

# **ANNUAL MEETING OF THE COUNCIL**



**Thursday, 10th May, 2018**

**7.00 pm**

**Council Chamber  
Thanet District Council  
Margate**

**[www.thanet.gov.uk](http://www.thanet.gov.uk)  
01843 577000**



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Date: 1 May 18  
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, 10 May 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. **ELECTION OF CHAIRMAN** (Pages 5 - 6)
3. **ELECTION OF VICE-CHAIRMAN** (Pages 7 - 8)
4. **MINUTES OF PREVIOUS MEETING** (Pages 9 - 18)  
  
To approve the Minutes of the meeting of Council held on 12 April 2018.
5. **DECLARATIONS OF INTEREST**  
  
To receive any declarations of interest from Members in accordance with Council Procedure rule 2.2 (v)
6. **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).
7. **RESPONSIBILITY FOR FUNCTIONS - EXECUTIVE** (Pages 19 - 36)
8. **APPOINTMENT OF INDEPENDENT STANDARDS MEMBERS** (Pages 37 - 40)

Item  
No

Subject

9. **CONSTITUTION OF COMMITTEES, POLITICAL BALANCE, APPOINTMENTS TO COMMITTEES, PANELS AND BOARDS**

Report to follow.

10. **REPRESENTATION ON OUTSIDE BODIES** (Pages 41 - 44)

11. **MEMBERS ALLOWANCES SCHEME 2018/19**

Report to follow.

**Declaration of Interests Form**

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<b>ELECTION OF CHAIRMAN</b>
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<b>Annual Council</b>	<b>10 May 2018</b>
Report Author	<b>Nick Hughes, Committee Services Manager</b>
Portfolio Holder	<b>Cabinet Member for Corporate Governance and Coastal Development</b>
Status	<b>For Decision</b>
Classification:	<b>Unrestricted</b>
Key Decision	<b>No</b>

**Executive Summary:**

The political groups have been invited to submit their nominations for the election of Chairman. Council is asked to decide upon the appointment.

**Recommendation(s):**

That the election of the Chairman of the Council be agreed.

**CORPORATE IMPLICATIONS**

<b>Financial and Value for Money</b>	There are no direct financial implications.								
<b>Legal</b>	The election of Chairman must take place at the annual meeting of the Council in accordance with sections 3 and 4 of the Local Government Act 1972.								
<b>Corporate</b>	None								
<b>Equalities Act 2010 &amp; Public Sector Equality Duty</b>	<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 &amp; maternity. Only aim (i) of the Duty applies to Marriage &amp; civil partnership.</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <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 equality considerations that need to be</p>	Please indicate which aim is relevant to the report.		Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,		Advance equality of opportunity between people who share a protected characteristic and people who do not share it		Foster good relations between people who share a protected characteristic and people who do not share it.	
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	addressed in this report, any Member may be nominated as Chairman of the Council.
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<b>CORPORATE PRIORITIES (tick those relevant)✓</b>	
A clean and welcoming Environment	
Promoting inward investment and job creation	
Supporting neighbourhoods	

<b>CORPORATE VALUES (tick those relevant)✓</b>	
Delivering value for money	
Supporting the Workforce	
Promoting open communications	✓

## 1.0 Introduction and Background

1.1 The constitution of the Council states that:

“The annual meeting will consider the following:-

(ii) elect the Chairman of Council;”

1.2 Nominations for Chairman of the Council have been invited from the Leaders of the Political Groups and will be announced at the meeting.

## 2.0 Decision Making Process

2.1 Council is the decision making body.

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

### Annex List

None	
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### Background Papers

Title	Details of where to access copy
None	

### Corporate Consultation

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

<b>ELECTION OF VICE-CHAIRMAN</b>
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<b>Annual Council</b>	<b>10 May 2018</b>
Report Author	<b>Nick Hughes, Committee Services Manager</b>
Portfolio Holder	<b>Cabinet Member for Corporate Governance and Coastal Development</b>
Status	<b>For Decision</b>
Classification:	<b>Unrestricted</b>
Key Decision	<b>No</b>

**Executive Summary:**

The political groups have been invited to submit their nominations for the election of Vice-Chairman. Council is asked to decide upon the appointment.

**Recommendation(s):**

That the election of the Vice-Chairman of the Council be agreed.

**CORPORATE IMPLICATIONS**

<b>Financial and Value for Money</b>	There are no direct financial implications.									
<b>Legal</b>	The election of Chairman must take place at the annual meeting of the Council in accordance with sections 3 and 4 of the Local Government Act 1972.									
<b>Corporate</b>	None									
<b>Equalities Act 2010 &amp; Public Sector Equality Duty</b>	<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 &amp; maternity. Only aim (i) of the Duty applies to Marriage &amp; civil partnership.</p> <table border="1" style="width: 100%; margin-top: 10px;"> <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>		Please indicate which aim is relevant to the report.		Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,		Advance equality of opportunity between people who share a protected characteristic and people who do not share it		Foster good relations between people who share a protected characteristic and people who do not share it.	
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	There are no specific equity and equality considerations that need to be									

# Agenda Item 3

	addressed in this report, any Member may be nominated as Chairman of the Council.
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<b>CORPORATE PRIORITIES (tick those relevant)✓</b>	
A clean and welcoming Environment	
Promoting inward investment and job creation	
Supporting neighbourhoods	

<b>CORPORATE VALUES (tick those relevant)✓</b>	
Delivering value for money	
Supporting the Workforce	
Promoting open communications	✓

## 1.0 Introduction and Background

1.1 The constitution of the Council states that:

“The annual meeting will consider the following:-

(iii) elect the Vice-Chairman of Council;”

1.2 Nominations for Chairman of the Council have been invited from the Leaders of the Political Groups and will be announced at the meeting.

