

# **MEETING OF THE COUNCIL**



**Thursday, 11th October, 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 October 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, 11 October 2018 at 7.00 pm for the purpose of transacting the business mentioned below.

*Timothy 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** (Pages 5 - 10)

To approve the Minutes of the meeting of Council held on 6 September, copy attached.

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.

Item  
No

Subject

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 11 - 12)

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 EXECUTIVE, POLICY AND COMMUNITY SAFETY SCRUTINY PANEL** (Pages 13 - 18)

11. **REPORT OF THE CHAIRMAN OF THE FINANCE, BUDGET AND PERFORMANCE SCRUTINY PANEL** (Pages 19 - 24)

12. **CONSTITUTIONAL CHANGES - CHANGES TO CONTRACT PROCEDURE RULES** (Pages 25 - 46)

13. **DECLARATION OF VACANCY MARGATE CENTRAL WARD** (Pages 47 - 50)

14. **CHANGES TO COMMITTEES, PANELS AND BOARDS - 2018/19** (Pages 51 - 66)

**Declaration of Interests Form**

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## COUNCIL

Minutes of the meeting held on 6 September 2018 at 7.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

**Present:** Councillor David Saunders (Chairman); Councillors Ashbee, Bambridge, Bayford, Braidwood, Brimm, Buckley, Campbell, G Coleman-Cooke, K Coleman-Cooke, Connor, Constantine, Crow-Brown, Curran, Dawson, Dellar, Dennis, Dexter, Dixon, Edwards, L Fairbrass, Falcon, Game, I Gregory, Grove, Hayton, Jaye-Jones, Johnston, Larkins, Matterface, Messenger, Parsons, L Piper, S Piper, L Potts, Pugh, Rogers, Rusiecki, M Saunders, Savage, Taylor, Taylor-Smith, Tomlinson and Wright.

### 1. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Day, Evans, Jeremy Fairbrass, Fenner, Hillman, Martin, Roy Potts, Shonk, Stummer-Schmertzing, Townend, Venables and Wells.

### 2. MINUTES OF PREVIOUS MEETING

It was noted that there was a typographical error in item 6a, question from the public regarding clinical waste. The minute should state that Councillor Taylor-Smith responded to the question.

Subject to this amendment it was proposed by the Chairman, seconded by the Vice-Chairman and agreed, that the minutes of the Council meeting held on 12 July 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 Council meeting held on 19 July 2018 be approved and signed by the Chairman.

### 4. ANNOUNCEMENTS

Members offered Councillor Wright congratulations on her recent election to the Council.

### 5. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 6. PETITIONS

#### (a) A Petition Regarding Jackey Bakers

Ms Taylor was unavailable to present the petition, however Members noted that the following petition, containing 70 valid signatures, had been received:

“We the undersigned petition the council to erect a solid barrier around the perimeter of Jackey Bakers that is extremely difficult to break.

A barrier will assist to prevent further incursions on to the Land which is a valuable community asset and should be protected. It will also prevent local residents from being disturbed by the noise and anti-social behaviour that recent incursions have brought to our local area.”

In accordance with the council’s Petition Scheme, the petition was referred to Cabinet without debate for report back to the Council within three ordinary meetings.

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

No questions were received from the press and public in accordance with council procedure rule number 13.

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

(a) **Question No. 1 from a Member - Regarding the Number of Staff at the Council**

Councillor Johnston asked the Leader the following question:

“Thanet District Council is a major employer. Please could the Leader confirm the numbers of staff with a breakdown for each department.”

The Leader responded with the following points:

- The council currently employed 483 staff which equated to 451.16 full time equivalent posts (FTE). A departmental breakdown was:
  - Chief Executive Directorate: 6 staff, 5.04 FTE
  - Corporate Governance Directorate: 58 staff, 46.79 FTE
  - Deputy Chief Executive and S151 Directorate: 106 staff, 98.47 FTE
  - Operational and Commercial Services Directorate: 258 staff, 247.66 FTE
  - East Kent Services: 55 staff, 53.20 FTE

Councillor Johnston followed up her question by asking for details regarding staff redundancies, dismissals and tribunals.

The Leader responded that the Chief Executive was the Head of Paid Service and had responsibility for staffing. Councillor Johnston should write to the Chief Executive to request the information she required.

(b) **Question No. 2 from a Member - Regarding Homeless Families**

Councillor Constantine asked Councillor Game the following question:

“Could the cabinet member give me an update on the progress being made to rehouse the 71 homeless Thanet families currently in temporary accommodation?”

Councillor Game responded with the following points:

- Since the Council meeting on 12 July, 14 of the 71 families had moved into permanent accommodation and 12 had a property identified for a planned move.
- During July and August 31 new families had approached the Council for assistance.
- Between 9 July and 23 August the number of households living in temporary accommodation had reduced by 12% and the use of hotels for temporary accommodation had reduced to two child free households.
- Following the introduction of the Homeless Reduction Act on 3 April 2018, 789 referrals to the service had been received and 303 personal housing plans had been completed. The service had received a letter from the Ministry of Housing, Communities and Local Government which stated how impressed they had been

by the progress that had been made since the introduction of the Homeless reduction act.

- Despite the unprecedented demand for the service, the Council had been successful in preventing homelessness and reducing its reliance on temporary accommodation.
- The Council would invest £30million to create 150 new homes by 2020, and a bid had recently been submitted to build 35 new homes costing £8.8 million.
- All political parties needed to work together to address the level of homelessness, this was an issue that could be seen across the country.

Councillor Constantine followed up her question by asking how the Council used the Human Rights Act to avoid splitting families and putting people in inappropriate housing.

Councillor Game responded that the Council took the Human Rights Act very seriously and always tried to avoid splitting up families. She reiterated her offer given at the last Council meeting, to meet with Councillor Constantine to discuss her concerns.

(c) **Question No.3 from a Member - Regarding the Summer Kitchen**

Councillor Matterface asked the Leader the following question:

“Following the success of the Summer Kitchen in uniting the community and helping many disadvantaged families, will Thanet District Council be applying for money from the government next year similar to the funds announced by Children and Families Minister, Nadhim Zahawi, to enable the scheme to continue here?”

The Leader responded with the following points:

- This was initially a Council initiative to provide ‘fit and fed’ sessions in Millmead and Newington during the summer holidays. East Kent Housing provided funding and the council commissioned Your Leisure to deliver the scheme.
- Our Kitchen was able to secure further funding from Kent County Councillor Lewis to enhance the service over the summer.
- Overall the project had been a great success and good example of partnership working.
- At the current time it was not known if the Holiday Activities and Food Research Fund would be available next year, however if it was then the council would apply.

Councillor Matterface followed up her question by asking if the leader would meet with her to discuss options for holding a similar event next year.

The Leader responded that he would be happy to meet with Councillor Matterface.

(d) **Question No.4 from a Member - Regarding the Newgate Gap Shelter**

Councillor Dawson asked Councillor Gregory the following question:

“TDC have neglected the Newgate Gap Shelter to the point they now seek its part demolition against the Conservation Officers advice. Will you support and work with the residents to save in its entirety this important part of Cliftonville’s heritage

Councillor Gregory responded with the following points:

- The shelter was a liability to the council due to the condition that it was in. In particularly the roof condition was of most concern.
- The planning application submitted by the council to remove the roof had been submitted following discussion with local resident groups, however a new group had since emerged called Save Newgate Shelter.
- The council had withdrawn the planning application to remove the roof in order to have further dialogue with residents and explore the possibly of community asset transfer.

Councillor Dawson followed up her question by asking how many heritage assets were at risk of falling into unrepairable decline and what was the budget allocated to maintenance?

Councillor Gregory responded that there was the strategy asset plan which dealt with the council's assets and was publically available. Cllr Gregory asked Cllr Dawson to email him in order to clarify her supplementary question.

## 9. NOTICE OF MOTION

It was noted that no motions on notice had been received in accordance with council procedure rule 3.

## 10. LEADERS REPORT

During his report the Leader covered the following areas:

- The Council's adoption of the Draft Local plan and its publication on 23 August. The public had six weeks to comment.
- The Leader's next priority was to address the losses and generate an income at the Port
- The Port may play a significant role in providing resilience for the Country following Brexit.
- The council's response to traveller incursions was limited due to the special protected status afforded to these people, however work was completed at Jackey Bakers which would help prevent incursions at the site.
- A premises closure order had been successfully implemented at a property in Margate.
- Credit should be given to the council and agency staff who had worked hard to keep Thanet tidy during the peak tourist season.
- The House of Lords would send a Select Committee to look at the coastal regeneration which has taken place in Margate.
- The council had been awarded the South East Employers Charter for Elected Member Development, congratulations were offered to Mr Hughes and the Democratic Services Team for their work.

Councillor L Fairbrass as Deputy Leader of the Independent and UKIP Group made the following points:

- The Draft Local Plan had been published however it was not sound and offered no protection for the airport site.
- Areas of Birchington and Westgate-on-sea would have additional houses as a result of the Draft Local Plan.
- Congratulations were offered to those involved in obtaining the Charter for elected Members Development.

The Leader replied to Councillor L Fairbrass' comments with the following point:

- River Oak had submitted a development consent order to the planning inspectorate for the airport site.

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

- Congratulations were offered to Mr Hughes and his team for their work in achieving the Charter for Elected Member development.
- The visit from the House of Lords Select Committee should also visit other seaside towns within the District.
- Traveller incursion had been a major problem; thanks were offered to the Chief Executive for the installation of fencing at the Jackey Bakers site.
- The Thanet Independent Councillors group were glad to support the Draft Local Plan.



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

- The Select Committee would see the challenges facing seaside towns.

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

- Were talks regarding a ferry at the Port part of the Kent County Council Brexit resilience strategy?
- The presence of a cargo hub at Manston could be detrimental to tourism, which was a key driving force of economic development within the district.
- The 'beach within reach' beach wheelchairs were great, however there had been a recent incident when the beach inspector was unavailable to unlock the wheelchair so it could not be used.
- Did the Select Committee choose to visit Margate?
- Thanks were offered to Mr Hughes and everyone involved in the work on the Charter for Elected Member Development.

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

- There was a possibility that the port would be involved in the UK's resilience plan following Brexit.
- It was disappointing that the beach wheel chair had been unavailable on that occasion.
- The Select Committee chose to visit Margate as the town had been recognised as turning a corner in its regeneration.
- There was no reason why a cargo hub would impact upon the district's tourism industry.

