



Date: 4 September 2017
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STANDARDS COMMITTEE

12 SEPTEMBER 2017

A meeting of the Standards Committee will be held at **7.00 pm on Tuesday, 12 September 2017** in the Council Chamber, Cecil Street, Margate, Kent.

Membership:

Dr Jonathan Sexton (Chairman), Mrs Janet Bacon (Vice Chairman)

Councillors: Braidwood, Buckley, Dexter, J Fairbrass, Johnston, Tomlinson and S Piper

Parish Councillors: Way and Wright

A G E N D A

Item
No

Subject

1. **APOLOGIES FOR ABSENCE**

2. **DECLARATIONS OF INTEREST**

3. **MINUTES OF PREVIOUS MEETING** (Pages 3 - 4)

To approve the Minutes of the meeting of Standards Committee held on **13 September 2016**, copy attached.

4. **LOCAL GOVERNMENT OMBUDSMAN LETTER 2016** (Pages 5 - 12)

5. **LOCAL GOVERNMENT OMBUDSMAN LETTER 2017** (Pages 13 - 22)

6. **SUPPORT TO TOWN AND PARISH COUNCILS** (Pages 23 - 26)

7. **REPORT ON RECENT CASE LAW** (Pages 27 - 30)

8. **STANDARDS COMPLAINT STATISTICS** (Pages 31 - 36)

Declaration of Interest form - back of agenda

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Public Document Pack Agenda Item 3

STANDARDS COMMITTEE

Minutes of the meeting held on 13 September 2016 at 7.00 pm in Council Chamber, Cecil Street, Margate, Kent.

Present: Dr Jonathan Sexton (Chairman), Mrs Janet Bacon (Independent Member of the Standards Committee)

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

Parish Councillors: Way (Monkton Parish Council) and Wright (Birchington Parish Council - Birchington South),

125. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Dexter for whom Councillor Taylor-Smith was present.

126. DECLARATIONS OF INTEREST

There were no declarations of interest.

127. MINUTES OF PREVIOUS MEETING

It was proposed by Councillor Johnston, seconded by Councillor Jaye-Jones and AGREED that the minutes of the meeting of 28 June 2016 were a correct record and be signed by the Chairman.

128. SEALING OF DOCUMENTS

Tim Howes, Director of Corporate Governance and Monitoring Officer, outlined his report. Members were advised that the proposed change would increase efficiency and prevent delays for Legal Services. Members heard that the process involving Members was not used by other councils and is considered to be an archaic practice.

The Chairman invited Committee Members' questions.

It was noted that:

-Members felt that from their perspective it was not difficult to witness the sealing of documents and felt they had made themselves available.

-Members felt it was an erosion of their role and the sealing of documents was an opportunity for individuals to learn about matters they may not otherwise have known about.

-Members heard that whilst they have witnessed the sealing of documents, they have not vouched for the content or accuracy of any document.

Councillor Buckley proposed, Councillor Fairbrass seconded:

"That option 3.1 as outlined in the officer's report be recommended to Full Council."

Upon being put to the vote, the motion was declared LOST.

129. **STANDARDS COMPLAINT STATISTICS**

The Committee noted the Standards Complaint Statistics report.

Meeting concluded : 7.45pm

21 July 2016

By email

Madeline Homer
Chief Executive
Thanet District Council

Dear Madeline Homer,

Annual Review Letter 2016

I write to you with our annual summary of statistics on the complaints made to the Local Government Ombudsman (LGO) about your authority for the year ended 31 March 2016.

The enclosed tables present the number of complaints and enquiries received and the decisions we made about your authority during the period. I hope that this information will prove helpful in assessing your authority's performance in handling complaints.

Last year we provided information on the number of complaints upheld and not upheld for the first time. In response to council feedback, this year we are providing additional information to focus the statistics more on the outcome from complaints rather than just the amounts received.

We provide a breakdown of the upheld investigations to show how they were remedied. This includes the number of cases where our recommendations remedied the fault and the number of cases where we decided your authority had offered a satisfactory remedy during the local complaints process. In these latter cases we provide reassurance that your authority had satisfactorily attempted to resolve the complaint before the person came to us. In addition, we provide a compliance rate for implementing our recommendations to remedy a fault.

I want to emphasise that these statistics comprise the data we hold, and may not necessarily align with the data your authority holds. For example, our numbers include enquiries from people we signpost back to the authority, but who may never contact you.

