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Date: 31 May 2016
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CONSTITUTIONAL REVIEW WORKING PARTY

8 JUNE 2016

A meeting of the Constitutional Review Working Party will be held at **2.00 pm on Wednesday, 8 June 2016** in the Pugin and Rossetti Rooms, Cecil Street, Margate, Kent.

Membership:

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

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

AGENDA

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** (Pages 1 - 2)

To approve the Minutes of the Constitutional Review Working Party meeting held on 7 January 2016, copy attached.

4. **MODIFICATION OF PRESCRIBED STANDING ORDERS RELATING TO THE DISMISSAL OF STATUTORY OFFICERS** (Pages 3 - 12)

5. **PILOT SCHEME FOR PUBLIC SPEAKING** (Pages 13 - 20)

6. **OFFICER REPORT TEMPLATE** (Pages 21 - 28)

For information.

Item
No

Subject

Declaration of Interest form - back of agenda

Public Document Pack Agenda Item 3

CONSTITUTIONAL REVIEW WORKING PARTY

Minutes of the meeting held on 7 January 2016 at 10.00 am in Austen Room, Cecil Street, Margate, Kent.

Present: Dr Jonathan Sexton (Chairman)

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

76. APOLOGIES FOR ABSENCE

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

77. DECLARATIONS OF INTEREST

There were no declarations of interest.

78. MINUTES OF PREVIOUS MEETING

The Working Party AGREED that the minutes of the Constitutional Review Working Party held on 17 December 2015 be approved and signed by the Chairman.

79. SCHEME OF DELEGATIONS

Tim Howes, Director of Corporate Governance and Monitoring Officer outlined the changes to the Scheme of Delegations.

The Working Party were advised that the changes made to the wording have made responsibilities easier to understand and ensured that the document would be easier to work if there was new legislation or changes to responsibilities of portfolio holders.

The Working Party agreed amendments to the document.

The Working Party agreed changes proposed by Tim Howes to the Scheme of Delegations and recommended them to the Standards Committee.

80. ARTICLE 14

Tim Howes outlined the proposed changes to Article 14 and these were agreed by the Working Party and recommended them to the Standards Committee.

81. PETITIONS SCHEME

Tim Howes outlined the proposed changes to the Petitions Scheme. The proposed changes were agreed by the Working Party and recommended them to the Standards Committee.

Meeting concluded : 11.35am

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

To: **Constitutional Review Working Party – date of meeting**

By: **Director of Corporate Governance and Monitoring Officer**

Classification: **Unrestricted**

Ward: **Not applicable**

Summary: **To modify standing orders relating to the dismissal of statutory Officers as required by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 and to incorporate them within the Council’s Constitution.**

For Decision

1.0 Summary

1.1 The government has made legislative changes which require the Council to amend its standing orders insofar as they relate to disciplinary action against and the dismissal of the Council’s head of paid service, monitoring officer and chief finance officer. The report identifies the necessary changes and recommends that the Working Party commend them to Council.

2.0 Introduction and Background

2.1 Since the Council commenced operating executive arrangements it has been a requirement of the Local Authorities (Standing Orders) (England) Regulations 2001 (‘the 2001 Regulations’) that the Council makes or modifies standing orders so that they include certain provisions relating to staff and other matters

2.2 The standing orders in relation to staff operated so as to require the council to appoint a “designated independent person” before it could discipline or dismiss its head of paid service, monitoring officer or chief finance officer.

2.1 Last year the Secretary of State for Communities and Local Government made the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, available here: www.legislation.gov.uk/uksi/2015/881/pdfs/uksi_20150881_en.pdf The 2015 Regulations repeal the provisions of the 2001 regulations insofar as they relate to the appointment of the “designated independent person” and make new provision about the procedure to be followed to dismiss a head of paid service, a monitoring officer or, a chief finance officer. These provisions must be incorporated into the Council’s standing orders.

2.2 The 2015 Regulations require that before dismissing one of the officers identified above, the Council must appoint a “panel” for the purpose of advising on matters relating to the dismissal of the relevant officer. The Council must invite independent persons who have been appointed under section 28(7) of the Localism Act 2011 to be considered for appointment to the panel, with a view to appointing at least two such persons to the panel. These independent persons are those appointed by the

Council in connection with the procedures for dealing with alleged breaches of the Code of Conduct for members.

