on behalf of the Council in court and take default action under relevant legislation if:~~

- ~~the action taken is about a function that they or an Officer who reports to them has budgetary or management responsibility for; and~~
- ~~the Constitution or the law does not require any action to be taken by someone else; and~~
- ~~they have had regard to any advice from the Head of Legal Services.~~

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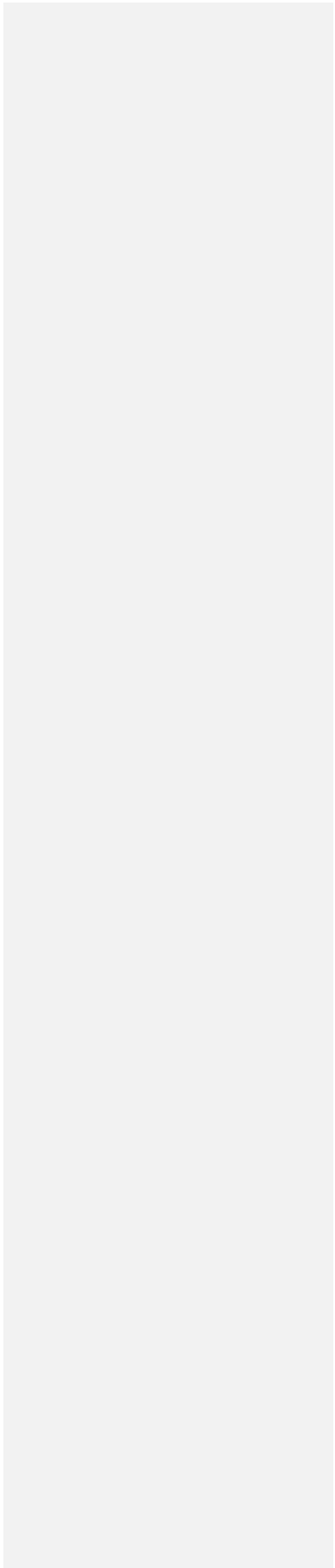
14.04 Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Legal Services Manager or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Any contract with a value exceeding **£[x – councils should insert an amount here appropriate to local circumstances]** entered into on behalf of the local authority in the course of the discharge of an executive function shall be made in writing. Such contracts must either be signed by at least two officers of the authority or made under the common seal of the council attested by at least one officer.

14.05 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of **the Legal Services Manager, Monitoring Officer**. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Legal Services Officer, Monitoring Officer should be sealed. The affixing of the Common Seal will be attested by a Member of the Council and one of the said officers or some other person authorised by him/her. An entry of every sealing of a document shall be made and consecutively numbered in a book to be provided for the purpose and shall be signed by a person who has attested the seal.



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Part 3 - Delegation Scheme

This Part of the Constitution deals with responsibility for Council and Executive functions and decision making. It should be read in conjunction with the rest of this Constitution, in particular Articles 4, 6, 7, 8, 9, 12, ~~13~~ and ~~14~~.

This Part of the Constitution shall be interpreted in accordance with the relevant provisions of the Local Government Act 2000, in particular Section 13 (Functions which are to be the responsibility of an executive), and The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended). In the event of any conflict between this Part and a provision in any piece of legislation, the latter shall prevail.

In any case where a function or decision making power is in this Part described in words (without reference to the Act or Statutory Instrument conferring that function or power) which are also used in The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended), those words shall be deemed to include a reference to the provision of the Acts or Statutory Instruments listed or referred to in those Regulations.

A number of the functions listed below as delegated to the various decision-making bodies listed, are further delegated to officers. The Cabinet will be responsible for all executive functions as required by the Local Government Act 2000 in addition to those specific functions which are listed below.

Principles

1. The Government has for the most part prescribed which functions the Council is to be responsible for.
2. Where functions are not prescribed as the responsibility of the Council they will be determined by the Leader.
3. The Council delegates some of its responsibilities to a committee, a joint committee or an officer.
4. The Council can take back responsibilities it has delegated to a committee, a joint committee or an officer or decide to delegate them on certain conditions.
5. Delegation by committee: Committees can authorise a sub-committee or an officer to carry out their delegated responsibilities on their behalf.

SECTION A. COUNCIL FUNCTIONS

Functions that may only be exercised by the council

Procedural Functions

1. To adopt and uphold the Constitution of the Council;
2. To agree the roles and responsibilities of all non-executive committees and keep them under review and to delegate non-executive functions to officers;
3. To elect the Leader of the Council;
4. To agree the composition and membership of all non-executive committees unless the function has been delegated by the Council;
5. To adopt Standing Orders and Financial Regulations for the Council and to keep them under review;
6. To adopt a Code of Conduct for Members and any Member/Officer Protocols;
7. To appoint any individual to any outside bodies not within the remit of the Cabinet and suspend and/or revoke any such appointment;
8. To consider any report from the non-executive committees;
9. To consider any matters referred to the Council for decision.

Functions relating to the Budget, Policy, the Council and the District

10. To agree the Council's revenue and capital budgets;
11. To set the Council Tax levels;
12. To approve Prudential Indicators for Capital;
13. To take decisions about proposals which do not comply with the Policy Framework or Budget unless they are urgent. The procedure for dealing with urgent decisions that are outside the Policy Framework and Budget is in Part ?;
14. To agree the Council's Policy Framework and Budget;
15. To keep under review ward boundaries and to decide the Council's response to any proposals by the Local Government Boundary Commissioner affecting the authority's electoral boundaries;
16. Any other matter by law required to be considered or determined by the Council;

17. To promote or oppose local, personal or other Bills of Parliament;
18. To determine the Council's Scheme for Members' Allowances after having regard to the Independent Remuneration Panel's report;
19. To approve any application to the Secretary of State in respect of any Housing Land Transfer;
20. To appoint the Head of Paid Service (Chief Executive);
21. To receive any report by the ~~Responsible Chief~~ Finance Officer;
22. To receive any report by the Monitoring Officer;
23. To receive any report by the Chief Executive;
24. To make, amend, revoke or re-enact any byelaws to apply within the district boundaries;
25. To receive any report of the Council's Committees as appropriate.

Functions relating to Elections and the Name and Status of Areas and Individuals

26. To change the name of the District under Section 74 of the Local Government Act 1972;
27. To confer the title of Honorary Alderman or to admit to be an Honorary Freeman of the District;
28. To appoint any electoral registration officer under Section 8(2) of the Representation of the People Act 1983 (c.2)(c);
29. To assign officers in relation to requisitions of the registration officer under Section 52(4) of the Representation of the People Act 1983;
30. To appoint a returning officer for Local Government elections under Section 35 of the Representation of the People Act 1983;
31. To provide assistance at European Parliamentary elections under Paragraph 4(3) and (4) of Schedule 1 to the European Parliamentary Elections Act 1978 (c.10)(d);
32. To divide constituencies into polling districts under Section 18 of the Representation of the People Act 1983;
33. To divide wards and parliamentary constituencies into polling districts at local government elections under Section 31 of the Representation of the People Act 1983;

34. To exercise all powers in respect of holding of elections under Section 39(4) of the Representation of the People Act 1983;
35. To pay expenses properly incurred by electoral registration officers under Section 54 of the Representation of the People Act 1983;
36. To fill vacancies in the event of insufficient nominations under Section 21 of the Representation of the People Act 1985;
37. To declare vacancy in office in certain cases under Section 86 of the Local Government Act 1972;
38. To give public notice of a casual vacancy;
39. To determine fees and conditions for supply of copies of, or extracts from, elections documents under Rules 48(3) of the Local Elections (Principal Areas) Rules 1986 (S I 1986 (S I 1986/2214) and rule 48(3) of the Local Elections (Parishes and Communities) Rules 1986 (S I 1986/2215);
40. To submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000 under Section 10 of the Representation of the People Act 2000 (c.2).

SECTION B. LOCAL CHOICE FUNCTIONS

Responsibility for Local Choice Functions

These are the functions which Council could either exercise itself or pass to the Cabinet to carry them out.

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Decision Making Body: **The Cabinet**

Membership: ~~Up to 10 Members of the authority as determined by the Leader of the Council.~~

Functions:

1. Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).
2. Any function relating to contaminated land.
3. The discharge of any function relating to the control of pollution or the management of air quality.
4. The service of an abatement notice in respect of a statutory nuisance.
5. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.
6. The inspection of the authority's area to detect any statutory nuisance.
7. The investigation of any complaint as to the existence of a statutory nuisance.
8. In connection with executive functions, the obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.
9. The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
10. The determination of an appeal against any decision made by or on behalf of the authority relating to business rates.

SECTION C – COUNCIL FUNCTIONS CARRIED OUT BY COMMITTEES

Responsibility for Council Functions that are carried out by Committees

Decision Making Body: **Planning Committee**

1. Functions

A. Planning and Conservation

All the Council's functions in relation to Town and Country Planning and Development Control as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) Regulations 2000, as amended.

B. Highways Use and Regulation

All the Council's functions in relation to the regulation of the use of highways (including bridleways and footpaths) as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) Regulations 2000, as amended.

C. Trees

All the Council's functions in relation to preserve trees and hedgerows under section 197 to 214D of the Town and Country planning act 1990 and the Trees Regulations 1999 and to protect important hedgerows under the Hedgerows Regulations 1997.

2. Delegated Powers

2.1 In relation to policies and strategies the Committee will:

- 2.1.1 Advise the Cabinet on the implementation of the Development plan, Local Development Framework and other planning policies and strategies;
- 2.1.2 Approve guidelines, procedures, protocols and similar documents which relate to town and country planning and listed building legislation.

2.2 Within the policies laid down by the Council, the Committee will:

- 2.2.1 Determine individual applications for planning permission and any other application made under planning legislation where:
 - a) It is an application which the Director of Community Services or Planning Applications Manager In consultation with the Chairman or Vice Chairman of the Planning Committee, considers to be of significant public interest;
 - b) It is an application which Council Members have specifically requested to be referred to the Planning Committee in accordance with the requirements of any Member's Call in Procedure from time to time approved by the Council (set out in the Protocol for the Guidance of Planning Committee Members and Officers);
 - c) The application has been submitted by or on behalf of a Member or an Officer of the Council;

- d) It is an application by or on behalf of Thanet District Council;
 - e) It is an application where the officer is recommending the approval not in accordance with the development plan.
- 2.2.2 Refer an application for planning permission to Council if it has or is likely to have a substantial and district-wide impact; or would prejudice the implementation of the development plan.
- 2.2.3 Advise the Council in respect of any proposed development by the Cabinet or a Cabinet Member holding the portfolio of that service, for which the Planning Committee is not prepared to pass the necessary resolution to carry out or authorise such proposed development.
- 2.2.4 Consider annually the scale of fees and charges, and to submit recommendations to the Cabinet or Council as appropriate.
- 2.2.5 Authorise legal proceedings arising out of the exercise of the Committee's delegated powers
- 3. Matters delegated to officers**
- 3.1 The Director of Community Services is authorised to carry out all other Planning and Conservation, and Highways Use and regulation responsibilities, and responsibilities in relation to trees, in accordance with the officer scheme of delegation of functions.

Decision Making Body: Licensing Board

1. Functions:

1.1 The Council's licensing functions are:

- (a) All the responsibilities set out in Part B of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 relating to licensing, registration and gambling.
- (b) The responsibilities set out in Part I of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 relating to making a closure order with respect to take away food shop (see Section 4 of the Local Government (Miscellaneous Provisions) Act 1982).
- (c) The responsibilities set out in Part I of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 relating to making an order identifying a place as a designated public place in connection with police powers about alcohol consumption (see Section 13(2) of the Criminal Justice and Police Act 2001).
- (d) The responsibilities set out in Part I of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 relating to making or revoking an order designating a locality as an alcohol disorder zone (see Section 16 of the Violent Crime Reduction Act 2006).

- (e) To carry out all the taxi and private hire and other vehicle licensing responsibilities in Paragraph B of Schedule 1 to the Local Authorities (Functions and Responsibilities)(England) Regulations 2000.
- 1.2 Council sets policies in respect of Licensing and Gambling etc. on the recommendation of Cabinet.

2. Matters specifically delegated to the Licensing Board

2.1 The general responsibilities of the Licensing Committee Board

The Licensing Committee Board will:

- 2.1.1 Determine and review licence fees and terms and conditions of licences for taxis, private hire vehicles and other vehicles and operators;
- 2.1.2 Determine applications for taxi and private hire and other vehicle, driver and operator licences, when it has received any objections to the licence, permit or registration;
- 2.1.3 Determine applications for taxi and private hire and other vehicle, driver and operator licences when the applicant has a conviction and the Director of Community Services has concerns about the nature of the offence; or the applicant or vehicle may be unsuitable for some other reason;
- 2.1.4 Determine whether to withdraw or suspend licences for taxis and private hire and other vehicles and their drivers and operators Make orders identifying a place as a designated public place in connection with police powers about alcohol consumption;
- 2.1.5 Make or revoke orders designating a locality as an alcohol disorder zone;
- 2.1.6 Set the terms and conditions of licences, permits or registrations payable under the Licensing Act 2003;
- 2.1.7 Set the terms and conditions of licences, permits or registrations in connection with sex shops and sex cinemas;
- 2.1.8 Set fees for licences and permits issued under the Gambling Act 2005;
- 2.1.9 Set fees payable in connection with Street Trading;

2.1.10 To determine applications and appropriate conditions of sex entertainment venue licences under schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982. with fees to be set by officers.

~~2.1.10~~ 2.1.11 Deal with any matter that is referred to it by an officer.

3. The Licensing Sub-Committee

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- 3.1 The Licensing Board appoints a sub-committee (the Licensing Sub-committee)

The Licensing Sub-Committee will:

- 3.1.1 Decide applications made under the Licensing Act 2003 and Gambling Act 2005 where relevant representations are received within the timescale set out in the Act. When doing this the sub-committee follows the regulations and procedures under the Licensing Act 2003 or the Gambling Act 2005;
- 3.1.2 Decide whether to grant any other type of registration licence or permit when there are objections;
- 3.1.3 Determine all matters set out in section 10 of the Licensing Act 2003;
- 3.1.4 Determine all matters set out in section 154(4)(a) of the Gambling Act 2005;
- 3.1.5 Determine applications for club gaming or club machine permits and cancellation of such permits when there are objections;
- 3.1.6 Determine applications for prize gaming permits when there are police objections or officers would want to refuse them;
- 3.1.7 Set the terms and conditions of licences, permits or registrations and any fees or charges in connection with any of it responsibilities if they are referred to the subcommittee by an officer.
- 3.1.8 Determine anything else which needs a hearing or which cannot legally be delegated to officers.

4. Matters delegated to officers

- 4.1 The Director of Community Services is authorised to carry out all other Licensing, Registration, Gambling and regulation responsibilities, in accordance with the officer scheme of delegation of functions.

Decision Making Body: Standards Committee

Membership: ~~7 members of the authority (other than the leader), and 4 independent members and 3 parish council representatives~~

Functions:

The role and functions of the Standards Committees are set out in Article 9.

Decision Making Body: Governance and Audit Committee
Membership: 9 members of the authority

Substitute Members Permitted	Yes — only from the list approved by Council, which matches the proportionality of the Committee itself.
Political Balance Rules Apply	Yes.
Appointments/removals from Office	By resolution of Full Council
Restriction on Memberships	None — Membership decided upon by Full Council
Restriction on Chairmanship/Vice-Chairmanship	None — Membership decided upon by Full Council
Number of ordinary meetings per year	4

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Substitute Members are permitted from the list approved by Council which matched the proportionality of the Committee itself. Membership is decided upon by Full Council.

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Functions:

Audit Activity

- To consider the annual report and opinion of the East Kent Audit Partnership, and a summary of audit activity (actual and proposed) and the level of assurance it can give over the Council’s governance arrangements;
- To approve (but not direct) internal audit’s strategy, plan and monitor performance;
- To consider summaries of specific internal audit reports;
- To consider reports dealing with the management and performance of the providers of internal audit services;
- To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale;
- To consider the external auditor’s annual letter, relevant reports and the report to those charged with governance;
- To consider specific reports as agreed with the external auditor;
- To consider the annual programme of work and associated fees for the External Auditors and provide challenge as appropriate;
- To commission work from internal and external audit as agreed by the Committee.

Regulatory Framework

- To review any governance/financial issue referred to it by the Chief Executive or a Director, or any Council body;
- To monitor the effective development and operation of risk management and governance in the Council;
- To oversee the application of the Council's governance arrangements for partnership activities where the council is the accountable body and/or employer;
- To approve the Council policies on Anti-Bribery, Whistleblowing, Anti-fraud and Corruption and the External Funding Protocol;
- To recommend to Cabinet the council's policy in Equalities (PSED);
- To approve the Authority's Annual Governance Statement;
- To consider the Council's compliance with its approved Treasury Management Strategy;
- To consider the Council's arrangements for governance and agreeing necessary actions to ensure compliance with best practice;
- To consider the Council's arrangements for ensuring adequate Data Quality;
- To consider the Council's compliance with its own and other published standards and controls.