## 2.0 Decision Making Process

2.1 Council is the decision making body.

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

### Annex List

None	
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### Background Papers

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None	

### Corporate Consultation

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



## COUNCIL

Minutes of the meeting held on 12 April 2018 at 7.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

**Present:** Councillors Ashbee, Bambridge, Bayford, Brimm, Buckley, Campbell, G Coleman-Cooke, K Coleman-Cooke, Connor, Crow-Brown, Curran, Dawson, Day, Dellar, Dennis, Dexter, Dixon, Edwards, Evans, J Fairbrass, L Fairbrass, Falcon, Fenner, Game, Grove, Hayton, G Hillman, Howes, Jaye-Jones, Johnston, Larkins, Martin, Matterface, Messenger, Parsons, L Piper, S Piper, L Potts, R Potts, Pugh, Rogers, Rusiecki, D Saunders, M Saunders, Savage, Shonk, Stummer-Schmertzling, Taylor, Taylor-Smith, Tomlinson, Townend, Venables and Wells.

### 1. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Braidwood, Constantine and Gregory.

### 2. MINUTES OF PREVIOUS MEETING

It was proposed by the Chairman, seconded by the Vice-Chairman and agreed, that the minutes of the Council meeting held on 22 February 2018 be approved and signed by the Chairman.

### 3. MINUTES OF THE EXTRAORDINARY MEETING

It was proposed by the Chairman, seconded by the Vice-Chairman and agreed, that the minutes of the extraordinary meeting of Council held on 1 March 2018 be approved and signed by the Chairman.

### 4. ANNOUNCEMENTS

There were no announcements.

### 5. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 6. PETITIONS

No petitions had been received by the Council in accordance with the petition scheme.

### 7. QUESTIONS FROM THE PRESS AND PUBLIC

#### (a) QUESTION NO. 1 FROM A MEMBER OF THE PUBLIC – IMPACT ON USERS OF THE CLINICAL WASTE AND SHARPS DISPOSAL SERVICES

Ms Clarke asked Councillor Taylor-Smith the following question:

“Was any thought given to the impact on users of the clinical waste and sharps disposal service under the Equality Act of 2010 when charges were being considered as those who use the service are being treated unfavourably as a consequence of their disability?”

Councillor Taylor-Smith responded with the following points:

- Councillor Taylor-Smith wished to offer an apology on behalf of the Council for the incorrect information that had been sent to some residents.
- An Equality Impact Assessment had been carried out as part of the consideration to introduce charges for clinical waste collection.

(b) **QUESTION NO. 2 FROM A MEMBER OF THE PUBLIC - HEALTH AND SAFETY IMPLICATIONS OF THE CHANGES TO THE CLINICAL WASTE AND SHARPS DISPOSAL SERVICE**

Ms Norwood asked Councillor Taylor-Smith the following question:

“Was any thought given to the implications under Health and Safety legislation when users of clinical waste and sharps disposal were originally told they could use their black bin? If an employee or member of the public received an injury who would be liable?”

Councillor Taylor-Smith responded with the following points:

- Needles and medical waste should never be put in the household waste bins.
- The Council would defer the implementation of the charges until it had undertaken a review that would consider comments from residents.

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

(a) **QUESTION NO. 1 FROM A MEMBER - REGARDING THE POSTPONEMENT OF CLINICAL WASTE AND SHARPS DISPOSAL SERVICES**

Councillor Matterface asked Councillor Taylor-Smith the following question:

“The postponement of fees and charges for clinical waste and sharps disposal is welcome but what alternatives are under consideration and how long will the users of the service have to wait to find out the options?”

Councillor Taylor-Smith responded with the following points:

- Collection would continue to be free of charge while the review was undertaken.
- The review was expected to be completed in the next few months.

Councillor Matterface followed up her question by noting that charges for clinical waste collection had been expected to generate £60,000.00, if collection remained free, how would this budget deficit be balanced? There were a number of legislative requirements which should be considered as part of any future proposal, such as the environmental protection act, carriage of dangerous goods, and the hazardous waste directive. Would all these be considered as part of any future proposal?

Councillor Taylor-Smith responded that Officers would advise Councillor Matterface of the budget situation following the review. Any proposal put forward would take all relevant legislation into consideration.

(b) **QUESTION NO. 2 FROM A MEMBER - REGARDING PROJECTS IN MARGATE CENTRAL WARD**

Councillor Johnston asked the Leader the following question:

“What efforts have you made since becoming Leader to progress several projects and help us in Margate Central ward?”

The Leader responded with the following points:

- There were some ambitious objectives for the area including:
  - Reduction of deprivation and health inequality;
  - Creating a more sustainable community;
  - Creating new quality, affordable housing.
- Many privately rented homes had been made safe by enforcement.
- Bad landlords had been driven out, with 39 prosecuted.
- There was less antisocial behaviour and fewer empty homes.
- The Council continued to work in partnership with Sand Heritage Ltd and its investors in Dreamland.
- The staff and partners working on these projects should be congratulated for their work.

Councillor Johnston followed up her question by highlighting her concerns with 15 projects in the area that had not been covered in the Leader's response.

The Leader offered to meet with Councillor Johnston to discuss the 15 projects that she had listed.

(c) **QUESTION NO. 3 FROM A MEMBER - REGARDING OUTSOURCING OF COUNCIL SERVICES**

This question was withdrawn at the request of the Councillor who submitted it.

(d) **QUESTION NO. 4 FROM A MEMBER - REGARDING PLASTIC WASTE**

Councillor Messenger asked Councillor Taylor-Smith the following question:

"Blue Planet have highlighted to the world how plastics have become detrimental to our sea life and environment. Will the council now look to adopt a policy to work towards a Plastic Free Coastline?"