3.0 Options

- 3.1 The requirements of the 2015 Regulations are mandatory insofar as they related to the adoption of the prescribed standing orders and therefore it is not possible to put options before the Working Party or Council for consideration in this connection.
- 3.2 The Council does have a choice as to whether it appoints a standing panel in pursuance of the standing orders or, whether it only appoints one, if and when the need arises.
- 3.3 The circumstances giving rise to the need to appoint the panel are likely to occur very infrequently, if at all. It is therefore not proposed that the Council should appoint a standing panel. In the event that one were to be needed, this would be the subject of a report to Council at the time.
- 3.4 There is also a fundamental legal difficulty in attempting to appoint a standing panel and this lies in the need to ensure that the panel is comprised of members who are impartial. The nature of the positions to which the Regulations applies is such that there is a high probability that one or more members will themselves be involved in any disciplinary action whether as instigators of it or, as witnesses. Clearly, any member involved in this capacity could not sit on the panel. Therefore, until a particular issue arises and the circumstances are known, it would not be possible to identify which members could and (more importantly) could not, sit on the panel.

4.0 Corporate Implications

4.1 Financial and Taxation

- 4.1.1 There are no financial or other resource implications.

4.2 Legal

- 4.2.1 The Council is legally obliged to revise the current standing orders in the Constitution.

4.3 Equity and Equalities

- 4.3.1 No equalities impact assessment has been carried out as this is a statutory obligation. The processes undertaken in accordance with the 2001 Regulations will have to follow employment and equalities legislation.

6.0 Recommendation

- 6.1 That the modifications to the Prescribed Standing Orders relating to staff, be modified as set out in Appendix 1 to this report and be incorporated into the Councils Constitution

7.0 Decision Making Process

- 7.1 This is to go to Standards Committee and then to Council.

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| Future Meeting if applicable: Standards Committee Council | Date: 28 June 2016 14 July 2016 |
|---|---------------------------------------|

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

Annex List

| | |
|---------|--|
| Annex 1 | Tracked changes to the standing orders |
|---------|--|

Background Papers

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

Corporate Consultation Undertaken

| | |
|---------|---|
| Finance | Tim Willis, Director of Corporate Resources |
| Legal | Tim Howes Director of Corporate Governance |

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Prescribed and Other Standing Orders

Part I – Prescribed Standing Orders

Introduction, Application and Interpretation

1. The following Standing Orders shall be known as ‘Prescribed Standing Orders’, and shall form part of the Council’s Standing Orders. The Council’s Standing Orders other than Prescribed Standing Orders shall be known as ‘Ordinary Standing Orders’.
2. In the event of any conflict or inconsistency between Ordinary Standing Orders and Prescribed Standing Orders the latter shall prevail.
3. Any word or phrase contained within Prescribed Standing Orders shall, if such word or phrase is given a meaning by The Local Authorities (Standing Orders) Regulations 1993, have that same meaning for the purposes of Prescribed Standing Orders.

Appointment of Chief Officers

4. Where the authority propose to appoint a Chief Officer, and it is not proposed that the appointment be made exclusively from among their existing Officers, they shall:-
 - (a) draw up a statement specifying:-
 - (i) the duties of the Officer concerned, and
 - (ii) any qualifications or qualities to be sought in the person to be appointed;
 - (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it: and
 - (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.
5. (1) Where a post has been advertised as provided in standing order 4 (b) the authority shall:-
 - (a) interview all qualified applicants for the post, or
 - (b) select a short list of such qualified applicants and interview those included on the short list.(2) Where no qualified person has applied, the authority shall make further arrangements for advertisement in accordance with standing order 4 (b).
6. Every appointment of a Chief Officer shall be made by the authority unless made by any duly authorised Committee, Action/Sub-Committee, or a relevant Joint Committee.
7. The steps under Prescribed Standing Orders 4 and 5 above may be taken by any Committee, Action/Sub-Committee or Chief Officer of the authority if duly authorised in that behalf.

8. Where the duties of a Chief Officer include the discharge of functions of two or more local authorities in pursuance of Section 101 (5) of the Local Government Act 1972:-

(a) the steps under prescribed standing orders 4 and 5 above may be taken by any duly authorised joint committee of those authorities, sub committee of such a committee or a chief officer of any of the authorities concerned, and

(b) any chief officer may be appointed by such a duly authorised joint committee, sub committee of such a committee or a committee or sub committee of any of those authorities.

