

MEETING OF THE COUNCIL



Thursday, 22nd February, 2018

7.00 pm

**Council Chamber
Thanet District Council
Margate**

**www.thanet.gov.uk
01843 577000**



We may be able to provide this document in a different format such as Braille, audio or large print, or in another language. Please call 01843 577165 for details.

Date: 12 February 2018
Ask For: James Clapson
Direct Dial: (01843) 577200
Email: james.clapson@thanet.gov.uk



You are hereby summoned to attend the meeting of the Thanet District Council to be held in the Council Chamber, Council Offices, Cecil Street, Margate, Kent on Thursday, 22 February 2018 at 7.00 pm for the purpose of transacting the business mentioned below.

T. Hines

Director of Corporate Governance

To: The Members of Thanet District Council

FIRE ALARM PROCEDURES: If the fire alarm is activated, please vacate the offices via the stairs either through the security door to the left of the Chairman or opposite the lifts in the foyer. Please do not use the lifts. Please assemble in Hawley Square on the green. Officers will assist you and advise when it is deemed safe to return to the Chamber.

AGENDA

Item
No

1. **APOLOGIES FOR ABSENCE**

2. **MINUTES OF PREVIOUS MEETING**

To approve the Minutes of the meeting of Council held on 8 February 2018. Minutes to follow.

3. **ANNOUNCEMENTS**

To receive any announcements from the Chairman, Leader, Members of the Cabinet or Chief Executive in accordance with Council Procedure Rule 2.2 (iv).

4. **DECLARATIONS OF INTEREST**

To receive any declarations of interest from Members in accordance with Council Procedure rule 2.2 (v)

5. **PETITIONS**

To receive petitions from the public in accordance with Council Procedure Rule 12.

5a **PETITION REGARDING BROADSTAIRS TOILET REFURBISHMENT** (Pages 5 - 8)

Item
No

Subject

5b **PETITION REGARDING WESTERN UNDERCLIFF FACILITIES - REPORT BACK TO COUNCIL** (Pages 9 - 12)

6. **QUESTIONS FROM THE PRESS AND PUBLIC**

To receive questions received from the press or public in accordance with Council Procedure Rule 13.

7. **QUESTIONS FROM MEMBERS OF THE COUNCIL**

To receive questions from Members of the Council in accordance with Council Procedure Rule 14.

8. **NOTICE OF MOTION**

To receive any Notices of Motion from Members of Council in accordance with the Council Procedure Rule 3.

9. **LEADERS REPORT** (Pages 13 - 14)

To receive a report from the Leader of the Council in accordance with Council Procedure Rule 2.4.

10. **REPORT OF THE CHAIRMAN OF THE OVERVIEW AND SCRUTINY PANEL**
(Pages 15 - 18)

To receive a report from the Chairman of the Overview and Scrutiny Panel in accordance with Council Procedure Rule 15.1.

11. **2018-19 COUNCIL TAX SETTING**

Report to follow.

12. **STANDARDS HEARING DECISION - CLLR BRIMM** (Pages 19 - 22)

Declaration of Interests Form

This page is intentionally left blank

PETITION REGARDING BROADSTAIRS TOILET REFURBISHMENT

Council	22 February 2018
Report Author	Nick Hughes, Committee Services Manager and Deputy Monitoring Officer
Portfolio Holder	Councillor Crow-Brown, Cabinet Member for Corporate Governance Services
Status	For recommendation
Classification:	Unrestricted
Key Decision	No
Ward:	Thanet Wide

Executive Summary:

An e-petition containing 69 valid signatures was received by the Council requesting that income from the sale of assets in Broadstairs be reinvested in Broadstairs facilities, specifically public toilets.

This report sets out how the Council deals with petitions of this size; it explains that the petition organiser will present the petition to the meeting and sets out the next steps as to how the Council will deal with the petition.

Recommendation(s):

Under the Council's petitions scheme, Council is required to refer the petition to Cabinet without debate for report back to Council.