Councillor Taylor-Smith responded with the following points:

- Councillor Taylor-Smith endorsed the proposal and hoped Members would offer their support when a policy was brought before Council.
- The Council supported the Surfers Against Sewage Plastic Free Coastline Campaign.
- The Council had worked with Keep Britain Tidy on a research project to prevent beach litter which used Margate Main Sands for the study. This offered an insight into the main causes of the beach litter.
- The Council would continue to promote the two minute beach clean initiative and the Marine Conservation Society's Annual Plastic Challenge that encouraged people to give up plastic for a month.
- The Council's environmental education officer has created a booklet which addressed litter, dog fouling and recycling. It has been distributed to schools and community groups.
- Thanks were offered to all the voluntary groups within Thanet who worked to keep the District free of litter.

Councillor Messenger followed up her question by asking whether the Council could aim to take steps to ban single use plastic items from the district by 2020?

Councillor Taylor-Smith responded that she hoped the Council would meet that target.

(e) **QUESTION NO. 5 FROM A MEMBER - REGARDING ERADICATION OF LITTER.**

Councillor Dawson asked the Leader the following question:

“Would the leader of the council support a working party, which is cross party based to oversee and promote a Thanet awareness & educational campaign to eradicate litter & plastics from our streets and beaches.”

The Leader responded with the following points:

- The Council worked hard to improve the District’s streets and beaches. Officers were looking into an umbrella campaign to tackle the environmental issues and communicate the messages in a more consistent way.
- Thanks were offered to everyone who attended a recent focus group which generated a number of new ideas and initiatives for the Council to take forward jointly with the community.
- The Leader supported Councillor Dawson’s proposal, she could speak to the Chair of the Overview and Scrutiny Panel about how a working party on litter and waste might be included in the Panel’s work programme.

(f) **QUESTION NO. 6 FROM A MEMBER - REGARDING LITTERING FINES**

Councillor Larkins asked Councillor Taylor-Smith the following question:

“Most of the correspondence from residents in my ward is about the vast amount of litter strewn around the area. With the permitted litter fine increase by central government I beg the question can TDC increase litter fine in line with this new legislation as a deterrent?”

Councillor Taylor-Smith responded with the following points:

- In April 2017 the Government launched a new litter strategy with the ambition to be “the first generation to leave the natural environment of England in a better state than it found it”.
- New legislation (The Environmental Offences (Fixed Penalties) (England) Regulations 2017) came into effect on the 1 April 2018. Officers were currently looking at the options available and were awaiting statutory guidance on implementation which was due shortly.
- When implementing higher fines, there was a need to take into account circumstances like a person’s ability to pay. This would be covered in the statutory guidance.
- For the first time outside of London, the Council would also be able to apply penalties for littering to owners of vehicles if it can be proved that litter was thrown from their car.

Councillor Larkins followed up her question by asking if the fine could be increased to £150.00, and whether more Enforcement Officers could be employed?

Councillor Taylor-Smith responded that the Council could increase the fine but would wait until the statutory guidance had been published before that decision would be made. She offered to get back to Councillor Larkins with further details regarding recruitment within the enforcement team.

**9. NOTICE OF MOTION**

There were no motions on notice.

**10. LEADERS REPORT**

During his report the Leader covered the following areas:

- One of the first actions the administration took was to pause the introduction of clinical waste collection charges.
- Tackling the amount of litter on the streets and beaches would be a top priority for the administration.
- The Council recently successfully achieved 34 prosecutions for non-payment of littering fines and three successful prosecutions for fly tipping.
- In a landmark case, the Council obtained premises closure order to prevent cuckooing and antisocial behaviour at a property in Broadstairs.
- Education needed support from firm but fair enforcement activity where appropriate, including planning and especially parking.
- The Council would engage more with residents to seek their views on how to make Thanet a better place to live.
- In response to the bad weather at the beginning of March the Council activated its server weather emergency plan and extended the opening of the Winter Shelter by a week. During this period waste and recycling collections were severely disrupted. The collection crews deserved recognition for their effort to catch up on the delayed waste collections.
- The ownership of Piermont hall in Broadstairs had been successfully transferred from the Council to Broadstairs Town Council.
- The number of Cabinet Members had reduced from six to five, these five Cabinet Members would be supported by five cabinet assistants.
- The Leader intended to create a Strategic Matters Cross Party Group that comprised of the leader from each group, the deputy leader of council and the senior management team. The Group would consider strategic matters regarding the Council.
- Discussion with the Ministry of Housing, Communities & Local Government (MHCLG) had been positive. They wished to support the Council in bringing forward the date for submission of the Local Plan from April 2019.
- Earlier in the week RiverOak Strategic Partnership had submitted an application for a development consent order to central government at the former airport site.
- Congratulations were offered to the Housing Department as they had won the 2018 LGC Housing Initiative Award at a prestigious local government awards ceremony.

Councillor Rev. Piper as Leader of the Thanet Independent Councillors Group made the following points:

- He congratulated Councillor Bayford on becoming Leader of the Council.
- Council's decision to reject the draft Local Plan in January 18 gave the Council a chance to have a meaningful discussion with the MHCLG team regarding the amount of houses needed within the District.
- The Leader's intention to engage with residents and put them at the heart of all endeavours was good to hear.
- Those involved in the Winter Shelter project and the recent Server Weather Emergency protocol deserve thanks.
- The creation of a Strategic Matters Cross Party Group was welcome.
- The Housing department had achieved great success recently and the award was very well deserved.

The Leader thanked Councillor Rev. Piper for his comments.