9. Excluded from the application of prescribed standing orders 4 to 6 shall be any appointment in pursuance of Section 9 (assistants for political groups) of the Act.

Disciplinary Action Against Head of Paid Service and Others

~~10. (1) No disciplinary action in respect of the head of the authority's paid service (unless he/she is also a council manager of the authority), its monitoring officer, or its chief finance officer, except joint action described in paragraph 2, may be taken by the authority, or by a committee, a sub committee, a joint committee on which the authority is represented or any other person acting on behalf of the authority, other than in accordance with a recommendation in a report made by a designated independent person under regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001 (investigate of alleged misconduct).~~

~~(2) The action mentioned in paragraph 1 is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension must be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.~~

~~(Note: in paragraph (1), "chief finance officer", "council manager", "disciplinary action", "head of authority's paid service" and "monitoring officer", have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001 and "designated independent person" has the same meaning as in regulation 7 of those Regulations).~~

~~10.1 A relevant officer may not be dismissed by the Council unless the procedure set out in Schedule 3 to the Local Authorities (Standing Orders) (England) Regulations 2001 is complied with.~~

~~(Note: In this standing order 'relevant officer' means the chief finance officer, head of the authority's paid service or monitoring officer as the case may be.~~

Recording of Votes at Meetings

11. (1) Where immediately after a vote is taken at a meeting of a relevant body any member of that body so requires, there shall be recorded in the minutes of the proceedings of that meeting whether that person cast his/her vote for the question or against the question or whether he/she abstained from voting.

(2) In this paragraph 'relevant body' means the authority, a committee or sub committee of the authority or a relevant joint committee or sub committee of such a committee.

Signing Minutes - Extraordinary Meetings

12. Where in relation to any meeting of the authority the next such meeting is a meeting called under paragraph 3 (extraordinary meetings) of Schedule 12 to the Local Government Act 1972, the next following meeting of the authority (being a meeting called otherwise than under that paragraph) shall be treated as a suitable meeting for the purposes of paragraph 41 (1) and (2) (signing of minutes) of that Schedule.

Variation and Revocation

13. Otherwise than to incorporate options allowed by the Regulations these prescribed standing orders shall not be revoked or amended.

Part II – Standing Orders relating to Staff

1. In this Part:

“the 1989 Act” means the Local Government and Housing Act 1989;

“the 2000 Act” means the Local Government Act 2000;

“disciplinary action” has the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001;

“executive” and “executive leader” have the same meaning as in Part II of the 2000 Act;

“member of staff” means a person appointed to or holding a paid office or employment under the authority; and

“proper officer” means the Human Resources Manager or his or her nominee.

2. Subject to paragraphs 3 and 7, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the authority must be discharged, on behalf of the authority, by the officer designated under section 4(1) of the 1989 Act (designation and reports of head of paid service) as the head of the authority’s paid service or by an officer nominated by him/her.

3. Paragraph 2 shall not apply to the appointment or dismissal of, or disciplinary action against:

(a) the officer designated as the head of the authority’s paid service;

(b) a statutory chief officer within the meaning of section 2(6) of the 1989 Act (politically restricted posts);

(c) a non-statutory chief officer within the meaning of section 2(7) of the 1989 Act;

(d) a deputy chief officer within the meaning of section 2(8) of the 1989 Act; or

(e) a person appointed in pursuance of section 9 of the 1989 Act (assistants for political groups).

4. (1) Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the appointment ~~or dismissal~~ of an officer designated as the head of the authority's paid service, the authority must approve that appointment before an offer of appointment is made to ~~that person. him/her or, as the case may be, must approve that dismissal before notice of dismissal is given to him/her.~~

(2) Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the dismissal of an officer designated as the head of the authority's paid service, as the authority's chief finance officer, or as the authority's monitoring officer, the authority must approve that dismissal before notice is given to that person.

~~(3)~~ Where a committee or a sub-committee of the authority is discharging, on behalf of the authority, the function of the appointment or dismissal of any officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3, at least one member of the executive must be a member of that committee or subcommittee.

5. (1) In this paragraph, "appointor" means, in relation to the appointment of a person as an officer of the authority, the authority or, where a committee, subcommittee or officer is discharging the function of appointment on behalf of the authority, that committee, sub-committee or officer, as the case may be.

