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Date: **5 September 2016**
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STANDARDS COMMITTEE

13 SEPTEMBER 2016

A meeting of the Standards Committee will be held at **7.00 pm on Tuesday, 13 September 2016** in the Council Chamber, Cecil Street, Margate, Kent.

Membership:

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

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

Parish Councillors: Way and Wright

A G E N D A

Item
No

Subject

1. **APOLOGIES FOR ABSENCE**

2. **DECLARATIONS OF INTEREST**

3. **MINUTES OF PREVIOUS MEETING** (Pages 1 - 2)

To approve the Minutes of the meeting of Standards Committee held on **28 June 2016**, copy attached.

4. **SEALING OF DOCUMENTS** (Pages 3 - 6)

5. **STANDARDS COMPLAINT STATISTICS** (Pages 7 - 10)

Declaration of Interest form - back of agenda

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Public Document Pack Agenda Item 3

STANDARDS COMMITTEE

Minutes of the meeting held on 28 June 2016 at 7.00 pm in Council Chamber, Cecil Street, Margate, Kent.

Present: Dr Jonathan Sexton (Independent Chairman),

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

Parish Councillors: Way and Wright

In attendance: Mr Dennis James

119. APOLOGIES FOR ABSENCE

Apologies were received from Mrs Bacon, Independent Vice-Chairman.

120. DECLARATIONS OF INTEREST

Tim Howes, Director of Corporate Governance and Monitoring Officer declared an interest in agenda item 4 (Minute No.122 refers).

121. MINUTES OF PREVIOUS MEETING

It was proposed by Councillor Buckley, seconded by Councillor Tomlinson and AGREED that the minutes of the meeting of 19 April 2016 were a correct record and be signed by the Chairman.

122. MODIFICATION OF PRESCRIBED STANDING ORDERS RELATING TO THE DISMISSAL OF STATUTORY OFFICERS

Tim Howes, Director of Corporate Governance and Monitoring Officer, outlined his report.

The Chairman invited Committee Members' questions.

Councillor Buckley proposed, Councillor Johnston seconded and Members AGREED:

"To recommend the modification of prescribed standing orders relating to the dismissal of Statutory Officers to Full Council".

123. PILOT SCHEME FOR PUBLIC SPEAKING

Nick Hughes, Committee Services Manager outlined his report.

The Chairman invited Committee Members' questions.

Councillor Johnston proposed, Councillor Buckley seconded and Members AGREED:

"To recommend the pilot scheme to Full Council".

124. STANDARDS COMPLAINT STATISTICS

The Committee noted the Standards Complaint Statistics report.

Meeting concluded : 7.30pm

SEALING OF DOCUMENTS

Meeting –	Standards Committee -13/09/2016
Report Author	Director of Corporate Governance and Monitoring Officer
Portfolio Holder	Corporate Governance
Status	For Recommendation
Classification:	Unrestricted
Key Decision	No
Ward:	Not applicable

Executive Summary:

In accordance with historic practice, the Constitution requires both a Councillor and a legal officer to attest the sealing of documents. The purpose of attestation is to prove that the document was sealed by the local authority. The practice of document sealing has changed since this practice commenced and indeed many corporate bodies are no longer required to seal documents at all. However, the requirement to have a Member involved causes difficulty in finding Members available to attest the sealing of documents especially in respect of urgent action. The report therefore recommends that the requirement for a Member to attest the sealing of documents is removed. Where the seal is required, it will continue to be attested by a senior legal officer of the council.

Recommendation(s):

The requirement for a Member to attest the seal in addition to a senior legal officer be removed so that the requirement for sealing reads:

Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Head of Legal Services. 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 Head of Legal Services or Monitoring Officer should be sealed. The affixing of the Common Seal will be attested by the Head of Legal Services or the Monitoring Officer or a Solicitor or Barrister authorised by him or 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.

CORPORATE IMPLICATIONS

Financial and Value for Money	There are no financial implications resulting from this report
Legal	It is standard practice for a local authority to delegate authority to execute deeds and documents to senior legal officers. That responsibility should sit with legal professionals. The seal register will include reference to the decision which authorised the sealing of the document.

Corporate	There are no risks involved in removing the need for a Member to attest the sealing of the document. The role of the person attesting the document is not to verify the contents of the document but to certify that it has been sealed by the council.								
Equalities Act 2010 & Public Sector Equality Duty	<p>Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.</p> <table border="1" style="width: 100%;"> <tr> <td colspan="2">Please indicate which aim is relevant to the report.</td> </tr> <tr> <td>Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,</td> <td style="width: 10%;"></td> </tr> <tr> <td>Advance equality of opportunity between people who share a protected characteristic and people who do not share it</td> <td></td> </tr> <tr> <td>Foster good relations between people who share a protected characteristic and people who do not share it.</td> <td></td> </tr> </table> <p>There are no specific equalities implications from the report.</p>	Please indicate which aim is relevant to the report.		Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,		Advance equality of opportunity between people who share a protected characteristic and people who do not share it		Foster good relations between people who share a protected characteristic and people who do not share it.	
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Foster good relations between people who share a protected characteristic and people who do not share it.									