Accounts

- To approve the annual Statement of Accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statement or from the audit that need to be brought to the attention of the Council;
- To consider the external auditor's report on issues from the audit of the accounts and recommend approval to those charged with governance.

Decision Making Body: **Joint Transportation Board**

Membership: ~~8 members of the authority, the 8 Kent County Council Councillors representing Thanet Constituencies and 1 representative of the Thanet Association of Parish Councils~~

Function:

Terms of Reference:

The JTB will consider:-

- (i) capital and revenue funded works programmes;
- (ii) traffic regulation orders;
- (iii) street management proposals;

and will provide advice on these matters to the relevant Executive as appropriate.

- Be a forum for consultation between KCC and the Council on policies plans and strategies related to highways road traffic and public transport;

- Review the progress and out-turn of works and business performance indicators;
- Recommend and advise on the prioritisation of bids for future programmes of work;
- Receive reports on highways and transportation needs within the district.

Decision Making Body: **General Purposes Committee**

Membership: ~~_____~~ **10 members of the authority**

Functions:

To exercise any function of the Council, which by statute or regulation is a function not to be the responsibility of an authority's executive, and which is not delegated to another committee or reserved to the Council by statute, regulations or the Council's Constitution.

SECTION D. RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

Responsibility for functions and procedures

1. This section of the Constitution sets out the responsibilities of the Leader and Cabinet.
2. The Leader is responsible for any functions which are not specifically required to be carried out by the Council under regulations.

RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

1. General

- 1.1 All the functions of the Council are executive functions except for:
 - Those listed in Schedule 1 of the Local Authority's (Functions and Responsibilities) (England) Regulations 2000 (as amended); and
 - Those set out in this Constitution as being the responsibility of the Council or a body established by the Council.
- 1.2 Executive functions will be exercised by the Leader except when the matter is dealt with under joint arrangements or delegated to the Cabinet, a committee of Cabinet, an individual Cabinet member or an Officer.
- 1.3 The Leader will discharge both these functions in accordance with the Cabinet procedures and the access to information rules.
- 1.4 The Leader will make sure all necessary steps are taken to prepare the Authority's budget, and those plans and strategies which constitute the Authority's policy framework as set out in Part ? of this Constitution prior to their final approval and adoption by the Council. They will undertake this work in accordance with the budget and policy framework procedure rules.

THE LEADER'S SCHEME OF DELEGATION FOR EXECUTIVE FUNCTIONS

1. Background

- 1.1 The Council has adopted the Leader and Cabinet style of executive arrangements. Under this arrangement all executive functions are vested in the Leader who can then delegate functions as seen fit. This document sets out the delegation of those functions but excludes any decisions that are contrary to the policy framework or budget which must be taken by council.
- 1.2 The Leader is responsible for:
 - appointing members of the Cabinet;
 - delegating executive responsibilities to the Cabinet;

- delegating executive responsibilities to committees carrying out executive functions;
- delegating executive responsibilities to individual Cabinet members;
- allocating executive responsibilities to officers;
- allocating executive responsibilities when no-one has responsibility for them.

- 1.3 The Leader can at any time take back responsibilities delegated to committees of the Cabinet, an individual Cabinet member or officer, or decide to delegate them on certain conditions. (i.e. The Leader can choose to exercise any powers in the Scheme of Delegation).
- 1.4 The Leader can also decide to delegate further responsibilities to committees of the Cabinet, individual Cabinet members or to an officer.
- 1.5 Executive responsibilities are carried out on behalf of the council and in the council's name.

2 Delegations to Cabinet

- 2.1 The Leader has decided that some executive decisions must be agreed by the Cabinet (set out in section 2.2). These decisions will be taken collectively by all Cabinet members, unless the Cabinet takes a specific decision to delegate that decision to a Cabinet member, committee or officer.

~~2.2 The Leader's delegations to Cabinet and Cabinet members exclude the responsibilities set out in section 5 (East Kent Joint Arrangements Committee).~~

2.23 The decisions that must be agreed by the Cabinet are:

Key Decisions

A key decision is an executive decision (taken by Cabinet or by officers on Cabinet's behalf) that is likely:

- To result in the Council spending or saving significantly against the Council's budget; or
- To be significant in terms of the effect on communities living or working in the district, in an area comprising two or more wards. However, decisions that impact on communities living or working in one ward will be treated as "key" if the impact is likely to be ~~very significant~~ major.

To help clarify what should be included as a key decision in this document, Thanet District Council has set the following thresholds:

Type of Decision	Threshold	Key Decision?
(a) Decisions involving expenditure within relevant budget approved by Council.	None	No, unless significant effect on communities (i.e. it affects two or more wards or has a major impact within one ward)
(b) Decisions involving expenditure in excess of relevant budget approved by Council.	Any excess which exceeds the FPR virement rules.	Yes, if above threshold. If at or below threshold, a key decision if significant effect on communities (as above).
(c) Decisions on cash flow, investments and borrowings.	None.	No, unless significant effect on communities (as above).
(d) Decisions to make savings.	None.	No, unless significant effect on communities (as above).

3. Areas of Responsibility of Individual Cabinet Members

3.1 The individual members of Cabinet will have responsibility for the functions that are set out in below.

4. Delegations to Cabinet Members

A. General Delegations to all Portfolio Holders

In addition to acting collectively in the Cabinet, each Cabinet Member will have the general role of providing leadership and guidance in respect of all executive functions within the portfolio area for which he or she is accountable and the promoting and improving of the Council's profile and public perception.

In accordance with the Secretary of State's guidance, Cabinet Members should amongst other things:

- (i) ensure that they have sufficient time to focus on broad strategic issues (para 4.21 of the Guidance); and
- (ii) seek advice from relevant officers before taking a decision within his or her own delegated authority; where appropriate this should include taking legal advice, financial advice and professional officer advice (particularly about contractual matters) as well as consulting the Monitoring Officer where there is a doubt about legal powers (para 4.44 of the Guidance). Any matter within a Cabinet Member's delegated powers may be referred by him or her to Cabinet for decision.

To regularly review the effectiveness of policies and the performance of services and make recommendations for continuous improvement to the Cabinet.

To oversee the capital and revenue budgets in areas of responsibility to ensure expenditure and income is consistent with the Council's agreed budget.

To liaise and work with other portfolio holders on cross cutting areas of responsibility and make recommendations to Cabinet as appropriate. [Note: Any matter relating to more than one portfolio area must be referred by the portfolio holders to Cabinet for decision.]

To oversee the review of fees and charges and recommend changes in line with the Council's agreed budget strategy.

To make or agree recommendations to Cabinet in relation to new policy areas.

To consider and endorse service plans to ensure compliance with the Corporate Plan.

To be accountable to the Cabinet for the implementation of agreed priorities and final recommendations from the Corporate Plan, Service Plans and reviews and to consider and act on reports received from officers monitoring progress.

To authorise the making of applications for planning permission for proposed development relating to the Member's portfolio area.

To make recommendations to Cabinet on bids for additional funding; expenditure; variations to expenditure and the letting of contracts for works; goods and services, in accordance with the Council's Contract Standing Orders. To support individual projects within the Cabinet Member's portfolio area, provided such expenditure is within the overall project budget and above the prevailing virement threshold.

In any case where a matter is urgent and a decision cannot reasonably await the next meeting of the Cabinet and the relevant portfolio holder does not have a general or specific delegated power, the relevant portfolio holder may nevertheless make a decision on behalf of the Cabinet subject (except in the case of the Leader) to prior consultation with the Leader and subject to the decision being reported to Cabinet as soon as practicable. [Note: in the case of a key decision the Access to Information Procedure Rules must still be complied with.]

B. Portfolio - Leader of the Council

As Cabinet Leader

Scope of Portfolio:

To lead and co-ordinate the Cabinet on all major

- Projects;

- Community Leadership initiatives.

Specific Delegated Powers:

1. To deal with matters relating to official, courtesy, foreign or general hospitality and related activities of Members within an approved budget;
2. To approve and lead arrangements for external partnerships;
3. To approve the appointment of Council Members to sit on external Partnership Boards related to regeneration and to monitor their performance in accordance with approved guidance;
4. To nominate a Cabinet Member to act on his or her behalf on a specific project;
5. To recommend to Council and Cabinet (as the case may be) the appointment or nomination of Members to fill vacancies on the Approved Table of Outside Bodies;
6. To exercise any specific delegated power of any Cabinet Member;
7. To represent TDC on the Thanet Health and Wellbeing Board.

C. Deputy Leader of the Council

To act on behalf of the Leader when he or she is absent or unable to act. To work under the Leader's direction on Cabinet Co-ordination and ensure resolution of any inter portfolio issues.

D. Portfolio - Community Services

Scope of Portfolio

To lead policy development and advise the Cabinet on:

1. Community Safety;
2. Events;
3. Cultural and Community Development;
4. Indoor and Outdoor Leisure and recreation, including theatres;
5. Safeguarding Children;
6. Play Areas, Sport and Youth;
7. Partnership with Your Leisure Kent Ltd;
8. Land Charges;
9. Licensing;
10. Environmental Health.

Specific Delegated Powers

1. To represent Council on the Community Safety Partnership Executive Board;
2. To be the Council lead Member regarding the delivery of the Community Safety Partnership Action Plan and regular review of the Plan;
3. To represent Council on the Margate Task Force Board at appropriate meetings;

4. To foster and develop relationships with the tourist industry;
5. To be the Lead Member on initiatives that enhance Thanet District as a tourist destination;
6. To provide Member lead on the quarterly and bi-annual progress reviews of the Tourism Destination Management Plan;
7. To represent Council on the Local Government Association (Rural Commission);
8. To represent Council on the Kent Police & Crime Panel;
9. To represent Council on the British Destinations (AGM, Annual Conference and Executive Meetings);
10. To represent Council on the Margate Town Partnership;
11. To represent Council on the Thanet Sports Network;
12. To represent the Council on Your Leisure, Kent Ltd;
13. To represent the Council on Thanet Health and Wellbeing Board.

E. Housing and Planning

To lead policy development and advise the Cabinet on:

1. Housing Intervention;
2. Private Sector Housing;
3. Housing Needs/Homelessness;
4. Housing Strategy;
5. Client-side East Kent Housing;
6. Building Control;
7. Strategic Planning;
8. Planning Applications;
9. Planning Enforcement;
10. Conservation.

Specific Delegated Powers

- 1 To approve financial contributions to the development of new affordable housing from the Section 106 reserves;
2. To oversee proposals for new social housing developments delivered through the planning system;
3. To make decisions in respect to waivers in Right to Buy cases;
4. To approve the purchase or sale of additional shares or equity in shared ownership properties;
5. To oversee the arrangements for the management and supervision of all Council owned housing stocks, including repairs, maintenance, improvements, transfers and arrangements for tenant involvement, following appropriate consultation with residents as required by the Housing Acts;
6. To approve the making of demolition and probation orders;
7. To approve the making of CPOs and other measures to deal with empty properties in private ownership;
8. To approve the arrangements regarding appeals in respect of applications for re-housing, the allocation of housing or matters arising from the

enforcement of the Council's conditions of tenancy including the termination of probationary tenancies;

9. To oversee and monitor the performance of EK Housing;
10. To represent the Council in sub-regional and regional areas in respect of the development of planning policy;
11. To oversee the development of Planning Policy including the Local Plan.

F. Portfolio – Corporate Governance Services

Scope of Portfolio:

To lead policy development and advise the Cabinet on:

1. Service improvement and transformation;
2. Communications (including PR, Marketing, Internal Communications and film locations);
3. Customer Access;
4. Information, records and data management and strategy;
5. Procurement and Contracts;
6. Business Support and Compliance (including Corporate Governance);
7. Policy and Business Planning (including Performance Management);
8. IT, Customer Services and HR;
9. Democratic Services;
10. Legal Services.

Specific Delegated Powers:

1. EK Services and EKHRP – management and monitoring of performance of shared services within the portfolio;
2. Input into and endorse as appropriate Press and PR initiatives;
3. Oversee the Council's approach to electoral registration;
4. To agree and table to Cabinet a quarterly performance overview.

G. Portfolio - Financial Services and Estates

Scope of Portfolio:

To lead policy development and advise the Cabinet on:

1. Finance including revenue and capital for general fund and HRA budgets preparation and monitoring;
2. Treasury Management;
3. Insurance;
4. Monitoring and Final Accounts;
5. Income, Payments and Systems Control and Improvement
7. East Kent Audit Partnership;
9. Housing and Council Tax Benefits and Revenues (including Debt Recovery);

10. Property Management (including asset disposal, acquisition and asset management);
11. Commercial Property;
12. Estate management;
13. Media Centre.

Specific Delegated Powers:

1. To approve the write off of debts over £10,000;
2. To receive and to agree a quarterly financial overview on the use of external and Council funding in respect of Council Services;
3. To authorise detailed terms for the acquisition, sale, letting and granting of licences and leases in connection with Council land and property;
4. To authorise the granting of easements, release of covenants, surrenders of leases, assignments or amendments of any terms of approved leases;
5. To oversee the valuation, maintenance, repair and operation of all Council property in accordance with the Asset Management Strategy;
6. To keep under review the Council's land and property requirements through chairing the Asset Management Strategy Group;
7. To approve detailed terms for the acquisition, disposal or management of property and interests therein within the context of the Council's Asset Management Strategy and the current Asset Management Plan;
8. To oversee the valuation, maintenance, repair operation of all Council Property in accordance with the Asset Management Strategy.

H. Portfolio – Operational Services

Scope of Portfolio:

To lead policy development and advise the Cabinet on:

1. Street cleaning;
2. Recycling and Waste collection;
3. Grounds Maintenance;
4. Cemeteries and crematoria, parks and open spaces, Playgrounds, grounds and public toilets;
5. Foreshore and coastal management;
6. Parking and residual highway matters;
7. Allotments;
8. Emergency Planning;
9. Kent Innovation Centre;
- ~~10.1. Media Centre;~~
- ~~11.10. CCTV;~~
- ~~12.11. Engineering Services;~~
- ~~13.12. Street Scene Enforcement.~~

Specific Delegated Powers:

1. To approve following public consultation, all parking orders, taxi rank locations, street management schemes and resident parking schemes;

2. To oversee the implementation of any action in respect of temporary road closures authorised by the Town Police Clauses Act 1847;
3. To consider recommendations from Scrutiny and the Joint Transportation Board on traffic management and transportation matters and make recommendations thereon;
4. To oversee annually a business strategy for harbours which at any time come within the Council's control, to ensure the efficient and effective operation and marketing of those harbours.

I. Portfolio – Regeneration & Enterprise Services

Scope of Portfolio:

To lead policy development and advise the Cabinet on:

1. Regeneration and economic development;
2. East Kent Opportunities Ltd;
3. Thanet Regeneration Board;
4. Harbours;
5. Tourism.

Specific Delegated Powers:

1. To agree such actions as necessary to take full advantage of Assisted Area Status;
2. To foster and develop relationships with inward investors, representatives of the business community;
3. To support initiatives for the promotion of all forms of business and commercial investment in the district;
4. To represent Council on the Thanet Regeneration Board, EKO and EKSDC.
5. To take any necessary executive decisions in respect of major regeneration projects

5. DELEGATIONS TO EAST KENT SERVICES

Certain functions are delegated to East Kent Services see Section F.

6. GENERAL RULES AS TO CABINET DELEGATIONS

- (a) Cabinet can authorise a Cabinet Member, Committee or an Officer to carry out its delegated responsibilities on its behalf;
- (b) A Cabinet Member can authorise a Committee or an Officer to carry out his or her delegated responsibilities on his or her behalf;
- (c) Committee can authorise a Sub-Committee or an Officer to carry out their delegated responsibilities on their behalf;

6.1 DELEGATION TO OFFICERS

- (1) All executive responsibilities except the ones in Sections 2 and 4 above are delegated to the Officers in the corporate and senior management structure (see SECTION E) noting the capital and revenue delegation tables (Appendix ?).

An Officer can only carry out a responsibility if:

- they (or an Officer who reports to them) have budgetary or management responsibility for it; and
- the Constitution or the law does not require it to be carried out by someone else.

Officers' use of delegated powers:

- (2) Officers do not have to use their delegated powers: they can ask the person or body that delegated the power to them to make a decision, or refer the matter to the relevant Committee.

Officers who have had something delegated to them can authorise Officers they line manage to do it on their behalf (unless it was delegated on condition that they do it themselves).

6.2 INTERPRETING THE RULES ON DELEGATION

- (1) When the Leader has delegated a responsibility in this Scheme of Delegation, so is the authority to do anything necessary to carry it out (unless it was forbidden when the responsibility was delegated).
- (2) ~~Examples of this~~ Without prejudice to the generality of (1) above, ~~t~~This includes are the authority to sign all necessary documents, determine applications, authorise payments, authorise prosecutions, implement national agreements, issue and serve statutory and other notices, authorise entry to land in pursuance of statutory powers, and take default actions under relevant legislation if:
- (a) the Constitution or the law does not require the action to be taken by someone else; and
 - (b) the decision maker has had regard to any advice from the Chief Finance Officer and the Monitoring Officer.