(2) An offer of an appointment as an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3 must not be made by the appointor until:

(a) the appointor has notified the proper officer of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment;

(b) the proper officer has notified every member of the executive of the authority of:

(i) the name of the person to whom the appointor wishes to make the offer;

(ii) any other particulars relevant to the appointment which the appointor has notified to the proper officer; and

(iii) the period within which any objection to the making of the offer is to be made by the executive leader on behalf of the executive to the proper officer; and

(c) either:

(i) the executive leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the appointee that neither he/she nor any other member of the executive has any objection to the making of the offer;

(ii) the proper officer has notified the appointor that no objection was received by him/her within that period from the executive leader; or

(iii) the appointor is satisfied that any objection received from the executive leader within that period is not material or is not ~~wellfounded~~well-founded.

6. (1) In this paragraph, “dismissor” means, in relation to the dismissal of an officer of the authority, the authority or, where a committee, sub-committee or another officer is discharging the function of dismissal on behalf of the authority, that committee, sub-committee or other officer, as the case may be.

(2) Notice of the dismissal of an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3 must not be given by the dismissor until:

(a) the dismissor has notified the proper officer of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;

(b) the proper officer has notified every member of the executive of the authority of –

(i) the name of the person who the dismissor wishes to dismiss;

(ii) any other particulars relevant to the dismissal which the dismissor has notified to the proper officer; and

(iii) the period within which any objection to the dismissal is to be made by the executive leader on behalf of the executive to the proper officer; and

(c) either:

(i) the executive leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the dismissor that neither he/she nor any other member of the executive has any objection to the dismissal;

(ii) the proper officer has notified the dismissor that no objection was received by him/her within that period from the executive leader; or

(iii) the dismissor is satisfied that any objection received from the executive leader within that period is not material or is not ~~wellfounded~~well founded.

7. Nothing in paragraph 2 shall prevent a person from serving as a member of any committee or sub-committee established by the authority to consider an appeal by:

(a) another person against any decision relating to the appointment of that other person as a member of staff of the authority; or

(b) a member of staff of the authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.

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PUBLIC SPEAKING AT COMMITTEE MEETINGS TRIAL

To: **Constitutional Review Working Party – 8 June 2016**

By: **Committee Services Manager**

Classification: **Unrestricted**

Summary: **To introduce a trial of public speaking at Overview and Scrutiny Panel meetings.**

For Decision

1.0 Introduction and Background

1.1 This report introduces the idea of public speaking at meetings other than Planning Committee and proposes undertaking a trial in order to assess whether amending the Council's constitution to allow public speaking on a permanent basis would be advantageous.

2.0 Why are Democratic Services proposing changes?

2.1 Democratic Services' service plan includes a target on "ensuring that the democratic process that Democratic Services oversees is open and accessible to those using it". Allowing public speaking at committee meetings is a way that the public can become more involved in the Council's decision making process and therefore making it more accessible and open.

2.2 Currently the Council only allows public speaking at Planning Committee when considering planning applications and in exceptional circumstances when the Chairman of a committee allows it. Amending the Council's procedure rules to allow members of the public to speak would allow for their points of view to be heard at meetings on the matters under discussion, this could add value to the decision making process and also mean that the public have more input to decisions that the Council makes.

2.3 Democratic Services have conducted a desktop benchmarking exercise of Council's across Kent looking at other Council's rules on allowing the public to speak at its meetings. The benchmarking shows that public speaking at most meetings, whilst far from standard practice, does have a small following particularly for Overview and Scrutiny Committees. With this in mind Democratic Services are initially proposing that a trial of the new public speaking rules should be undertaken by the Overview and Scrutiny Panel.

2.4 Democratic Services would propose that public speaking be allowed at the Overview and Scrutiny Panel and its sub groups on a trial basis between 14 August 2016 and 14 February 2017. This would include five Overview and Scrutiny Panel meetings and an as yet unknown number of sub group meetings, which would be a sufficient number to ensure that a fair trial could be undertaken.