In line with usual practice, we are publishing our annual data for all authorities on our website, alongside an annual review of local government complaints. The aim of this is to be transparent and provide information that aids the scrutiny of local services.

Effective accountability for devolved authorities

Local government is going through perhaps some of the biggest changes since the LGO was set up more than 40 years ago. The creation of combined authorities and an increase in the number of elected mayors will hugely affect the way local services are held to account. We have already started working with the early combined authorities to help develop principles for effective and accessible complaints systems.

We have also reviewed how we structure our casework teams to provide insight across the emerging combined authority structures. Responding to council feedback, this included reconfirming the Assistant Ombudsman responsible for relationship management with each authority, which we recently communicated to Link Officers through distribution of our manual for working with the LGO.

Supporting local scrutiny

Our corporate strategy is based upon the twin pillars of remedying injustice and improving local public services. The numbers in our annual report demonstrate that we continue to improve the quality of our service in achieving swift redress.

To measure our progress against the objective to improve local services, in March we issued a survey to all councils. I was encouraged to find that 98% of respondents believed that our investigations have had an impact on improving local public services. I am confident that the continued publication of our decisions (alongside an improved facility to browse for them on our website), focus reports on key themes and the data in these annual review letters is helping the sector to learn from its mistakes and support better services for citizens.

The survey also demonstrated a significant proportion of councils are sharing the information we provide with elected members and scrutiny committees. I welcome this approach, and want to take this opportunity to encourage others to do so.

Complaint handling training

We recently refreshed our Effective Complaint Handling courses for local authorities and introduced a new course for independent care providers. We trained over 700 people last year and feedback shows a 96% increase in the number of participants who felt confident in dealing with complaints following the course. To find out more, visit www.lgo.org.uk/training.

Ombudsman reform

You will no doubt be aware that the government has announced the intention to produce draft legislation for the creation of a single ombudsman for public services in England. This is something we support, as it will provide the public with a clearer route to redress in an increasingly complex environment of public service delivery.

We will continue to support government in the realisation of the public service ombudsman, and are advising on the importance of maintaining our 40 years plus experience of working with local government and our understanding its unique accountability structures.

This will also be the last time I write with your annual review. My seven-year term of office as Local Government Ombudsman comes to an end in January 2017. The LGO has gone through extensive change since I took up post in 2010, becoming a much leaner and more focused organisation, and I am confident that it is well prepared for the challenges ahead.

Yours sincerely



Dr Jane Martin
Local Government Ombudsman
Chair, Commission for Local Administration in England

For further information on how to interpret our statistics, please visit our website:
<http://www.lgo.org.uk/information-centre/reports/annual-review-reports/interpreting-local-authority-statistics>

Complaints and enquiries received

Adult Care Services	Benefits and Tax	Corporate and Other Services	Education and Children's Services	Environment Services	Highways and Transport	Housing	Planning and Development	Other	Total
0	7	3	0	9	0	12	10	0	41

Decisions made

				Detailed Investigations			
Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed After Initial Enquiries	Not Upheld	Upheld	Uphold Rate	Total
2	2	20	13	3	1	25%	41

Notes

Our uphold rate is calculated in relation to the total number of detailed investigations.

The number of remedied complaints may not equal the number of upheld complaints. This is because, while we may uphold a complaint because we find fault, we may not always find grounds to say that fault caused injustice that ought to be remedied.

The compliance rate is the proportion of remedied complaints where our recommendations are believed to have been implemented.

Complaints Remedied

by LGO	Satisfactorily by Authority before LGO Involvement	Compliance Rate
1	0	100%