## **11. REPORT OF THE CHAIRMAN OF THE EXECUTIVE, POLICY AND COMMUNITY SAFETY SCRUTINY PANEL**

Councillor G Coleman-Cooke, the Chairman of the Executive, Policy and Community Safety Scrutiny Panel, presented his report and the following points were noted:

- The committee was set up in May and had met twice. The first meeting considered the draft Local Plan and the second agreed the work programme for 2018/19.

Members noted the report

## **12. REPORT OF THE CHAIRMAN OF THE FINANCE, BUDGET AND PERFORMANCE SCRUTINY PANEL**

Councillor L Piper, the Chairman of the Finance, Budget and Performance Scrutiny Panel, presented her report and the following points were noted:

- The terms of reference were agreed at the first meeting on 29 May and the Panel had met twice since then.
- Key tasks of the Panel would be to review Cabinet proposals for the 2019/20 budget and to review the Council's performance through quarterly performance reports.

Members noted the report.

## **13. ANNUAL TREASURY MANAGEMENT REVIEW 2017-18**

It was proposed by Councillor Gregory, seconded by the Leader and Members agreed the recommendations as shown in the report, namely:

“That Council:

- Notes the actual 2017/18 prudential and treasury indicators in this report.
- Approves the Annual Treasury Management report for 2017/18.”

## **14. CHANGES TO COMMITTEES PANELS AND BOARDS**

### **PROPORTIONALITY**

The Leader proposed, Councillor Game seconded and Members agreed option two as detailed at paragraph 2.6.1 of the report, namely;

“That a seat is added to the Licensing Board and that seat is given to the Conservative group.”

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

The Leader advised that Councillor Wright would sit on the Licensing Board, would replace Councillor Ashbee on the Executive, Budget and Performance Scrutiny Panel, and would replace councillor Game on the Constitutional review working party.

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

The Leader proposed, Councillor Savage seconded and Members agreed that Councillor Curran be elected Vice Chairman of the Executive, Policy and Community Safety Scrutiny Panel for the remainder of the 2018/19 year.

Meeting concluded: 8.00 pm

**LEADER’S REPORT TO COUNCIL**

Council	<b>11 October 2018</b>
Report Author	<b>Nick Hughes, Committee Services Manager</b>
Portfolio Holder	<b>The Leader</b>
Status	<b>For Information</b>
Classification:	<b>Unrestricted</b>
Key Decision	<b>No</b>

**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**

<b>Financial and Value for Money</b>	There are no financial implications directly arising from this report.	
<b>Legal</b>	There are no legal implications arising from this report.	
<b>Corporate</b>	The Leaders report helps to contribute to the promoting open communications corporate value.	
<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,	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.
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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	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>
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Contact Officer:	Nicholas Hughes, Committee Services Manager
Reporting to:	Tim Howes, Director of Corporate Governance and Monitoring Officer

### Annex List

None	N/A
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### Background Papers

Title	Details of where to access copy
None	N/A

### Corporate Consultation

<b>Finance</b>	Matt Sanham, Corporate Finance Manager
<b>Legal</b>	Tim Howes, Director of Corporate Governance and Monitoring Officer

**EXECUTIVE, POLICY & COMMUNITY SAFETY SCRUTINY  
PANEL CHAIRMAN'S REPORT TO COUNCIL**

Council	<b>11 October 2018</b>
Report Author	<b>CLlr Glenn Coleman-Cooke, Chairman of the Executive, Policy &amp; Community Safety Scrutiny Panel</b>
Status	<b>For Information</b>
Classification:	<b>Unrestricted</b>
Key Decision	<b>No</b>
Ward:	<b>Thanet Wide</b>

**Executive Summary:**

The purpose of the report is to highlight some of the key activities that have been planned for by the Executive Scrutiny Panel during the course of this 2018/19 municipal year 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**

<b>Financial and Value for Money</b>	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 Executive Scrutiny Panel.
<b>Legal</b>	There are no legal implications directly arising from this report. A presentation of the Panel Chairman's report to Full Council enables the Chairman to fulfil their duty as is required by the Council's Constitution.
<b>Corporate</b>	There are no corporate risks associated with this report. The report enables discussion by Members at Full Council on the activities of the Executive Scrutiny Panel.  The debate on the Panel 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.

<p><b>Equality Act 2010 &amp; Public Sector Equality Duty</b></p>	<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> <p>Please indicate which aim is relevant to the report.</p> <p>Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,</p> <p>Advance equality of opportunity between people who share a protected characteristic and people who do not share it</p> <p>Foster good relations between people who share a protected characteristic and people who do not share it.</p> <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>
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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 At each ordinary Full Council meeting, the Chairman of the each Overview and Scrutiny Panel presents a report on the work undertaken by the Panel since the last Council meeting.

1.2 Such a report would be subject to comment or debate by Members. This was in accordance with Council Procedure Rule 15.1 of Part 4 of the Council Constitution.

1.3 The report would therefore provide the basis for debate by Members on ongoing scrutiny activities and hopefully lead to sharing of views and ideas to enhance the Council's scrutiny function.

## **2.0 Current Scrutiny Activities**

2.1 The Executive Scrutiny Panel met on 27 September to review their work programme. They discussed the report on the Museums (Asset Management). Members raised a number of points for Cabinet to consider before making a final decision on the future of the properties.

2.2 Key among those points was the need to consider the community value in some of the properties to be disposed. Cabinet was encouraged to consider employing an expert who could explore the option for setting up a joint venture with an established museum to run the local museums. Members also asked Cabinet to pursue the possibility of accessing the £50k bequeathed to Dickens House Museum in order to use the funds for the maintenance of the museum.

2.3 Members also engage the Cabinet Member for Housing & Safer Neighbourhoods in discussing the 'Food Law Service Plan and Enforcement Policy' at the same meeting. As this is a policy framework issue, The Panel made formal recommendations to Cabinet for Cabinet to consider before they also recommend the Policy to Full Council.

2.4 Whilst they recommended the policy to Cabinet/Council, the Panel also proposed that Cabinet considered identifying additional funding for staff training and ensuring that the staff complement in the environmental and enforcement team was sufficient to deliver the highly needed statutory food inspection service in the district.

2.5 Although the Panel had planned to discuss the 'Crime Statistics in Thanet' report from the Community Safety Partnership, they would now get the report at the 13 November meeting.

2.6 The current work programme for the Panel for 2018/19 is attached as Annex 1 to the Council report. This schedule was subject to amendments during the course of the year as Members added more items for reviewing.

## **3.0 Call-in of Executive decisions**

3.1 Under the new scrutiny arrangements, the Executive Scrutiny Panel is responsible for all call-ins of executive decisions. At the time of producing this report, there were no call-ins that had been made the Panel.

## **4.0 Panel Recommendations to Cabinet - Implementation Monitoring**

4.1 **Asset Management – Thanet Museums report:** The Panel requested Cabinet to 'Establish when the £50k funds bequeathed to Dickens House would be made available to be used for the maintenance of the Museum and whether TDC had the right to dispose of the building.'

4.2 **Food Law Service Plan and Enforcement Policy report:** Whilst recommending the policy for adoption by Council, the Panel also proposed that ‘Cabinet identified funding for staff training and additional staffing in order to effectively deliver the highly needed statutory service.’

Contact Officer:	Charles Hungwe, Senior Democratic Services Officer, Ext 7186
Reporting to:	Nick Hughes, Committee Services Manager, Ext 7108

**Annex List**

Annex 1	Executive, Policy & Community Safety Scrutiny Panel Work Programme 2018/19
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**Background Papers**

Title	Details of where to access copy
None	N/A

**Corporate Consultation**

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



Executive, Policy & Community Safety Scrutiny Panel Work Programme for 2018/19		
Meeting Date	Indicative Agenda Items	Issue Source
27 September 2018	Cabinet Member Presentation	Standing Agenda Item
	Review of the Panel Work Programme 2018/19	Standing Agenda Item
	Crime Statistics for Thanet	Crime & Disorder Partnership (Kent Police)
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item
13 November 2018	Cabinet Member Presentation	Standing Agenda Item
	Review of the Panel Work Programme 2018/19	Standing Agenda Item
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item
31 January 2019	Cabinet Member Presentation	Standing Agenda Item
	Review of Panel the Work Programme 2018/19	Standing Agenda Item
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item
21 February 2019	Cabinet Member Presentation	Standing Agenda Item
	Review of the Panel Work Programme 2018/19	Standing Agenda Item
	Annual Crime & Disorder Partnership Report for 2018/19	Crime & Disorder Partnership (TDC)
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item
12 March 2019	Cabinet Member Presentation	Standing Agenda Item

	Review of the Panel Work Programme 2018/19	Standing Agenda Item
	Annual proposals for Crime & Disorder Partnership Work Programme for 2019/20	Crime & Disorder Partnership (TDC)
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item

**FINANCE, BUDGET & PERFORMANCE SCRUTINY PANEL  
CHAIRMAN'S REPORT TO COUNCIL**

Council	<b>11 October 2018</b>
Report Author	<b>Cllr Lynda Piper, Chairman of the Finance, Budget &amp; Performance Scrutiny Panel</b>
Status	<b>For Information</b>
Classification:	<b>Unrestricted</b>
Key Decision	<b>No</b>
Ward:	<b>Thanet Wide</b>

**Executive Summary:**

The purpose of the report is to highlight some of the key activities that have planned for by the Finance Scrutiny Panel during the course of this 2018/19 municipal year 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**

<b>Financial and Value for Money</b>	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 Finance Scrutiny Panel.
<b>Legal</b>	There are no legal implications directly arising from this report. A presentation of the Panel Chairman's report to Full Council enables the Chairman to fulfil their duty as is required by the Council's Constitution.
<b>Corporate</b>	<p>There are no corporate risks associated with this report. The report enables discussion by Members at Full Council on the activities of the Finance Scrutiny Panel.</p> <p>The debate on the Panel 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.</p>

<p><b>Equality Act 2010 &amp; Public Sector Equality Duty</b></p>	<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> <p>Please indicate which aim is relevant to the report.</p> <p>Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,</p> <p>Advance equality of opportunity between people who share a protected characteristic and people who do not share it</p> <p>Foster good relations between people who share a protected characteristic and people who do not share it.</p> <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>
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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 At each ordinary Full Council meeting, the Chairman of the each Overview and Scrutiny Panel presents a report on the work undertaken by the Panel since the last Council meeting.

- 1.2 Such a report would be subject to comment or debate by Members. This was in accordance with Council Procedure Rule 15.1 of Part 4 of the Council Constitution.
- 1.3 The report would therefore provide the basis for debate by Members on ongoing scrutiny activities and hopefully lead to sharing of views and ideas to enhance the Council's scrutiny function.
- 1.4 This report follows on from the one presented at Full Council on 06 September.