3.0 How would it work?

- 3.1 A copy of the draft public speaking attached at Annex 1 to this report. The scheme is based loosely on a hybrid of our current planning committee speaking proposals and other District Council schemes in Kent. The scheme is open to anyone to register to speak at an Overview and Scrutiny Panel meeting in writing or via email. This would be on a first come, first basis and members of the public would have to register at least two clear days in advance of the date of the meeting. In addition whilst the trial is ongoing Democratic Services will also investigate the possibility of registering to speak via the Council's website.
- 3.2 A member of the public would register to speak on a particular item of business on that agenda and what they wanted to say would have to be directly relevant to the subject of that agenda item. Each member of the public would be allowed a maximum of three minutes to speak and there would be a maximum of two members of the public allowed to speak on each agenda item.
- 3.3 Statements made must not be defamatory or derogatory and the Council would reserve the right to withdraw public speaking rights from those who had abused those rights in the past.
- 3.4 It would be the duty of Councillors to listen to the points of view being expressed by the members of the public. Councillors may agree or disagree with the points of view being expressed and would not be obliged to follow any course of action suggested by the public, but to form their own opinions and vote on an issue in the same way that they do now.

4.0 Amending the Constitution

- 4.1 In order to allow for the public speaking trial to take place the Council will need to amend its constitution. Democratic Services believe that including a small reference to public speaking in the Council's procedure rules and then including the scheme as attached at Annex 1 (subject to any amendments) in Section 5 – codes and protocols of the constitution would be neater and more convenient than having extensive public speaking rules embedded within the constitution for the period of the trial. This would also allow Democratic Services to use the scheme document attached at Annex 1 for other purposes, such as distributing to the public or uploading it to our Democratic Services website rather than using a series of Council Procedure Rules, which could potentially be confusing for users and less easy to understand.

5.0 What happens after the trial?

- 5.1 Democratic Services will produce a report for the 14 February 2017 Overview and Scrutiny Meeting allowing the panel to comment on their experiences of public speaking. These comments, together with officers experiences of administering the scheme would then be considered at a Full Council meeting in Spring 2017 which would then decide on the future of the scheme. This could include widening the scope of the scheme to include other meetings, withdrawing the scheme, keeping it as it is or amending how the scheme works.

6.0 Options

- 6.1 The Constitutional Review Working Party can choose to recommend the scheme attached at Annex 1 to this report to the Standards Committee, it may also in doing so recommend any amendments to the scheme as well. Alternatively the Working Party

may choose to recommend not pursuing the trial of public speaking or any of the subsequent changes to the constitution.

7.0 Corporate Implications

7.1 Financial and VAT

7.1.1 There are no financial implications to the report.

7.2 Legal

7.2.1 Under section 37 of the Localism Act 2011, the Council must prepare and keep up to date a constitution. Whether to allow public speaking or not is a matter for the Council to determine.

7.3 Corporate

7.3.1 Introducing public speaking to committees relates directly to the Council Value 3: Promoting open communications.

7.4 Equity and Equalities

7.4.1 Introducing public speaking will open up the Council's decision making process and allow more people to engage in the democratic process. The Council would not discriminate or restrict the ability to speak at meetings for any of the protected groups and would always try to accommodate requests for additional help where possible.

8.0 Recommendation(s)

8.1 That the Constitutional Review Working Party makes a recommendation to the Standards Committee as per the options outlined at paragraph 6.0 of this report.

9.0 Decision Making Process

9.1 Any recommendation of the Constitutional Review Working Party will be referred to the Standards Committee which, in turn, will make recommendations to Council for final adoption.

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| Future Meeting if applicable: Standards Committee Council | Date: 28 June 2016 14 July 2016 |
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| Contact Officer: | Nicholas Hughes, Committee Services Manager |
| Reporting to: | Tim Howes, Director of Corporate Governance |

Annex List

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| Annex 1 | Draft Public Speaking Scheme |
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Background Papers

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

Corporate Consultation Undertaken

| | |
|---------|--|
| Finance | Nicola Walker, Finance Manager (HRA, Capital, Ext Funding, Policy & Performance) |
| Legal | Tim Howes, Director of Corporate Governance |

3rd Draft



**Pilot Scheme for Public Participation
at
Overview & Scrutiny Panel Meetings**

The public participation scheme allows you to voice opinions, objections and ask questions at these meetings

16 August 2016 – 14 February 2017

Meetings start at 7.00 pm and held in the Council Chamber

May 2016

Introduction

This scheme will initially be on a trial basis between 16 August 2016 and 14 February 2017. At the end of the trial period Full Council will consider a report and decide whether to extend the trials to cover additional committees for another time limited period or discontinue the scheme.

Procedure Rules Explained

You may speak at all meetings of the Overview & Scrutiny Panel and its sub committees, within the prescribed limits and as advised by the Chairman of the Panel. It should be noted that all other meeting procedure rules for conducting an orderly meeting apply.