CORPORATE PRIORITIES (tick those relevant)✓	
A clean and welcoming Environment	
Promoting inward investment and job creation	
Supporting neighbourhoods	

CORPORATE VALUES (tick those relevant)✓	
Delivering value for money	X
Supporting the Workforce	X
Promoting open communications	

1.0 Introduction and Background

- 1.1 Seals have been in use since the earliest civilisations to authenticate documents. In a time when direct contact between parties was impossible, the seal was the only evidence that a document was legitimate.
- 1.2 In this time of instant communication and access to other information to authenticate documents, the use of a seal is anachronistic. Indeed companies for example are no longer legally required to use nor own their own seal.
- 1.3 The purpose of attesting the seal is not to verify the content or form of the document, but to show that the common seal has been properly affixed. This verification can be carried out by a single legal officer and does not legally require a council Member too.

2.0 The Current Situation

2.1 The constitution presently says:

'The Common Seal of the Council will be kept in a safe place in the custody of the Head of Legal Services. 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.'

- 2.2 In the same way that the need for the use of a seal has changed the need for and method of the attestation of the seal has changed too. Whilst originally local authority documents had their seals attested by elected Members, local authorities now generally delegate authority to execute deeds and documents to various senior officers.
- 2.3 In particular with the present constitution requirements it is sometimes difficult to find Members available (especially at times of urgency) to attest documents which can cause delay. This happens once or twice per month and there is then additional administrative work in locating a councillor and finding a suitable time for the sealing to take place.
- 2.4 In order to allay any Members' concerns, I can confirm that this is not an attempt to take power away from Members but an attempt to reduce administrative bureaucracy and inefficiency whilst bringing our processes into line with standard local authority practice. I have not found any other authority in Kent which requires a Member to attest the sealing of documents

3.0 Options

- 3.1 It is therefore being recommended that the constitution be amended to read:

'The Common Seal of the Council will be kept in a safe place in the custody of the Head of Legal Services. 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 Head of Legal Services or Monitoring Officer should be sealed. The affixing of the Common Seal will be attested by the Head of Legal Services or the Monitoring Officer or a Solicitor or Barrister authorised by him or 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.'

Contact Officer:	Tim Howes Director of Corporate Governance
Reporting to:	Madeline Homer , Chief Executive

Annex List

n/a	
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Background Papers

Title	Details of where to access copy
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Corporate Consultation

Finance	Tim Willis, Director of Corporate Resources
Legal	Ciara Feeney Head of Legal Services & Deputy Monitoring Officer

	COMPLAINT NO:	DATE	PROGRESS	COMPLAINANT	AGAINST	ALLEGATION
	2016					
139	TDCSC139/16	08/01/2016	Informal complaint resolution instigated. Closed.	Members of the Public	TDC Councillors	Allegations regarding poor and misleading communication
140	TDCSC140/16	11/01/2016	Investigation discontinued due to councillor resignation. Closed.	Officer	TDC Councillor	Allegations of rudeness and inappropriate behaviour in front of members of the public.
141	TDCSC141/16A	27/01/2016	Investigation discontinued due to councillor resignation. Closed.	Member of the Public	TDC Councillor	Allegations relating to misrepresentation in regard to military honours and of bringing office into disrepute.
142	TDCSC142/16	25/02/2016	No further action. Closed	Member of the Public	TDC Councillor	Allegations of inappropriate comments made to media bringing office into disrepute.
143	TDCSC143/16	17/03/2016	No further action. Closed	Member of the Public	TDC Councillor	Allegations of inappropriate comments made on social media bringing office into disrepute.
144	TDCSC144/16	29/03/2016	Investigation concluded, Hearing meeting	Members of the Public	TDC Councillor	Allegations of inappropriate comments made on social media bringing office into disrepute.

	COMPLAINT NO:	DATE	PROGRESS	COMPLAINANT	AGAINST	ALLEGATION
	2016					
			scheduled. Open			
145	TDCSC145/16	13/04/2016	Informal Dispute Resolution. Letter from the Monitoring Officer issued. Closed	Member of the Public	TDC Councillor	Allegations of inappropriate comments made to the media bringing office into disrepute
146	TDCSC146/16	04/05/2016	Informal Dispute Resolution. Letter from the Monitoring Officer issued. Closed	Parish Councillor	Parish Councillor	Allegations of bullying and unfair behaviour in council meetings
147	TDCSC147/16	18/07/2016	Informal Dispute Resolution. Letter from the Monitoring Officer issued. Closed	Member of the Public	TDC Councillor	Allegations of rudeness in email correspondence.
149	TDCSC149/16	25/08/2016	Open	TDC Councillor	TDC Councillor	Allegations of harassment.

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THANET DISTRICT COUNCIL DECLARATION OF INTEREST FORM

Do I have a Disclosable Pecuniary Interest and if so what action should I take?

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

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

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

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

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

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

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

An associated person is defined as:

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

An Authority Function is defined as: -

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

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

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

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

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

Gifts, Benefits and Hospitality

Councillors must declare at meetings any gift, benefit or hospitality with an estimated value (or cumulative value if a series of gifts etc.) of £25 or more. You **must**, at the commencement of the meeting or when the interest becomes apparent, disclose the existence and nature of the gift, benefit or hospitality, the identity of the donor and how the business under consideration relates to that person or body. However you can stay in the meeting unless it constitutes a significant interest, in which case it should be declared as outlined above.

What if I am unsure?

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

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

MEETING

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

DISCLOSABLE PECUNIARY INTEREST

SIGNIFICANT INTEREST

GIFTS, BENEFITS AND HOSPITALITY

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

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

NAME (PRINT):

SIGNATURE:

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