Councillor Wells as Leader of the Independent and UKIP Group made the following points:

- It would be interesting to see how the submission date for the Local Plan could be bought forward.
- Councillor Wells wished to add his congratulations to the Housing department for their achievement.

The Leader thanked Councillor Wells for his comments.

Councillor Matterface as leader of the Labour Party made the following points:

- The premises closure order had been desperately needed.
- Previously a two year moratorium had been mentioned as part of the Local Plan, and the possibility of working with other Councils. Was there any further information regarding the local plan?
- What was the purpose of the Strategic Matters Cross Party Group?

The Leader replied to Councillor Matterface's comments with the following points:

- The Strategic Matters Cross Party Group would be similar to the improvement board, but it would also to consider the way forward for the Council at a strategic level.
- The MHCLG had asked the Council to continue to work on the Local Plan. They had not discussed working with other Councils.

## **11. ANNUAL REPORT - CHAIRMAN OF THE OVERVIEW & SCRUTINY PANEL**

Councillor D Saunders, Chairman of the Overview and Scrutiny Panel, presented his report which noted some of the Panel's key activities and achievements over the 2017/18 year. Councillor Saunders expressed his thanks for the support provided by officers, particularly from Mr Hungwe, throughout the year.

Members noted the report.

## **12. ANNUAL REPORT - CHAIRMAN OF THE GOVERNANCE AND AUDIT COMMITTEE**

Councillor Buckley, Chairman of the Governance and Audit Committee, presented his report on the work of the Committee and drew Members attention to the action plan for 2018/19. He wished to thank officers and Members of the committee for their effort over the 2017/18 year.

Members noted the report.

## **13. ANNUAL REPORT - CHAIRMAN OF STANDARDS COMMITTEE**

During consideration of this item there was an adjournment lasting 10 minutes.

Dr Sexton, the Independent Chairman of the Standards Committee presented his annual report which summarised and commented on the work of the Committee over the 2017/18 year. Some Members felt that the use of the term 'en bloc' at paragraph 6.10 of the report was inaccurate because one member of the Thanet Independent Councillors group chose not to vote on the censure issue.

Members noted the report.

## **14. CHANGES TO THE MEMBERS ALLOWANCE SCHEME**

It was proposed by the Leader, seconded by Councillor Savage and Members agreed:

1. "To the deletion of one Cabinet SRA and one Shadow Cabinet SRA
2. To the introduction of five SRA's for Portfolio Assistants to be paid at a rate of £1500 each and that proposals to allocate the savings made from the deletion of the shadow cabinet post be brought to Annual Council.

3. To amend the scheme so there are two opposition group leaders with an SRA of £2,602 each, two deputy opposition group leaders with an SRA of £1,152 each and 6 Shadow Cabinet positions with a SRA of £1,152 each.
4. To change the name of the SRA's "opposition group leader" and "deputy opposition group leader" to "group leader of largest opposition group" and "deputy group leader of largest opposition group".
5. To change the name of the "shadow cabinet" SRA to "opposition spokesperson".
6. To refer the scheme to the East Kent Joint Independent Remuneration Panel for them consider and report back to the Council."

## **15. PAY POLICY STATEMENT**

It was proposed by the Leader, seconded by Councillor Savage and Members agreed the recommendation as shown in the report, namely that Members agree:

"To approve the Pay Policy Statement for 2018/19 as set out in Annex 1, after which it will be published."

During consideration of the item Councillor Fenner proposed an amendment to the proposal. She wished for the statement to include regular monitoring of the gender pay gap; however following further discussion this amendment was withdrawn. Mr Howes, Director of Corporate Governance, offered to provide Members with information on how gender pay gap monitoring took place.

## **16. CHANGES TO THE COUNCIL'S CONSTITUTION**

It was proposed by the Chairman, seconded by the Vice-Chairman and Members agreed the recommendations as shown in the report, namely that Members agree:

1. "To amend paragraph 16.03 a) to read: "The Committee Services Manager will provide an electronic copy of this Constitution to each member of the authority upon delivery to him/her of that individual's declaration of acceptance of office on the member first being elected to the Council."
2. To amend Council Procedure 3.3 to read: "The Monitoring Officer shall include all notices of motion and accompanying statements in the agenda for the next relevant meeting of Council in the order received."
3. To add a new Council Procedure Rule 3.4 to read "A member giving notice in writing (either by official TDC email or via letter) prior to the start of the meeting at which their motion is to be considered, may defer their motion to a later meeting or withdraw it if they are unable to attend the said meeting. If no such notice is received and the member is not present to move the motion it will automatically fall and will not be able to be re-considered for six months as per CPR 3.8 xi)."
4. To amend Council Procedure Rule 14.6 to read: "The Monitoring Officer will reject a question if it is..."
5. To add a new Council Procedure Rule 14.7 to read: "A member giving notice in writing prior to the start of the meeting at which their question is to be considered, may defer their question to a later meeting or withdraw it if they are unable to attend the said meeting."
6. To add a new Council Procedure Rule 14.8 to read: "If such notice is not received and the questioner is not present the question shall not be put and shall be answered in writing. There will be no ability to ask a supplementary question."
7. To note that all subsequent numbering of the council procedure rules would be amended in order to accommodate the changes suggested above."

## 17. REPS ON OUTSIDE BODIES

It was proposed by Councillor Bayford, seconded by Councillor Savage and Members agreed that the current list of non-executive outside bodies and existing nominations would remain in place until the annual meeting of council in May 2018.

## 18. CHANGES TO COMMITTEES, PANELS AND BOARDS – 2017/18

### PROPORTIONALITY

The Leader proposed option 1 which was seconded by Councillor Savage.

Councillor Rev. Piper proposed option 2 which was seconded by Councillor Jaye-Jones.