## **2.0 Current Scrutiny Activities**

- 2.1 The Panel has not met since the Full Council meeting in September.
- 2.2 The Panel would continue to work to the work programme set out at the July meeting. It is worth noting that the meeting on 30 August Members debated the presentation style of the performance report and came up with the following recommendations for Cabinet to consider:
  - 1. That the "Count of enterprises in Thanet" indicator should be amended to a 'Count of enterprises across Kent.' This was because the level of retention (under the business rates retention scheme) was dependent on the how Thanet District Council performed against other councils participating in the scheme in attracting business enterprises to operate in the district.
  - 2. That Cabinet introduces performance targets for the issues highlighted in 'Grey' in the report, if it was not possible to so, a report be brought back to the Panel advising why the proposal could not be implemented.
- 2.3 Cabinet's response was as follows:
  - 1. That with regards to recommendation 1 from the Finance Scrutiny Panel: Cabinet confirmed that future performance reports would identify a comparison of enterprises within Kent;
  - 2. That with regards to recommendation 2 from the Finance Scrutiny Panel: Cabinet agreed to explore how best to report the contextual indicators which currently do not have a target (i.e. those represented as grey in the Cabinet report) in order to understand whether new performance measures can be introduced in future.
- 2.4 Members also received an officer report on Electoral Voter Registration - 2017/18 Canvass (ahead of next May Local Government Elections). The report showed encouraging voter registration with the current response rate at 70.34%. In 2017/18 the registration response was 88.01%.
- 2.5 In response to the report, Members suggested that some wording be added as a footnote to the council tax letters reminding residents of the requirement to register to vote. Officers agreed to investigate that suggestion.
- 2.6 During the course of the year the Panel would receive reports on Proposed Council Fees and Charges for 2019/20 and Budget 2019/20 & Medium Term Financial Plan 2019-23.

2.7 The current work programme for the Panel for 2018/19 is attached as Annex 1 to the Council report. This schedule is subject to amendments during the course of the year as Members added more items for reviewing

### 3.0 Cabinet Presentations at Panel Meetings

3.1 Members requested for a presentation on the ‘financial and operational performance of the Ramsgate Port and Harbour’ and this was scheduled to take place at the 23 October Panel.

### 4.0 Panel Recommendations to Cabinet - Implementation Monitoring

4.1 There were no presentations made to cabinet that were either awaiting final decision or implementation.

Contact Officer:	Charles Hungwe, Senior Democratic Services Officer, Ext 7186
Reporting to:	Nick Hughes, Committee Services Manager, Ext 7108

### Annex List

Annex 1	Finance, Budget & Performance Scrutiny Panel Work Programme 2018/19
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### Background Papers

Title	Details of where to access copy
None	N/A

### Corporate Consultation

<b>Finance</b>	Ramesh Prashar, Head of Financial and Procurement Services
<b>Legal</b>	Sophia Nartey, Interim Head of Legal Services

Finance, Budget & Performance Scrutiny Panel Work Programme for 2018/19		
Meeting Date	Indicative Agenda Items	Issue Source
23 October 2018	Cabinet Member Presentation	Standing Agenda Item
	Proposed Council Fees and Charges for 2019/20	Financial Services Item
	Review of the Panel Work Programme 2018/19	Standing Agenda Item
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item
20 November 2018	Cabinet Member Presentation	Standing Agenda Item
	Quarterly Performance Report Q2 2018/19	Financial Services Item
	Review of Panel the Work Programme 2018/19	Standing Agenda Item
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item
24 January 2019	Cabinet Member Presentation	Standing Agenda Item
	Budget 2019/20 & Medium Term Financial Plan 2019-23	Financial Services
	Review of the Panel Work Programme 2018/19	Standing Agenda Item
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item
13 February 2019	Cabinet Member Presentation	Standing Agenda Item
	Quarterly Performance Report Q3 2018/19	Financial Services Item
	Review of the Panel Work Programme 2018/19	Standing Agenda Item
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item
17 April 2019	Cabinet Member Presentation	Standing Agenda Item
	Quarterly Performance Report Q4 2018/19	Financial Services Item
	Review of the Panel Work Programme 2018/19	Standing Agenda Item
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item

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Annex 1



## REVISION TO CONTRACT STANDING ORDERS

Full Council	<b>11th October 2018</b>
Report Author	<b>Karen Paton, Strategic Procurement Manager</b>
Portfolio Holder	<b>Cabinet Member for Financial Services and Estates</b>
Status	<b>Approval and Adoption</b>
Classification:	<b>Unrestricted</b>
Key Decision	<b>No</b>

### **Executive Summary:**

The purpose of this report is to propose revisions to Contract Standing Orders (CSO's) to Full Council for approval and formal adoption.

### **Recommendation(s):**

Full Council is asked to approve for adoption revisions to CSO's as per recommendations provided by the Constitutional Review Working Party and Standards Committee as contained in Recommendation 4.1

## **1.0 Introduction and Background**

- 1.1 Section 135 of the Local Government Act 1972 requires Local Authorities "to make standing orders with respect to the making by them or on their behalf of contracts for the supply of goods or materials or for the execution of works".
- 1.2 Contract Standing Orders form part and are included within the Council's Constitution and set out the minimum obligations and minimum requirements to be followed by officers when making purchases.
- 1.3 The format and general content for Contract Standing Orders originates from a joint piece of work undertaken by Kent Legal Secretaries in May 2009. Whilst each authority has included their own specific requirements, in general the formatting has largely been maintained and continues to provide a level of standardisation across the Kent authorities. Standardisation is especially beneficial across East Kent as this provides consistency of rules for shared service providers (i.e. East Kent Services/East Kent Housing) and also provides ease of approach when undertaking joint or collaborative procurements with other local authorities.
- 1.4 A requirement of the existing Contract Standing Orders (CSO's) is that they are reviewed and updated as necessary with any such recommendations made by the Strategic Procurement Manager being considered by the Constitutional Review Working Party and recommended to the Standards Committee. Following which, they are to be presented to Full Council for adoption.

## **2.0 Reasons necessitating review and changes undertaken**

- 2.1 The Council's Contract Standing Orders have been reviewed in the light of changes to Procurement Regulations and other statutory obligations (i.e. General Data Protection Regulations [GDPR]). At the same time, opportunity has been taken to align spend thresholds with our neighbouring authorities, Canterbury, Dover and Folkestone and Hythe to provide standardisation for shared service and partner organisations (i.e. East Kent Services, East Kent Housing) and our local and Regional supplier base. Further changes have been made to tighten the controls operating over the Council's procurement processes and to support the government's objectives in relation to greater transparency and the further digitalisation of the procurement process.

Whilst there are a number of subtle amendments, the main changes of significance within Contract Standing Orders (appended at Annexe 1 to this report) at the section and contained to the specific CSO number indicated below:

- **Section 4. General Principles applying to All Contracts - (CSO 4.8)**  
Notification of contract variations with a value of £10,000 or more or when value is 20% of the annual value of the existing contract
- **Section 5. Responsibilities of Chief Executive, Deputy Chief Executive, Directors, Heads of Service and Responsible Officers - (CSO 5.4.6)**  
Contracts Register to include all contracts of a value of £5,000 or more
- **Section 6. Financial Thresholds and Procedures**  
**(CSO 6.3)** Requirement for quotations and tenders in excess of £10K to be undertaken via the Kent Business Portal using e-procurement software.  
**(CSO 6.5, 6.5.1, 6.5.2, 6.5.3, 6.5.4)** Changes in advertising requirements - derived from the Public Contracts Regulations 2015 and Local Government Transparency Code 2015  
**(CSO 6.6)** i) Use of Procurement templates to produce Invitation to Quote and Invitation to Tender documents ii) Minimum threshold for local tendering increased to £100,000 iii) Addition of thresholds and procedures for concession contracts (now subject to own directive and regulations: Concession Contracts Regulations 2016 (CCR2016))
- **Section 7. Financial Thresholds and Processes Applying to Approval and Execution of Contracts**  
**(CSO 7.2.3)** Requirement to have due regard under General Data Protection Regulations (GDPR)  
**(CSO 7.3)** Requirement to complete Procurement Initiation Form for all contracts £10,000 and above
- **Section 10. Submission and Opening of Tenders**  
**(CSO 10.1)** Threshold for tender opening increased to £100,000 in keeping with change to financial threshold for local tenders  
**(CSO 10.1 - 10.4)** Reworded to reflect electronic receipt, security and opening procedures.
- **Section 13. Extensions and other Variations to Existing Contracts - (CSO 13.2.3)** Consultation and notification to Procurement Section of extensions and variations to contracts
- **Section 16. Standard Clauses**  
**(CSO 16.1.8, 16.1.9, 16.1.11)** Changes to the Council's Standard Clauses

- 2.2 **E-Tendering** - The implementation of e-tendering not only supports the Government's overarching recommendations for electronic delivery of services and information but also provides the following benefits for the Council and Suppliers: -

**Council Benefits: -**

- Automation of the quotation/tender process including, advertising opportunities, issuing and receiving quotation and tender responses, central contract store

functionality (internally & externally facing) – ensuring all information is quickly/easily available/transmitted to Suppliers

- Opportunity to respond quickly to any Suppliers questions and points of clarification.
- Can notify Suppliers in a standardised manner, ensuring there is no bias to any one Supplier ensuring equal treatment and transparency
- Responses from Suppliers remain secure and privileged until the closing date (providing greater probity) and are opened ‘electronically’
- All communications are tracked and recorded in the system to create a clear audit trail
- Provides a document repository for contracts and full records of procurement activity to meet statutory reporting obligations (PCR 2015 and Local Government Transparency Code 2015)

### **Suppliers Benefits: -**

- Reduced costs associated with, printing, copying, postage, administration etc. associated with a manual process
- Automated in process updates
- Automatically notifies Suppliers electronically of future ITQ/ITT opportunities for all participating authorities negating the need for suppliers to continually monitor & search for future business opportunities across various council/authority websites etc.
- Ability to continually review/update their submission documentation right up to deadline
- Free of charge – web based, only requires internet access

2.3 TDC uses the ProContract e-Tendering Suite software (in addition to utilising the Kent Business Portal for advertising future ITQ/ITT opportunities [as do the vast majority of other Kent authorities]).

2.4 The CSO's have been reviewed to support the use of the e-tendering system for advertising, issuing and receiving quotations and tenders to the Council.

2.5 **Changes in Advertising Contract Opportunities** - As part of the Government's commitment to transparency the Public Contracts Regulations 2015 places advertising requirements on contracting authorities in relation to upcoming contract opportunities (and contract award notices)

2.6 Where the Council publically advertises any contract opportunities (£25K and over) there is a requirement to advertise the opportunities via the Governments centralised Procurement Portal – ‘Contracts Finder’.