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	Reference	Authority	Category	Received
1	15000234	Thanet DC	Housing	07/04/15
2	15000552	Thanet DC	Environmental Services & Public Protection & Regulation	13/04/15
3	15001034	Thanet DC	Housing	20/04/15
4	15001323	Thanet DC	Housing	24/04/15
5	15001356	Thanet DC	Housing	27/04/15
6	15002017	Thanet DC	Corporate & Other Services	06/05/15
7	15002355	Thanet DC	Corporate & Other Services	12/05/15
8	15002372	Thanet DC	Housing	12/05/15
9	15004280	Thanet DC	Planning & Development	12/06/15
10	15004832	Thanet DC	Planning & Development	22/06/15
11	15005630	Thanet DC	Benefits & Tax	03/07/15
12	15005742	Thanet DC	Benefits & Tax	06/07/15
13	15005963	Thanet DC	Planning & Development	08/07/15
14	15006565	Thanet DC	Environmental Services & Public Protection & Regulation	17/07/15
15	14014633	Thanet DC	Environmental Services & Public Protection & Regulation	20/07/15
16	15006814	Thanet DC	Environmental Services & Public Protection & Regulation	22/07/15
17	15000981	Thanet DC	Planning & Development	24/07/15
18	15007122	Thanet DC	Environmental Services & Public Protection & Regulation	28/07/15
19	15000089	Thanet DC	Planning & Development	10/08/15
20	15008018	Thanet DC	Planning & Development	12/08/15
21	15008052	Thanet DC	Environmental Services & Public Protection & Regulation	12/08/15
22	15008213	Thanet DC	Housing	14/08/15
23	15008620	Thanet DC	Planning & Development	24/08/15
24	15009548	Thanet DC	Planning & Development	09/09/15
25	15009852	Thanet DC	Benefits & Tax	15/09/15
26	15010036	Thanet DC	Environmental Services & Public Protection & Regulation	18/09/15
27	15011330	Thanet DC	Benefits & Tax	12/10/15
28	15011742	Thanet DC	Housing	19/10/15
29	15012186	Thanet DC	Benefits & Tax	26/10/15
30	15012357	Thanet DC	Corporate & Other Services	28/10/15
31	15012814	Thanet DC	Environmental Services & Public Protection & Regulation	05/11/15
32	15012893	Thanet DC	Housing	09/11/15
33	15013192	Thanet DC	Benefits & Tax	12/11/15
34	15015593	Thanet DC	Housing	06/01/16

35	15017075	Thanet DC	Planning & Development	28/01/16
36	15019222	Thanet DC	Planning & Development	03/03/16
37	15019506	Thanet DC	Housing	09/03/16
38	15019758	Thanet DC	Housing	11/03/16
39	15019912	Thanet DC	Housing	14/03/16
40	15020003	Thanet DC	Benefits & Tax	16/03/16
41	15020390	Thanet DC	Environmental Services & Public Protection & Regulation	23/03/16

	Reference	Authority	Category	Decision Date	Decision	Remedy
1	14019721	Thanet DC	Highways & Transport	07/04/15	Referred back for local resolution	NULL
2	15000552	Thanet DC	Environmental Services & Public Protection & Regulation	13/04/15	Referred back for local resolution	NULL
3	14019722	Thanet DC	Environmental Services & Public Protection & Regulation	14/04/15	Referred back for local resolution	NULL
4	14019723	Thanet DC	Corporate & Other Services	15/04/15	Referred back for local resolution	NULL
5	15001034	Thanet DC	Housing	20/04/15	Advice given	NULL
6	14020570	Thanet DC	Planning & Development	24/04/15	Referred back for local resolution	NULL
7	15001356	Thanet DC	Housing	27/04/15	Referred back for local resolution	NULL
8	15002372	Thanet DC	Housing	12/05/15	Referred back for local resolution	NULL
9	15002017	Thanet DC	Corporate & Other Services	18/05/15	Closed after initial enquiries	NULL
10	14014636	Thanet DC	Housing	21/05/15	Not Upheld	NULL
11	15002355	Thanet DC	Corporate & Other Services	26/05/15	Closed after initial enquiries	NULL
12	15005742	Thanet DC	Benefits & Tax	06/07/15	Incomplete/Invalid	NULL
13	15004832	Thanet DC	Planning & Development	15/07/15	Closed after initial enquiries	NULL
14	15005630	Thanet DC	Benefits & Tax	22/07/15	Closed after initial enquiries	NULL
15	15006814	Thanet DC	Environmental Services & Public Protection & Regulation	22/07/15	Referred back for local resolution	NULL
16	15005963	Thanet DC	Planning & Development	29/07/15	Closed after initial enquiries	NULL
17	15008052	Thanet DC	Environmental Services & Public Protection & Regulation	12/08/15	Referred back for local resolution	NULL
18	15008213	Thanet DC	Housing	14/08/15	Referred back for local resolution	NULL
19	15007122	Thanet DC	Environmental Services & Public Protection & Regulation	26/08/15	Closed after initial enquiries	NULL
20	15000089	Thanet DC	Planning & Development	02/09/15	Closed after initial enquiries	NULL
21	15000981	Thanet DC	Planning & Development	04/09/15	Closed after initial enquiries	NULL
22	15009852	Thanet DC	Benefits & Tax	15/09/15	Referred back for local resolution	NULL
23	15006565	Thanet DC	Environmental Services & Public Protection & Regulation	17/09/15	Closed after initial enquiries	NULL
24	15010036	Thanet DC	Environmental Services & Public Protection & Regulation	18/09/15	Referred back for local resolution	NULL
25	15004280	Thanet DC	Planning & Development	24/09/15	Not Upheld	NULL
26	15009548	Thanet DC	Planning & Development	02/10/15	Referred back for local resolution	NULL
27	15008018	Thanet DC	Planning & Development	06/10/15	Closed after initial enquiries	NULL