CORPORATE IMPLICATIONS

Financial and Value for Money	There are no identified financial implications from this report.
Legal	This matter is dealt with under the Council's scheme for dealing with petitions from the public which is contained within the constitution.
Corporate	In accordance with the Council's petition scheme if a petition has over 25, but less than 650, signatories, it will be referred to Cabinet or an appropriate committee without debate for report to Council within three ordinary meetings.
Equalities Act 2010 & Public Sector Equality Duty	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>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%; border-collapse: collapse;"> <tr> <td colspan="2">Please indicate which aim is relevant to the report.</td> </tr> <tr> <td style="width: 80%;">Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,</td> <td style="width: 20%;"></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 equity and equalities issues arising from this report.</p> <p>However it is important to be aware of the Council's responsibility under the Public Sector Equality Duty (PSED) and show evidence that due consideration had been given to the equalities impact that may be brought upon communities by the decisions made by Council.</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.	
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.									

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	
Supporting the Workforce	
Promoting open communications	✓

1.0 Introduction and Background

- 1.1 Under the terms of the Council's petitions scheme, members of the public may present petitions at ordinary meetings of Council; and if a petition has over 25, but less than 650, signatories, it will be referred to Cabinet or an appropriate committee without debate for report to Council within three ordinary meetings.

2.0 The Current Situation

- 2.1 An e-petition organised by Mr Irving has been validly signed by 69 persons. The petition prayer reads:

"We the undersigned wish to petition Thanet District Council regarding the following: We request that the income (£350.000) from the sale of a Broadstairs asset, (Viking Bay lift shaft, former toilet and shelter, be reinvested in Broadstairs to improve Broadstairs facilities and infrastructure, specifically the public toilets. These facilities are very important to our visitors and residents and require urgent refurbishment and upgrading to reach a standard that reflects people's expectations in 2017, it will also ensure these facilities present a positive image of a popular coastal resort."

- 2.2 The petition organiser is entitled to present their petition to Council, and in accordance with the Council's petition scheme has three minutes to present the petition.
- 2.3 Mr Irving has informed the Council that he will be in attendance to present the petition.

3.0 Next Steps

- 3.1 Under the Council's petitions scheme, Council is required to refer the petition to Cabinet for report back to Council within three ordinary meetings.

Contact Officer:	Nick Hughes, Committee Services Manager (7208)
Reporting to:	Tim Howes, Director of Corporate Governance

Annex List

None	N/A
------	-----

Background Papers

Title	Details of where to access copy
None	N/A

Corporate Consultation

Finance	Ramesh Prashar, Head of Financial Services
Legal	Tim Howes, Director of Corporate Governance & Monitoring Officer

This page is intentionally left blank

**PETITION REGARDING WESTERN UNDERCLIFF FACILITIES
– REPORT BACK TO COUNCIL**

Council	22 February 2018
Report Author	Nick Hughes, Committee Services Manager and Deputy Monitoring Officer
Portfolio Holder	Councillor Crow-Brown, Cabinet Member for Corporate Governance Services
Status	For information
Classification:	Unrestricted
Key Decision	No
Ward:	Cliffsend and Pegwell

Executive Summary:

A petition containing 1910 valid signatures and an e-petition containing 135 valid signatures were received by the Council requesting the reinstatement of local facilities along Western Undercliff, Ramsgate.

The report is for information only and is to inform Council of the result of the Cabinet meeting on 30 January 18.

Recommendation(s):

To note the report.