2.7 Government Policy (2017) now requires all contract awards (£25k and over) including call-off contracts from Framework Agreements to be to publicly notify via the Governments centralised Procurement Portal – ‘Contracts Finder’

2.8 The Councils e-tendering system and Procurement Portal (Kent Business Portal) outlined at 2.2 above links directly to the Government's mandatory system and automatically populates the necessary advertisements etc. ensuring compliance with legislation and Government Policy requirements.

- 2.9 The impact of this legislation (and Government initiative to increase opportunities across the wider SME sector) will be reviewed as part of a future Procurement Strategy Report that will consider (amongst other key areas) how TDC can encourage and support the local economy.
- 2.10 **Roles & Responsibilities** – Part of the Strategic Procurement Managers role is to acknowledge and understand best practice, building on existing working practices and to encourage a culture of continuous improvement ensuring a robust, effective and accountable delivery within all procurement activity.
- 2.11 This approach to procurement has realised three Substantial Assurance ratings in 3 procurement related audits during 2017, the most recent being an audit of the Procurement function, processes and procedures. To build on this success, procurement would seek to ensure the benefits of existing local knowledge and service delivery/expertise applied to tendering processes is complimented by consistent, proportionate controls, processes and procedures across procurements activity as a whole including quotation activity, which previously has been viewed as a local departmental activity.
- 2.12 The CSO's have been reviewed to ensure that Officers work in partnership with the Procurement Team which in essence maintains Services as the delivery experts, whilst Procurement (& Legal) ensure that all procurement activity is effective, legal and not open to challenge, reducing and mitigating any potential risk to officers and the authority.
- 2.13 **Standard Clauses** have been updated to reflect both changes in Council protocol and legislation
- 2.14 Please note that intranet/internet hyperlinks are absent from the Contract Standing Orders document appended, due to scoping work being undertaken in parallel in order to review Procurement website content and also provide and launch an internal Procurement Toolkit for officers. All necessary hyperlinks will be included and available ahead of adoption of the reviewed CSO's.
- 3.0 Recommendations of the Constitutional Review Working Party and Standards Committee**
- 3.1 That consideration was given to the inclusion of a provision to require contractors to pay the national living wage.
- 3.2 That a reference to the purchasing guide, that contains examples of added social value, should be included in paragraph 7.
- 3.3. That the reference to £10,000.00 should be removed from paragraph 16.1, the sentence should read 'Each contract shall include standard clauses (excluding spend transacted on Government Procurement Card), including those indicated "where applicable" dependant on the nature of the contract as follows:'
- 4.0 Options**
- 4.1 Having considered revised CSO's and further amendments requested by the Constitutional Review Working Party as contained at 3.1-3.3 of the report and these being subsequently recommended to Council by Standards Committee for adoption, Full Council approve revisions and amendments in their entirety, for formal adoptions by the Council.

- 4.2 Full Council do not endorse the proposed changes and content of CSO's with or without CRWP/Standards Committee recommendations and provide further instruction in this regard to the Strategic Procurement Manager accordingly.

## 5.0 Next Steps

- 5.1 Formal Adoption and Officer Training

Contact Officer:	Karen Paton, Strategic Procurement Manager, Tel No: 01843 577112, Ext 57112, Email: Karen.paton@thanet.gov.uk
Reporting to:	Ramesh Prashar, Head of Financial & Procurement Services

## Annex List

Annex 1	Revised Contract Standing Orders
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## Background Papers

Title	Details of where to access copy
Procurement Contract Regulations 2015	<a href="http://www.legislation.gov.uk/ukxi/2015/102/contents/made">http://www.legislation.gov.uk/ukxi/2015/102/contents/made</a>
Local Government Transparency Code 2015	<a href="https://www.gov.uk/government/publications/local-government-transparency-code-2015">https://www.gov.uk/government/publications/local-government-transparency-code-2015</a>
Government issued Procurement Policy Notes	<a href="https://www.gov.uk/government/collections/procurement-policy-notes">https://www.gov.uk/government/collections/procurement-policy-notes</a>

## Corporate Consultation

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

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# **Contract Standing Orders**

October 2018



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# Contract Standing Orders

## 1 Introduction – Purpose of the Contract Standing Orders

- 1.1 Purchasing decisions and processes are important because the money involved is public money. The purpose of these Contract Standing Orders (CSOs) is to provide a structure within which purchasing decisions are made and implemented and which ensure that the Council:
  - 1.1.1 Furthers its corporate objectives
  - 1.1.2 Uses its resources efficiently
  - 1.1.3 Purchases fit for purpose goods, services and works
  - 1.1.4 Safeguards its reputation from any implication of dishonesty or corruption
  - 1.1.5 Improves the economic, social and environmental wellbeing of the district
- 1.2 Purchasing by the Council, from planning to delivery, shall incorporate (where appropriate) principles of sustainability, efficiency, whole life costing and cost savings.
- 1.3 These Contract Standing Orders are made in accordance with the requirements of Section 135 of the Local Government Act 1972.
- 1.4 These Contract Standing Orders do not provide guidelines on what is the best way to purchase works, supplies (goods), and the granting of service or works concessions. They set out **minimum** requirements to be followed. Further information and guidelines are set out in the Council's Purchasing Guide that accompanies this document.
- 1.5 It is a disciplinary offence to fail to comply with these Contract Standing Orders. All employees have a duty to report breaches of Contract Standing Orders to the Section 151 Officer or the Director of Corporate Governance and Monitoring Officer.
- 1.6 Any Officer or Member who suspects any misconduct or corruption in relation to the purchase by or on behalf of the Council must refer to the Council's Whistleblowing Code and following the guidance contained. The Whistleblowing Code can be found on the Council's intranet @ ..... or a copy is available from the Council's Monitoring Officer

## 2 Regulatory Framework in Context

- 2.1 All purchasing shall be conducted in accordance with Regulatory Provisions which are:
  - 2.1.1 The relevant EU Rules and EC Treaty Principles which are defined in the Council's Purchasing Guide.
  - 2.1.2 Relevant UK legislation.
  - 2.1.3 The Council's Constitution including these Contract Standing Orders, the Council's Financial Regulations and Scheme of Delegation.

- 2.2 In the event of conflict between the above, the EU Rules will take precedence, followed by UK legislation, then the Council's Constitution as stated at 2.1.3

### 3 General Principles – Application and Compliance with Contract Standing Orders

- 3.1 These Contract Standing Orders apply to the purchase by or on behalf of the Council of works, supplies (goods), services and the granting of service or works concessions.
- 3.2 These Contract Standing Orders apply to all contracts including all purchase orders, concessions and contractual arrangements entered into by or on behalf of the Council, but there are exemptions from part of the stated CSOs for specific types of contracts and purchasing methods which are listed in 3.3.
- 3.3 Contract Standing Orders 1.1 - 1.4 apply, all other Contract Standing Orders do not apply to the following contracts:
- 3.3.1 which are employment contracts,
  - 3.3.2 for acquisition or rental of land, existing buildings or other immovable property, or which concern interests in or rights over any of them;
  - 3.3.3 for arbitration or conciliation
  - 3.3.4 for the retention of legal counsel and the appointment of expert witnesses in legal proceedings.
  - 3.3.5 Service level agreements setting out the conditions which the Council applies to its funding of particular voluntary sector bodies provided these arrangements comply with the guidance on grant agreements set out in the Council's Purchasing Guide.

### 4 General Principles applying to All Contracts

- 4.1 All purchases however small shall be evidenced in writing.
- 4.2 All contracts of a value of £10,000 or more shall be made using one of the following as applicable to nature and size of contract\*:
- 4.2.1 the Council's Official Purchase Order conditions accompanied by the Council's Standard Clauses\* (Ref CSO 16)
  - 4.2.2 the Council's Standard Clauses\* (Ref CSO 16) available on intranet @.....
  - 4.2.3 the Council's General Conditions of Contract\* available on intranet @.....
  - 4.2.4 a standard form of contract (e.g. NEC, JCT etc) using the latest edition as published accompanied by the Council's Standard Clauses\* (Ref CSO 16) or
  - 4.2.5 the Suppliers Terms & Conditions (in exceptional circumstances only) accompanied by the Council's Standard Clauses\* (Ref CSO 16)

Advice and agreement must be sought from Legal Services prior to issue and award in respect of 4.2.4 and prior to award in respect of 4.2.5. **N.B.** In respect of 4.2.2 – 4.2.5 an Official Purchase Order must be raised relating to contract spend

# Agenda Item 12

## Annex 1

and budgetary commitment, as required under the Council's Financial Procedure Rules.

*\*Contract clauses are maintained by Legal Services and are subject to amendment from time to time. Officers must therefore check via the intranet that they are using the latest version/s.*

- 4.3 As a minimum, all contracts of a value of £10,000 or more shall include clauses which set out:
  - 4.3.1 The works, supplies (goods), services, material, matters or things to be carried out or supplied
  - 4.3.2 Specify the price to be paid, the estimated price or the basis on which the price is to be calculated
  - 4.3.3 The time within which the contract is to be performed
  - 4.3.4 Quality requirements and/or standards which must be met
  - 4.3.5 Requirements on the contractor to hold and maintain appropriate insurance
  - 4.3.6 Adequate contract management and audit provisions
  - 4.3.7 What happens in the event that the contractor fails to comply with its contractual obligations (in whole or in part)
  - 4.3.8 Inclusion of the Council's Standard Clauses (Ref CSO 16) placing a duty on the contractor to comply with all relevant legislative requirements and discharge of obligations under said legislation.
- 4.4 Additional termination clauses are required for contracts over the relevant EU threshold in accordance with the Public Contracts Regulations 2015 (Reg 73) enabling termination for the following events:
  - 4.4.1 the contract has been subject to a substantial modification (change) which would have required a new procurement process.
  - 4.4.2 the contractor has been, at the time of the contract award, in a situation which amounts to a mandatory exclusion and should have been excluded from participating in the procurement process.
  - 4.4.3 the contract should have not been awarded to the contractor due to serious infringement of certain obligations under the Treaties and the Public Contracts Directive that has been declared by the Court of Justice of the European Union.
- 4.5 Contracts shall not include non-commercial terms unless these are necessary to achieve best value for the Council or are included in accordance with the Public Services (Social Value) Act 2012. In this context, "non-commercial" means requirements unrelated to the actual performance of the contract.
- 4.6 All contracts shall include relevant specifications and/or briefs/technical requirements which are prepared taking into account the need for effectiveness of delivery, quality, sustainability, whole life costings, cost saving and efficiency (as appropriate).
- 4.7 All contracts of a value of £10,000 or more which are assessed as involving a substantial risk to the Council must be subject to a written risk assessment, which should be kept on the contract file. Responsible Officers should use the

assessment methodology set out in Attachment 1 of the Council's Purchasing Guide and take the follow-up actions set out there.