6.3 RESPONSIBILITIES NOT COVERED BY THIS SCHEME

If an executive responsibility does not have to be carried out by the Cabinet, an individual Cabinet member or a Committee and no one has budgetary and management responsibility for it, the Leader will arrange for it to be carried out by the Cabinet, a Committee or an Officer.

Signature

Date

Councillor

Leader of Thanet District Council

SECTION E. MANAGEMENT STRUCTURE AND SCHEME OF OFFICER DELEGATIONS

As at the Council Meeting of 25/2/2016

PART A MANAGEMENT STRUCTURE

PART B SCHEME OF DELEGATIONS TO OFFICER

Part A – Management Structure

The Corporate Management Team (CMT) comprises:-

Chief Executive – Madeline Homer

Director of Community Services - Robert Kenyon

Director of Corporate Resources * - Tim Willis

Director of Corporate Governance **– Tim Howes

Director of Operational Services – Gavin Waite

* Chief Financial Officer/Section 151 Officer

** Monitoring Officer

Part B - Scheme of Delegations to Officers

1. Methodology

- 1.1 The Council also delegates the exercise of a number of emergency public health powers to an external officer appointed by Clinical Director of the Health Protection Agency Public Health England.
- 1.2 Where the Scheme of a Delegation relates to specific Acts of Parliament, Regulations and Orders and other exercise of powers made thereunder, it is intended that such delegations shall extend to the powers and duties and functions under the Acts, Regulations and Orders as they exist at present and any subsequent re-enactment or amendment of the relevant statutory provisions or departmental exercise of powers.
- 1.3 The acts of the Chief Executive, Directors and other named Service Managers under delegated powers shall be deemed to be the acts of the Council.
2. Any decision taken under delegated powers shall be in accordance with any relevant policy approved by the Council and in compliance with the Financial Procedure Rules and Contract Standing Orders. When the exercise of a delegated power includes the incurring of expenditure such action shall be conditional upon the necessary financial provision being included in an approved budget estimate.

Comment [EK1]: <https://www.gov.uk/government/organisations/public-health-england>

Not sure if there is a 'Clinical Director' now or whether this instruction would come from someone else on the management list.

3. Delegation to Officers

- 3.1 Officers do not have to use their delegated powers: they can ask the person or body that delegated the power to them to make a decision, or refer the matter to the relevant committee.

Officers who have had something delegated to them can authorise officers they line manage to do it on their behalf (unless it was delegated on condition that they do it themselves).

4. Appointment of Proper Officers:

- 4.1 All members of the senior management structure may act as, or appoint Officers to act as, proper Officers for the purposes of any Act of Parliament or statutory instrument if:
- (a) The Member of the corporate management team or senior management team or one of their staff has budgetary or management responsibility for that function; and
 - (b) The Officer appointed is qualified to carry out the functions of a proper Officer; and
 - (c) The Constitution or the law does not require it to be carried out by someone else.

SECTION F. Arrangements for the Discharge of Functions and Delegations

Comment [NH2]: These rules which were agreed at Full Council on 5.2.15, replace the East Kent arrangements in the current constitution. They are not for debate.

Functions to be Discharged by EKSC on Behalf of the Authorities

Framework and Definitions

1. The functions delegated in this Schedule are associated with the following services which are to be delivered by Canterbury City Council, Dover District Council and Thanet District Council through the East Kent Services Committee:
2. Detailed as below:
 - (a) ICT
 - (b) face to face and contact centre customer services
 - (c) revenues and benefits
 - (d) human resources
3. It is contemplated that the East **Kent** Services Committee will in turn delegate the discharge of these functions to the Director of Collaborative Services and/or the Director of Shared Services or other of their officers.
4. The “Arrangements” means the operating arrangements, Terms of Reference, Committee Procedure Rules and any other minutes or documents for the time being in force by which the East Kent Joint Arrangements Committee is constituted and its powers defined.
5. “Authority” means Canterbury City Council, Dover District Council, or Thanet District Council as the context requires, being the authority on whose behalf the particular powers or functions are being exercised and “Authorities” shall be construed accordingly.
6. “The Committee” means the East Kent Services Committee.
7. “The Department” means as the context requires the East Kent Shared Services department under the Directorship of the Director of Shared Services and or the East Kent Human Resources department under the Directorship of the Director of Collaborate Services.
8. “Scheme of Delegation” means the arrangements for the discharge of functions and delegations set out in this Schedule.

Exercise of Functions

9. The Council’s and the Executives of the Authorities delegate the discharge of the functions set out in this Scheme of Delegations to the East Kent Services

Committee pursuant to all powers contained in or having effect under the Local Government Acts of 1972 and 2000.

10. The exercise of the powers and functions set out in this Schedule shall without prejudice to any specific delegation or authorisation set out, and subject to any express Conditions/Exclusions/Limitations/Notes specified, be taken to include power to do anything incidental or conducive to the discharge of such functions including (by way of example and not by way of limitation) power to do any of the following:
- (a) To appoint or designate any officer as an "authorised officer", "inspector", "person duly authorised" or similar under any of the legislation or functions specified for the purposes of enabling any such person to carry such legislation or functions into effect.
 - (b) To authorise any officer for the purposes of any of the above mentioned legislation or functions.
 - (c) To exercise any power or function conferred by or in connection with the specified legislation or functions to:
 - (i) Require any person to provide any information.
 - (ii) Enter or inspect any land, premises, vehicle or vessel.
 - (iii) Take samples of, seize, test, dispose of, destroy, or otherwise deal with and thing or substance in accordance with the applicable legislation.
 - (iv) Make application for any warrant or order to a court of summary jurisdiction and to execute any such warrant or order taking with him or her any other person as may be authorised.
 - (v) To make or swear any information.
 - (vi) Institute or defend any legal proceedings, and to take all proper steps in the furtherance or compromise of such proceedings (in each case) in consultation with the Solicitor to the Council which may be undertaken in relation to specific cases or in relation to categories of work,.
 - (vii) Execute work.
 - (viii) Sell or dispose of any goods, articles, samples materials or other property (other than land and buildings).
 - (ix) Recover any sums of money due to the Authorities.
 - (x) Authorise any other person to do any of the things mentioned in (i) to (ix) above to the extent permitted by law.

11. The East Kent Services Committee are hereby authorised to discharge on behalf of the Authorities the function of preparing and approving, amending or repealing, any policy, statement, practice note, code of guidance, procedure or similar in connection with the functions hereby delegated and:-
 - (a) Until such time as they have done so any reference in this Part to any policy, procedure, process or similar administrative statement of practice 'of the Authority' shall be interpreted as a reference to the relevant policy, procedure process of similar administrative statement of the relevant Authority in force on 11 February 2015.
 - (b) Any reference in this Part to any policy, procedure, process or similar administrative statement of practice 'of the Authority' shall be interpreted as a reference to the relevant policy, procedure process of similar administrative statement as approved by the former East Kent Joint Arrangements Committee or the East Kent Services Committee (or the relevant Authority) after 11 February 2015.
12. Any reference to any Act, Rule, Order or Regulation shall be taken as including a reference to that Act, Rule, Order or Regulation as re enacted replaced or modified from time to time.
13. References to any statutory provision shall include a reference to any subordinate or secondary legislation made under or taking effect under it from time to time.

Administrative

14. The Committee may only exercise the delegated powers in this schedule in accordance with:-
 - (a) Statutory or other legal requirements, including the principles of public law, the Human Rights Act 1998 (as amended), statutory guidance and statutory codes of practice.
 - (b) The Constitution of the Authority where relevant including standing orders, contract standing orders and financial regulations.
 - (c) The revenue and capital budgets of the Authority, subject to any variation thereof which is permitted by the Authority's Financial Regulations.
 - (d) Consideration of any relevant policy adopted by the Committee.
15. The Committee may not exercise delegated powers where –
 - (a) The matter is reserved to the Authority by the arrangements.
 - (b) The matter is a function which cannot by law be discharged by the Committee.
16. The Committee may not exercise delegated powers in a way which is contrary to the policies and plans approved by or on behalf of the Authority.

17. Where an officer has delegated powers the Committee or sub-committee (as appropriate) the Committee can still exercise that power if it considers that it is appropriate to do so.
18. If for any reason it is not practical to consult a person required to be consulted in the exercise of a delegation then the Committee must consult someone else they reasonably consider to be an appropriate substitute consultee if reasonably practicable to do so.
19. The delegations in this Scheme of Delegation include the discharge of both executive and non-executive functions
20. Any reference in this Scheme of Delegation to any enactment shall include a reference to any amendment to or re-enactment of the same.
21. Where The Committee has delegated authority to discharge functions by virtue of any other decision by the parties or the absence of the delegation from this Scheme of Delegation shall not prevent the exercise of the delegation.
22. Where the Committee delegates the exercise of any function to an officer of any of the Authorities that officer may nominate another officer or officers to exercise that duty, function or power, provided that the nominated officer(s) report to or is responsible to officer to whom the delegation has been made.
23. Where an officer has delegated authority to discharge functions;
 - (a) By virtue of any other decision of the parties or;
 - (b) Through a specific decision of the Committee, or a sub-committee, either before or after the adoption of this Scheme of Delegation,

The absence of the delegation from this Scheme of Delegation shall not prevent the exercise of the delegation.

Functions Related to the Administration and Management of the Shared Service

Business cases and delivery of services

24. To develop shared service business cases work programmes and projects in relation to the functions which any of the Authorities are minded to delegate to the Committee. ~~{E/C}~~
25. With the assistance if necessary of the appropriate Chief Executive of any of the Authorities to obtain from his or her Authority any information required in preparing a shared service business case. ~~{E/C}~~
26. Once a business case is approved to implement the same and deliver the service as defined therein. ~~{E/C}~~
27. To make arrangements for the management of the Department. ~~{E/C}~~

Financial

28. Acceptance of the lowest tender or bid for the carrying out of works for the committee, the purchase, leasing or hiring of goods, materials and equipment by the committee, or the supply of services to the committee, provided that budget provision is available. ~~[E]~~
29. Authorise Entry into contract documentation following tender/bid acceptance (subject to the provisions of Financial Regulations and Contract Standing Orders of the Authority relating to the execution of contracts under seal). ~~[E/C]~~
30. Authority to negotiate and agree price increases where a contract provides for price increases to be negotiated and agreed by the parties, subject to Contract Standing Orders of the Authority and ensuring sufficient budgetary provision exists. ~~[E/C]~~
31. The assignment or novation of a contract. ~~[E/C]~~
32. The approval of the appointment of or the acceptance of the tender of a sub- contractor or supplier for specialist work or material provided that this does not result in the budget provision for the works as a whole being exceeded. ~~[E/C]~~
33. Virement between heads of expenditure of up to the limit specified in the Authority's Financial Regulations provided that such virement is in accordance with the conditions for virements in such Financial Regulations. [E/C]
34. Provision of reasonable hospitality to representatives of other authorities, visiting a department or premises under the Committees control subject to agreement by the Chief Executives of each of the parties for expenditure in excess of £500. ~~[E]~~
35. To negotiate and agree variations in contracts arising out of statutory requirements subject to adequate budgetary provision being available. ~~[E/C]~~

Shared Services Employees

36. The Authority's empower the Committee to the intent that the Director has the necessary delegated powers to;
 - (a) to determine the establishment and make changes to the establishment of the Department ~~[C]~~
 - (b) to exercise all powers functions and responsibilities in relation to the employment, management and dismissal of staff engaged [C] in the shared services under the terms, conditions, policies and procedures of the Authority. ~~[C]~~

General

37. To publicise the services they provide. ~~[E/C]~~

38. To deal with issues relating to the Commission for Local Administration relevant to the Committee. ~~E/C~~

Delegation of the functions associated with the provision of ICT services, face to face contact centre customer services and benefits and benefits administration.

Column 1 Legislation/ Function	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
1. Council Tax	<p>In connection with the administration of the council tax:</p> <p>(a) to determine occupation, to send invoices, grant reliefs, issue penalties, collect income and take all recovery and other administrative steps necessary to collect the council tax in accordance with any statute or statutory regulations and make determinations and exercise discretions as appropriate, except for matters specifically reserved to the Authorities;</p> <p>(b) to administer the Authorities' Council Tax Reductions Schemes in accordance with any statute or statutory regulations and make determinations and exercise discretion as appropriate, except for matters specifically reserved the Authorities;</p> <p>(c) to represent the Billing Authority in any proceedings tribunal or appeals panel dealing with matters of housing benefit or council tax, and in any proceedings relating to the recovery and enforcement of council tax and penalties before the Magistrates and County Court, and to authorise officers of any Authorities who are represented</p>	

Column 1 Legislation/ Function	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	<p>on the East Kent Services Committee to similarly represent the Billing Authority;</p> <p>(d) to undertake interviews under caution, to issue cautions, administrative penalties and authorise prosecutions in accordance with legislation, and the Authorities' prosecution policy and statement on fraud;</p> <p>(e) to administer discretionary housing payments in accordance with legislation and the Authorities' policy;</p> <p>(f) to complete statutory returns in connection with council tax;</p> <p>(g) to serve or withdraw completion notices under Schedule 4a of the Local Government Finance Act 1988 as amended;</p> <p>(h) to determine liable persons, exemptions, discounts, transitional relief schemes, calculate instalments, appoint bailiffs, debt collection agents and process servers, request a statement of case for the opinion of the High Court, attach earnings and income support, impose a charge upon property, commence bankruptcy proceedings, attach allowances, levy distress, impose charges for levying distress, seek insolvency of the debtor or commitment to prison, to request and</p>	

Column 1 Legislation/ Function	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	<p>execute warrants of arrest and exercise any other administrative step for the collection of council tax;</p> <p>(i) to represent the Authorities in the determination of proposals, alterations and appeals for council tax where appropriate;</p> <p>(j) to represent the Billing Authority in requests for administration orders under the County Courts Acts in respect of unpaid council tax;</p> <p>(k) to be responsible for the prevention, detection and prosecution of council tax fraud.</p>	<p>Statutory returns must be authorised by the Section 151 Officer of the Authorities</p>
<p>2. Administration of the Housing Benefit Scheme</p>	<p>In connection with the administration of the Housing Benefit Scheme:</p> <p>(a) to be responsible for promoting take up of Housing and Council Tax Support schemes;</p> <p>(b) to grant Housing Benefit (rent allowances and rent rebates) in accordance with any statute or statutory regulations and make determinations and exercise discretion as appropriate, except for matters specifically reserved for the Council and Committees/Executive;</p>	

Column 1 Legislation/ Function	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	<p>(c) to determine and recover overpayments of Housing Benefit including making decisions on the method of recovery;</p> <p>(d) to make determinations and payments in accordance with the Authorities' Discretionary Housing Payments policy;</p> <p>(e) to undertake interviews under caution, to issue cautions, administrative penalties and authorise prosecutions in accordance with legislation, and the Authorities' prosecution policy in respect of Housing Benefits</p> <p>(f) to complete statutory subsidy calculations and returns , and all other statistical returns;</p> <p>(g) to undertake all other administrative processes in connection with the Housing Benefit scheme.</p>	<p>Statutory subsidy calculations and returns must be authorised by the Section 151 Officer of the Authorities</p>
<p>3. National Non-Domestic Rate</p>	<p>In connection with the administration of the national non domestic rate:</p> <p>(a) to determine occupation, to send invoices, grant reliefs, collect income</p>	<p>This includes and</p>

Column 1 Legislation/ Function	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	<p>and take all recovery and other administrative steps necessary to collect the national non domestic rate in accordance with any statute or statutory regulations and make determinations and exercise discretions as appropriate, except for matters specifically reserved to the Authorities;</p> <p>(b) to represent the Billing Authority in any proceedings before the Valuation Tribunal, and in any proceedings relating to the recovery and enforcement of national non domestic rate before the Magistrates and County Court, and to authorise officers within the Head of Business and Community Transformation's Division to similarly represent the Billing Authority;</p> <p>(c) to complete statutory returns in respect of national non domestic rate;</p> <p>(d) to serve or withdraw completion notices under Schedule 4a of the Local Government Finance Act 1988 as amended;</p> <p>(e) to determine liable persons, exemptions, transitional relief schemes, calculate instalments, appoint bailiffs, request a statement of case for the opinion of the High Court, impose a charge upon property, levy distress, impose charges for levying distress, seek insolvency of the debtor or commitment to prison or liquidation of</p>	<p>recovering money from Business Improvement Districts.</p>

Column 1 Legislation/ Function	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	<p>companies, to request and execute warrants of arrest and exercise any other administrative step for the collection of national non domestic rate;</p> <p>(f) to represent the Authority in the determination of proposals, alterations and appeals for national non domestic rate where appropriate;</p> <p>(g) to represent the Billing Authority in requests for administration orders under the County Courts Acts in respect of unpaid national non domestic rate;</p> <p>(h) to calculate and pay interest on overpayments of national non domestic rate in accordance with the NDR (Payment of Interest) Regulations 1990;</p> <p>(i) to determine applications under Section 44A of the Local Government Finance Act 1988;</p> <p>(j) to be responsible for the prevention, detection and prosecution of national non domestic rate fraud.</p>	<p>Statutory returns must be approved by the Section 151 Officer of the Authorities</p>

