

# Public Document Pack



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## CONSTITUTIONAL REVIEW WORKING PARTY

7 JANUARY 2016

A meeting of the Constitutional Review Working Party will be held at **10.00 am on Thursday, 7 January 2016** in the Austen Room, Cecil Street, Margate, Kent.

### Membership:

Independent Members: Dr Jonathan Sexton (Chairman) and Mrs Janet Bacon (Vice-Chairman);

Councillors: Hayton, Campbell, Elenor, Dixon, Jaye-Jones and Townend

## A G E N D A

Item  
No

Subject

1. **APOLOGIES FOR ABSENCE**

2. **DECLARATIONS OF INTEREST**

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

3. **MINUTES OF PREVIOUS MEETING**

To follow.

4. **SCHEME OF DELEGATIONS** (Pages 1 - 46)

5. **ARTICLE 14** (Pages 47 - 50)

Article 14 needs to be reviewed in light of the changes made to the scheme of delegations.

6. **PETITIONS SCHEME** (Pages 51 - 58)

To consider the amendment shown in track changes.

Item  
No

Subject

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

## Accompanying notes from Alex Hallam.

1. The Constitution Review Working Party has been removed from the formal committee structure. The reason for this is that its purpose is to receive and debate material that may in the future form the basis for a constitutional change but will generate a wide ranging debate and may go through a number of iterations before a firm proposal is agreed which does not lend itself to the more formal committee procedure. The outcome of the debate will eventually be prepared as a report to the Standards Committee and thereafter if approved to full Council recommending a change to the constitution. It is more usual practice in councils for these proceedings to be held in a working group rather than in a committee because this enables and facilitates a flexible and free flowing debate between those present. The element of public scrutiny is supplied by the opportunity for the report to be considered firstly in the Standards Committee and ultimately in the context of full Council and for this reason it is more appropriate for the processes leading up to the formal stages to be convened as a working party than as a formal committee.
2. The Constitution now includes the Leader's Scheme of Delegations; this has been included in the Constitution for ease of reference and in the interests of keeping relevant documents together but in essence is a matter for the Leader acting under his own delegations. It follows that its contents and framework are a matter for the Leader rather than for debate or approval and may be subject to change at any time. It is intended to be amended as necessary during each term of leadership and changes will be advised by Democratic Services as and when they are made.
3. It is recommended that when the full changes to the Constitution are agreed they are accompanied by some familiarisation and information sessions for officers and members to be advised of the changes and their practical application and for any clarification to be supplied. This may be particularly pertinent to the amended way of dealing with officer delegations.

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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 and 13.

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 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;
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

**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**

The Licensing Committee 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 Deal with any matter that is referred to it by an officer.

### **3. The Licensing Sub-Committee**

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

### 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).

2.3 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

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. Media Centre;
11. CCTV;
12. Engineering Services;
13. 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 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**

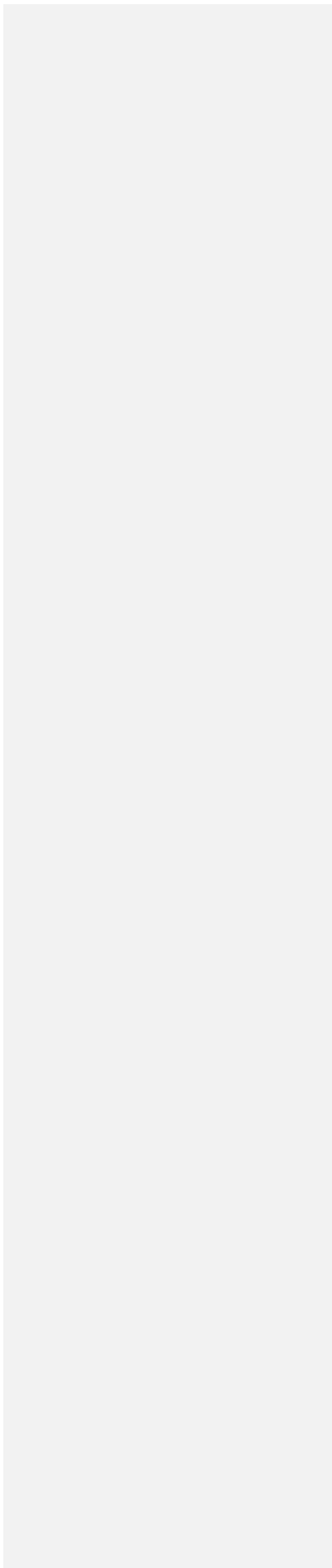
If an executive responsibility does not have to be carried out by the Cabinet, an individual Cabinet member or a Committee and no one has budgetary and management responsibility for it, the Leader will arrange for it to be carried out by the Cabinet, a Committee or an Officer.