- 4.8 The Procurement Section shall be made aware at [procurement@thanet.gov.uk](mailto:procurement@thanet.gov.uk) of all proposed variations with a value of £10,000 or more or when value is 20% of the annual value of the existing contract by submission of a Contract Variation form which can be found on the intranet @ .....

Where officers require:

4.8.1 legal advice on a procurement; or

4.8.2 terms of contract; or

4.8.3 award/sealing of the procured contract,

they should send to Legal Services a completed 'Contract Instructions' form which can be found on the intranet @ .....

## **5 Responsibilities of Chief Executive, Deputy Chief Executive, Directors, Heads of Service and Responsible Officers**

- 5.1 The Chief Executive, Deputy Chief Executive and each Director shall have overall responsibility for the purchasing undertaken by his or her Directorate.
- 5.2 Each Head of Service shall be responsible for the purchasing undertaken by his or her service and shall
- 5.2.1 be accountable to the Council for the performance of his/her duties in relation to purchasing
- 5.2.2 comply with the Council's decision making processes including, where appropriate, implementing and operating a Scheme of Delegation
- 5.2.3 attend training in relation to these Contract Standing Orders and ensure that any Responsible Officer to whom he or she appoints under CSO does the same
- 5.2.4 take immediate action in the event of breach of these Contract Standing Orders, which will include as a minimum promptly informing their line manager (unless that person is suspected of being involved) and the Monitoring Officer and the Section 151 Officer of such breach.
- 5.3 A Responsible Officer is an officer with responsibility for conducting purchasing processes for the purchase of works, supplies (goods) or services as authorised by their Head of Service on behalf of the Council.
- 5.4 A Responsible Officer's duties in respect of purchasing are to ensure:
- 5.4.1 act within the scope of their responsibility and authority, as authorised by their Head of Service
- 5.4.2 compliance with all Regulatory Provisions (see CSO 2.1)
- 5.4.3 that all relevant officers are reminded of the relevant statutory provisions and the Council's requirements relating to declarations of interest and confidentiality undertakings affecting any purchasing process in order for them to comply with these requirements

- 5.4.4 that there is an appropriate analysis of the requirement, timescales, procedure and documentation to be used
- 5.4.5 the purchasing process, from planning to delivery incorporates (where appropriate) principles of best value, sustainability, efficiency, whole life costing and cost savings
- 5.4.6 that all contracts of a value of £5,000 or more are included on the Council's Contract Register, maintained by the Procurement Section to meet transparency obligations of quarterly publication
- 5.4.7 that proper records are maintained of all contract award procedures, waivers, exemptions, extensions and other variations and contract management activities, regardless of contract value, with separate files for each purchase of a value of £100,000 or more
- 5.4.8 that proper records to justify decisions taken in all stages of the procurement process, as required under the Public Contracts Regulations 2015 (Reg 83/84), are maintained for every contract or framework agreement with a value of 1,000,000 EUR for supply (goods) or services contracts and 10,000,000 EUR for works contracts. A Contract Report for this purpose is available on the intranet @.....
- 5.4.9 that value for money is achieved
- 5.4.10 that adequate and appropriate security (such as a bond or guarantee) is taken to protect in the event of non-performance as deemed necessary to the nature of the contract
- 5.5 In considering how best to procure works, supplies and services, the Chief Executive, Deputy Chief Executive, Directors, Heads of Service and/or Responsible Officers (as appropriate in the context), shall take into account wider contractual delivery opportunities and purchasing methods including the use of Purchasing Schemes and e-procurement/purchasing methods, and in-house and/or commercial opportunities that may be available to the council, for which Legal guidance must be sought.
- 5.6 The Responsible Officer, if procuring services under the Public Contracts Regulations 2015, has obligations under the "Public Services (Social Value) Act 2012" namely "a duty to consider" at the pre-procurement planning stage, the following considerations:
  - 5.6.1 how what is proposed to be procured might improve the economic, social and environmental well-being of the "relevant" local area.
  - 5.6.2 how in conducting a procurement process it might act with a view to securing that improvement and whether to undertake a consultation with stakeholders on these matters.

## 6 Financial Thresholds and Procedures

- 6.1 The table below sets out the general rules applying to the choice of purchasing procedure for contracts at the stated threshold values. The table now separates out, concession contracts (services/works) previously falling within the scope of the Public Contract Regulations, however these arrangements are now subject to their own Regulations contained within The Concession Contracts Regulations 2016 (CCR 2016).

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## Annex 1

- 6.2 There is a general presumption in favour of competition. Wherever possible, Contract Notices should be advertised by way of a public notice. The Council must consider the potential effect of a contract on interstate trade (at a European level). If a contract may be of interest to contractors from other member states then this may result in a need to advertise in a manner which ensures that potential contractors from other member states are aware of the opportunity, even for small value contracts or contracts under the EU Threshold levels outlined below.
- 6.3 Sourcing of all Contracts of £10,000 or over must be undertaken in conjunction with the Procurement Section using the Council's e-tendering system.
- 6.4 The public notice referred to at 6.2 must take the form of a notice or advertisement on an easily accessible website or other electronic media and/or in the press, trade journals or Official Journal of the European Union ("OJEU") (as appropriate). The Responsible Officer may choose to place one or more public notices in different media.
- 6.5 In accordance with Part 4 of the Public Contracts Regulations 2015 and guidance issued by the Cabinet Office and, The Local Government (Transparency Requirements) Regulations 2015
- 6.5.1 All contract opportunities with a value of £25,000 and above must be published on 'Contracts Finder' where the Council has advertised such opportunity in the form of a notice or advertisement as set out in 6.3 above.
- 6.5.2 All contract opportunities for which a Contract Notice was sent to the OJEU for publication must also be published on 'Contracts Finder'.
- 6.5.3 Contracts awarded of £25,000 and above must be published on Contracts Finder. This includes awards made following a call-off/s from a Framework Agreement **and contracts that may not have been openly advertised.**
- 6.5.4 Under the Local Government Transparency Code 2015, contracts of £5000 and over and spend of £500 and above must be published quarterly. Local authorities must also publish details of every transaction undertaken using a Government Procurement Card.

### 6.6 Table setting out financial thresholds and procedures:

Total value £	Type of contract	Procedure to be used
1,000 to 9,999	Works, supplies and services	Local CSO rules apply - At least one quote in advance – Consideration to be given to suitably qualified Thanet Supplier/s, if available.
10,000 to 99,999.99	Works, supplies and services	Local CSO rules apply - At least three written quotes in advance using the Council's Invitation to Quote documents or electronic method agreed with Procurement – Consideration to be given to suitably qualified Thanet Supplier/s, if available.
100,000 to 181,301.99 **	Works, Supplies and	Local CSO rules apply - At least three written

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## Annex 1

Works, supplies and services	Services	tenders in advance using the Council's Invitation to Tender documents with advertisement by public notice
181,302** plus  <b>**EU Threshold for supplies and services</b>	Supplies and Services	EU Rules, PCR2015 & CSO apply – full competitive process using the Council's Invitation to Tender documents following advertisement in the OJEU for supplies and Part A* services.  For Light Touch * services reduced requirements apply under the EU Rules and the threshold is £615,278** but there is a presumption in favour of advertising and a competitive process.
181,302 to 4,551,412.99**	Works	Local CSO's rules apply - At least three written tenders in <b>advance</b> using the Council's Invitation to Tender documents with advertisement by public notice
4,551,413 plus ** <b>**EU Threshold for works</b>	Works	EU Rules, PCR2015 & CSO apply – full competitive process using the Council's Invitation to Tender documents following OJEU advertisement

<b>Service/Works Concession Contracts:</b> The following spend thresholds are specific to Service and Works Concession Contracts - Officers should seek both Procurement and Legal guidance on Concession Contract arrangements.		
<b>Total Value £</b>	<b>Type of Contract</b>	<b>Procedure to be used</b>
1,000 to 9,999	Services and works concessions	Local CSO rules apply – At least one written quote in advance – Consideration to be given to suitably qualified Thanet Supplier/s, if available
10,000 to 99,999.99	Services and works concessions	Local CSO rules apply – At least three written quotes in advance, sourced and receipted electronically using the Council's e-procurement system – Consideration to be given to suitably qualified Thanet Supplier/s, if available
100,000 to 4,551,412.99**	Services and works concessions	Local CSO rules apply – At least three written tenders in advance, using the Council's e-procurement system with advertisement by public notice

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4,551,413 ** EU Threshold for Concessions	** Plus for	Services and works concessions	EU Rules, Concession Contracts Regulations 2016 (CCR2016) apply – full competitive process using the Council's e-procurement system following OJEU advertisement - <b>seek guidance from Legal Services /Procurement</b>
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\* *For the purposes of the EU Rules services are divided into two types “A” & “Light Touch” and the EU Rules apply to a different degree. Responsible Officers should act cautiously and seek advice when considering the procedure to be used and application of the EU Rules to services contracts.*

**\*\* or relevant threshold in force at the time under the EU Rules.**

Please note that the thresholds are fixed every two years and converted from Euro's to £ Sterling subject to the exchange rates applicable at that time and published in the relevant regulations.

6.7 Where contracts are of a type and value that mean the EU Rules apply to them then there are five main types of EU procedures available. These are the open, restricted, competitive procedure with negotiation, competitive dialogue and innovation partnership procedures. Care must be taken to ensure that the correct and most appropriate procedure is used and assistance on the choice and use of EU procedure should be sought from Legal Services and process progressed via the Procurement Section.

### 7 Financial Thresholds and Processes Applying to Approval and Execution of Contracts

7.1 For contracts over the relevant EU threshold (in force at the time), the choice of purchasing procedure to be used and the decision to proceed to advertisement must be authorised in writing by the relevant Head of Service in consultation with the Head of Legal Services and Deputy Monitoring Officer & Strategic Procurement Manager in advance.

7.2 Before the procurement process starts, the Head of Service must also consider:

7.2.1 how any service to be procured may improve the social environmental and economic well-being of the Thanet District, how the improvement can be secured and whether consultation is needed;

7.2.2 ensure the Council has due regard to equality obligations under the Equality Act 2010; and

7.2.3 ensure the Council has due regard to data protection and obligations under the General Data Protection Regulation (GDPR).