28	15011330	Thanet DC	Benefits & Tax	12/10/15	Referred back for local resolution	NULL
29	15001323	Thanet DC	Housing	16/10/15	Upheld	Financial Redress
30	15011742	Thanet DC	Housing	19/10/15	Advice given	NULL
31	15012893	Thanet DC	Housing	09/11/15	Referred back for local resolution	NULL
32	15012186	Thanet DC	Benefits & Tax	10/11/15	Closed after initial enquiries	NULL
33	15012357	Thanet DC	Corporate & Other Services	12/11/15	Closed after initial enquiries	NULL
34	14014633	Thanet DC	Environmental Services & Public Protection & Regulation	27/01/16	Not Upheld	NULL
35	15017075	Thanet DC	Planning & Development	28/01/16	Referred back for local resolution	NULL
36	15019506	Thanet DC	Housing	09/03/16	Referred back for local resolution	NULL
37	15012814	Thanet DC	Environmental Services & Public Protection & Regulation	11/03/16	Closed after initial enquiries	NULL
38	15019758	Thanet DC	Housing	11/03/16	Referred back for local resolution	NULL
39	15019912	Thanet DC	Housing	14/03/16	Referred back for local resolution	NULL
40	15020003	Thanet DC	Benefits & Tax	16/03/16	Incomplete/Invalid	NULL
41	15020390	Thanet DC	Environmental Services & Public Protection & Regulation	23/03/16	Referred back for local resolution	NULL

20 July 2017

By email

Madeline Homer
Chief Executive
Thanet District Council

Dear Madeline Homer,

Annual Review letter 2017

I write to you with our annual summary of statistics on the complaints made to the Local Government and Social Care Ombudsman (LGO) about your authority for the year ended 31 March 2017. The enclosed tables present the number of complaints and enquiries received about your authority and the decisions we made during the period. I hope this information will prove helpful in assessing your authority's performance in handling complaints.

The reporting year saw the retirement of Dr Jane Martin after completing her seven year tenure as Local Government Ombudsman. I was delighted to be appointed to the role of Ombudsman in January and look forward to working with you and colleagues across the local government sector in my new role.

You may notice the inclusion of the '*Social Care Ombudsman*' in our name and logo. You will be aware that since 2010 we have operated with jurisdiction over all registered adult social care providers, able to investigate complaints about care funded and arranged privately. The change is in response to frequent feedback from care providers who tell us that our current name is a real barrier to recognition within the social care sector. We hope this change will help to give this part of our jurisdiction the profile it deserves.

Complaint statistics

Last year, we provided for the first time statistics on how the complaints we upheld against your authority were remedied. This year's letter, again, includes a breakdown of upheld complaints to show how they were remedied. This includes the number of cases where our recommendations remedied the fault and the number of cases where we decided your authority had offered a satisfactory remedy during the local complaints process. In these latter cases we provide reassurance that your authority had satisfactorily attempted to resolve the complaint before the person came to us.

We have chosen not to include a 'compliance rate' this year; this indicated a council's compliance with our recommendations to remedy a fault. From April 2016, we established a new mechanism for ensuring the recommendations we make to councils are implemented, where they are agreed to. This has meant the recommendations we make are more specific, and will often include a time-frame for completion. We will then follow up with a council and seek evidence that recommendations have been implemented. As a result of this new process, we plan to report a more sophisticated suite of information about compliance and service improvement in the future.