Who can speak?

Any member of the public can speak, provided they are present at the meeting when the Chairman of the meeting calls their names.

How much time will speakers be allowed?

A total of six minutes will be allocated to public speaking for each item on the agenda with individuals limited to three minutes each. Only two people can speak on an item.

Time is limited, so we encourage the appointment of spokespersons to represent groups of people who wish to make similar points.

Can I speak on any matter?

No. Speakers will be allowed to speak only on matters that appear on the Agenda of the Overview and Scrutiny Panel or any of its sub-committees in question, once such agendas are made public. This permission is given within the limits of the Access to Information Council Procedure Rules.

What do I need to do if I decide I want to speak?

If you want to address the Panel or any of its sub-committees, then please contact Democratic Services at least two clear working days before the meeting, i.e. if the meeting is on a Tuesday, requests to speak must be received in writing by 5.30 pm on the preceding Thursday.

NB: Where such a deadline date falls on a Friday, then the closing deadline time must be 5.00 pm.

What happens at the meeting?

At the appropriate time, the Chairman will invite each person to make his or her comment. Please turn up fifteen minutes before the start of the meeting. Give your name and (if applicable) the group you are representing.

How to get the most out of your time

You should try and prepare notes in advance you can refer to in order to ensure you cover all the important points you want to make. Also try and ensure you stick to the topic being discussed, if you stray off topic you may be asked by the chairman to focus on the issue being discussed.

Other Rules

Avoid derogatory or defamatory statements. You must not discuss the conduct of individual Council employees or human resources matters. There is no legal protection for comment made at meetings. The Council reserves the right to not allow an individual to speak at a meeting if they have previously made derogatory or defamatory statements or have acted otherwise inappropriately when exercising their public speaking rights.

How to Apply

Applications should be made in writing and provide the following information:

Name, Contact Telephone/Mobile Number;

Brief outline of your statement;

Please send your statement to:

committee@thanet.gov.uk or write to:

Democratic Services
Thanet District Council
Cecil Street
P.O. Box 9
Margate
Kent
CT9 1XZ

If you have any queries please contact Democratic Services on 01843 577186 or email committee@thanet.gov.uk

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NEW COUNCIL REPORT TEMPLATE

To: **Constitutional Review Working Party – 8 June 2016**

By: **Committee Services Manager**

Classification: **Unrestricted**

Summary: **This report gives the opportunity to Councillors to look at the new Council report template prior to its introduction.**

For Information

1.0 Introduction and Background

1.1 As part of the Council's ongoing commitment to review and improve its processes Democratic Services have redesigned the Council's report template.

2.0 The Current Situation

2.1 The Council existing report template (which this report is using) has been used by the Council for at least the last five years and whilst it has been incrementally updated with small changes, it is need of a wholesale review in order to ensure that it is fit for purpose.

2.2 Democratic Services looked at report templates from Council's across Kent and from Council's considered to demonstrate best practice and chose elements from many of them to create the new template. In doing so, Democratic Services have emphasised the importance of the corporate implications by moving them to the front of the report. In addition Democratic Services have also included a new section – the executive summary, this will allow Councillors and Members of the public to look at a report and get a basic understanding of its purpose without having to read all of the report. It is hoped that this will make reports easier to understand, by making the key information easier to extract from the report.

2.3 In addition the new template has been shared with Officers likely to use it to write Committee reports and the feedback received has been positive. Officers feel that the new template is easier to complete than the previous version and includes useful tips on how to complete it.

2.4 A copy of the new template is attached at Annex 1 to this report.

3.0 Corporate Implications

3.1 Financial and VAT

3.1.1 The new report template has been agreed by the Council's finance department.

3.2 Legal

3.2.1 The new report template has been agreed by the Council's legal department.

3.3 Corporate

- 3.3.1 A clear and concise report template which is easy for officers to complete, straightforward for Members to interpret and contains all the necessary information Members need will contribute to the Council making good quality decisions
- 3.3.2 The new report template will contribute to the Council Value 1: Delivering Value for Money and Value 3: Promoting open communications.

3.4 Equity and Equalities

- 3.4.1 The new report template includes extensive equalities advice for both Officers completing the template and Members using the template to make decisions.

4.0 Recommendation

- 4.1 That the Constitutional Review Working Party notes the report.

5.0 Decision Making Process

- 5.1 This report is for information only and not for onward recommendation to Standards Committee.