7.3 For all contracts of £10,000 and above, the responsible officer must ensure the Council's Procurement Initiation Form, which can be found on the intranet @ ..... is fully completed and authorised and submitted to the Procurement Section sufficiently in advance, for the procurement process to be scheduled within the procurement programme.



- 7.4 When a decision is made to award a contract then the Responsible Officer must, in addition to complying with his/her general obligations under these Contract Standing Orders ensure, in particular, that:
- 7.4.1 the appropriate approvals have been obtained to authorise that decision; and
  - 7.4.2 where appropriate, a standstill period complying with the EU Rules is incorporated into the final award process.
- 7.5 Any contracts valued at £100,000 or above including any order made under a framework arrangement shall be executed as a deed under the Council's common seal. Officers with appropriate delegated authority may sign all other contracts.
- 7.6 Any contract with a value of £10,000 or more, entered into on behalf of the Council in discharging an Executive function shall be made in writing. Such contracts shall either be signed by one authorised officer of the Council or be made under the common seal of the Council attested by an authorised signatory of Legal Services.
- 7.7 Electronic signatures may be used in accordance with the Electronic Signature Regulations 2002 provided the sufficiency of security arrangements has been approved by the Senior ICT Manager.

## 8 Calculating the Contract Value

- 8.1 The starting point for calculating the contract value for the purposes of these Contract Standing Orders is that the contract value shall be the genuine pre-estimate of the value of the entire contract excluding Value Added Tax. This includes all payments to be made, or potentially to be made, under the entirety of the contract and for the whole of the predicted contract period (**including proposed extensions and options**).
- 8.2 There shall be no artificial splitting of a contract to avoid the application of the provisions of the EU Rules and/or these Contract Standing Orders.
- 8.3 The EU Rules can cover contracts, which are below the stated EU threshold, where they constitute repeat purchases and/or purchases of a similar type (goods/services or works) in a specified period. Responsible Officers should therefore seek advice from the Strategic Procurement Manager on the application of the EU Rules where they envisage that they may require repeat purchases and/or purchases of a similar type.

## 9 Principles Underlying Tendering Processes and Tender Evaluation

- 9.1 All tendering procedures (including obtaining quotes), from planning to contract award and signature, shall be undertaken in a manner so as to ensure:
- 9.1.1 Sufficient time is given to plan and run the process
  - 9.1.2 Equal opportunity and equal treatment
  - 9.1.3 Openness and transparency
  - 9.1.4 Probity

- 9.1.5 Outcomes that deliver sustainability, efficiency and cost savings (where appropriate).

## **10 Submission and Opening of Tenders**

- 10.1 An Invitation to Tender shall be issued electronically by the Council for all contracts of £100,000 or more, via the Council's eProcurement system and tenders shall be submitted in accordance with the requirements of Invitation to Tender Document.
- 10.2 Any tenders received shall be kept secure electronically unopened within a sealed mailbox on the e-tendering system until the time and date specified for the opening.
- 10.3 No tenders received after the time and date specified for its opening shall be accepted or considered by the Council unless agreed in writing by the Monitoring Officer and only in exceptional circumstances.
- 10.4 Tenders shall be opened electronically by an officer of the Procurement Section on the Council's eProcurement system providing a full audit trail of all activity undertaken. Where Tenders are expected to have a value of £100,00 or more, invitations to the opening of these tenders will be sent to the appropriate Portfolio Holder or another Cabinet Member and the appropriate Shadow Portfolio Holder or another Shadow Cabinet Member, a Procurement Officer, one Responsible Officer and a Democratic Services Officer to undertake the completion of the Record of Receipt of Tender Document of all tenders received including names and addresses and the date and time of opening. In circumstances where both Portfolio/Cabinet member and/or, both Shadow Portfolio/Cabinet members are unable to attend, opening of tenders can and should be undertaken in presence of officers and at least one substitute Member to ensure procurement programme is maintained.

## **11 Evaluation of Quotations and Tenders**

- 11.1 All quotes and tenders shall be evaluated in accordance with evaluation criteria notified in advance to those submitting quotes/tenders by no fewer than 2 officers
- 11.2 Tenders subject to the EU Rules shall be evaluated in accordance with the EU Rules in the presence and under the guidance of procurement officer/s.

## **12 Waivers**

- 12.1 The requirement for the Council to conduct a competitive purchasing process for contracts of £10,000 or more may be waived in the following circumstances:
- 12.1.1 For contracts which are not subject to the EU Rules, the work, supply or service is required as a matter of urgency and a delay would be likely to lead to financial loss, personal injury or damage to property; or
- 12.1.2 the circumstances set out in the Public Contract Regulations 2015 Regulation 32 apply (whether or not the contract is of a type which is subject to the application of the EU Rules); or
- 12.1.3 where the supply is for parts for existing machinery, or where the terms of supply of equipment require that maintenance be undertaken by a specified provider; or

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## Annex 1

- 12.1.4 where the work is of a specialist nature, the skill of the contractor is of primary importance, and the supply market has been tested and found to be limited; or
  - 12.1.5 where the supply is for maintenance to existing IT equipment or software, including enhancements to current software, which can only be performed by the licensed developer or owner of the system; or
  - 12.1.6 at the discretion of the relevant Director who may proceed in a manner most expedient to the efficient management of the service/Council with reasons recorded in writing.
- 12.2 A Responsible Officer who seeks a waiver of Contract Standing Orders shall do so only in advance and only in exceptional circumstances. Further guidance on what may constitute exceptional circumstances permitting waiver of these Contract Standing Orders is set out in the Council's Purchasing Guide.
- 12.3 All waivers from these Contract Standing Orders must be:
- 12.3.1 Fully documented
  - 12.3.2 Subject to a written report in an approved format, available on the intranet, to be submitted **in advance** to the relevant Director for endorsement which shall include reasons for the waiver which demonstrate that the waiver is genuinely required
  - 12.3.3 Subject to comment and/or endorsement as to existence of exceptional circumstances by the Strategic Procurement Manager
  - 12.3.4 Subject to **approval in advance** by the Deputy Chief Executive/Section 151 Officer or his/her authorised representative, who shall record that they have considered the reasons for the waiver and that they are satisfied that the circumstances justifying the waiver are genuinely exceptional.
- 12.4 All decisions on waivers must take into account:
- 12.4.1 Probity
  - 12.4.2 Best value/value for money principles.
- 12.5 For contracts subject to the EU Rules, any waiver from the requirement for competition must meet without exception the conditions set out in the EU Rules, in addition to the general requirements above.
- 12.6 Once a waiver is approved in respect of a specific contract value, the waiver shall cover contract spend up to the next spend threshold negating the need for a further waiver application on occasion when there may be a slight increase in contract spend.

### 13 Extensions and other Variations to Existing Contracts

- 13.1 An extension to the duration of an existing contract can only be granted if specifically provided for by that contract and for the period (or periods) specified.
- 13.2 Extensions and other variations to existing contracts such as the inclusion of additional works or services must be:
  - 13.2.1 Made in accordance with any statutory restrictions and any specific terms of the contract;

- 13.2.2 Made in accordance with the principles set out in the Council's Purchasing Guide;
- 13.2.3 Discussed and notified to the Procurement Section
- 13.2.4 In a written format approved by Legal Services.
- 13.3 Any extension or other variation must take into account:
  - 13.3.1 Probity
  - 13.3.2 Best value and value for money principles.
- 13.4 For contracts subject to EU Rules, any extension or other variation must meet the conditions set out in the EU Rules in addition to the more general requirements set out above. Responsible Officers should proceed cautiously and seek advice where any extension or other variations are proposed to contracts subject to the EU rules.
- 13.5 For all contracts which are not subject to the EU rules, no variation (nor the cumulative effect of more than one variation) of a contract may artificially modify the subject matter of a contract beyond its original specification nor increase its annual value by more than 20% of the Contractor's original tender bid.
- 13.6 Subject to the nature of changes which may be required to the contracts and framework agreements, certain variations may be lawfully sought. Responsible Officers should contact Legal Services or Procurement to obtain advice on the lawfulness of the changes required.

#### **14 Purchasing Schemes**

- 14.1 A Responsible Officer may use Purchasing Schemes subject to the following conditions and the Council's Purchasing Guide.
- 14.2 Responsible Officers must check and validate in advance that
  - 14.2.1 The Council is legally entitled to use the Purchasing Scheme
  - 14.2.2 The purchases to be made do properly fall within the coverage of the Purchasing Scheme and are made according to any terms of said Scheme
  - 14.2.3 The establishment and operation of each Purchasing Scheme is in compliance with the EU Rules (where they apply) and meets the Council's own requirements.
- 14.3 A "Purchasing Scheme" may include:
  - 14.3.1 Contractor prequalification lists/select lists
  - 14.3.2 Framework arrangements (including those set up by the Crown Commercial Services and other Purchasing agencies i.e. ESPO, TPPL)
  - 14.3.3 Purchasing arrangements set up by central purchasing bodies and commercial organisations
  - 14.3.4 Consortium purchasing
  - 14.3.5 Collaborative working arrangements
  - 14.3.6 E-procurement/purchasing schemes and methods

14.3.7 Other similar arrangements such as the Government eMarketplace

14.4 Where a Purchasing Scheme is used then there shall be a whole or partial exemption from the obligations under these Contract Standing Orders in respect of the choice and conduct of procedures to the extent permitted and indicated in the Council's Purchasing Guide.

## **15 Review and Changes to these Contract Standing Orders**

These Contract Standing Orders shall be reviewed and updated on a regular basis. Save in the case of revisions to the EU Thresholds in Contract Standing Order 6.6, amended Contract Standing Orders shall be recommended by the Constitutional Review Working Party to Council. The Strategic Procurement Manager will make revisions to the EU Thresholds as applicable and is permitted to undertake such non-material amendments as a result of business restructuring as required from time to time.

## **16 Standard Clauses**

16.1 Each contract of £10,000 or more shall include standard clauses, including those indicated "where applicable" dependant on the nature of the contract as follows:

- 16.1.1 Anti-Corruption and Bribery
- 16.1.2 Prevention of Assignment
- 16.1.3 Equal Opportunities/Health and Safety
- 16.1.4 Freedom of Information
- 16.1.5 Prompt Payment of Invoices
- 16.1.6 Conflict of Interest
- 16.1.7 Child Protection and Safeguarding Generally
- 16.1.8 Performance Data Sharing
- 16.1.9 Data Protection
- 16.1.10 TUPE and Employment Matters (where applicable)
- 16.1.11 Termination (Reg 73 PCR 2015) (above EU threshold procurements only)
- 16.1.12 Liquidated Damages (where applicable)

These Standard Clauses are available on the intranet @ ..... Standard Clauses are maintained by Legal Services and are subject to amendment from time to time.