This is likely to be just one of several changes we will make to our annual letters and the way we present our data to you in the future. We surveyed councils earlier in the year to find out, amongst other things, how they use the data in annual letters and what data is the most useful; thank you to those officers who responded. The feedback will inform new work to

provide you, your officers and elected members, and members of the public, with more meaningful data that allows for more effective scrutiny and easier comparison with other councils. We will keep in touch with you as this work progresses.

I want to emphasise that the statistics in this letter comprise the data we hold, and may not necessarily align with the data your authority holds. For example, our numbers include enquiries from people we signpost back to the authority, but who may never contact you.

In line with usual practice, we are publishing our annual data for all authorities on our website. The aim of this is to be transparent and provide information that aids the scrutiny of local services.

During the year we issued one public report against your Council. The investigation found the Council had wrongly calculated a family's housing priority, which meant it did not adequately reflect their housing need. This resulted in the family, which included two children with disabilities, living in cramped and unsuitable accommodation for a prolonged period. Had the priority been accurate, the family would have been able to successfully bid on a suitable property three years previously.

We recommended an apology and a payment of £8,400 to acknowledge the impact on the family of remaining in unsuitable accommodation for such a long period. We also asked the Council to pay the family a further £250 to acknowledge the avoidable stress caused.

I am pleased that the Council accepted my recommendations and fully complied with them. I was able to confirm satisfaction and close the case.

The statutory duty to report Ombudsman findings and recommendations

As you will no doubt be aware, there is duty under section 5(2) of the Local Government and Housing Act 1989 for your Monitoring Officer to prepare a formal report to the council where it appears that the authority, or any part of it, has acted or is likely to act in such a manner as to constitute maladministration or service failure, and where the LGO has conducted an investigation in relation to the matter.

This requirement applies to all Ombudsman complaint decisions, not just those that result in a public report. It is therefore a significant statutory duty that is triggered in most authorities every year following findings of fault by my office. I have received several enquiries from authorities to ask how I expect this duty to be discharged. I thought it would therefore be useful for me to take this opportunity to comment on this responsibility.

I am conscious that authorities have adopted different approaches to respond proportionately to the issues raised in different Ombudsman investigations in a way that best reflects their own local circumstances. I am comfortable with, and supportive of, a flexible approach to how this duty is discharged. I do not seek to impose a proscriptive approach, as long as the Parliamentary intent is fulfilled in some meaningful way and the authority's performance in relation to Ombudsman investigations is properly communicated to elected members.

As a general guide I would suggest:

- Where my office has made findings of maladministration/fault in regard to routine mistakes and service failures, and the authority has agreed to remedy the complaint by implementing the recommendations made following an investigation, I feel that the duty is satisfactorily discharged if the Monitoring Officer makes a periodic report to

the council summarising the findings on all upheld complaints over a specific period. In a small authority this may be adequately addressed through an annual report on complaints to members, for example.

- Where an investigation has wider implications for council policy or exposes a more significant finding of maladministration, perhaps because of the scale of the fault or injustice, or the number of people affected, I would expect the Monitoring Officer to consider whether the implications of that investigation should be individually reported to members.
- In the unlikely event that an authority is minded not to comply with my recommendations following a finding of maladministration, I would always expect the Monitoring Officer to report this to members under section five of the Act. This is an exceptional and unusual course of action for any authority to take and should be considered at the highest tier of the authority.

The duties set out above in relation to the Local Government and Housing Act 1989 are in addition to, not instead of, the pre-existing duties placed on all authorities in relation to Ombudsman reports under The Local Government Act 1974. Under those provisions, whenever my office issues a formal, public report to your authority you are obliged to lay that report before the council for consideration and respond within three months setting out the action that you have taken, or propose to take, in response to the report.

I know that most local authorities are familiar with these arrangements, but I happy to discuss this further with you or your Monitoring Officer if there is any doubt about how to discharge these duties in future.

Manual for Councils

We greatly value our relationships with council Complaints Officers, our single contact points at each authority. To support them in their roles, we have published a Manual for Councils, setting out in detail what we do and how we investigate the complaints we receive. When we surveyed Complaints Officers, we were pleased to hear that 73% reported they have found the manual useful.