Column 1 Legislation/ Function	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
4. ICT	<p>To provide ICT technical support services to the Authorities including:-</p> <p>network infrastructure both LAN and WAN solutions, hardware infrastructure, internet access and web infrastructure solutions.</p> <p>To provide technical and business advice on ICT solutions and use of technology.</p> <p>To Provide ICT business support services to the Authorities including:-</p> <p>service application system support services including third party supplier liaison, management of corporate data bases, including GIS, quality assurance of data and integration with other business systems.</p> <p>To provide associated procurement administration including all quotations, ordering, invoicing and contract management.</p>	<p>Note: The nature and extent of the activities to be undertaken in connection with the discharge of these functions will be as detailed from time to time in a Service Level Agreement</p>

Column 1 Legislation/ Function	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
5. Customer Services	<p>To provide 'front of house' contact with the public wishing to make enquiries of the Authorities or to access services in relation to any of its functions whether that contact is made in person, by telephone, by mail or email or the websites of any of the Authorities, including but not limited to</p> <p>(i) Issuing application forms for access to services.</p> <p>(ii) receiving payments due to the Authorities and issuing receipts</p> <p>(iii) providing facilities for the public inspection of documents and the taking of copies thereof</p> <p>(iv) responding to 'low level' customer complaints</p> <p>(v) selling or distributing or issuing any item or thing arising out of the conduct of any undertaking or function of the Authorities</p> <p>Such other activities in connection with the offering of services to the public as may be detailed from time to time in the Service Level Agreements</p>	<p>Note:</p> <p>The activities identified in this paragraph 5 are intended to be either incidental or conducive to the discharge of the functions set out in paragraphs 1 to 4 above or intended to be either incidental or conducive to the discharge of all of the other functions of the Authorities.</p> <p>Limitation:</p> <p>Except as is expressly provided in paragraphs 1 to 4, paragraph 5 does not operate as to confer any power to exercise any substantive function of the Authorities</p>
6. Human Resources	<p>The function of providing a human resource and payroll service in respect of the staff employed by and elected members of the Authorities in accordance with a service level agreement agreed from time to time by the East Kent Services Board on behalf of the Authorities to</p>	<p>The following matters are reserved to the Authorities at the present time:-</p> <p>1. The Regulatory and Investigative Powers Act</p>

Column 1 Legislation/ Function	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	<p>include</p> <p>HR SERVICES</p> <p>Strategic HR Advice</p> <p>Provide advice on policy development, Workforce Strategies and other key issues.</p> <p>Attend management team meetings and committee meetings in each of the partner authorities as agreed.</p> <p>Professional HR Advice and Information</p> <p>Case management and day to day ad hoc queries.</p> <p>Learning and Development</p> <p>Provide Corporate and Bespoke Training Service.</p> <p>Recruitment</p> <p>Provide a complete recruitment</p>	<p>2000</p> <p>2. The Employment Practice Code (produced by the Information Commissioner</p> <p>3. The Telecommunications (Lawful Business Practice) Interception of Communications) Regulations 2000</p> <p>4. Save for the provision of advice as directed by the authority, the procedural aspects and decisions to be made leading to the appointment and/or removal of the Head of Paid Service, Monitoring Officer and the Local Government Act 1972 s151 Officer.</p> <p>5. Decisions to be made under s112 of the Local Government Act 1972 (but not the procedural aspects of this power)</p>

Column 1 Legislation/ Function	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	<p>administration support service from advertising to appointment. Advise Managers and respond to queries. Manage the Advertising Agency contract.</p> <p>Pre-employment checks</p> <p>Requesting of employment references, pre-employment health screening, Criminal Record Bureau checks and other checks as relevant to the type of position.</p> <p>Appointment of new employees</p> <p>Production of offer letters and employment contracts and set up of personnel records – both manual file and computerised (HR/Payroll system).</p> <p>Contractual amendments changes</p> <p>Production of contract variations and amendments to personnel record as required – both manual file and computerised (HR/Payroll system)</p> <p>Maintenance of employee records</p> <p>Update employee records in accordance with authorised instructions.</p>	

Column 1 Legislation/ Function	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	<p>Input to Development and Implementation of corporate/directorate policies</p> <p>Contribute to corporate/directorate policies to ensure that requirements and input from HR Shared Services is taken into account. Provide feedback regarding the implication and issues regarding implementation.</p> <p>Sickness and Absence management</p> <p>Provide access to management reports and support for managers on sickness absence.</p> <p>Input sickness absence where self-service is not available.</p> <p>Input all other absence (not sickness) in accordance with authorised instruction for areas where self-service is not available.</p> <p>Support to Restructuring/ change management</p> <p>Provide administrative support and HR advice to restructuring and change management to ensure that all HR issues</p>	

Column 1 Legislation/ Function	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	<p>are properly addressed.</p> <p>Personnel Administration</p> <p>Issue notices and keep records of general correspondence on terms and conditions and pension notifications to groups of the workforce.</p> <p>Termination/Leavers</p> <p>Administration of necessary processes associated with termination of employment as per the agreed process.</p> <p>Advice and Information</p> <p>Respond to day to day ad hoc queries for advice regarding terms and conditions.</p> <p>Consultation Forums</p> <p>Attend the various staff consultation forums in each authority as agreed to provide advice and guidance.</p> <p>Compensation and Benefits</p>	

Column 1 Legislation/ Function	Column 2 Brief Description	Column 3 Conditions/ Exclusions Limitations/Notes
	<p>Pensions advice and administration including costs for early retirement, exercise of discretions, request for early release of benefits, Je administration, salary sacrifice and other staff benefit schemes.</p> <p>Health and Safety</p> <p>To provide professional day to day advice as necessary to the authorities and when required act as liaison with the HSE.</p> <p>Payroll</p> <p>Manage the delivery of the payroll services.</p> <p>Service to Members</p> <p>Provide a Payroll service and other services as agreed with East Kent Services Board.</p>	

Part 4 - Rules of Procedure

Part 4 - Rules of Procedure

Council Procedure Rules

1.0 Meetings of the Council

1.1 Types of Council meeting

There may be three types of Council meeting:

- (a) The annual meeting
- (b) Ordinary meetings
- (c) Extraordinary meetings

1.2 Annual meeting of the Council

The Council shall hold an annual meeting in the year of ordinary election of members not earlier than the eighth day and not later than the twenty first day of the date of retirement of Members

In any one year when there are no [whole](#) elections to the [Thanet District](#) Council, the annual meeting will be held on a date in May to be fixed by the Council.

1.3 Extraordinary meetings

Those listed below may require The Proper Officer (who for this purpose shall be [to be completed]) to call Council meetings in addition to ordinary meetings:

- (a) the Council by resolution or
- (b) the Chairman of the Council or
- (c) a Statutory Officer of the authority or
- (d) any five members may together call the meeting and the Chief Executive shall make arrangements accordingly provided they have signed a requisition specifying the business to be considered at the meeting and presented the requisition to the Chairman and they [Chairman](#) ~~has~~ve refused to call a meeting or failed within seven days of the presentation to call a meeting.

2.0 Agenda

2.1 Agenda for Annual Meeting

The annual meeting will consider the following:-

- (i) elect a person to preside if the Chairman of Council is not present;
- (ii) elect the Chairman of Council;
- (iii) elect the Vice-Chairman of Council;
- (iv) approve the minutes of the last meeting;
- (v) receive any declarations of interest from members;
- (vi) receive any announcements from the Chairman and/or Chief Executive;
- (vii) in the year of an ordinary election of Councillors, elect the Leader of the Council for a term of office ending on the date of the Annual Meeting of Council in the year of the next ordinary election of Councillors. (A casual vacancy in the office of Leader of the Council shall be filled for the remainder of the term of office at the next Ordinary Meeting of Council after the vacancy has arisen);
- (viii) in the year of an ordinary election of Councillors receive from the Leader notification of the councillor appointed as Deputy Leader to act in his or her absence;
- (ix) receive from the Leader notification of the number and names of Councillors who together with the Leader and Deputy Leader will comprise the Cabinet for the ensuing Council year together with the details of the portfolio responsibilities allocated to each of them;
- (x) appoint at least one Overview and Scrutiny Committee, a Standards Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Executive functions (as set out in Part 3 of this Constitution);
- (xi) agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree (as set out in Part 3 of this Constitution);
- (xii) approve a programme of ordinary meetings of the Council for the year;
- (xiii) consider any business set out in the notice convening the meeting.

2.2 Agenda for Ordinary Meetings

Ordinary meetings of the Council shall commence at 7.00 pm unless otherwise agreed with the Chairman and will take place on a Thursday in accordance with a programme decided at the Council's annual meeting. Subject to rule 2.7, ordinary meetings will:

- (i) elect a person to preside if the Chairman and Vice Chairman are not present;

- (ii) deal with any business required by statute to be done before any other business;
- (iii) approve the minutes of the last meeting;
- (iv) receive any announcements from the Chairman, Leader, members of the Cabinet or the Chief Executive;
- (v) receive any declarations of interest from members;
- (vi) receive petitions from the public;
- (vii) receive questions from, and provide answers to, the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting; [Pursuant to Rule?]
- (viii) receive reports from the Cabinet Leader, Members of the Cabinet and the Council's Committees etc.

Except for items under (i), (ii) or (iii) of Rule 2.2 the order of business may be varied at the Chairman's discretion or by a resolution passed on a motion that has been moved and seconded which shall be put without discussion.

2.3 Agenda for Extraordinary Meetings

Business at extraordinary meetings of the Council shall be restricted to the following:

- (a) to appoint a Member to preside at the meeting if neither the Chairman nor the Deputy Chairman are present and able to preside;
- (b) to receive apologies for absence from Members;
- (c) to receive any declarations of interest from Members and Officers;
- (d) to consider any business set out in the notice convening the meeting;
- (e) to consider any matter which, by reason of special circumstances (which are to be specified in the minutes of the meeting), the Chairman considers should be considered at the meeting as a matter of urgency.

No other business will be transacted.

2.4 Leaders Report

The Leader of the Council ~~may will~~ make available the content of his oral report to opposition group leaders no later than the Saturday before the meeting. ~~The speech will not exceed ten minutes on key issues arising since the last meeting of Council. not exceeding ten minutes, on key issues arising since the last meeting of Council.~~

The Leaders of any other political group may comment on the Leader's report. The comments of the Leaders of the other political groups shall be limited each to five minutes. The other Group Leaders will comment in an order determined by the number of Councillors within those political groups, with the largest group commenting first, and so on.

The Leader has a right of reply to each Group Leader limited to two minutes, in hierarchical order, to any comments made on his/her report.

The Leader of the Council, the Leader of the Opposition and the Leader of any other political group may appoint substitutes to speak on their behalf.

No motions may be moved nor resolutions passed under this item.

2.5 Related Items

The Chairman shall also have discretion to decide that related items of business may be dealt with in accordance with such procedure as the Chairman shall consider is most conducive to the despatch of business.

2.6 Application to Committees

The Chairman of any Committee or Sub-Committee shall have the discretion to vary the order of business and decide on related items of business in accordance with such procedure as the Chairman shall consider is most conducive to the despatch of business.

2.7 Budget-setting meetings of the Council

Apart from the essential items of apologies for absence, minutes of previous meeting and declarations of interest, the only items that will be considered at budget-setting meetings of the Council will be the budget and associated items, subject to the Chairman of Council having discretion to accept additional items; but only in exceptional or urgent circumstances.

3.0 Motions and Amendments

Motions on Notice

- 3.1 Any one or more Members of the Council may by notice received by the ~~appropriate person~~ Monitoring Officer no later than 10:00 am, 11 working days before the day of the Council meeting; require the Council to consider a motion.
- 3.2 The Monitoring Officer shall record all such notices of motion (not including rejected notice) in the order in which they are received and such record shall be open to public inspection on request.
- 3.3 The Monitoring Officer shall include all notices of motion and accompanying statements in the agenda for the next relevant meeting of Council in the order received unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it save that
- 3.4 Where they consider that the notice of motion, statement or consideration of a notice of motion is likely to result in disclosure of confidential exempt information, in which case they may group such notices of a motion together with other items of business which are in their opinion likely to involve the exclusion of press and public during their consideration.

- 3.5 There will be a thirty minute time limit for moving and debating motions on notice.

Amendments

- 3.6 Subject to Rule 3.9 notice of an amendment to a recommendation or motion on the agenda for a Council meeting may be given by two members to the Monitoring Officer up to 12 noon on the day of Council. Only motions which can be moved without notice or amendments to recommendations arising from Officers' reports will be accepted without notice.

Putting the Motion at the Meeting

- 3.7 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, the motion shall then 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 16.

Scope

- 3.8 (a)
- i. Motions must be about matters for which the Council has a responsibility or which affect the district.
 - ii. Motions must not relate to the ethical conduct of individual Members of Council unless the conduct relates to the Member acting as a member of the Council.
 - iii. Motions must be expressed in such a form that it shall conform with the requirements of the Council Procedure Rules and be competent for the Council if it so desires to pass it as a lawful and valid resolution. If it is not so expressed the Chairman shall rule it out of order.
 - iv. Where a motion on notice would, if adopted, constitute the exercise of an executive function, that motion must be referred to the Cabinet (or relevant Cabinet portfolio holder as appropriate) for decision;
 - v. The Chairman shall rule out of order any motion on notice that relates to the adoption of, or amendment to, a policy falling within the Council's adopted Policy Framework if that policy or amendment (as the case may be) has not first been proposed by the Cabinet and considered by the Overview and Scrutiny Panel;
 - vi. The Chairman shall rule out of order any motion on notice that proposes the adoption of, or amendment to, any policy outside the adopted Policy Framework which by law or this Constitution is the sole responsibility of the Cabinet;
 - vii. Any motion on notice that proposes the adoption of a policy or the taking of a decision where Council has not received a report from the officers setting out the technical, legal and financial implications of

adopting the policy or taking the decision in question shall only be debated. Following the conclusion of the debate, the only action that may be taken is to refer the motion to Cabinet for consideration.

- viii. The Council should not debate any motion which would give rise to a significant change to income of the Council, to its expenditure or contract terms, unless it has received a report from the Chief Finance Officer or the Monitoring Officer as appropriate setting out the legal or financial effect of the motion.
 - ix. If any matter arises at a meeting to which the Local Government Act 1972 applies by virtue of Section 100(A)(2) as to the appointment, promotion, dismissal, salary, superannuation, or conditions of service or as to the conduct of any person employed by the Council, such matters shall not be the subject of discussion until the Council or Committee as case may be, has decided whether or not the power to exclude the public under Section 100(A)(2) of the Local Government Act 1972 shall be exercised.
 - x. A motion or amendment to rescind, or which has the effect of rescinding, a decision made at a meeting of Council within the past six months, may not be moved except in accordance with Rules 8.3.17 and 18 (below) unless the Monitoring Officer confirms that it is appropriate for the Council to reconsider the matter to comply with law, as a result of a change of law or material change of circumstances.
 - xi. A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved except in accordance with Rules 8.3.17 and 18 (below) unless the Monitoring Officer confirms that it is appropriate for the Council to reconsider the matter to comply with law, as a result of a change of law or material change of circumstances.
- (b) No Member shall subscribe to more than two notices of motion on an agenda at the same time.
 - (c) Motions submitted to Committees must be in the name of a member of the Committee.

Rejecting Motions on Notice

- 3.9 The Chairman of Council may rule out of order Motions on Notice that in his opinion:
- (a) are defamatory in nature;
 - (b) are frivolous in nature; or
 - (c) contain offensive language.

where the Chairman rejects a notice of motion, they shall inform the Member who submitted the notice as soon as practicable prior to the publication of the

agenda and shall not include the rejected notice of motion in the public record or agenda.

4.0 Committees and Sub-Committees

4.1 Functions

Every Committee and Sub-Committee shall continue to discharge the functions delegated to them until the Council or relevant Committee resolve otherwise.

4.2 Recommending Delegated Powers

A Committee or Sub-Committee may decide to recommend any matter (for which it has been given delegated powers) to the Council or its parent Committee as the case may be.

4.3 Duration of Appointment

Subject to Section 102(5) of the Local Government Act 1972, (Councillor not re-elected to cease to be a member of a Committee) and paragraph 3.5 below, every person appointed as a member of a Committee shall continue as such until the appointment is terminated by the Authority. This Rule shall also apply to Sub-Committees and Working Parties.

4.4 Political Balance

- (i) Whenever:
 - (a) the Council, resolves or is required to review the allocation of seats between political groups, or
 - (b) a Committee resolves or is required to review the allocation of seats on a Sub-Committee between political groups

the Proper Officer shall submit a report to the Council, the Cabinet or Committee (as the case may be), showing what allocation of seats would meet the requirements of Section 15(4) of the Local Government and Housing Act 1989.

- (ii) In the light of such a report, the Council ~~or relevant Committee~~ shall determine the allocation of seats to political groups.