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| Future Meeting if applicable: N/A | Date: N/A |
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| Contact Officer: | Nicholas Hughes, Committee Services Manager |
| Reporting to: | Tim Howes, Director of Corporate Governance |

Annex List

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| Annex 1 | New report template |
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Background Papers

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

Corporate Consultation Undertaken

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|---------|--|
| Finance | Nicola Walker, Finance Manager (HRA, Capital, Ext Funding, Policy & Performance) |
| Legal | Ciara Feeney, Head of Legal Services & Deputy Monitoring Officer |

INTERNAL CHECKLIST

BEFORE YOU START WRITING YOUR REPORT YOU MUST ENSURE THAT YOU HAVE MET AND SPECIFICALLY DISCUSSED THIS REPORT AND ITS IMPLICATIONS WITH FINANCE, LEGAL AND EQUALITIES REPRESENTATIVES.

| Service | Date Implications discussed |
|----------------|------------------------------------|
| Finance | |
| Legal | |
| Equalities | |

NAME OF CMT MEMBER

TICK BOX IF SIGNED OFF BY CMT MEMBER

NAME OF PORTFOLIO HOLDER

TICK BOX IF SIGNED OFF BY PORTFOLIO HOLDER

DATE REPORT WENT TO CMT

IF REPORT DID NOT GO TO CMT, STATE WHY:

IF IT IS AN EXECUTIVE DECISION, PLEASE COMPLETE DECISION NOTICE ON THE LAST PAGE AND CONSIDER WHETHER THE DECISION IS A KEY DECISION.

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

- a) to result in the council spending or saving significantly against the council's budget; or
- b) 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.

PLEASE ALSO ENSURE THAT IF YOU ARE WRITING A REPORT THAT IS A KEY OR NON KEY DECISION THAT IT IS IN THE FORWARD PLAN

For more information on key decisions and the forward plan please contact Democratic Services

TITLE OF REPORT

Meeting - date of meeting

Report Author **Relevant Director/Head of Service/Service Manager**

Portfolio Holder **Insert Name and Title**

Status **For Decision or For Information or For Recommendation**

Classification: **Unrestricted (or Restricted if exempt information is within the report) If restricted, please select legal grounds from guidance notes.**

Key Decision **Yes/No/Budget and Policy Framework**

Reasons for Key Expenditure not in budget and exceeding virement rules/Significant effect on communities
(if appropriate)

Previously Considered by **Committee - date
Committee - date**

Ward: **Name of Ward(s) affected (if applicable)**

Executive Summary:

Set out the outline of the report together with the main thrust of the recommendations

The report author should try to keep this section and the recommendation box to no more than half a side of A4.

Recommendation(s):

Insert recommendations here

CORPORATE IMPLICATIONS

| | |
|--------------------------------------|---|
| Financial and Value for Money | <p><i>Amount/cost of proposals and whether in the current budget or not. Also any relevant comments by the Director of Corporate Resources.</i></p> <p><i>This section should also deal with and CSO/Financial Procedure Rules issues; for example, to confirm that they have been complied with or to specify any that will need to be suspended (with reasons and a brief description of what benefit suspension will secure)</i></p> <p><i>All decisions must be referred to Finance for taxation advice allowing time for external advice to be sought where necessary.</i></p> |
| Legal | <p><i>This section deals with any legal implications arising from the report</i></p> <p><i>(All wording in this section MUST be checked and approved by the legal department prior to sign off)</i></p> |
| Corporate | <p><i>In this part, the opportunity should be taken to cover such matters as corporate risk issues – are there risks? What are they? Are the risks</i></p> |

| | |
|--|---|
| | <i>high/medium/low/none? What can be done to mitigate those risks? The report author should consider and detail how the report fits strategically with the Council's corporate priorities and values. It should also include any environmental implications there may be as well as any communications implications.</i> |
| 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> <p><i>Authors are required to conduct a Customer Impact Assessment where proposals affect customers or staff. Topics such as:</i></p> <ul style="list-style-type: none"> • <i>the introduction/change/cessation of a service</i> • <i>introduction/increases in fees and charges</i> • <i>staff restructures</i> • <i>creation/amendment of policy or strategy documents</i> • <i>introduction of new initiatives/schemes</i> <p><i>are examples of where an assessment should be carried out.</i></p> <p><i>Compliance can only be achieved if we can evidence that due regard is given in substance, this means starting your assessment at the beginning of your piece of work and updating it throughout. Completing the assessment at the end or after a decision is taken will not satisfy the Duty.</i></p> <p><i>Where an assessment is required please summarise the key findings here and append your full analysis to the report with any personal data redacted.</i></p> <p><i>Please see the equality compliance toolkit on TOM or contact Claire Grant for assistance.</i></p> |

| CORPORATE PRIORITIES (delete ✓ which are not relevant) | |
|---|---|
| A clean and welcoming Environment | ✓ |
| Promoting inward investment and job creation | ✓ |
| Supporting neighbourhoods | ✓ |