CORPORATE IMPLICATIONS

Financial and Value for Money	There are no identified financial implications from this report.
Legal	This matter is dealt with under the Council's scheme for dealing with petitions from the public which is contained within the constitution.
Corporate	If a petition contains more than 1,000 signatures, Council can debate the petition unless it falls into a category of exception as detailed at paragraph (a) and (b) of 1.6 of the scheme. In this case paragraph (b) would be appropriate, namely; (b) If the petition with 1000 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.
Equalities Act 2010 & Public Sector Equality Duty	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

	<p>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%; border-collapse: collapse;"> <tr> <td colspan="2">Please indicate which aim is relevant to the report.</td> </tr> <tr> <td style="width: 80%;">Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,</td> <td style="width: 20%;"></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 equity and equalities issues arising from this report.</p> <p>However it is important to be aware of the Council's responsibility under the Public Sector Equality Duty (PSED) and show evidence that due consideration had been given to the equalities impact that may be brought upon communities by the decisions made by Council.</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.	
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.									

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	
Supporting the Workforce	
Promoting open communications	✓

1.0 Introduction and Background

1.1 This report informs Council of the result of the Cabinet meeting of the 30 January 2018.

2.0 The Current Situation

2.1 A paper petition and e-petition were received from Ms Morgan. The paper petition was validly signed by 1910 persons, and the e-petition was validly signed by 135 persons. The petition prayers for both petitions were identical and read:

“We the undersigned petition the council to reinstate our local facilities along the Western undercliff, Ramsgate. It is imperative that we have public conveniences for all. The nearest toilets now are at the top of the cliff, which means it excludes people with disabilities and most parents with small children. We feel that this would increase the usage of the area and encourage tourists.”

2.2 The petitions were considered at the full Council meeting on 7 December 2017 where Ms Morgan presented to the meeting, they were then referred to the meeting of Cabinet on 30 January 2018 for decision in accordance with the Council's petition scheme.

- 2.3 Cabinet considered the petition at its meeting on the 30 January 2018 and agreed to consider the comments made as part of the strategic toilet review which was ongoing and would be presented to Cabinet in 2018.

Contact Officer:	Nick Hughes, Committee Services Manager (7208)
Reporting to:	Tim Howes, Director of Corporate Governance

Annex List

None	N/A
------	-----

Background Papers

Title	Details of where to access copy
None	N/A

Corporate Consultation

Finance	Ramesh Prashar, Head of Financial Services
Legal	Tim Howes, Director of Corporate Governance & Monitoring Officer

This page is intentionally left blank

LEADER'S REPORT TO COUNCIL

Council	22 January 2018
Report Author	Nick Hughes, Committee Services Manager and Deputy Monitoring Officer
Portfolio Holder	The Leader
Status	For Information
Classification:	Unrestricted
Key Decision	No

Executive Summary:

To receive a report from the Leader in accordance with Council Procedure Rule 2.4

Recommendation(s):

None - This report is for information only.

CORPORATE IMPLICATIONS

Financial and Value for Money	There are no financial implications directly arising from this report.													
Legal	There are no legal implications arising from this report.													
Corporate	The Leaders report helps to contribute to the promoting open communications corporate value.													
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="3">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="text-align: center;">x</td> <td></td> </tr> <tr> <td>Advance equality of opportunity between people who share a protected characteristic and people who do not share it</td> <td style="text-align: center;">x</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 style="text-align: center;">x</td> <td></td> </tr> </table>		Please indicate which aim is relevant to the report.			Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,	x		Advance equality of opportunity between people who share a protected characteristic and people who do not share it	x		Foster good relations between people who share a protected characteristic and people who do not share it.	x	
Please indicate which aim is relevant to the report.														
Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,	x													
Advance equality of opportunity between people who share a protected characteristic and people who do not share it	x													
Foster good relations between people who share a protected characteristic and people who do not share it.	x													

Agenda Item 9

	The Council demonstrates due regard to the aims of the Public Sector Equality Duty when conducting its business, this due regard is mirrored in the leaders report which provides an update on key issues arising since the last meeting of Council.
--	--

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	
Supporting the Workforce	
Promoting open communications	x