~~4.5 Allocation of Seats to Political Groups~~

~~Whenever an appointment of a member of a Committee or Sub-Committee falls to be made in accordance with the wishes of a political group to whom the seat has been allocated, and whenever such an appointment falls to be determined in accordance with such wishes, then the Council or relevant Committee at a meeting at which the wishes of the political group are expressed, or at the next meeting after those wishes are expressed, shall endorse those wishes accordingly.~~

4.65 Appointment of Sub-Committees and Working Parties

Subject to any resolutions by the Council, every Committee may appoint Sub-Committees or Working Parties for such purposes as they think fit within the remit of the responsibilities of the Committee, and may make arrangements for a Sub-Committee to discharge any of the functions for the authority which the Committee may discharge.

4.76 Parent Committees

Every Member, except co-opted members, of a Sub-Committee shall be a Member of its Parent Committee.

5.0 Appointment of Substitute Members of Committees, Sub-Committees and Working Parties

5.1 Allocation

The Council will appoint as substitute members of Committees and Sub-Committees those members nominated by each political group. Political groups may nominate every other member of the group provided that neither the Chairman nor Vice-Chairman of Council nor any member of the Cabinet shall be eligible to be a substitute member at any Committee or Sub-Committee on which either the Chairman or Vice-Chairman or a member of the Cabinet may not sit.

5.2 Powers and duties

Substitute members will have all the powers and duties of any ordinary member of the Committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

5.3 Substitution

- (i) It shall be the duty of Groups themselves to arrange for the attendance of substitute Members. As far as committees and sub-committees to which political balance rules apply, the substitute Member appointed shall be a member of the same political group as the Member being substituted.
- (ii) The Member Services Officer must be notified of the attendance of a substitute member before the commencement of any item of business.
- (iii) If a substitute Member is present at any meeting and the appointed Member subsequently attends during the course of the proceedings, the substitute Member shall withdraw from taking any further part in the meeting at the conclusion of the item under discussion.
- (iv) No substitute Member should be eligible to Chair a meeting if an appointed Member of the Committee or Board is present and willing to take the Chair.

- (v) In relation to the determination of any applications made under the Licensing Act 2003, no Member shall be eligible to be a substitute on the Licensing Board or on a sub-committee established by it.

5.4 Working Parties

These rules shall also apply to Working Parties.

6.0 Election of Chairman and Vice-Chairman of Committees

6.1 Appointment of Chairmen and Vice-Chairmen

Subject to Rules 6.2 and 6.3, the Chairmen and Vice-Chairmen of Committees shall be appointed by Council at its Annual Meeting.

6.2 Sub-Committees, Advisory Groups and Working Parties

All Sub-Committees, Advisory Groups and Working Parties shall elect at their first meeting after the Annual Council Meeting, before proceeding to other business, from amongst their Members a Chairman for the ensuing year, and shall then appoint a Vice-Chairman for the ensuing year.

6.3 Appointment of Chairmen and Vice-Chairmen of Scrutiny Panels

The Chairman and Vice-Chairman of any panel shall not both be from the same political group. The ruling group will [have first chance to](#) nominate the Chairman of ~~the Policy Development Panel and the Vice-Chairmen of two other~~[the Scrutiny Panel](#)s of their choice and the largest opposition group should nominate the ~~Chairmen of the Executive Scrutiny Panel and the Finance, Best Value and Performance Review Panel and the Vice-Chairman of the remaining Panel.~~

In the event of two or more opposition groups having the same number of members the matter shall be decided by a majority of the opposition Members in Council and in the event of default by the Council itself.

6.4 Members not eligible to stand for election

- (i) The Chairman and Vice-Chairman of the Council shall not be eligible for election as Chairman or Vice-Chairman of a Standing Committee, Sub-Committee or Working Party.
- (ii) No Member shall be Chairman of more than one Standing Committee.

6.5 Vacancies

A casual vacancy in the Office of Chairman or Vice-Chairman of a Committee, Sub-Committee, Advisory Group or Working Party shall be filled as soon as practicable and by the relevant Committee.

7.0 Time and Place of Meetings

7.1 Timings of Committee Meetings

Committee	Meeting time
Council	7.00 pm
Cabinet	7.00 pm
Governance and Audit Committee	7.00 pm
Joint Transportation Board	7.00 pm
Overview and Scrutiny Panel	7.00 pm
Planning Committee	7.00 pm
Standards Committee	7.00 pm
Licensing Board	10.00 am
General Purposes Committee	Ad hoc
Licensing Sub Committee	Ad hoc
Overview and Scrutiny Working Parties	Ad hoc

The time and place of meetings will be determined by the Democratic Services and Scrutiny Manager and notified in the summons. The following guidelines will apply:

- (i) The days of the week shall be utilised as follows:-
 - Tuesdays to - Meetings of Committees, Sub-Committees,
 - Thursdays - Advisory Groups and Working Parties and adjourned, special or additional meetings thereof.
- (ii) The Monday following Council Meetings, or the Tuesday if the Monday is a Bank Holiday, shall be kept clear of meetings to facilitate adjournment of Council to that day.
- (iii) The weeks in which scheduled Council Meetings fall will normally be kept clear of other meetings.
- (iv) The Calendar of Meetings shall generally include a two-week recess at Christmas and no meetings in August.

8.0 Notice of and Summons to Meetings

The Appropriate Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the Appropriate Officer will give notice to the public of the time and place if any meeting in accordance with the Access to Information Rules. The agenda for a meeting will give the date, time and place of meeting, specify the business to be transacted, and will be accompanied by such reports as are available.

9.0 Chair of Meeting

The person presiding at the meeting may exercise any power or duty of the Chairman. Where these rules apply to Committee and Sub-Committee meetings, references to the Chairman also include the Chairman of Committees and Sub-Committees.

10.0 Quorum

The quorum of a meeting will be one quarter of the whole number of members except for meetings of the Scrutiny Committee and Governance and Audit Committee where the quorum shall be one half of the whole number of members. During any meeting if the Chairman counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

11.0 Duration of Meeting

11.1 Adjournment

Unless it is resolved to complete the item under discussion, meetings shall stand adjourned at 10.30 pm unless in the opinion of a majority of the Members thereof the business remaining to be dealt with can be concluded by 11.30 pm in which case the meeting may continue until 11.30 pm at which time it shall automatically stand adjourned.

11.2 Remaining Business

Consideration of any business not transacted shall be continued on the following Monday evening and thereafter on consecutive evenings at 7.00 pm except where Monday is a Bank Holiday in which case the business shall be continued on the following Tuesday evening and thereafter on consecutive evenings at 7.00 pm.

12.0 Petitions from the Public

12.1 The Council will receive, accept and deal with petitions from members of the public in accordance with the requirements of any Petitions Scheme from time to time adopted

by the Council. The Council's current Petitions Scheme is included in Part 5 of the Council's constitution.

13.0 Questions by the Public and Press

13.1 General

Members of the public may ask questions of members of the Cabinet at ordinary meetings of the Council. The total time devoted to questions shall not exceed 30 minutes.

13.2 Order of questions

Questions will be asked in the order notice of them was received, except that the Chairman may group together similar questions.

13.3 Notice of questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Appropriate Person at least five full working days before the day of the meeting. Each question must give the name and address of the questioner and must name the member of the Council to whom it is to be put.

13.4 Number of questions

At any one meeting no person may submit more than one question, limited to fifty words.

13.5 Scope of questions

The Chief Executive will reject a question if it:

- is not about a matter for which the local authority has a responsibility or which affects the district;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Council in the past six months;
- requires the disclosure of confidential or exempt information;
- If the questioner is not normally a resident of Thanet; or
- If a question relates to an individual planning or licensing application.

13.6 Asking the question at the meeting

The Chairman will invite the questioner to put the 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.

13.7 Absence of Member Named and Written answers

Any question which cannot be dealt with during public question time because of lack of time will be dealt with by a written answer. If the member to whom the question is directed 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.

14.0 Questions by Members

14.1 On reports of the Cabinet or Committees

A member of the Council may during his or her speech ask the Leader or Chairman of a Committee any question without notice upon an item of the report of the Cabinet or a Committee when that item is being received or under consideration by the Council.

14.2 The period allowed for reports, written and all questions and answers will not exceed 30 minutes without the leave of the Chair and such leave will only be granted in exceptional circumstance.

14.3 Questions on notice at full Council

Subject to Rule 13.5, 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.

14.4 Questions on notice at Committees and Sub-Committees

Subject to Rule 13.5, a member of a Committee or Sub-Committee may ask the Chairman of it a question on any matter in relation to which the Council has powers or duties or which affect the district and which falls within the terms of reference of that Committee or Sub-Committee.

14.5 Notice of questions

A member may only ask a question under Rule 13.3 or 13.4 if they have given at least five working days' notice in writing of the question, limited to fifty words, to the Member Services Manager. No Member shall submit more than one question.

14.6 Scope of questions

A question shall not be:

- defamatory, frivolous or offensive;

- substantially the same as a question which has been put at a meeting of the Council in the past six months;
- such as to require the disclosure of confidential or exempt information;
- related to an individual planning or licensing application; or
- related to the ethical conduct of individual Members of Council unless the conduct relates to the Member acting as a Member of the Council.

14.7 Response

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.

14.8 Supplementary question

A member asking a question under Rule 13.3 or 13.4 may ask one supplementary question without notice of the member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

14.9 Timing

The questioner shall have two minutes for the initial question and one minute for the supplementary and the respondent shall have five minutes for the initial reply and two minutes for the supplementary.

14.10 Written questions

Where a member does not wish to put a question verbally the member may, subject to Rule 14.5, submit a question in writing to the Democratic Services Manager, ~~by 10.00 am on the Friday at least five working days~~ before a Council meeting, any question to be asked of a member of the Cabinet or the Chairman of any Committee on any matter in relation to which the Council have powers or duties or which affects the District. This rule is subject to the following:

- (i) The number of questions which may be asked by any one Member under this Rule at any one meeting shall be limited to one.
- (ii) There shall be no discussion of any question or answer.
- (iii) Any answer may take the form of:-
 - (a) A written answer circulated to Members of the Council at the Council Meeting or as soon as possible thereafter. Provided that where a question cannot be answered at the Council Meeting and in all cases where the member concerned exercises his/her right not to answer under Rule 13.10(vi) the question and an explanation of the member's inability to answer or the reasons for his/her decision not to answer shall be circulated to all Members at the Council Meeting.
 - (b) Where the desired information is contained in a publication of the Council, a reference to that publication.

- (iv) All questions and answers shall be recorded in a Register to be maintained by the Democratic Services Manager.
- (v) The member ~~concerned~~ questioned shall have the power to decide that a question shall be not answered if he/she is satisfied that the public interest would not be served by it being raised or pursued ~~or on any other ground which he/she may deem sufficient.~~
- (vi) The Chairman shall not allow any question containing unbecoming language, imputation of improper motives or reflections of a personal character.
- vii) A Member may withdraw their question at any time.

15.0 Reports from the Cabinet and Committees

15.1 Reports from the Overview and Scrutiny Panel

At each of its ordinary meetings, Council will receive a written report introduced by the Chairman of the Overview and Scrutiny Panel on the work undertaken by the Overview and Scrutiny Panel since the last Council meeting. Such a report will be subject to comment or debate in the usual way.

16.0 Rules of debate

16.1 Motions Without Notice

The following motions may be moved without notice:

- (a) to appoint a Chairman of the meeting at which the motion is moved;
- (b) to change the order of business in the agenda;
- (c) to refer something to an appropriate body or individual;
- (d) to appoint a Committee or member arising from an item on the summons for the meeting;
- (e) to receive reports or adoption or rejection of recommendations of Committees or officers and any resolutions following from them;
- (f) to withdraw a motion;
- (g) to amend a motion;
- (h) to proceed to the next business;
- (i) that the question be now put;
- (j) to adjourn a debate;
- (k) to adjourn a meeting;
- (l) that the meeting continue beyond 3 ½ hours in duration;

- (m) to suspend a particular Council procedure rule;
- (n) to exclude the public and press in accordance with the Access to Information Rules;
- (o) to not hear further a member named under Rule 24.3 or to exclude them from the meeting under Rule 24.4; and
- (p) to give the consent of the Council where its consent is required by this Constitution.

16.2 No speeches until motion seconded

No further debate shall take place after the mover has moved a proposal and spoken on the item until the motion has been seconded. This rule shall not apply to the Standards Committee or Licensing Board.

16.3 Right to require motion in writing

Unless notice of the motion has already been given, the Chairman may require it to be written down and handed to him/her before it is discussed.

16.4 Secunder's speech

When seconding a motion or amendment, a member may reserve their speech until later in the debate.

16.5 Content and length of speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. Speeches made by the Leader, members of the Cabinet and Chairmen of Committees when presenting items or by a member winding up the debate may not exceed five minutes without the consent of the Chairman. No other speech may exceed three minutes without the consent of the Chairman. This rule shall not apply to the Standards Committee or Licensing Board or the Non-Executive Functions Committee (when it is dealing with appeals).

16.6 When a member may speak again

A member who has spoken on a motion shall not speak again without the consent of the Chairman whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another member;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (c) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

16.7 Amendments to motions

- (a) An amendment to a motion must be relevant to the motion and will either be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add words.

as long as the effect of (ii) to (iv) is not to negate the motion.

- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

16.8 Alteration of motion

- (a) A member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

16.9 Withdrawal of motion

A member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

16.10 Right of reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (c) The mover of the amendment has no right of reply to the debate on his or her amendment.

16.11 Motions which may be moved during debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) that the meeting continue beyond 3 ½ hours in duration;
- (h) to exclude the public and press in accordance with the Access to Information Rules; and
- (i) to not hear further a member named under Rule 23.3 or to exclude them from the meeting under Rule 23.4.

16.12 Closure motions

- (a) A member who has not spoken on that item may move, without comment, the following motions at the end of a speech of another member:
 - (i) to proceed to the next business;
 - (ii) that the question be now put;
 - (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Chairman thinks the item has been sufficiently discussed, he/she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the Chairman thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote.

If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

16.13 Point of order

A member may raise a point of order at any time. The Chairman will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Chairman on the matter will be final.

16.14 Personal explanation

A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood or the correction of a erroneous reference to him/her in the present debate. The ruling of the Chairman on the admissibility of a personal explanation will be final.

16.15 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by more than 50% of the membership. This Rule shall not apply to motions moved following a recommendation to the Council made by the Cabinet or a Committee.

16.16 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by more than 50% of the membership or supported by the Chairman (or in his/her absence the Vice-Chairman). Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

17.0 Voting

17.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the question was put. No Member may cast a vote for another Member who is not present at the time the question is put.

17.2 Chairman's casting vote

If there are equal numbers of votes for and against, the Chairman will have a second or casting vote. There will be no restriction on how the Chairman chooses to exercise a casting vote.

17.3 Show of hands

Unless a recorded vote is demanded under Rule 17.4 or required under Rule 17.6, the Chairman will take the vote by show of hands (and a count if requested), or by means of an electronic voting system, or if there is no dissent, by the affirmation of the meeting.

17.4 Recorded vote

If a majority of members present at the meeting demand it before the vote is taken, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

17.5 Right to require individual vote to be recorded

Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

17.6 Recorded votes at Council budget decision meetings

A recorded vote will be required at a meeting of the Council on motions, amendments or substantive motions relating to the approval of the budget or setting of council tax, whereby there shall be recorded in the minutes the names of the Members who cast a vote for the motion/amendment or against the motion/amendment or who abstained from voting. As this is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 2001, it cannot be suspended under Council Procedure 29.1.

17.7 Voting on appointments

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

17.8 Section 106 of the Local Government Finance Act 1992

Where a Member has at least two months' arrears of Council tax he or she must not vote on any matter which:

- (i) Relates directly to the setting of the next year's Council Tax; or
- (ii) Recommends income or expenditure forming part of the next year's levy; or
- (iii) Relates to income or expenditure in the current year which is in excess of the current budget.

When a matter as described above is to be considered at a meeting, the Member affected must declare that section 106 of the Local Government Act 1992 applies to him or her. The Member may remain in the meeting and may speak, but he or she may not vote on the matter.

18.0 Minutes

18.1 Signing the minutes

The Chairman will sign the minutes of the proceedings at the next suitable meeting. The Chairman will move that the minutes of the previous meeting be signed as a correct record.

18.2 Accuracy of minutes

The only part of the minutes that can be discussed is their accuracy, provided that any question of their accuracy has been raised by motion of which 24 hours' notice has been given to the Democratic Services Manager.

18.3 No requirement to sign minutes of previous meeting at extraordinary meeting

Minutes will only be signed at the Council meeting or at Ordinary Meetings.

19.0 Record of Attendance

All members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

20.0 Attendance at Meetings

20.1 General

Any Member of the Council who is not a member of the body in question may nevertheless attend any meeting of the Cabinet or of any Committee, Sub-Committee or Working Party. He/she may speak once only on any item if permission has been given by the Cabinet, Committee, Sub-Committee or Working Party before the commencement of debate on the item. The member shall not occupy a seat provided for members of the body in question until requested to do so by the person Chairing the meeting. The member may speak on one additional occasion on a point of order or by way of personal explanation.