1.0 Introduction and Background

1.1 *Reports should be written so as to be “stand alone”, i.e. they ought to be capable of being read and the issue understood without any previous knowledge.*

Short introduction (max 3 paragraphs) outlining the reason for the report and any relevant history, i.e. Why are you bringing this report before members/CMT? What this is about and how did we get here?

2.0 The Current Situation *(this is a suggested paragraph heading – use your own as appropriate to your report)*

2.1 *Using free flow style of paragraph headings this section should outline what it is you want to do, the different ways of achieving this goal and the positive and negatives about each option and why you want/need to do the option you recommend.*

3.0 Options – *(YOU ONLY HAVE TO INCLUDE THIS PART IF YOU ARE WRITING A CABINET REPORT, HOWEVER IF YOU FEEL IT ADDS VALUE THEN YOU MAY LEAVE IT IN)*

3.1 *Briefly summarise the various possible options you have outlined in section 2.0 above and the reasons why Members should choose a particular option and the reasons why they should reject the others.*

4.0 Next Steps *(IF THE MATTER IS TO BE CONCLUDED IN THIS REPORT, THEN DELETE THIS SECTION.)*

4.1 *If the matter cannot be brought to a conclusion in this report, due to outstanding information still being needed, or a response awaited, then the timescale for the remaining points to be resolved and the reporting timetable that will follow to enable the matter to be concluded, should be included here. In addition you should also include the dates of any committee that the report will be considered by after this meeting.*

| | |
|------------------|--|
| Contact Officer: | <i>(name, job title and contact number)</i> |
| Reporting to: | <i>(name of Manager, preferably Head of Service or Director)</i> |

Annex List

| | |
|----------------|----------------------------------|
| <i>Annex 1</i> | <i>Details of Annex attached</i> |
| <i>Annex 2</i> | <i>Details of Annex attached</i> |
| <i>Annex 3</i> | <i>Details of Annex attached</i> |

Background Papers

| Title | Details of where to access copy |
|--------------|--|
| | |
| | |

Corporate Consultation

| | |
|----------------|------------------------------------|
| Finance | <i>(Insert name and job title)</i> |
| Legal | <i>(Insert name and job title)</i> |

Ref:

Called in Yes/No

THE THANET DISTRICT COUNCIL

RECORD OF DECISION OF CABINET

Name of Cabinet Member:

Relevant Portfolio:

Date of Decision:

Subject:

Key Decision Yes No In Forward Plan Yes No

Brief summary of matter:

Decision made:

Reasons for decision:

Alternatives considered and why rejected:

Details of any conflict of interest declared by any executive Member who has been consulted and of any dispensation granted by the Standards Committee:

Author and date of officer report:

Background papers:

Statement if decision is an urgent one and therefore not subject to call-in:

Signature: *(Only needed if an individual Cabinet Member Decision)*

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THANET DISTRICT COUNCIL DECLARATION OF INTEREST FORM

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

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

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

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

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

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

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

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

An associated person is defined as:

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

An Authority Function is defined as: -

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

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

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

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

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

Gifts, Benefits and Hospitality

Councillors must declare at meetings any gift, benefit or hospitality with an estimated value (or cumulative value if a series of gifts etc.) of £100 or more. You **must**, at the commencement of the meeting or when the interest becomes apparent, disclose the existence and nature of the gift, benefit or hospitality, the identity of the donor and how the business under consideration relates to that person or body. However you can stay in the meeting unless it constitutes a significant interest, in which case it should be declared as outlined above.

What if I am unsure?

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

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

MEETING

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

DISCRETIONARY PECUNIARY INTEREST

SIGNIFICANT INTEREST

GIFTS, BENEFITS AND HOSPITALITY

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

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

NAME (PRINT):

SIGNATURE:

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