Upon being put to the vote, Members agreed option 1 as detailed at paragraph 2.5.1 of the report, namely;

“That a seat is removed from the Planning Committee and the Independent group loses that seat. That a seat is removed from the Conservative group on the Licensing Board and that seat is given to the Thanet Independent Councillors group. That a seat is removed from the Independent group on the Overview and Scrutiny Panel and that seat is given to the Thanet Independent Councillors group. That a seat is removed from the Governance and Audit Committee and the Independent group loses that seat. That a seat is removed from the Conservative group on the Governance and Audit Committee and given to the Independent and UKIP group.”

### STANDARDS COMMITTEE AND JOINT TRANSPORTATION BOARD

The Chairman proposed, the Vice-Chairman seconded and Members agreed the tables shown in paragraphs 2.12.2 and 2.12.4, namely;

**Table at paragraph 2.12.2:**

	Total	Conservative	Independent & UKIP	Thanet Independent Councillors	Labour Group	Independent Members	Parish/ Town Council
Standards Committee	<u>15</u>	3	2	<u>2</u>	1	4**	3
Standards Assessment Sub-Committee	3	*		*	0	At least 1	*
Standards Hearing Sub-Committee	3	*		*	0	At least 1	*

NOTE: \*The remaining two members would be either Thanet District Council Members from those groups that are entitled to seats on the Standards Committee, Town/Parish Council members or further independent members, on a case by case basis. In the case of complaint against a Town or Parish Councillor at least one of the panel would be a Town or Parish Council representative.

\*\* Currently there are only two Independent Members in post.

**Table at paragraph 2.12.4:**

	TDC Members	Conservative	Ind & UKIP	Thanet Independent Cllrs Group	Labour	Parish/ Town Council
Joint	7	3	2	<u>2</u>	<u>0</u>	1



Transportation Board						
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## **NOMINATION OF MEMBERS TO SERVE ON COMMITTEES**

Councillor Rev. Piper advised that Councillor Dennis would sit on the Licensing Board and Councillor L. Potts would sit on the Overview and Scrutiny Panel.

Councillor Wells advised that Councillor Dellar would move from the Planning Committee and become a reserve. Councillor Grove would sit on the Planning Committee.

## **ELECTION OF CHAIRMAN AND VICE-CHAIRMAN**

The Leader proposed, Councillor Savage seconded and Members agreed that Councillor Day be elected Vice Chairman of the Governance and Audit Committee for the remainder of the 2017/18 year.

Meeting concluded: 8.25pm

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**RESPONSIBILITY FOR FUNCTIONS – EXECUTIVE DELEGATIONS**

Council	<b>10 May 2018</b>
Report Author	<b>Nick Hughes, Committee Services Manager</b>
Portfolio Holder	<b>Councillor Bayford, Leader of Council</b>
Status	<b>For Decision</b>
Classification:	<b>Unrestricted</b>
Key Decision	<b>No</b>
Ward	<b>Thanet Wide</b>

**Executive Summary:**

This report allows the Leader to inform Council of the Executive portfolios and notes the appointments to them, and to the opposition spokespeople.

**Recommendation(s):**

1. That Council notes the report.

**CORPORATE IMPLICATIONS**

<b>Financial and Value for Money</b>	There are no relevant financial implications arising from this report.				
<b>Legal</b>	The Leader must approve a scheme of Executive delegations. It is for each Group to nominate the holders of Cabinet portfolio and shadow portfolio posts.				
<b>Corporate</b>	Cabinet and shadow portfolios are generally aligned in a way which mirrors themes (or combinations of themes) within the Council’s Corporate Plan, to aid in the delivery of that Plan.				
<b>Equalities Act 2010 &amp; Public Sector Equality Duty</b>	<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 &amp; maternity. Only aim (i) of the Duty applies to Marriage &amp; civil partnership.</p> <table border="1" style="width: 100%;"> <tr> <td colspan="2">Please indicate which aim is relevant to the report.</td> </tr> <tr> <td>Eliminate unlawful discrimination, harassment, victimisation and</td> <td></td> </tr> </table>	Please indicate which aim is relevant to the report.		Eliminate unlawful discrimination, harassment, victimisation and	
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.	
<p>There are no equity and equalities implications arising from this report. 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>		

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

<b>CORPORATE VALUES (tick those relevant)✓</b>	
Delivering value for money	
Supporting the Workforce	
Promoting open communications	✓

## 1.0 Introduction and Background

1.1 In accordance with the Council's constitution:

“In each Council Year the Leader will allocate a range of functional responsibilities (called ‘a portfolio’) to the members of the Cabinet and will at the Annual Meeting also notify Council of such allocation and will cause that to be recorded in the Constitution of the Council.”

1.2 The Leader of Council is responsible for any functions which are not specifically required to be carried out by the Council under regulations. All of the functions of the Council are executive functions except for:

- a. Those listed in Schedule 1 of the Local Authority's (Functions and Responsibilities) (England) Regulations 2000 (as amended); and
- b. Those set out in the Council's Constitution as being the responsibility of the Council or a body established by the Council.

1.3 Annex 1 to this report is Section D. This highlights a range of functions that are the responsibility of the executive that the Leader has assigned to the Leader, Cabinet or individual Cabinet Members. Annex 2 contains Section E, this is the part of the Scheme of executive functions which the Leader has delegated to officers.

1.4 It is worth noting that all key decisions must be collectively agreed by Cabinet, unless Cabinet makes a specific decision to delegate that decision to a Cabinet member, committee or officer.

## 2.0 Current Situation

2.1 The Cabinet must consist of the Leader of the Council, the Deputy Leader and at least one but not more than eight other Councillors also appointed by the Leader.