This Rule shall not apply to the following bodies:-

- Management Appraisal Board (when acting)
- Licensing Board
- Appeals Panel
- General Purposes Committee when dealing with issues of officer [conduct or employment](#)
- Standards Committee

20.2 Attending meetings when Motions under Rule 15.3 will be discussed

A Member of the Council in whose name a motion under Rule 15.3 has been referred by Council to another Committee shall have notice of the meeting of the Committee, Sub-Committee or Working Party at which it is proposed to consider the motion and

he/she, or in his/her absence his/her seconder, shall have the opportunity of speaking to explain the motion and taking part in the debate.

20.3 Attendance of Chairmen/Vice-Chairmen of Committees

The Chairman, or in his/her absence, the Vice-Chairman, of any Committee, may invite the Chairman, or in his/her absence the Vice-Chairman, of any other Committee of the Council to attend the meeting and take part in the debate when matters directly affecting the work of that other Committee are being discussed, provided that they shall have no voting rights.

20.4 Meetings of the Cabinet

This Rule shall also apply to meetings of the Cabinet and the Leader shall have a similar power to invite attendance at meetings of the Cabinet.

21.0 Special Meetings of Committees

~~Subject to the provisions of Rules 6 and 7:~~

21.1 Calling special meetings

Those listed below may call a special meeting of a Committee on any occasion in addition to ordinary meetings:

- (i) the Chairman (or in his or her absence the Vice-Chairman) of a Committee;
- (ii) the Chairman of the Council;
- (iii) the Chief Executive
- (iv) the Democratic Services Manager; and
- (v) any five members of the Committee (or at least one third of the number of members of the Committee if that is less than five) if they have signed a requisition presented to the Democratic Services Manager (the time and date (provided it is within 14 days of the receipt of the request) and the place of the meeting to be decided by the Chairman or Vice-Chairman of the Committee).

21.2 Business

No matter shall be dealt with at any special meeting of a Committee other than that specified in the request or requests received under Rule 21.1 for the meeting in question, except in accordance with Section 100B(4) of the Local Government Act 1972.

21.3 Timing

Special meetings shall be held on such dates and at such times as the proper officer may determine after consultation with the Chairman or Vice-Chairman of the Committee.

22.0 Exclusion of Public

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 24 (Disturbance by Public).

23.0 Members' Conduct

23.1 Standing to speak

When a member speaks at full Council they must stand and address the meeting through the Chairman. If more than one member stands, the Chairman will ask one to speak and the others must sit. Other members must remain seated whilst a member is speaking unless they wish to make a point of order or a point of personal explanation. However, if a Member is unable to stand through illness or disability, the Chairman will ensure that they are given full and equal access to participation and debate.

23.2 Chairman standing

When the Chairman stands during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.

23.3 Member not to be heard further

If a member persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructs business, the Chairman may move that the member be not heard further. If seconded, the motion will be voted on without discussion.

23.4 Member to leave the meeting

If the member continues to behave improperly after such a motion is carried, the Chairman may move that either the member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

23.5 General disturbance

If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he/she thinks necessary.

24.0 Disturbance by Public

24.1 Removal of member of the public

If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room.

24.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.

25.0 Suspension and Amendment of Council Procedure Rules

25.1 Suspension

All of these Council Rules of Procedure except Rule 17.6, 17.7 and 18.2 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

25.2 Amendment

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

26.0 Application to Committees and Sub-Committees

Unless otherwise stated in these Rules, all of the Council Rules of Procedure apply to meetings of full Council and Rules 2.6, 3, 6-10, 13, 15-24 (but not 18.2 or 23.1) and Rules 26, 29 and 30 apply to meetings of Committees and Sub-Committees. None of the Rules apply to meetings of the Cabinet except for Rules 20, 23.3-23.5, 24, 29 and 30.

27.0 Members' Correspondence

All correspondence from Members to persons or bodies outside of the Council shall be endorsed with the following wording (unless otherwise agreed by or on behalf of the Council):-

This letter is the personal responsibility of the writer; it has not been authorised by the Council and so nothing in this letter shall be taken as creating any legal or other obligation on the part of the Council.

28.0 Urgent Action by or on Behalf of Committees/Boards

- (1) If urgent action, which cannot await the next scheduled meeting, is necessary, such action may be taken by the Chief Executive or a Corporate Director or a Head of Service after consultation with the Chairman of the Committee, Board or relevant body holding the delegated power. The action and the reason for it will be reported in writing to the next meeting of the Committee or Board, etc. In addition such action will be reported on the TDC News unless it is the opinion of the relevant officer that to do so would be prejudicial to the interests of the Council and in that event an explanation of that opinion shall be reported to the appropriate Committee/Board, etc. The Democratic Services Manager shall keep a register of all such decisions and reasons which shall be open to inspection by Council Members during normal office hours.
- (2) In the absence of the Chairman the Vice-Chairman shall be authorised to act in his/her place.
- (3) The Democratic Services Manager shall ensure that a copy of every decision taken under this Rule is sent as soon as possible to the Chairman of each of the Council's Scrutiny Panels.

29.0 Use of mobile telephones during public meetings

- 29.1 Council Members, Officers and accredited journalists and members of the public must ensure that their mobile communications devices are switched to silent during all public meetings of the Council.

30.0 Audio and Visual recordings of Council Meetings

- 30.1 Audio or visual recordings shall be allowed in accordance with the "Protocol for Filming and Recording of Council meetings" which is included in Part 5 of this constitution.

Overview and Scrutiny Procedure Rules

1.0 What will be the Number of and Arrangements for Overview and Scrutiny Committees?

- (a) Unless the Council decides otherwise under Article 6, the Council will always have at least one Overview and Scrutiny Committee, which will perform all Overview and Scrutiny functions on behalf of the Council.

(NB. Scrutiny arrangements effective from 1st October 2002 are detailed in the Annex to Article 6.)

- (b) Unless otherwise provided in Article 6, the terms of reference of the Overview and Scrutiny Committee will be:

- (i) ~~the performance of to perform~~ all Overview and Scrutiny functions on behalf of the Council;
- (ii) ~~the to appointment of~~ such Sub-Committees and working parties as it considers appropriate to fulfil and assist with Overview and Scrutiny functions;
- (iii) to receive any reports from the Leader on the Cabinet's priorities for the coming year and its performance in the previous year;
- (iv) to approve an annual Overview and Scrutiny work programme, including the programme of any Sub-Committees it appoints so as to ensure that the Committee's and Sub-Committee's time is effectively and efficiently utilised;
- (v) where matters fall within the remit of more than one Overview and Scrutiny Sub-Committee, to determine which of those Sub-Committees will assume responsibility for any particular issue;
- (vi) to put in place a system to ensure that referrals from Overview and Scrutiny to the Cabinet either by way of report or for reconsideration are managed efficiently and do not exceed the limits set out in this Constitution;
- (vii) in the event of reports to the Cabinet exceeding limits in this Constitution, or if the volume of such reports creates difficulty for the management of Cabinet business or jeopardises the efficient running of Council business, at the request of the Cabinet, to ~~make decisions about the priority of~~ prioritise referrals made.

(NB. Current scrutiny arrangements are detailed in the Annex to Article 6.)

- (c) Any Overview and Scrutiny Committee may discontinue any Sub-Committee and/or appoint alternative or additional Sub-Committees. The Committee may also amend the terms of reference of any Sub-Committee as appropriate.
- (d) Where any Committee seeks to discontinue or appoint Sub-Committees, it may do so provided that it has consulted with interested parties, if appropriate. The extent and nature of consultation will depend on the nature of the proposed alterations. Any change will be reported to the proper officer and then to the next meeting of the Council by the Chairman of the Overview and Scrutiny Committee, so that the Constitution may be amended accordingly.

2.0 Who May Sit on Overview and Scrutiny Committees?

- (a) All Councillors except members of the Cabinet and the Chairman and Vice Chairman of Council are eligible to be members of an Overview and Scrutiny Committee.
- (b) Any Overview and Scrutiny Committee or Sub-Committee or Working Party shall be entitled to appoint up to three people who are not Members of the Council as non-voting co-optees.— If these co-optees are subject to a circumstance that would disqualify them from being a Councillor (such as being bankrupt), they would be ineligible to become a co-optee. However a co-optee would not need to fulfil the same qualification criteria as a Councillor of TDC in order to be a co-optee (i.e. that they lived or worked in the district). Such persons shall not be disqualified from being a Member of the Council (but need not be qualified to be a Member of the Council).
- (c) ~~The Committee, Sub-Committee or Working Party~~They shall also be entitled to appoint up to three additional Members of the Council from among those members who are eligible to assist with their work where those additional members are considered to have particular skills, knowledge or experience relevant to the matter assigned to the Sub-Committee or Working Party. Such additional Members shall not be entitled to vote ~~on matters arising~~.

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3.0 Scrutiny Requirements

- (a) No member, co-optee or additional member may be involved in scrutinising a decision in which he/she has ~~been directly involved~~made.
- (b) Co-optees shall be required to declare any interest, pecuniary or otherwise, as if they were a Member of the Council.
- (c) Co-optees shall comply with the Council's Rules.

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4.0 Meetings of the Overview and Scrutiny Committee

There shall be at least 6 ordinary meetings of each Overview and Scrutiny Committee ~~and of each standing Sub-Committee~~ in each year and the total number of meetings shall be determined by the Chairman of that Committee, in conjunction with Officers-. In addition, extraordinary meetings may be called from time to time as and when appropriate. An Overview and Scrutiny Committee meeting may be called by the Chairman of the relevant Overview and Scrutiny Committee, by any 5 members of the Committee or by the proper officer if he/she considers it necessary or appropriate.

5.0 Quorum

The quorum for an Overview and Scrutiny Committee shall be as set out in the Council Procedure Rules in Part 4 of this Constitution.

The quorum for a Sub-Committee or Working Party shall be one-half of the membership provided that a quorum shall never be less than two.

6.0 Who Chairs Overview and Scrutiny Committee Meetings?

- (a) Any Overview and Scrutiny Committee will be Chaired by a Councillor in accordance with the Council Procedure Rules.
- (b) Chairmen of Overview and Scrutiny Sub-Committees and working parties will be drawn from among the Councillors sitting on the Sub-Committee or

Working Party and subject to this requirement the Sub-Committee or Working Party may appoint such a person as it considers appropriate as Chairman.

7.0 Work Programme

Any Overview and Scrutiny Committee will be responsible for setting their own work programme and in doing so they shall take into account wishes of members on that Committee who are not members of the largest political group on the Council.

NB. In order to allow sufficient time to adequately consider the development of the budget framework, the relevant scrutiny panel should normally ensure that any necessary Budget Working Parties are established or other arrangements made by mid-September in each year.

8.0 Agenda Items

~~(a)~~ (a) Any member of an Overview and Scrutiny Committee or Sub-Committee shall be entitled to give notice to the ~~Democratic Services and Scrutiny Committee Services~~ Manager that he/she wishes an item relevant to the functions of the Committee or Sub-Committee to be included on the agenda for the next available meeting of the Committee or Sub-Committee.

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(b) In addition, any member of the Council shall be entitled to give notice to the ~~Democratic Services and Scrutiny Committee Services~~ Manager that he/she ~~wished~~ wishes a local government matter to be included on the agenda for the next available meeting of the Committee ~~PROVIDED~~ provided such notice complies with the requirements of any protocol from time to time adopted by the Council regulating the exercise of such right.

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(c) On receipt of such a request not later than two weeks prior to the meeting in question identifying the subject matter and briefly stating the reasons why it is suggested it is an appropriate subject (or in the case of a local government matter briefly stating the steps that have already been taken to try to resolve the matter in question and why such steps have been unsuccessful) the ~~Democratic Services and Scrutiny Committee Services~~ Manager will ensure that it is included on the next available agenda and copy the same as soon as practicable to the Chairman of the Committee for information.

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9.0 Policy Review and Development

(a) The role of the relevant Overview and Scrutiny Committee in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.

(b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework the relevant Overview and Scrutiny Committee may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.

(c) The relevant Overview and Scrutiny Committee may hold inquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings,

commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so, as determined by the Chairman of the Overview and Scrutiny Committee in consultation with the Monitoring Officer.

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10.0 Reports from Overview and Scrutiny Committees

- (a) Once it has formed recommendations on proposals the relevant Overview and Scrutiny Committee will prepare a formal report and submit it to the proper officer for consideration by the Cabinet (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (eg, if the recommendation would require a departure from or a change to the agreed budget and policy framework).
- (b) The Council or Cabinet shall consider the report of any Overview and Scrutiny Committee within 6 weeks of it being submitted to the proper officer.

11.0 Making Sure that Overview and Scrutiny Reports are Considered by the Cabinet

11.1—Once an Overview and Scrutiny report on any matter which is the responsibility of the Cabinet has been completed, it shall be included on the agenda of the next available meeting of the Cabinet, unless the matter which is the subject of the report is scheduled to be considered by the Cabinet within a period of 6 weeks from the date the report was adopted by the Overview and Scrutiny Committee. In such cases, the report of the Overview and Scrutiny Committee shall be considered by the Cabinet when it considers that matter. If for any reason the Cabinet does not consider the Overview and Scrutiny report within 6 weeks then the matter will be referred to Council for review, and the proper officer will call a Council meeting to consider the report and make a recommendation to the Cabinet. The Cabinet should provide their response to such a report from the Overview and Scrutiny Panel in writing.

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11.2 Where an Overview and Scrutiny Committee prepares a report for consideration by the Cabinet in relation to a matter where an individual member of the Cabinet has delegated decision making power, then the Overview and Scrutiny Committee will submit a copy of their report to that individual for consideration.

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11.2.1 At the time of doing ~~b) so~~, the Overview and Scrutiny Committee shall serve a copy the report on the proper officer and the Leader (unless it is the Leader who has the delegated decision making power). If the member with delegated decision making power does not accept the recommendations of the Overview and Scrutiny Committee then he/she must then refer the matter to the next available meeting of the Cabinet for debate before exercising his/her decision making power and responding to the report in writing to the Overview and Scrutiny Committee.

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11.2.2 The Cabinet member to whom the decision making power has been delegated will respond to the Overview and Scrutiny Committee within 6 weeks of receiving it. A copy of his/her written response to it shall be sent to the proper officer and he/she may attend a future meeting to respond.

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11.3 Not more than 6 reports in any three-month period may be submitted by any Overview and Scrutiny Committee to the Cabinet.

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11.4 Any Overview and Scrutiny Committee will in any event have access to the Cabinet's forward plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from the Overview and Scrutiny Committee following a consideration of possible policy/service developments, the Committee will at least be able to respond in the course of the Cabinet's consultation process in relation to any key decision.

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12.0 Rights of Overview and Scrutiny Committee Members to Documents

In addition to their rights as Councillors, members of Overview and Scrutiny Committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution. Nothing in this paragraph prevents more detailed liaison between the Cabinet and any Overview and Scrutiny Committee as appropriate depending on the particular matter under consideration.

13.0 Members and Officers Giving Account

(a) Any Overview and Scrutiny Committee or a Sub-Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Cabinet, the Head of Paid Service and/or any senior officer to attend before it to explain in relation to matters within their remit:

- (i) any particular decision or series of decisions;
- (ii) the extent to which the actions taken implement Council policy; and/or
- (iii) their performance.

and it is the duty of those persons to attend if so required.

(b) Where any member or officer is required to attend an Overview and Scrutiny Committee or Sub-Committee under this provision, the Chairman will inform the proper officer. The proper officer shall inform the member or officer in writing giving reasonable notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee or Sub-Committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

(c) Where, in exceptional circumstances (as determined by the Chairman of the Overview and Scrutiny Panel), the member or officer is unable to attend on the required date, then the Chairman of the Overview and Scrutiny or Sub-

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Committee shall in consultation with the member or officer arrange an alternative date for attendance.

14.0 Attendance by Others

- (a) An Overview and Scrutiny Committee or Sub-Committee may invite people other than those people referred to in paragraph 13 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend.
- (b) Working parties may invite attendance by those mentioned in 13 and 14 (a) above.

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15.0 Call-In

- (a) Call-in should only be used in exceptional circumstances, for example, where members of the appropriate Overview and Scrutiny Panel have evidence which suggests that the Cabinet did not take the decision in accordance with the principles set out in Article 13 (Decision Making).
- (b) When a decision is made by the Cabinet, an individual member of the Cabinet or a Committee of the Cabinet, or a key decision is made by an officer with delegated authority from the Cabinet, or an area Committee or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within 2 days of being made. The Chairman of the relevant Overview and Scrutiny Panel will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.
- (c) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless the relevant Overview and Scrutiny Panel objects to it and calls it in.
- (d) During that period, the proper officer shall call-in a decision for scrutiny by the Panel if so requested in writing (including e-mail) specifying the decision in question with a brief statement of reasons for the call-in by the Chairman or any five members of the Panel (who shall not all be from the same political group), and shall then notify the decision-taker in writing of the call-in.
- (e) If a decision is called-in then a meeting of the Overview and Scrutiny Panel must be called within 15 calendar working? days of the decision to call in, unless the Leader of the Council (or the Deputy Leader in the Leaders absence) and the Chairman of the Overview and Scrutiny Panel have agreed that the call-in may take place at the next scheduled meeting of the Overview and Scrutiny Panel.