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**DECLARATION OF VACANCY - MARGATE CENTRAL WARD**

COUNCIL **11 October 2018**

Report Author **Director of Corporate Governance and Monitoring Officer**

Status **For Decision**

Classification: **Unrestricted**

Ward: **Margate Central Ward**

**Executive Summary:**

To note that Ian Venables has become disqualified for being a member of the authority under section 80 of the Local Government Act 1972, by virtue of his holding a paid office or employment or appointment with Thanet District Council.

Council is therefore required to formally declare a vacancy in the Margate Central Ward.

**Recommendation(s):**

1. Council notes that Ian Venables has become disqualified for being a member of this authority;
2. Council declares as vacant the office held by Ian Venables as a councillor for the Margate Central ward

**CORPORATE IMPLICATIONS**

<b>Financial and Value for Money</b>	There will be additional costs associated with any by-election, which will be contained within existing budgets.					
<b>Legal</b>	The Council is under a statutory duty to declare this vacancy.					
<b>Corporate</b>	There are no specific corporate implications. The disqualification will also impact on political proportionality.					
<b>Equality 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.					
	<table border="1" style="width: 100%;"> <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>	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.
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 specific equalities considerations in relation to this report.
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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	X

## 1.0 Introduction and Background

- 1.1 Under section 80(1)(a) of the Local Government Act 1972 a councillor is disqualified from holding office if they hold any paid office or employment or appointment which are or may be made or confirmed by the local authority.
- 1.2. Section 86 of the Local Government Act 1972 requires an authority to declare a vacancy in such circumstances.
1. 3. Mr Venables applied for and has taken up a secondment with the council as a specialist to assist within the council's housing team in relation to rough sleeping. He took up this secondment position on the 1 August 2018.
- 1.4 This arrangement disqualified Cllr Venables from being a Thanet District Councillor, under Section 80(1)(a) of the Local Government Act 1972 with effect from 1 August 2018. Under the Act a councillor is disqualified from holding office as councillor, if they hold 'paid office or employment or an appointment' which is made or confirmed by the council. Advice has been sought from counsel and he confirms that the secondment arrangement is caught by Section 80(1)(a) of the Act and cited a similar situation which was considered by the High Court in 1999.
- 1.5 Section 86(1)(a) of the Local Government Act 1972 provides that where a councillor becomes disqualified for being a member of the authority, the authority shall, except in any cases in which a declaration has been made by the High Court, forthwith declare the office to be vacant. This is a statutory duty on the Council. Officers recommend that Council declares the vacancy.
- 1.6 Under section 87(1) (f) of the Local Government Act 1972 the vacancy is deemed to be the date on which Council declares the vacancy. Following this declaration, a notice of vacancy will be published.

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

## Background Papers

Title	Details of where to access copy
Section 80 Local Government Act 1972	<a href="http://www.legislation.gov.uk/ukpga/1972/70/contents">http://www.legislation.gov.uk/ukpga/1972/70/contents</a>



## Corporate Consultation

<b>Finance</b>	Matt Sanham Finance Manager
<b>Legal</b>	Sophie Nartey Interim Head of Legal Services

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**CHANGES TO COMMITTEES, PANELS AND BOARDS –  
2018/19**

Council	<b>11 October 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:**

This report outlines the changes needed to proportionality and committees as a result of Councillor Venables ceasing to be a Councillor. It suggests a number of options for Council to choose from in order to restore proportionality and allows an opportunity for Group Leaders to make new and adjust existing nominations to committees.

**Summary of Recommendation(s):**

2.12.1 That Council agrees one of the options outlined at paragraphs 2.5 – 2.9 to achieve proportionality.

3.8.1 To note the corresponding group nominations to Committees, Panels and Boards for the remainder of 2018/19 as per paragraph 2.12.1. (The names of those Councillors so nominated will be presented at the meeting)

**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>	The composition and allocation of membership of committees has been based on the relevant legislative requirements.
<b>Corporate</b>	There are no direct Corporate Implications
<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,	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

<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

- 1.1 This report outlines the changes needed to proportionality and committees as a result of Cllr Venables ceasing to be a Councillor.

## 2.0 Political Balance

- 2.1 The current political balance of the Council is shown in the table below:

Political Group	Before changes	After changes
Conservative	22	22
Independent & UKIP Group	14	14
Thanet Independent Councillors	12	12
Labour	6	<b>5</b>
Independent (non group)	2	2
Vacant Seats	0	<b>1</b>

- 2.2 The Local Government and Housing Act 1989 requires the Council to allocate seats on committees to political Groups in accordance with the size of each group on the Council as a whole and in accordance with the following principles which should be observed as far as is reasonably practicable:

- a) That not all seats on the same committee are allocated to the same political group;
- b) That the majority of the seats on a committee are allocated to a particular political group if the number of persons belonging to that group is a majority of the Council's membership;
- c) That, subject to a) and b) above, the number of seats on committees allocated to each political group bears the same proportion of the total of all the seats on committees;

- d) That, subject to a), b) and c) above, the number of seats on a committee allocated to each political group bears the same proportion to the number of all seats on that committee.
- 2.3 For the purposes of political balance a Group is required to have at least two members and to have been formally constituted as a political group before the meeting.
- 2.4 Democratic Services have contacted the four group Leaders and consensus has not been achieved, therefore five options are being presented to this meeting. These are outlined at paragraphs 2.5 to 2.8. However if Members wished to propose an alternative they can do under option 5 at paragraph 2.9, however compliance with the proportionality rules would need to be verified by officers, prior to it being adopted.
- 2.5 Option 1**
- 2.5.1 That a seat is removed from the Planning Committee and that the Labour Group loses that seat.
- 2.6 Option 2**
- 2.6.1 That a seat is removed from the Boundary and Electoral Arrangements Working Party and the Labour Group loses that seat.
- 2.7 Option 3**
- 2.7.1 That a seat is removed from the Governance and Audit Committee and the Labour Group loses that seat.
- 2.8 Option 4**
- 2.8.1 That a seat is removed from the Licensing Board and the Labour Group loses that seat.
- 2.9 Option 5**
- 2.9.1 That another solution that achieves proportionality is agreed. Note that if an alternative proposal is developed during the meeting, compliance with the proportionality rules would need to be verified by officers.
- 2.10 The tables below show the change to numbers serving on Committees as a result of these proposals:

<b>Committees Option 1</b>	<b>Total</b>	<b>Conservative Group</b>	<b>Independent &amp; UKIP Group</b>	<b>Thanet Independent Councillors</b>	<b>Labour Group</b>
Planning Committee	14	6	4	3	1
Licensing Board	15	7	4	3	1
FB&P Scrutiny Panel	8	3	2	2	1
EP&CS Scrutiny Panel	8	3	2	2	1
Gov. and Audit	15	6	4	4	1
General Purposes	10	4	3	2	1
B&EA Working Party	8	3	2	2	1
CRWP	5	2	1	1	1
<b>Totals</b>	<b>83</b>	<b>34</b>	<b>22</b>	<b>19</b>	<b>8</b>

<b>Committees Option 2</b>	<b>Total</b>	<b>Conservative Group</b>	<b>Independent &amp; UKIP Group</b>	<b>Thanet Independent Councillors</b>	<b>Labour Group</b>
Planning Committee	15	6	4	3	2
Licensing Board	15	7	4	3	1
FB&P Scrutiny Panel	8	3	2	2	1
EP&CS Scrutiny Panel	8	3	2	2	1
Gov. and Audit	15	6	4	4	1
General Purposes	10	4	3	2	1
B&EA Working Party	7	3	2	2	0
CRWP	5	2	1	1	1
<b>Totals</b>	<b>83</b>	<b>34</b>	<b>22</b>	<b>19</b>	<b>8</b>

<b>Committees Option 3</b>	<b>Total</b>	<b>Conservative Group</b>	<b>Independent &amp; UKIP Group</b>	<b>Thanet Independent Councillors</b>	<b>Labour Group</b>
Planning Committee	15	6	4	3	2
Licensing Board	15	7	4	3	1
FB&P Scrutiny Panel	8	3	2	2	1
EP&CS Scrutiny Panel	8	3	2	2	1
Gov. and Audit	<b>14</b>	6	4	4	<b>0</b>
General Purposes	10	4	3	2	1
B&EA Working Party	8	3	2	2	1
CRWP	5	2	1	1	1
<b>Totals</b>	<b>83</b>	34	22	19	<b>8</b>

<b>Committees Option 4</b>	<b>Total</b>	<b>Conservative Group</b>	<b>Independent &amp; UKIP Group</b>	<b>Thanet Independent Councillors</b>	<b>Labour Group</b>
Planning Committee	15	6	4	3	2
Licensing Board	<b>14</b>	7	4	3	<b>0</b>
FB&P Scrutiny Panel	8	3	2	2	1
EP&CS Scrutiny Panel	8	3	2	2	1
Gov. and Audit	15	6	4	4	1
General Purposes	10	4	3	2	1
B&EA Working Party	8	3	2	2	1
CRWP	5	2	1	1	1
<b>Totals</b>	<b>83</b>	34	22	19	<b>8</b>

2.11 The overall political balance calculations for the proposals shown above are available at Annexes 1 to 4.

## 2.12 Recommendation

2.12.1 That Council agrees one of the options outlined at paragraphs 2.5 – 2.9 to achieve proportionality.

## 3.0 Nominations of Members to serve on Committees

3.1 Members are reminded that Section 16 of the Local Government and Housing Act 1989 states that where the Council has determined the allocation to different groups of the seats to which the Act applies, it shall be the duty of the authority to give effect to a Group's wishes about who is to be appointed to the seats that they have been allocated.

3.2 Therefore the corresponding amendments to group nominations as outlined below must also be made.

## 3.3 Option 1

3.3.1 That a seat is removed from the Planning Committee and the Labour Group need to remove a nomination from that Committee. In addition Cllr Venables was a member of Governance and Audit Committee and the Boundary and Electoral Arrangements Working Party and so the Labour Group will need to make new nominations to those Committees.

This is summarised in the table below:

Committee/Group	Current Position	New Position
<b>Planning Committee</b>		
Labour Group	2 seats	1 seat (need to remove a nominee)
<b>Governance and Audit</b>		
Labour Group	Cllr Venables	New nominee needed
<b>BEAWP</b>		
Labour Group	Cllr Venables	New nominee needed

## 3.4 Option 2

3.4.1 That a seat is removed from the Boundary and Electoral Arrangements Working Party and the Labour Group need to remove their nomination from that Committee (although this was Cllr Venables). In addition Cllr Venables was a member of Governance and Audit Committee and so the Labour Group will need to make a new nomination to that Committee.