# Agenda Item 7

- 2.2 Details of the Cabinet portfolios and functions covered for the 2018/19 municipal year are attached in Section D of Annex 1 to this report.
- 2.3 The Leader appoints Cabinet Members to portfolios as detailed at Annex 3 to the report.
- 2.4 The names of the opposition spokespeople will be circulated at the Meeting. The opposition spokespeople must exactly mirror the Cabinet Portfolios.

## 3.0 Options

- 3.1 As this report highlights the executive functions as determined by the Leader, it is for information only.

## 4.0 Decision Making Process

- 4.1 The Leader determines the portfolios and scheme of delegations. Council notes the portfolio and opposition spokespeople.

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

## Annex List

Annex 1	Part 3 Scheme of Delegations Section D
Annex 2	Part 3 Scheme of Delegations Section E
Annex 3	Portfolio Holders

## Background Papers

Title	Details of where to access copy
None	N/A

## Corporate Consultation

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

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## **SECTION D. RESPONSIBILITY FOR EXECUTIVE FUNCTIONS**

### **Responsibility for functions and procedures**

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

## **RESPONSIBILITY FOR EXECUTIVE FUNCTIONS**

### **1. General**

- 1.1 All the functions of the Council are executive functions except for:
  - Those listed in Schedule 1 of the Local Authority's (Functions and Responsibilities) (England) Regulations 2000 (as amended); and
  - Those set out in this Constitution as being the responsibility of the Council or a body established by the Council.
- 1.2 Executive functions will be exercised by the Leader except when the matter is dealt with under joint arrangements or delegated to the Cabinet, a committee of Cabinet, an individual Cabinet member or an Officer.
- 1.3 The Leader will discharge both these functions in accordance with the Cabinet procedures and the access to information rules.
- 1.4 The Leader will make sure all necessary steps are taken to prepare the Authority's budget, and those plans and strategies which constitute the Authority's policy framework as set out in Part 4 of this Constitution prior to their final approval and adoption by the Council. They will undertake this work in accordance with the budget and policy framework procedure rules.

## **THE LEADER'S SCHEME OF DELEGATION FOR EXECUTIVE FUNCTIONS**

### **1. Background**

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

# Agenda Item 7

## Annex 1

- delegating executive responsibilities to individual Cabinet members;
  - allocating executive responsibilities to officers;
  - allocating executive responsibilities when no-one has responsibility for them.
- 1.3 The Leader can at any time take back responsibilities delegated to committees of the Cabinet, an individual Cabinet member or officer, or decide to delegate them on certain conditions. (i.e. The Leader can choose to exercise any powers in the Scheme of Delegation).
- 1.4 The Leader can also decide to delegate further responsibilities to committees of the Cabinet, individual Cabinet members or to an officer.
- 1.5 Executive responsibilities are carried out on behalf of the council and in the council's name.

### 2 Delegations to Cabinet

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

#### Key Decisions

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

- (i) to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the council's budget for the service or function to which the decision relates; or
- (ii) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the district.

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

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



relevant budget approved by Council.		decision if significant effect on communities (as above).
(c) Decisions on cash flow, investments and borrowings.	None.	No, unless significant effect on communities (as above).
(d) Decisions to make savings.	None.	No, unless significant effect on communities (as above).

### 3. Areas of Responsibility of Individual Cabinet Members

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

### 4. Delegations to Cabinet Members

#### A. General Delegations to all Portfolio Holders

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

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

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

Any matter within a Cabinet Member's delegated powers may be referred by him or her to Cabinet for decision.

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

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

To be consulted by Directors upon in year changes to fees and charges (including the introduction of new fees and charges)

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

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

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## Annex 1

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

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

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

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

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

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

### **B. Specific Delegations to Portfolio Holders**

#### Leader of the Council

1. To approve the appointment of Council Members to sit on external Partnership
2. Boards related to regeneration and to monitor their performance in accordance with approved guidance;
3. To nominate a Cabinet Member to act on his or her behalf on a specific project;
4. To recommend to Council and Cabinet (as the case may be) the appointment or nomination of Members to fill vacancies on the Approved Table of Outside Bodies;
5. To exercise any specific delegated power of any Cabinet Member;

#### Portfolio Holder for Operational Services

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

#### Portfolio - Financial Services and Estates

1. To approve the write off of debts over £10,000;
2. To authorise terms for the acquisition and sale of property with an estimated value of over £250,000.

**C. Portfolio - Leader of the Council**

**As Cabinet Leader**

**Scope of Portfolio:**

To lead and coordinate the Cabinet on:

1. Corporate Plan
2. Media, PR and Communications;
3. Strategic Planning, Planning Policy and the Local Plan
4. Major Strategic Projects;
5. Port and Harbours.

**D. Deputy Leader of the Council**

To act on behalf of the Leader when he or she is absent or unable to act and may nominate any Cabinet member to deputise for the Leader in the absence of the Leader and Deputy Leader. To work under the Leader's direction on Cabinet co-ordination and ensure resolution of any inter portfolio issues.