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~~(e)~~(f) The decision notice and the report underpinning the decision will be made available, to the Panel but no witnesses (other than persons who reported directly to the decision maker) will be called in respect of the call-in.

(f) If, having considered the decision, the Panel is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns ~~or refer the matter to full Council~~. If referred to the decision maker they shall then reconsider within a further 15 working days from the date of the meeting, amending the decision or not, before adopting a final decision.

(g) If it has not been agreed to consider the objection at the next scheduled meeting of the Overview and Scrutiny Panel, but the Panel does not hold a valid meeting within the 15 ~~working?calendar~~ day period (as set out in (e) above), or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the expiration of that period or the date of the Overview and Scrutiny meeting, whichever is the earlier.

(h) If it has been agreed to consider the objection at the next scheduled meeting of the Overview and Scrutiny Panel (as set out in (e) above), but the Panel does not meet, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the scheduled Overview and Scrutiny meeting at which it was due to be considered.

(i) If the ~~matter~~ Call-In function is referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective on the date of the Council Meeting.

(j) However, if the Council does object to a decision which has been made, it has no ~~locus power~~ to make decisions in respect of a Cabinet decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it.

(k) Where the decision was taken by the Cabinet as a whole or a Committee of it, a meeting will be convened to reconsider within 15 working days of the Council meeting. Where the decision was made by an individual, the individual will reconsider within 15 working days of the Council meeting.

(lj) If the Council does not meet within 15 working days of the day on which the matter was referred to full Council the decision will become effective on the expiry of that period.

(mk) Where a Cabinet decision has been taken by an area Committee then the right of call-in shall extend to any other area Committee which resolves to refer a decision which has been made but not implemented to a relevant Overview and Scrutiny Panel for consideration in accordance with these provisions. An area Committee may only request the proper officer to call-in the decision if it is of the opinion that the decision will have an adverse effect on the area to which it relates. All other provisions relating to call-in shall apply as if the call-in had been exercised by members of a relevant Overview and Scrutiny Panel.

Call-in and urgency

(ln) The call-in procedure set out above shall not apply where the decision being taken by the Cabinet is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public, shall state whether, in

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the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in.

(o) The Chairman of the Council must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chairman, the Vice-Chairman's consent shall be required. In the absence of both, the Head of Paid Service or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

(DFF) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

16.0 The Party Whip

When considering any matter in respect of which a member of an Overview and Scrutiny Committee, Sub-Committee or Working Party is subject to a party whip the member must declare the existence of the whip, and the nature of it before the commencement of the Committee, Sub-Committee or Working Party's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

17.0 Procedure at Overview and Scrutiny Committee Meetings

- (a) Overview and Scrutiny Committees shall consider the following business:
- (i) minutes of the last meeting;
 - (ii) declarations of interest (including whipping declarations);
 - (iii) consideration of any matter referred to the Committee for a decision in relation to call-in of a decision;
 - (iv) responses of the Cabinet to reports of the Overview and Scrutiny Committee; and
 - (v) the business otherwise set out on the agenda for the meeting.
- (b) Where any Overview and Scrutiny Committee conducts investigations (eg, with a view to policy development), the Committee may also ask people to attend to give evidence at Committee meetings which are to be conducted in accordance with the following principles:
- (i) that the investigation be conducted fairly and all members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
 - (ii) that those assisting the Committee by giving evidence be treated with respect and courtesy; and
 - (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- (c) Following any investigation or review, the Committee shall prepare a report, for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public unless involving confidential or exempt information.

- (d) These rules shall apply to Sub-Committees and working parties. Their reports shall be referred to the Committee in the first instance.

18.0 Confidential and Exempt Information

Until reported to any Overview and Scrutiny Committee, the work of any Sub-Committee or Working Party dealt with when the public have been excluded from the meeting shall be treated as being subject to a requirement not to disclose the same in any way to any third party, unless there is a legal requirement to disclose such information. [For the purposes of this rule a "third party" shall not include any Member or officer of the Council nor any person co-opted as a member of a Sub-Committee or Working Party.]

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Petitions from the public

1.0 Paper petitions can be sent to:

Democratic Services and Scrutiny Manager
Thanet District Council
PO Box 9
Cecil Street
CT9 1XZ

Petitions can also be presented to a meeting of the Council. Dates and times can be found at www.thanet.gov.uk

This scheme sets out thresholds for responding to petitions, as follows:

1. Ordinary petitions - those petitions signed by 25 or more petitioners but fewer than 650 will be presented to Council and referred to the Cabinet or another appropriate committee without debate, for report to the Council within three ordinary meetings.

2. Petitions signed by 650 or more petitioners, but fewer than 1,000, will be considered at a meeting of the Overview and Scrutiny Panel, and, the petitioner will have the option to have a named officer attend the meeting to give evidence.

3. Petitions signed by 1,000 or more petitioners will be debated at a meeting of Council, unless:

(a) the petitioner has already exercised the above option to request that a named officer attends, in which case it will be considered at a meeting of the Overview and Scrutiny Panel or

(b) the petition relates to an issue for which the executive has responsibility and Council decides, following presentation of the petition, to refer it to Cabinet without debate. In such a case, the person who presents the petition at the Council meeting will be able to re-present the petition at the subsequent meeting of Cabinet at which the petition is considered.

1.1 What are the guidelines for submitting a petition?

Petitions submitted to the Council must include:

- A clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take
- The name and address and signature of any person supporting the petition.

A petition proforma for paper petitions that will help you to collect the correct information is available to download on the Council's website at www.thanet.gov.uk.

If a petition has 25 or more, but less than 650, signatories, it must be submitted 10 working days in advance of a Council meeting in order for it to be considered at that meeting.

If a petition has 650 or more, but less than 1,000, signatories or has 1,000 or more signatories but requests that an officer gives evidence at an Overview and Scrutiny Panel meeting it must be submitted to the Council at least 25 working days in advance of a meeting of the Overview and Scrutiny Panel in order for it to be considered at that meeting.

If a petition has 1,000 or more signatures and does not request that an officer gives evidence to the Overview and Scrutiny Panel meeting it must be submitted at least 25 working days in advance of a Council meeting in order for it to be considered at that meeting.

If the deadlines are not met in paragraphs above, the petition submitted will be not be considered until the subsequent meeting of either Council or the Overview and Scrutiny Panel (as appropriate).

To be valid Petitions must be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be disclosed. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.

Petitions which the Monitoring Officer in consultation with the Leader of the Council and the Chairman of the Overview and Scrutiny Panel consider to be vexatious, abusive, otherwise inappropriate or substantially the same as one already received within the preceding twelve months will not be accepted and the reasons for this will be explained in our acknowledgement of the petition. The test that should apply in such circumstances would be the same as that used for Freedom of Information requests i.e. 'Is the request likely to cause distress, disruption or irritation without any proper or justified cause'.

In addition if the petition applies to a planning or licensing application, these may be rejected by the Monitoring Officer alone. ~~In addition~~ Also if the petition is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as Council tax banding and non-domestic rates, other procedures apply. Further information on all these procedures and how you can express your views is available here www.thanet.gov.uk.

Further to the above, the Monitoring Officer will also reject a petition if the matter has already been or is currently subject to an existing consultation exercise. In such a case the petition will be forwarded to the officer responsible for that consultation exercise and considered as part of that process.

If the Council receives a petition that is rejected because it is substantially similar to, or counter to, one already received and the original petition has not yet been presented to a Council meeting, then Democratic Services will ensure that the Council meeting that considers the original petition will be made aware of the existence of the rejected petition.

If the Council receives a petition, but it is rejected for any of the reasons outlined within this scheme, then the grounds for rejecting that petition must be reported to the next available meeting of the Overview and Scrutiny Panel.

In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss

the revised timescale which will apply. If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

1.2 What will the Council do when it receives my petition?

An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. The petition will also be published on our website

If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition needs more investigation, we will tell you the steps we plan to take. Otherwise, if the petition can be presented at a Council or Overview and Scrutiny Panel meeting because it falls into one of the categories described in the introduction to this scheme, we will advise you of the date of the meeting, where the meeting will take place, and what you can expect to happen at the meeting.

Further, if your petition has 1,000 or more signatures and relates to an issue for which the executive (Cabinet) has responsibility, we will let you know. Council is unable to take a decision on something that is the responsibility of the executive and may, therefore, decide, following presentation of the petition at the Council meeting, to refer the petition to Cabinet with or without debate. If the petition is referred to Cabinet without debate, you will be able to re-present the petition at the subsequent meeting of Cabinet at which the petition is considered. We will inform you of the date of that Cabinet meeting and what you can expect to happen when you attend to make your presentation.

We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate as determined above.

When we receive a paper petition we will inform relevant Ward Councillor(s) if it is about a specific issue relevant to one or more Wards, or if your petition affects the whole of Thanet then we will inform all of our Councillors.

1.3 How will the Council respond to petitions?

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a committee meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners

- referring the petition for consideration by the Overview and Scrutiny Panel*
- writing to the petition organiser setting out our views about the request in the petition
- requiring a Senior Officer to attend a meeting of the Overview and Scrutiny Panel to give evidence*
- Holding a debate at that full Council meeting

* The Overview and Scrutiny Panel is a committee of Councillors who are primarily responsible for scrutinising the work of the Council in other words, the overview and scrutiny panel has the power to hold the Council's decision makers to account.

In addition to these steps, the Council will consider all the specific actions it can potentially take on the issues highlighted in a petition.

If your petition is about something over which the Council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The Council works with a large number of local partners and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with Council policy), then we will set out the reasons for this to you. You can find more information on the services for which the Council is responsible at www.thanet.gov.uk.

If your petition is about something that a different Council is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other Council, but could involve other steps. In any event we will always notify you of the action we have taken.

The Council will publish on its website the results of petitions with 25 or more signatories.

Total time devoted to the consideration of Petitions at any single Council meeting will not exceed 30 minutes in total. If there are insufficient petitions to fill the time allocated then Council business shall proceed automatically.

The order of reports on petitions received shall be printed within the agenda papers in the order in which they were received by the Council.

1.4 Smaller Petitions

If a petition has 25 or more, but less than 650, signatories it will be presented to Council and referred to the Cabinet or another appropriate committee without debate, for report to the Council within three ordinary meetings. The report will include the number of signatories providing a Thanet address and the number providing an outside of Thanet address.

The petition organiser will be offered three minutes to present the petition at the meeting.

1.5 Officer evidence

If your petition contains 650 or more, but less than 1,000, signatures, or contains 1,000 or more signatures and specifically requests officer evidence, the Chief Executive, Director, Head of Service or 3rd tier Manager will give evidence at a public meeting of the Overview and Scrutiny Panel.

The petition organiser will be offered five minutes to present the petition at the meeting and the petition will then be discussed by Councillors. The accompanying report will include the number of signatories providing a Thanet address and the number providing an outside of Thanet address.

You should be aware that the Overview and Scrutiny Panel may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition. The Panel may also decide to call the relevant Councillor Portfolio Holder to attend the meeting. Panel members will ask the questions at this meeting, but you will be able to suggest questions to the chair of the committee by contacting the Chairman of the Overview and Scrutiny Panel up to three working days before the meeting. Confirmation of an officer giving evidence at a public meeting of the Overview and Scrutiny Panel will also be published on our website.

When the Overview and Scrutiny Panel considers a petition it will make a report back to the next available (ordinary) Council meeting.

1.6 Full Council debates

If a petition contains 1,000 or more signatures it will be debated by the Council unless it falls into the categories described at paragraphs (a) and (b) below. The report will include the number of signatories providing a Thanet address and the number providing an outside of Thanet address.

This means that the issue raised in the petition will be discussed at a meeting which all Councillors can attend. Council will endeavour to consider the petition at the meeting following receipt of a petition, although on some occasions this may not be possible and consideration will then take place at the following meeting.

The petition organiser will be offered five minutes to present the petition at the meeting and the petition will then be discussed by Councillors.

Council will then decide how to respond to the petition at that meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one on which the Council executive are required to make the final decision, the Council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

Exceptions:

- (a) if a petition with 1,000 or more signatures asks for a senior Council officer to give evidence at a public meeting, it will be considered by the Overview and Scrutiny Panel, as described at Clause 1.5 above;

- (b) If the petition with 1,000 or more signatures relates to an issue for which the executive (Cabinet) has responsibility, it may following presentation be referred by Council to Cabinet without debate.

1.7 Re-presentation of petitions at meetings of Cabinet

If a petition with 1,000 or more signatures that relates to an issue for which the executive (Cabinet) has responsibility is referred by Council to Cabinet without debate, the person who presents the petition at the meeting of Council will be able to re-present it at the subsequent meeting of Cabinet at which it is considered and will have up to five minutes to do so.

1.8 What can I do if I feel my petition has not been dealt with properly?

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the Overview and Scrutiny Panel review the steps that the Council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the Council's response is not considered to be adequate.

The Panel will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the Panel determine we have not dealt with your petition, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Council executive and arranging for the matter to be considered at a meeting of the full Council.

Once the appeal has been considered the petition organiser will be informed of the results within five working days. The results of the review will also be published on our website.

2.0 E Petitions

The council welcomes e-petitions which are created and submitted through our website www.thanet.gov.uk. E-petitions must follow the same guidelines as paper petitions as outlined above. The petition organiser will need to provide us with their name and email address.

You will also need to decide how long you would like your petition to be open for signing.

When you create an e-petition, it may take five working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for the public to sign. If we feel we cannot publish your petition for some reason, we will contact you within this time to explain why this is the case. You will then be able to change and resubmit your petition if you wish.

When an e-petition has closed for signing, it will automatically be submitted to Democratic Services In the same way as a paper petition, you will receive an acknowledgement within 10 working days. It will let you know what we plan to do with the petition and when you can expect to hear from us again.

If you would like to present your e-petition to a meeting of the council, please contact Democratic Services and they will advise you how to do this.

If your e-petition reaches one of the Council's thresholds as set out in para 1.0 above, we will inform the relevant Ward Councillor(s) if it is about a specific issue relevant to one or more Wards, or if your petition affects the whole of Thanet then we will inform all of our Councillors.

2.1 How do I 'sign' an e-petition?

You can see all the e-petitions currently available for signature at www.thanet.gov.uk.

When you sign an e-petition you will be asked to provide your name, postal address and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your 'signature' will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it, but your contact details will not be visible.

2.2 Can I run an e-petition and a paper petition at the same time?

Yes, you can run an e-petition and a paper at the same time, but there are a number of rules that you must adhere to.

The clear and concise statement covering the subject of the petition stating what action the petitioners wish the Council to take, often known as the "petition prayer", must be identical for both your e-petition and paper petition. If they are not then they would be treated as separate petitions.

The end date of your e-petition and the date that you submit your paper petition must be the same, if not then they would be treated as separate petitions.

It is important to note that any petition treated as "separate" because of failure to comply with the above two rules would almost certainly be ruled out on the "substantially similar" to a previous petition rule outlined in paragraph 1.1 of this scheme.

The number of signatories to both the e-petition and to the paper petition would then be reported separately but within the same report to either a Council meeting or a meeting of the Overview and Scrutiny Panel. The Council will take a course of action based on the largest threshold met by either petition.

For example, if the Council received an e-petition with 250 signatures and an accompanying paper petition with 1,500 then the Council would treat the petition as reaching the threshold for a debate at Council. The report to Council would state the number of signatories to both the e-petition and the paper petition, but it would not add them together.

Members' Allowances Scheme

Members' Allowances Scheme 2015/2016

Introduction

- 1.1 This scheme is made in exercise of the powers conferred by The Local Authorities (Members' Allowances) (England) Regulations 2003 and of all other enabling powers, the Council having had regard to the recommendations made to it by an independent remuneration panel.
- 1.2 This scheme shall take effect on and from the 1 April 2015 and shall remain effective for the purposes of the determination and payment of any allowances to Members until it is next reviewed by Council.
- 1.3 Where a Member of the Council is also a Member of another authority, that Member may not receive allowances from more than one authority in respect of the same duties.
- 1.4 This scheme shall be construed in accordance with the meanings contained within the above Regulations.

Basic Allowance

- 1.5 The annual entitlement to Basic Allowance for each Member is the amount detailed in **Schedule 1**.

Special Responsibility Allowance

- 1.6 The annual entitlement to a Special Responsibility Allowance for each Member having a special responsibility is the relevant amount in relation to that responsibility detailed in **Schedule 1**.
- 1.7 Where a Member would otherwise be entitled to claim more than one Special Responsibility Allowance only one shall be payable, normally the higher unless the member gives notice in writing to the Democratic Services and Scrutiny Manager that he or she wishes to receive the lower.
- 1.8 Where Members of the Council are divided into at least two political groups and a majority belong to the same political group a Special Responsibility Allowance shall be paid to at least one person who is not a member of the controlling group.