This is summarised in the table below:

Committee/Group	Current Position	New Position
<b>BEAWP</b>		
Labour Group	Cllr Venables	No entitlement to a seat
<b>Governance and Audit</b>		
Labour Group	Cllr Venables	New nominee needed

## 3.5 Option 3

3.5.1 That a seat is removed from the Governance and Audit Committee and the Labour Group need to remove their nomination from that Committee (although this was Cllr



Venables). In addition Cllr Venables was a member of Boundary and Electoral Arrangements Working Party and so the Labour Group will need to make a new nomination to that Committee.

This is summarised in the table below:

<b>Committee/Group</b>	<b>Current Position</b>	<b>New Position</b>
<b>Governance and Audit</b>		
Labour Group	Cllr Venables	No entitlement to a seat
<b>BEAWP</b>		
Labour Group	Cllr Venables	New nominee needed

### 3.6 Option 4

- 3.6.1 That a seat is removed from the Licensing Board and the Labour Group need to remove their nomination from that Committee. In addition Cllr Venables was a member of Governance and Audit Committee and the Boundary and Electoral Arrangements Working Party and so the Labour Group will need to make new nominations to those Committees.

This is summarised in the table below:

<b>Committee/Group</b>	<b>Current Position</b>	<b>New Position</b>
<b>Licensing Board</b>		
Labour Group	1 seat	No entitlement to seat
<b>Governance and Audit</b>		
Labour Group	Cllr Venables	New nominee needed
<b>BEAWP</b>		
Labour Group	Cllr Venables	New nominee needed

### 3.7 Option 5

- 3.7.1 If Council agrees its own solution to agree political proportionality then Council must note the relevant changes to group nominations to Committees, Panels and Boards that correspond with those changes

### 3.8 Recommendation

- 3.8.1 To note the corresponding group nominations to Committees, Panels and Boards for the remainder of 2018/19 as per paragraph 2.12.1. (The names of those Councillors so nominated will be presented at the meeting)

### 4.0 Chairmen and Vice-Chairmen

- 4.1 If there are any other changes to group nominations that would mean subsequent changes to Chairmanships or Vice-Chairmanships, then the Council would need to make new nominations to those positions.

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

## Annex List

Annex 1	Proportionality calculations for main committees covered by Local Government & Housing Act 1989 Option 1
Annex 2	Proportionality calculations for main committees covered by Local Government & Housing Act 1989 Option 2
Annex 3	Proportionality calculations for main committees covered by Local Government & Housing Act 1989 Option 3
Annex 4	Proportionality calculations for main committees covered by Local Government & Housing Act 1989 Option 4

## 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

Option 1	Members	Conservative	Independent and UKIP	Thanet Independent Councillors	Labour	Non-Groups
<b>Overall Council</b>	55	22	14	12	5	2
Groups only	53	22	14	14	5	0
	Members	Conservative	Independent and UKIP	Thanet Independent Councillors	Labour	Non-Groups
<b>Planning Committee</b>	14	6	4	3	1	
	100.00%	42.86%	28.57%	21.43%	7.14%	
<b>Licensing Board</b>	15	7	4	3	1	
	100.00%	46.67%	26.67%	20.00%	6.67%	
<b>Finance, Budget &amp; Performance Scrutiny Panel</b>	8	3	2	2	1	
	100.00%	37.50%	25.00%	25.00%	12.50%	
<b>Executive, Policy &amp; Community Safety Scrutiny Panel</b>	8	3	2	2	1	
	100.00%	37.50%	25.00%	25.00%	12.50%	
<b>Governance &amp; Audit</b>	15	6	4	4	1	
	100.00%	40.00%	26.67%	26.67%	6.67%	
<b>General Purposes</b>	10	4	3	2	1	
	100.00%	40.00%	30.00%	20.00%	10.00%	
<b>BEAWP</b>	8	3	2	2	1	
	100.00%	37.50%	25.00%	25.00%	12.50%	
<b>CRWP</b>	5	2	1	1	1	
	100.00%	40.00%	20.00%	20.00%	20.00%	
<b>Totals allocated</b>	<b>83</b>	<b>34</b>	<b>22</b>	<b>19</b>	<b>8</b>	
	100.00%	40.96%	26.51%	22.89%	9.64%	
<b>Totals entitlement</b>	<b>83</b>	<b>34.45</b>	<b>21.92</b>	<b>18.79</b>	<b>7.83</b>	
<b>Difference from entitlement no.</b>		-0.45	0.08	0.21	0.17	
<b>Difference from entitlement %</b>		-0.5456	0.0909	0.2501	0.2046	

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Option 2	Members	Conservative	Independent and UKIP	Thanet Independent Councillors	Labour	Non-Groups
<b>Overall Council</b>	55	22	14	12	5	2
Groups only	53	22	14	14	5	0
	Members	Conservative	Independent and UKIP	Thanet Independent Councillors	Labour	Non-Groups
<b>Planning Committee</b>	15	6	4	3	2	
	100.00%	40.00%	26.67%	20.00%	13.33%	
<b>Licensing Board</b>	15	7	4	3	1	
	100.00%	46.67%	26.67%	20.00%	6.67%	
<b>Finance, Budget &amp; Performance Scrutiny Panel</b>	8	3	2	2	1	
	100.00%	37.50%	25.00%	25.00%	12.50%	
<b>Executive, Policy &amp; Community Safety Scrutiny Panel</b>	8	3	2	2	1	
	100.00%	37.50%	25.00%	25.00%	12.50%	
<b>Governance &amp; Audit</b>	15	6	4	4	1	
	100.00%	40.00%	26.67%	26.67%	6.67%	
<b>General Purposes</b>	10	4	3	2	1	
	100.00%	40.00%	30.00%	20.00%	10.00%	
<b>BEAWP</b>	7	3	2	2	0	
	100.00%	42.86%	28.57%	28.57%	0.00%	
<b>CRWP</b>	5	2	1	1	1	
	100.00%	40.00%	20.00%	20.00%	20.00%	
<b>Totals allocated</b>	<b>83</b>	<b>34</b>	<b>22</b>	<b>19</b>	<b>8</b>	
	100.00%	40.96%	26.51%	22.89%	9.64%	
<b>Totals entitlement</b>	<b>83</b>	<b>34.45</b>	<b>21.92</b>	<b>18.79</b>	<b>7.83</b>	
<b>Difference from entitlement no.</b>		-0.45	0.08	0.21	0.17	
<b>Difference from entitlement %</b>		-0.5456	0.0909	0.2501	0.2046	

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Option 3	Members	Conservative	Independent and UKIP	Thanet Independent Councillors	Labour	Non-Groups
<b>Overall Council</b>	55	22	14	12	5	2
Groups only	53	22	14	14	5	0
	Members	Conservative	Independent and UKIP	Thanet Independent Councillors	Labour	Non-Groups
<b>Planning Committee</b>	15	6	4	3	2	
	100.00%	40.00%	26.67%	20.00%	13.33%	
<b>Licensing Board</b>	15	7	4	3	1	
	100.00%	46.67%	26.67%	20.00%	6.67%	
<b>Finance, Budget &amp; Performance Scrutiny Panel</b>	8	3	2	2	1	
	100.00%	37.50%	25.00%	25.00%	12.50%	
<b>Executive, Policy &amp; Community Safety Scrutiny Panel</b>	8	3	2	2	1	
	100.00%	37.50%	25.00%	25.00%	12.50%	
<b>Governance &amp; Audit</b>	14	6	4	4	0	
	100.00%	42.86%	28.57%	28.57%	0.00%	
<b>General Purposes</b>	10	4	3	2	1	
	100.00%	40.00%	30.00%	20.00%	10.00%	
<b>BEAWP</b>	8	3	2	2	1	
	100.00%	37.50%	25.00%	25.00%	12.50%	
<b>CRWP</b>	5	2	1	1	1	
	100.00%	40.00%	20.00%	20.00%	20.00%	
<b>Totals allocated</b>	<b>83</b>	<b>34</b>	<b>22</b>	<b>19</b>	<b>8</b>	
	100.00%	40.96%	26.51%	22.89%	9.64%	
<b>Totals entitlement</b>	<b>83</b>	<b>34.45</b>	<b>21.92</b>	<b>18.79</b>	<b>7.83</b>	
<b>Difference from entitlement no.</b>		-0.45	0.08	0.21	0.17	
<b>Difference from entitlement %</b>		-0.5456	0.0909	0.2501	0.2046	

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Option 4	Members	Conservative	Independent and UKIP	Thanet Independent Councillors	Labour	Non-Groups
<b>Overall Council</b>	55	22	14	12	5	2
Groups only	53	22	14	14	5	0
	Members	Conservative	Independent and UKIP	Thanet Independent Councillors	Labour	Non-Groups
<b>Planning Committee</b>	15	6	4	3	2	
	100.00%	40.00%	26.67%	20.00%	13.33%	
<b>Licensing Board</b>	14	7	4	3	0	
	100.00%	46.67%	26.67%	20.00%	6.67%	
<b>Finance, Budget &amp; Performance Scrutiny Panel</b>	8	3	2	2	1	
	100.00%	37.50%	25.00%	25.00%	12.50%	
<b>Executive, Policy &amp; Community Safety Scrutiny Panel</b>	8	3	2	2	1	
	100.00%	37.50%	25.00%	25.00%	12.50%	
<b>Governance &amp; Audit</b>	15	6	4	4	1	
	100.00%	40.00%	26.67%	26.67%	6.67%	
<b>General Purposes</b>	10	4	3	2	1	
	100.00%	40.00%	30.00%	20.00%	10.00%	
<b>BEAWP</b>	8	3	2	2	1	
	100.00%	37.50%	25.00%	25.00%	12.50%	
<b>CRWP</b>	5	2	1	1	1	
	100.00%	40.00%	20.00%	20.00%	20.00%	
<b>Totals allocated</b>	<b>83</b>	<b>34</b>	<b>22</b>	<b>19</b>	<b>8</b>	
	100.00%	40.96%	26.51%	22.89%	9.64%	
<b>Totals entitlement</b>	<b>83</b>	<b>34.45</b>	<b>21.92</b>	<b>18.79</b>	<b>7.83</b>	
<b>Difference from entitlement no.</b>		-0.45	0.08	0.21	0.17	
<b>Difference from entitlement %</b>		-0.5456	0.0909	0.2501	0.2046	

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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.