1.0 Introduction and Background

1.1 Council Procedure Rule 2.4 provides that:

<p>The Leader of the Council will make available in writing the content of his oral report to opposition group leaders no later than the Saturday before the meeting. The speech will not exceed ten minutes on key issues arising since the last meeting of Council.</p> <p>The Leaders of any other political group may comment on the Leader's report. The comments of the Leaders of the other political groups shall be limited each to five minutes. The other Group Leaders will comment in an order determined by the number of Councillors within those political groups, with the largest group commenting first, and so on.</p> <p>The Leader has a right of reply to each Group Leader limited to two minutes, in hierarchical order, to any comments made on his/her report.</p> <p>The Leader of the Council, the Leader of the Opposition and the Leader of any other political group may appoint substitutes to speak on their behalf.</p> <p>No motions may be moved nor resolutions passed under this item.</p>

Contact Officer:	Nicholas Hughes, Committee Services Manager
Reporting to:	Tim Howes, Director of Corporate Governance and Monitoring Officer

Annex List

None	N/A
------	-----

Background Papers

Title	Details of where to access copy
None	N/A

Corporate Consultation

Finance	Matt Sanham, Corporate Finance Manager
Legal	Tim Howes, Director of Corporate Governance and Monitoring Officer

OVERVIEW & SCRUTINY PANEL CHAIRMAN'S REPORT TO COUNCIL

Council	22 February 2018
Report Author	Cllr D. Saunders, Chairman of the Overview & Scrutiny Panel
Portfolio Holder	Cllr Crow-Brown, Cabinet Member for Corporate Governance
Status	For Information
Classification:	Unrestricted
Key Decision	No
Ward:	Thanet Wide

Executive Summary:

The purpose of the report is to highlight some of the key activities that have planned for by the Overview & Scrutiny Panel during the course of this municipal year 2017/18 and progress to date regarding implementation of the Panel's work programme.

Recommendation(s):

1. Members are invited to discuss and note the report.

CORPORATE IMPLICATIONS

Financial and Value for Money	There are no financial implications directly arising from this report. The report provides a briefing to Full Council about the current work activities of the Overview & Scrutiny Panel.
Legal	There are no legal implications directly arising from this report. A presentation of the OSP Chairman's report to Full Council enables the Chairman to fulfil their duty as is required by the Council's Constitution.
Corporate	There are no corporate risks associated with this report. The report enables discussion by Members at Full Council on the activities of the Overview & Scrutiny Panel. The debate on the OSP Chairman's report contributes to open communication across the council. A strong scrutiny function contributes to an open democratic process for decision making and delivery of value for money services as council decisions are interrogated by Members before they are implemented. In instances where such decisions are interrogated after implementation, there will be lessons to learn for future policy development.

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%; border-collapse: collapse; margin-top: 10px;"> <tr> <td colspan="2" style="padding: 2px;">Please indicate which aim is relevant to the report.</td> </tr> <tr> <td style="padding: 2px;">Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,</td> <td style="width: 50px;"></td> </tr> <tr> <td style="padding: 2px;">Advance equality of opportunity between people who share a protected characteristic and people who do not share it</td> <td></td> </tr> <tr> <td style="padding: 2px;">Foster good relations between people who share a protected characteristic and people who do not share it.</td> <td style="text-align: center; vertical-align: middle;">✓</td> </tr> </table> <p>No implications arise directly but the Council needs to retain a strong focus and understanding on issues of diversity amongst the local community and ensure service delivery matches these.</p> <p>It is important to be aware of the Council's responsibility under the Public Sector Equality Duty (PSED) and show evidence that due consideration had been given to the equalities impact that may be brought upon communities by the decisions made by Council.</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.	✓
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.	✓								

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	✓
Supporting the Workforce	
Promoting open communications	✓

1.0 Introduction and Background

- 1.1 At each ordinary Full Council meeting, the Chairman of the Overview and Scrutiny Panel presents a report on the work undertaken by the Overview and Scrutiny Panel since the last Council meeting.
- 1.2 Such a report will be subject to comment or debate by Members. This is in accordance with Council Procedure Rule 15.1 of Part 4 of the Council Constitution.
- 1.3 The report will therefore provide the basis for debate by Members on on-going scrutiny activities and hopefully lead to sharing of views and ideas to enhance the Council's scrutiny function.