Dependants' Carers' Allowance

- 1.9 Members are entitled to claim Dependants' Carers' Allowance for expenses necessarily incurred in arranging care on account of any 'Approved Duty'. The current allowance is included in **Schedule 1**.
- 1.10 The definition of a dependant for the purpose of payment of this allowance is that used in S57A (3) of the Employment Rights Act 1996. This is a spouse or partner, a child, a parent, a person who lives in the same household but who is not an employee, tenant, lodger or boarder.
- 1.11 Additionally the secondary carer must not be a member of the claimant's immediate family i.e. spouse or partner, other children of the Member or the Member's spouse or any member of the Member's family who lives at the same address as the

Member. Nor can it be an employee, tenant, lodger or boarder who lives at that address.

- 1.12 Payment of Dependants' Carers' Allowances will be on the production of invoices and is limited to no more than one hundred hours per quarter. [**Note:** To avoid excess administration in processing claims, these should be submitted on a quarterly basis.]

Travelling and Motor Mileage Allowances

- 1.13 Members will be reimbursed car mileage only from their home to place of duty and return in respect of attendance at Approved Duties, or as the Council's representative, in accordance with the rates set out in **Schedule 1**.
- 1.14 If a Member visits the vicinity of the place of duty for some other purpose and then goes directly to the approved duty, a claim should not be made.
- 1.15 Subject to paragraph 1.16 below, for journeys outside the District, car mileage reimbursement will be capped at the cost of an equivalent journey by public transport (meaning the standard open rail fare together with reasonable taxi/bus fares, parking charges and underground fares incurred, or which would have been incurred if the Member had travelled by public transport). If, however, the costs of an equivalent journey by public transport equals or exceeds car mileage costs, full mileage costs will be reimbursed.
- 1.16 Notwithstanding that the cost of car mileage reimbursement would exceed the cost of an equivalent journey by public transport, a Member will nevertheless be entitled to claim mileage for out of district travel:-
- (i) If he or she car shares with either an officer or one or more members, any of whom would have been entitled to make a mileage claim had they travelled independently; or
 - (ii) If the Democratic Services and Scrutiny Manager agrees in writing that the meeting, seminar, conference, event, presentation, service or other approved duty that necessitated the journey was not reasonably practical to make by public transport due to any or a combination of the following factors:-
 - the distance from the members home to the nearest railway station;
 - the location of the meeting;
 - the start or finish time of the meeting;
 - the amount of luggage to be taken; and
 - the overall journey time on public transport compared to travel by car
- 1.17 The written agreement of the Democratic Services and Scrutiny Manager under paragraph 1.16 above should normally be sought in advance of the intended journey but in exceptional circumstances may be obtained subsequently. In addition, where it is likely that a Member will be travelling to the same destination one more than one occasion, the Democratic Services & Scrutiny Manager shall be entitled to give the Member his agreement in writing to all such journeys.
- 1.18 Travelling and motor mileage allowances may be payable for attendance at any

official meetings of the Council to which members of more than one party are invited to attend and also for representation on those bodies included in **Schedule 2**.

Subsistence

- 1.19 Payment of subsistence allowances in connection with any approved duty shall be in accordance with the provisions, including the maximum amounts payable, set out in **Schedule 1**.

Explanation of "Approved Duty"

- 1.20 Approved Duties comprise the following:-
- a) a meeting of the authority or of any committee or sub-committee of the authority, or of any other body to which the authority makes appointments or nominations, or of any committee of such a body;
 - b) any other meeting, the holding of which is authorised by the authority, or a committee or sub-committee of the authority, or a joint committee of the authority and one or more other authorities, or a sub-committee of such a joint committee, provided that –
 - i) where the authority is divided into two or more political groups, it is a meeting to which members of at least two such groups have been invited, or
 - ii) if the authority is not so divided, it is a meeting to which at least two members of the authority have been invited;
 - c) a meeting of any association of authorities of which the authority is a member.
 - d) the carrying out of any other duty approved by the Council, or any duty of a class so approved, for the purpose of or in connection with the discharge of the functions of the Council or any of its committees or sub committees. [Attendances at meetings of the bodies listed in Schedule 2 have been approved.]
 - e) There is also a general duty permitting the Leader or nominated deputy to represent the Council at formal meetings not specified elsewhere, with other authorities, official bodies or agencies for the purposes of any function of the Council, but excluding meetings organised by private individuals or commercial organisations.
- 1.21 Scrutiny Panel Members attending meetings of the Cabinet and the Non-Executive Functions Committee are entitled to claim travelling allowance and any Member speaking on an issue relevant to their Ward at a meeting of the Cabinet with the consent of the Leader or in accordance with Council rules is also entitled to claim travelling allowance.
- 1.22 If any Overview or Scrutiny Panel requires a Member of the Cabinet to attend before it in relation to matters within that Member's remit, then that Member is entitled to claim travelling expenses.
- 1.23 Where Cabinet Members attend non-executive meetings to observe only this is not deemed to be an approved duty and travelling expenses will not be paid.
- 1.24 Where any Member attends any Committee to speak on an item with the Chairman's consent, this attendance will be an approved duty for payment of travelling expenses.
- 1.25 Members are entitled to claim travelling expenses for Committee briefings and for all Partnership meetings or Chairman and Vice-Chairman meetings with the Lead Officer and these meetings are therefore approved duties.

- 1.26 This Scheme does not allow for travelling expenses to be paid to individual Members arranging meetings with officers as this is deemed to be part of the Member's role and Members' allowances paid are calculated to reflect these extra duties.
- 1.27 For any other ad hoc briefings e.g. on major developments, Members from all political groups with in excess of 5 Members will need to be invited to these briefings in order for travelling allowances to be paid.
- 1.28 No allowance shall be payable if such payment would be contrary to provision made by or under any enactment.
- 1.29 Members who attend committee meetings of which they are not a member (under Council Procedure Rule 24(1)) shall be entitled to claim travelling expenses.
- 1.30 Co-opted and Independent members shall be treated as Members of the Council for the purposes of Approved Duties.

Renunciation

- 1.31 A Member may, by notice in writing given to the Democratic Services and Scrutiny Manager, elect to forego any part of his/her entitlement to an allowance under this scheme.

Part Year Entitlements

- 1.32 The provisions of this paragraph shall have effect to regulate the entitlements of a Member to Basic and Special Responsibility Allowances where in the course of the year
- The Scheme is amended; or
 - That Member becomes, or ceases to be, a Member, or
 - He/she accepts or relinquishes a special responsibility in respect of which a Special Responsibility Allowance is payable
- 1.33 If an amendment, or amendments, to this scheme change(s) the amount of the Basic Allowance or a Special Responsibility Allowance to which a Member is entitled, then for each period in a particular year during which the relevant amounts are applicable, the entitlement to such allowance(s) shall be calculated on the basis of the equivalent daily rate(s) that is/are applicable to the relevant periods.
- 1.34 Where the term of office of a Member begins or ends at any time other than at the beginning or end of a year, the entitlement of that Member to a Basic Allowance shall be calculated on the basis of the equivalent daily rate that is applicable to the relevant period.
- 1.35 Where both:
- this Scheme is amended as described in sub-paragraph 1.32; and
 - the term of office of a Member begins and/or ends as described in paragraph 1.33; then
 - the entitlement of any such Member to a basic allowance shall be calculated on the basis of the equivalent daily rate that is applicable to the relevant periods.
- 1.36 Where a Member has during part of, but not throughout, a year such special

responsibilities as entitle him/her to one or more Special Responsibility Allowances, that Member's entitlement shall be calculated on the basis of the equivalent daily rate(s) that is/are applicable to the relevant periods.

- 1.37 Where this scheme is amended as mentioned in paragraph 1.32 and a Member has during part, but does not have throughout the whole, of any period mentioned in paragraph 1.33 any such special responsibilities as entitle him/her to one or more Special Responsibility Allowances, that Member's entitlements shall be calculated on the basis of the equivalent daily rate(s) that is/are applicable to the relevant periods.

Repayment and Withholding of Allowances

- 1.38 Where payment of any Basic Allowance or Special Responsibility Allowance has already been made ~~in respect of any period during which the Member concerned is suspended or partially suspended from their responsibilities or duties as~~ after a Member, ceases to be a Member of the Council or is in any other way not entitled to receive any such allowance in respect of that period, the Council may require that such part of the allowance as relates to any such period be repaid.

- ~~1.39 Where a Member is suspended or partially suspended from their responsibilities or duties as a Member, the part of Basic Allowance and/or Special Responsibility Allowance in respect of the period of suspension may be withheld by the Council as may any travelling or subsistence allowance in respect of such responsibilities or duties (and, for the avoidance of doubt, any of the same may be withheld if a Member ceases to be a Member of the Council or is in any other way not entitled to receive any such allowance).~~

Payments and Claims

- 1.40 Allowances will be paid in instalments of one-twelfth of the amounts specified in this scheme by BACS transfer on the 19th of the month, one month in arrears.
- 1.41 Where a payment of one-twelfth of the amount specified in this scheme in respect of a Basic Allowance or a Special Responsibility Allowance would result in the Member receiving more than the amount to which, by virtue of paragraph 1.33, he/she is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he/she is entitled.
- 1.42 Claims for Dependants' Carers' Allowances, Travel and Subsistence Allowances and Co-optee's Allowance (if applicable) shall be made within three months from the date on which an entitlement arises.
- 1.43 Nothing in the above paragraph shall prevent the Council from making a payment where an allowance is not claimed within that period.

Pensions

- 1.44 Any Member of Council that joined the Local Government Pension Scheme prior to 1 April 2014 may remain a member of the Scheme until such time as they cease being a Member of Thanet District Council. No Member of that Thanet District Council is entitled to join the Local Government Pension Scheme after 1 April 2014 in accordance with the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014.
- 1.45 In accordance with the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014, no Member of Thanet District Council is entitled to be a member of the Local Government Pension Scheme after 11 May 2015.

With effect from the 1st day of April 2015 pursuant to a resolution of the Thanet District Council passed on the 6 February 2015.

MEMBERS' ALLOWANCES SCHEME – 2015/2016

Basic Allowance

£4,570 each Member x 56 = £255,920

Special Responsibility Allowances

Position	Number	Allowance £	Possible maximum expenditure £
Executive			
Leader	1	18,082	18,082
Deputy Leader	1	10,776	10,776
Cabinet Portfolio Holder	4	7,990	31,960
Non-Executive			
Chairman of Council	1	2,188	2,188
Vice Chairman of Council	1	1,530	1,530
Opposition Group Leader	1	5,204	5,204
Opposition Deputy Group Leader	1	2,304	2,304
Shadow Cabinet	4	2,304	9,216
Overview and Scrutiny Committee Chairman	1	7,990	7,990
Overview and Scrutiny Committee Vice-Chairman	1	3,216	3,216
Planning Committee Chairman	1	5,204	5,204
Planning Committee Vice-Chairman	1	1,216	1,216
Licensing Committee Chairman	1	3,216	3,216
Licensing Committee Vice-Chairman	1	805	805
Governance and Audit Committee - Chairman	1	5,204	5,204
Governance and Audit Committee – Vice-Chairman	1	1,216	1,216
Standards Committee - Chairman	1	1,216	1,216

Position	Number	Allowance £	Possible maximum expenditure £
Standards Committee – Vice-Chairman	1	400	400
Standards Committee – other Independent Member	2	250	500
“Independent Person”	1	250	250
Substitute “Independent Person”	1	100	100
JTB Chairman	1	1,216	1,216
TOTAL SRAs only			113,009

Total basic + SRAs = £368,929

(1) Co-optees and "independent" Members shall be treated as Members of Thanet District Council for this purpose

Dependants' Carers' Allowances

An allowance for any approved duty of £6.50 per hour (*or the national minimum wage whichever is higher*) subject to the conditions set out in paragraph 4 of the 'Members' Allowances Scheme'.

Motor Mileage Allowance

Payable in accordance with the Mileage rates as set out in the TDC staff travel plan:

For the duration of this scheme the rates are as follows:

- (i) For journeys within the District (casual user rate)
21.69 pence per mile
- (ii) In exceptional circumstances and provided approval of the Democratic Services and Scrutiny Manager is obtained prior to the journey (see paragraph 1.16 of the Scheme) for journeys outside the District (essential user rate)
45 pence per mile*
- (iii) Journeys by rail outside the District
standard open class rail fare
- (iv) Cycling Allowance (HMRC Guidance)
20.4p per mile

* Normally for journeys outside of the district the equivalent of a standard open class rail will be paid.

Subsistence Allowances

Subsistence allowances will be payable to Members who are prevented by their official duties from taking a meal at their home, or place of work where they normally take their meals, and thereby incur additional expenditure. A Member will be required to submit receipts in order for reimbursement to be made.

Overnight Accommodation

Members who are required to make overnight stays in the performance of their official duties should, whenever possible, pre-book accommodation of an appropriate standard and obtain approval from the Head of Legal and Democratic Services. Arrangements should be made for an invoice to be submitted directly to the Council. If this is not possible, a detailed VAT receipt MUST be obtained to substantiate the claim.

Out of Pocket Expenses

Expenses are claimable if a Member is required to stay away from home overnight. They cover such items as newspapers and personal telephone calls.

Allowances payable as at 01/04/15

	Subsistence Allowances (£)	
Subsistence	Breakfast	7.36
	Lunch	10.17
	Tea	4.03
	Evening	12.59
	Meal	
Out of pocket expenses	Per night	5.73
	Per week	22.90

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RECORD OF COMPLAINTS

	COMPLAINT NO:	DATE	INVESTIGATE	COMPLAINANT	AGAINST	ALLEGATION / FINDING
	2015					
120	TDCSC120/15	08/01/2015	Investigation completed but councillor not re-elected. Closed.	TDC Councillors 11 Members of Public	TDC Councillor	Allegations regarding reported comments made by a councillor.
121	TDCSC121/15	24/04/2015	Councillor not re-elected. Closed.	Member of the Public	TDC Councillor	Allegation of non-response to enquiries made by a member of the public.
122	TDCSC122/15	19/05/2015	Other action-letter from the Monitoring Officer Closed	TDC Officer	TDC Councillor	Allegation regarding reported comments made by a councillor to a member of staff.
123	TDCSC123/15	03/06/2015	No further action. Closed	TDC Councillor	TDC Councillor	Allegation regarding comments posted on social media.
124	TDCSC124/15	06/08/2015	Open	Parish Councillor	Parish Councillor	Allegation regarding councillor's behaviour in public meeting.
125	TDCSC125/15	26/08/2015	No further action. Closed	Parish Councillor	Parish Councillor	Allegation regarding email communication and councillor's behaviour in public meeting.

RECORD OF COMPLAINTS

	COMPLAINT NO:	DATE	INVESTIGATE	COMPLAINANT	AGAINST	ALLEGATION / FINDING
	2015					
126	TDCSC126/15	03/09/2015	No further action. Closed	TDC Councillor	TDC Councillors	Allegations regarding behaviour in meeting.
127	TDCSC127/15	03/09/2015	No further action. Closed	Parish Councillor	Parish Councillor	Allegations regarding poor communication and bullying.
128	TDCSC128/15	16/09/2015	No further action- Letter from the Monitoring Officer Closed	Member of the public	TDC Councillor	Allegations regarding poor and inappropriate communication.
129	TDCSC129/15	24/09/2015	No further action. Closed.	Parish Councillor	Parish Councillor	Allegations of bullying and poor administration of council business.
130	TDCSC130/15	24/09/2015	No further action. Closed	Member of the public	Parish Councillor	Allegations regarding poor administration of council business.
131	TDCSC131/15	01/10/2015	No further action. Closed	TDC Councillor	TDC Councillor	Allegations regarding discrimination.
132	TDCSC132/15	01/10/2015	No further action –	TDC Councillor	TDC Councillor	Allegations regarding inappropriate communication with a member of the public.

RECORD OF COMPLAINTS

	COMPLAINT NO:	DATE	INVESTIGATE	COMPLAINANT	AGAINST	ALLEGATION / FINDING
	2015					
			Letter from the Monitoring Officer Closed			
133	TDCSC133/15	05/10/2015	Currently on hold Open	Member of the public	TDC Councillor	Allegations regarding aggressive behaviour towards another councillor and member of the public.
134	TDCSC134/15	27/10/2015	Closed	Parish Councillor	Parish Councillor	Allegations of rudeness and bullying.
135	TDCSC135/15	09/11/2015	Letter from the Monitoring Officer Closed	Member of the public	TDC Councillor	Allegations regarding post on social media.
136	TDCSC136/15	19/11/2015	Did not meet legal jurisdiction test. Closed	TDC Councillor	TDC Councillor	-
137	TDCSC137/15	03/12/2015	Open	TDC Councillor	Parish Councillor	Allegations of rudeness, bullying and sexism.
138	TDCSC138/15	03/12/2015	Open	Parish Councillor	Parish Councillor	Allegations of sexism.

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	COMPLAINT NO:	DATE	INVESTIGATE	COMPLAINANT	AGAINST	ALLEGATION / FINDING
	2016					
139	TDCSC139/16	08/01/2016	Open	Members of the Public	TDC Councillors	Allegations regarding poor and misleading communication
140	TDCSC140/16	11/01/2016	Open	Officer	TDC Councillor	Allegations of rudeness and inappropriate behaviour in front of members of the public.

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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.