**E. Portfolio - Operational Services**

**Scope of Portfolio**

To lead policy development and advise the Cabinet on:

1. Parking (including civil parking enforcement)
2. Waste management, recycling and street cleaning;
3. Streetscene enforcement (including fly-tipping)
4. Parks including playgrounds and green spaces;
5. Cemeteries and crematoria;
6. Public conveniences

**F. Portfolio - Financial Services and Estates**

**Scope of Portfolio:**

**To lead policy development and advise the Cabinet on:**

1. Policy and Business Planning ;
2. Finance including revenue and capital for general fund and HRA budgets preparation and monitoring;
3. Treasury Management;
4. Housing and Council Tax Benefits and Revenues (including Debt Recovery);
5. Corporate property, land and facilities management;
6. Heritage and museums;
7. Risk and Performance

**G. Portfolio - Housing and Safer Neighbourhoods**

**Scope of Portfolio**

To lead policy development and advise the Cabinet on:

1. Community Safety (including representing the Council on the Community Safety Partnership);
2. The Margate Task Force Board;
3. Health and Wellbeing
4. Strategic Licensing;
5. Private Sector Housing (including the Margate Housing Intervention Programme);
6. Housing Strategy;
7. Homelessness
8. Client-side East Kent Housing;
9. Environmental Health
10. Recreation and leisure;
11. The leisure management contract

**H. Portfolio – Corporate Governance and Coastal Development**

**Scope of Portfolio:**

To lead policy development and advise the Cabinet on:

1. Information and Communications Technology;
2. Customer Services;
3. Democracy and Governance;;
4. Legal Services;
5. Information, records and data management and strategy;
6. Service improvement and transformation;
7. Regeneration and economic development;
8. Tourism
9. Management of the foreshore and beaches

**5. DELEGATIONS TO EAST KENT SERVICES**

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

**6. GENERAL RULES AS TO CABINET DELEGATIONS**

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

**6.1 DELEGATION TO OFFICERS**

(1) All executive responsibilities except the ones in Sections 2 and 4 above are delegated to the Officers in the corporate management team and the heads of service (see SECTION E) noting any capital and revenue delegation limits.

An Officer can only carry out a responsibility if:

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

Officers' use of delegated powers:

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

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

**6.2 INTERPRETING THE RULES ON DELEGATION**

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

**6.3 RESPONSIBILITIES NOT COVERED BY THIS SCHEME**

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

Signature .....  ..... Date ..... 23/3/18 .....

Councillor ..... BAFFORD .....

Leader of Thanet District Council



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Annex 2

**SECTION E. MANAGEMENT STRUCTURE AND SCHEME OF OFFICER DELEGATIONS**

PART A MANAGEMENT STRUCTURE

PART B SCHEME OF DELEGATIONS TO OFFICERS

**Part A – Management Structure**

The Corporate Management Team (CMT)

Chief Executive  
Deputy Chief Executive and S.151 Officer  
Director of Corporate Governance and Monitoring Officer  
Director of Operational and Commercial Services

The Heads of Service:

Deputy Chief Executive and S.151 Officer

- Head of Housing and Planning Services
- Head of Financial Services
- Head of Communications

Corporate Governance and Monitoring Officer

- Head of Legal Services and Deputy Monitoring Officer
- Head of Asset Management
- Committee Services Manager
- Electoral Services Manager

Operational and Commercial Services

- Head of Operational Services
- Head of Port and Technical Services
- Head of Safer Neighbourhoods

EK Services

- Head Of Shared Services
- Client Services Manager
- Head of ICT
- Head of Human Resources



### **Part B - Scheme of Delegations to Officers**

#### **1.0 Methodology**

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

#### **3.0 Delegation to Officers**

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

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

#### **4.0 Appointment of Proper Officers:**

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

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# Agenda Item 7

## Annex 3

### Annex 3 List of Cabinet Portfolio Holders

<b>Name of Portfolio</b>	<b>Cabinet Member</b>
Leader of the Council	Councillor Robert Bayford
Deputy Leader	Councillor Jason Savage
Corporate Governance and Coastal Development	Councillor Jason Savage
Operational Services	Councillor Rosanna Taylor-Smith
Housing and Safer Neighbourhoods	Councillor Lesley Game
Financial Services and Estates	Councillor Ian Gregory

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**APPOINTMENT OF INDEPENDENT MEMBERS OF THE STANDARDS COMMITTEE**

<b>Annual Council</b>	<b>10 May 2018</b>
Report Author	<b>Tim Howes, Director of Corporate Governance and Monitoring Officer</b>
Portfolio Holder	<b>Cabinet Member for Corporate Governance and Coastal Development</b>
Status	<b>For Decision</b>
Classification:	<b>Unrestricted</b>
Key Decision	<b>No</b>

**Executive Summary:**

This report asks Council to reappoint Dr Sexton and Mrs Bacon as Independent Members of the Standards Committee for the 2018/19 Municipal year.

**Recommendation(s):**

That Council approves the appointment of:

1. Dr Sexton as an Independent Member of the Standards Committee until the 2019 Annual Council Meeting.
2. Mrs Bacon as Independent Member of the Standards Committee until the 2019 Annual Council Meeting.

**CORPORATE IMPLICATIONS**

<b>Financial and Value for Money</b>	Independent Members of the Standards Committee are entitled to a small Special Responsibility Allowance (SRA). These allowances are included in the approved 2017/18 Budget.
<b>Legal</b>	The Council has established a process for handling complaints through the Standards Committee which involves Independent Members which is compliant with the Localism Act 2011.
<b>Corporate</b>	The continued appointment of Independent Members to the Standards Committee will enhance public trust and confidence in the operation of the Council's ethical governance arrangements
<b>Equalities Act 2010 &amp; Public Sector Equality Duty</b>	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 &amp; maternity. Only aim (i) of the Duty applies to Marriage &amp; 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 issues related to this decision.</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.									

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

<b>CORPORATE VALUES (tick those relevant)✓</b>	
Delivering value for money	
Supporting the Workforce	✓
Promoting open communications	✓

## 1.0 Introduction and Background

- 1.1 Council agreed on 27 February 2014 to appoint Independent Members to the Standards Committee as part of the process to replace the existing system for Standards.
- 1.2 Two Independent Members were then subsequently appointed being Dr Jonathan Sexton and Mrs Janet Bacon.
- 1.3 Dr Sexton was appointed as Chairman of the Standards Committee and Mrs Bacon was appointed as Vice Chairman.
- 1.4 Council agreed on 11 May 2017 to approve re-appointment of Dr Sexton and Mrs Bacon for another year.