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.
  - 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.

### **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**

### **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 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

**Comment [NH1]:** 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.

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>
3. National Non-Domestic Rate	<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><b>HR SERVICES</b></p> <p><b>Strategic HR Advice</b></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><b>Professional HR Advice and Information</b></p> <p>Case management and day to day ad hoc queries.</p> <p><b>Learning and Development</b></p> <p>Provide Corporate and Bespoke Training Service.</p> <p><b>Recruitment</b></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><b>Pre-employment checks</b></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><b>Appointment of new employees</b></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><b>Contractual amendments changes</b></p> <p>Production of contract variations and amendments to personnel record as required – both manual file and computerised (HR/Payroll system)</p> <p><b>Maintenance of employee records</b></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><b>Input to Development and Implementation of corporate/directorate policies</b></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><b>Sickness and Absence management</b></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><b>Support to Restructuring/ change management</b></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><b>Personnel Administration</b></p> <p>Issue notices and keep records of general correspondence on terms and conditions and pension notifications to groups of the workforce.</p> <p><b>Termination/Leavers</b></p> <p>Administration of necessary processes associated with termination of employment as per the agreed process.</p> <p><b>Advice and Information</b></p> <p>Respond to day to day ad hoc queries for advice regarding terms and conditions.</p> <p><b>Consultation Forums</b></p> <p>Attend the various staff consultation forums in each authority as agreed to provide advice and guidance.</p> <p><b>Compensation and Benefits</b></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><b>Health and Safety</b></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><b>Payroll</b></p> <p>Manage the delivery of the payroll services.</p> <p><b>Service to Members</b></p> <p>Provide a Payroll service and other services as agreed with East Kent Services Board.</p>	



## 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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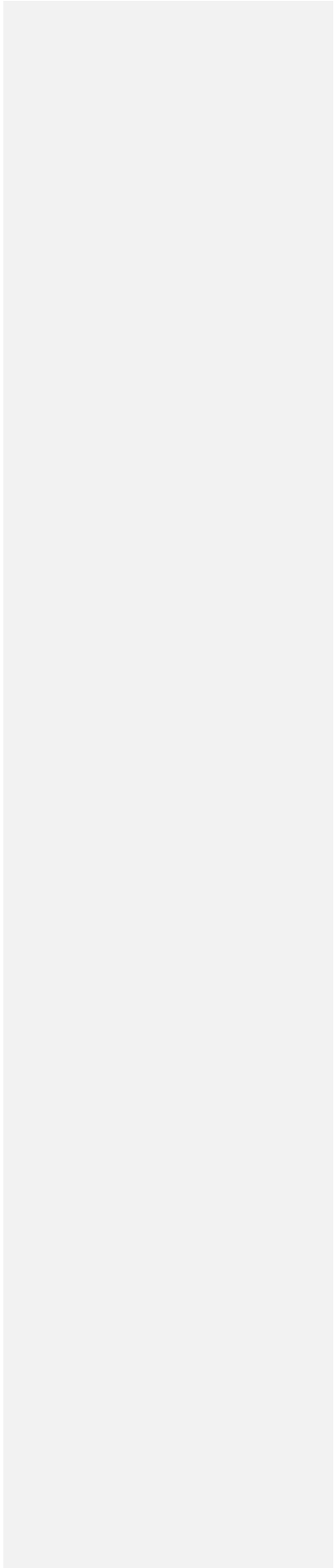
### 14.04 Authentication of documents

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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## 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](http://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](http://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](http://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](http://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](http://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](http://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.



## THANET DISTRICT COUNCIL DECLARATION OF INTEREST FORM

### Do I have a personal interest?

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

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

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

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

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

### When an exemption may be applied

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

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

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

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

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

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

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

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

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

**What if I am unsure?**

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

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

**MEETING** .....

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

**IS YOUR INTEREST:**

**PERSONAL**

**PERSONAL AND PREJUDICIAL**

**NATURE OF INTEREST:**

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

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

**SIGNATURE:** .....

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