2.0 Community Safety Partnership Working Party

2.1 The working party has not met since the Council meeting on 7 December 2017. It is scheduled to meet on 20 February 2018 to consider the following topics:

- i. An update report by Kent Police regarding the impact of policing in parts of Ramsgate and Margate that were experiencing youth crime; and
- ii. Parents school parking challenges in some areas of the district.

2.2 That would be followed by another two meetings, one on 13 March and another on 10 April to discuss 'Community Payback activities in Thanet' and 'tackling fly tipping in the district' respectively.

3.0 Corporate Performance Review Working Party

3.1 The sub group has not met since the Council meeting on 7 December but will be meeting on 15 February to consider Quarter 3 performance reports from East Kent Housing, East Kent Services and Thanet District Council.

4.0 Call-In of Cabinet Decisions

4.1 There were no valid call-ins made since the last Council meeting.

5.0 Cabinet Presentations at OSP Meetings

5.1 There were no cabinet member presentations scheduled for the period under review.

6.0 OSP Recommendations to Cabinet - Implementation Monitoring

6.1 There were no recommendations submitted to Cabinet in the period under review.

Contact Officer:	Charles Hungwe, Senior Democratic Services Officer, Ext 57186
Reporting to:	Nick Hughes, Committee Services Manager, Ext 57208

Annex List

None	N/A
------	-----

Background Papers

Title	Details of where to access copy
None	N/A

Corporate Consultation

Finance	Ramesh Prashar, Head of Financial Services
Legal	Tim Howes, Director of Corporate Governance & Monitoring Officer

This page is intentionally left blank

STANDARDS HEARING DECISION – CLLR BRIMM

Council – 22 February 2018

Report Author **Monitoring Officer**

Status **For Decision**

Classification: **Unrestricted**

Key Decision **No**

Previously Considered by **Standards Hearing Sub Committee – 14 December 2017**

Ward: **n/a**

Executive Summary:

A complaint (TDCSC175/17) was received against Cllr Brimm in respect of comments she made on social media about a council officer. The complaint was considered by the Standards Hearing Sub-Committee on the 14 December 2017.

The Sub-Committee found that Councillor Brimm had breached the Members Code of Conduct and made the following recommendations to the Monitoring Officer :

- (1) That Thanet District Council issues a formal censure by motion to Councillor Brimm. (A censure is the issue of an unfavourable opinion or judgement or reprimand).
- (2) That the Monitoring Officer sends a letter to Cllr Brimm offering her training.
- (3) That the Council send a press release to publicise the result of the hearing.

The only matter for the consideration of Council is that of imposing a formal censure, a censure is a simple decision which Members can either support or reject.

The basis for the recommendation is not a matter for debate or discussion, since to do so, runs the risk of reopening the decision of the Standards Hearing Sub-Committee which would be inappropriate.

Recommendation(s):

That this council agrees the following:

‘The council censures Councillor Brimm for her behaviour in:

- (a) using social media in a way which compromised the impartiality or integrity of an officer, and
- (b) bringing her office and the Council into disrepute.’

CORPORATE IMPLICATIONS

Financial and Value for Money

The financial implications of the report are the already expended costs of the investigation which amounted to £3245, together with the unquantified cost of officer and member time in dealing with the matter.

Legal	The standards process was enacted in the Localism Act 2011 and the Councillor's code of conduct and the Council's agreed arrangements. Section 27 of the Localism Act 2011 says that the Council must promote and maintain high standards of conduct by members and co-opted members of the authority.								
Corporate	This matter relates to the breach of the Councillors' Code of Conduct and the Protocol on Member/Officer relations which are two of the Council's key governance documents.								
Equality 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%; border-collapse: collapse;"> <tr> <td colspan="2">Please indicate which aim is relevant to the report.</td> </tr> <tr> <td style="width: 80%;">Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,</td> <td style="width: 20%;"></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>The complaint against Councillor Brimm relates to a breach of the Code of Conduct a key governance document and the Protocol on Member/Officer relations.</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.	
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.									