## 2.0 The Current Situation

- 2.1 The appointments made were for the last year and there is now a need to appoint Independent Persons to the Standards Committee for the coming year.
- 2.2 Independent Members were originally recruited following recommendation from the Standards Appointments Working Party.
- 2.3 Both Dr Sexton and Mrs Bacon have indicated their willingness to continue as Independent Members of the Standards Committee.

## 3.0 Options

- 3.1 To appoint Dr Sexton and Mrs Bacon as Independent Members of the Standards Committee until the 2019 Annual Council meeting.

- 3.2 To appoint Dr Sexton or Mrs Bacon an Independent Member of the Standards Committee until the 2019 Annual Council meeting, If this is the decision taken, a recruitment process would be required to recruit suitable person to fill the vacant Independent Member position. This could cause some delay in handling matters for investigation through the Standards process.
- 3.2 The Council could choose to not appoint Dr Sexton or Mrs Bacon as Independent Members. If this is the decision taken, a recruitment process would be required to recruit suitable persons to act as Independent Members. This would cause a significant delay in handling matters for investigation through the Standards process.

#### 4.0 Decision Making Process

- 4.1 Council is required to confirm the appointment of Independent Members to the Standards to ensure that they have a mandate to be able to perform their functions in that role.

Contact Officer:	Tim Howes – Director of Corporate Governance & Monitoring Officer
Reporting to:	Madeline Homer – Chief Executive

#### Annex List

None	
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#### Background Papers

Title	Details of where to access copy
None	

#### Corporate Consultation

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

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**REPRESENTATION ON OUTSIDE BODIES**

<b>Annual Council</b>	<b>10 May 2018</b>
Report Author	<b>Committee Services Manager</b>
Portfolio Holder	<b>Cabinet Member for Corporate Governance and Coastal Development</b>
Status	<b>For Decision</b>
Classification:	<b>Unrestricted</b>
Key Decision	<b>No</b>

**Executive Summary:**

This report invites suggestions to update the lists of recognised outside bodies and the appointment of Members to serve on the non-executive list.

**Recommendation(s):**

1. That Council agrees the list of Non-Executive outside bodies;
2. That Council agrees the nominations to the Non-Executive outside bodies.

**CORPORATE IMPLICATIONS**

<b>Financial and Value for Money</b>	There are no direct financial implications from this report. However members allowances included in the annual budget are based on the existing structure and any increase in size or number of committees would require approval of the resulting increase in the budget.	
<b>Legal</b>	None	
<b>Corporate</b>	The Council appoints representatives to outside bodies in order to express the views of the Council to those bodies on the work they undertake, and to feed back to the Council issues emerging from those bodies that relate to Council activities.	
<b>Equalities Act 2010 &amp; Public Sector Equality Duty</b>	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.	
	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.	
	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.	
There are no direct equalities implications to this report as although there are Councillors from the protected groups, there are no restrictions on who may be appointed to represent the Council on outside bodies.		

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

<b>CORPORATE VALUES (tick those relevant)✓</b>	
Delivering value for money	
Supporting the Workforce	✓
Promoting open communications	✓

## 1.0 Introduction and Background

1.1 Council has two categories of outside bodies: those that relate to an Executive function and hence appointments should be made by the Cabinet, and those for which appointments should be made by Council.

## 2.0 The Current Situation

2.1 The existing list of Non-Executive outside bodies is shown at Annex 1 to the report.

2.2 It is for Council to decide on both the list of Non-Executive outside bodies and the nominations to those Non-Executive outside bodies. The Leader will propose a list of nominations to the Non-Executive outside bodies at the Council meeting.

2.3 It is for Council to decide on those outside bodies it feels relate to an Executive function, but for Cabinet to agree the nominations to them.

## 3.0 Decision Making Process

3.1 Council is the decision making body.

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

## Annex List

Annex 1	List of Non-Executive outside bodies for 2018/19
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## Background Papers

Title	Details of where to access copy
None	

## Corporate Consultation

<b>Finance</b>	Ramesh Prashar – Head of Financial Services
<b>Legal</b>	Tim Howes - Director of Corporate Governance and Monitoring Officer

# Agenda Item 10

## Annex 1

### Current List of Non-Executive Outside Bodies – for the municipal year, 2018/19

Name of Outside Body	No. of Reps
Action with Communities in Rural Kent	2
Age UK: Thanet	1
Campaign to Protect Rural England	1
Canterbury Festival	1
Citizens Advice Bureau, Thanet	2
East Kent Housing Area Board	2
East Kent Housing Board	1
Millmead Children's Centre Partnership Ltd	1
Multiple Sclerosis Society	1
Parking and Traffic Regulation Outside London	1
Powell Cotton Museum and Quex House	1
(The) River Stour (Kent) Internal Drainage Board	1
Sandwich and Pegwell Bay National Nature Reserve Steering Group	1
Thanet Countryside Trust	2
Thanet Rural Regeneration Group	1
Thanet Sports Network	1 +reserve
Thanet Volunteer Bureau	1
The Friends of Margate Cemetery Trust	2
Trust for Thanet Archaeology	2
Youth Advisory Group (formerly, Concorde Youth Centre)	1

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## THANET DISTRICT COUNCIL DECLARATION OF INTEREST FORM

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

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

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

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

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

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

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

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

An associated person is defined as:

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

An Authority Function is defined as: -

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

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

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

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

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

### **Gifts, Benefits and Hospitality**

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

### **What if I am unsure?**

If you are in any doubt, Members are strongly advised to seek advice from the Monitoring Officer or the 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.