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	
Supporting the Workforce	✓
Promoting open communications	

1.0 Introduction and Background

1.1 A complaint under the Councillors' Code of Conduct was received concerning public comments made by Cllr Brimm on social media berating a member of staff. In referring to the member of staff, Cllr Brimm wrote that the officer '*...needs to go!! Not fit for purpose!*' Cllr Brimm was requested to remove the offending comments but she refused to do so.

1.2 The complaint was considered by the Standards Assessment Sub-Committee on the 12 September 2017 and the Sub-Committee recommended to the Monitoring Officer that the complaint be investigated. An investigator from outside the authority was appointed to carry out the investigation.

1.3 Following the completion of the investigation, the matter was considered by a Standards Hearing Sub-Committee on the 14 December 2017.

2.0 The Standards Hearing Sub Committee

2.1 The Standards Hearings Sub Committee accepted the investigator's conclusions and agreed that there was a case to answer.

2.2 The investigator found that:

- Councillor Brimm's Facebook post compromised the integrity of an officer. She therefore failed to follow paragraph 3.2(c) of the Code of conduct
- Councillor Brimm brought her office and the Council into disrepute. She therefore failed to follow paragraph 3.2(f) of the Code of Conduct
- By criticising an officer personally in public, Councillor Brimm failed to comply with section 7.1.3 of the council's Protocol on Member/Officer relations.

2.3 The view of the Council's Independent Person was:

'A person who has been elected to the position of a councillor must accept the responsibility of the role, represent the people and adhere to the code of Conduct.

If anyone has a complaint about an officer or employee of the council, there are proven routes that can be taken. One of these is not to use the 'social media'.

There is no doubt in my mind that the actions of Councillor Brimm resulted in her breaching the 'Code of Conduct. Therefore I agree with the findings of the Investigating Officer.'

2.4 The formal decision from the Standards Hearings Sub Committee was:

That Councillor Brimm failed to comply with the requirements of Paragraph 2.2, 3.2(c) and 3.2(f) of the Code of Conduct of Thanet District Council. The Sub Committee recommended to the Monitoring Officer that the following sanctions should be imposed:

- (a) That Thanet District Council issues a formal censure by motion to Councillor Brimm.
- (b) That the Monitoring Officer sends a letter to Cllr Brimm offering her training.
- (c) That the Council send a press release to publicise the result of the hearing.

2.5 Paragraph 2.2 of the Code of Conduct says: a Member must comply with this code whenever acting in the capacity of a member of the authority

2.6 Paragraph 3.2(c) of the Code of Conduct says you must not do anything that compromises, or is likely to compromise, the impartiality or integrity of those who work for, or on behalf of, the Authority;

2.7 Paragraph 3(2)(f) of the Code of Conduct says: you must not conduct yourself in a manner which reasonably could be regarded as bringing your office or the Authority into disrepute.

2.8 The Investigator and Sub Committee also considered the Protocol on Member/Officer Relations to be relevant and in particular the following:

“4.2 Members and Officers must at all times observe this Protocol.

7.1.3 Members should be aware that Officers are constrained in the response they may make to public comments from Members. Members should not criticise Officers personally in public or through the press nor seek to undermine their position by abuse, rudeness or ridicule. This in no way reduces the right of Members to criticise, in a constructive manner, the report or actions of a department or section of the Council where they believe such criticism is well-founded.”

Contact Officer:	Tim Howes, Monitoring Officer ext. 7007
Reporting to:	Madeline Homer, Chief Executive

Corporate Consultation

Finance	Ramesh Prashar, Head of Financial Services
Legal	Tim Howes, Director of Corporate Governance and Monitoring Officer

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 Committee Services 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.