The manual is a practical resource and reference point for all council staff, not just those working directly with us, and I encourage you to share it widely within your organisation. The manual can be found on our website www.lgo.org.uk/link-officers

Complaint handling training

Our training programme is one of the ways we use the outcomes of complaints to promote wider service improvements and learning. We delivered an ambitious programme of 75 courses during the year, training over 800 council staff and more 400 care provider staff. Post-course surveys showed a 92% increase in delegates' confidence in dealing with complaints. To find out more visit www.lgo.org.uk/training

Yours sincerely

A handwritten signature in black ink, appearing to be 'MK' with a stylized flourish underneath.

Michael King
Local Government and Social Care Ombudsman for England
Chair, Commission for Local Administration in England

For further information on how to interpret our statistics, please visit our website:
<http://www.lgo.org.uk/information-centre/reports/annual-review-reports/interpreting-local-authority-statistics>

Complaints and enquiries received

Adult Care Services	Benefits and Tax	Corporate and Other Services	Education and Children's Services	Environment Services	Highways and Transport	Housing	Planning and Development	Other	Total
0	10	5	1	9	1	10	11	0	47

Decisions made

				Detailed Investigations			
Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed After Initial Enquiries	Not Upheld	Upheld	Uphold Rate	Total
2	0	28	12	3	5	63%	50

Notes

Our uphold rate is calculated in relation to the total number of detailed investigations.
 The number of remedied complaints may not equal the number of upheld complaints. This is because, while we may uphold a complaint because we find fault, we may not always find grounds to say that fault caused injustice that ought to be remedied.

Complaints Remedied

by LGO	Satisfactorily by Authority before LGO Involvement
4	0

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Agenda Item 5

Annex 1

Reference		Authority	Category	Received
1	14019987	Thanet District Council	Environmental Services & Public Protection & Regulation	02-Sep-16
2	15008213	Thanet District Council	Planning & Development	07-Jul-16
3	16000407	Thanet District Council	Corporate & Other Services	12-Apr-16
4	16000515	Thanet District Council	Benefits & Tax	14-Apr-16
5	16001334	Thanet District Council	Housing	28-Nov-16
6	16002903	Thanet District Council	Benefits & Tax	31-May-16
7	16003546	Thanet District Council	Corporate & Other Services	13-Jun-16
8	16003645	Thanet District Council	Planning & Development	14-Jun-16
9	16004008	Thanet District Council	Corporate & Other Services	20-Jun-16
10	16004294	Thanet District Council	Environmental Services & Public Protection & Regulation	22-Aug-16
11	16004464	Thanet District Council	Benefits & Tax	28-Jun-16
12	16005138	Thanet District Council	Housing	11-Jul-16
13	16005462	Thanet District Council	Corporate & Other Services	15-Jul-16
14	16005602	Thanet District Council	Housing	07-Nov-16
15	16006114	Thanet District Council	Housing	28-Jul-16
16	16006606	Thanet District Council	Planning & Development	08-Sep-16
17	16006909	Thanet District Council	Planning & Development	12-Aug-16
18	16006963	Thanet District Council	Housing	15-Aug-16
19	16007948	Thanet District Council	Planning & Development	05-Sep-16
20	16008153	Thanet District Council	Housing	06-Sep-16
21	16008385	Thanet District Council	Planning & Development	09-Sep-16
22	16008524	Thanet District Council	Planning & Development	13-Sep-16
23	16008881	Thanet District Council	Highways & Transport	20-Sep-16
24	16009481	Thanet District Council	Planning & Development	24-Oct-16
25	16009574	Thanet District Council	Benefits & Tax	07-Oct-16
26	16010196	Thanet District Council	Environmental Services & Public Protection & Regulation	13-Oct-16
27	16010236	Thanet District Council	Environmental Services & Public Protection & Regulation	14-Oct-16
28	16010264	Thanet District Council	Corporate & Other Services	14-Oct-16
29	16010617	Thanet District Council	Environmental Services & Public Protection & Regulation	21-Oct-16
30	16011037	Thanet District Council	Housing	31-Oct-16
31	16011124	Thanet District Council	Environmental Services & Public Protection & Regulation	01-Nov-16
32	16011876	Thanet District Council	Benefits & Tax	14-Nov-16
33	16011994	Thanet District Council	Benefits & Tax	15-Nov-16

Agenda Item 5

Annex 1

34	16013018	Thanet District Council	Environmental Services & Public Protection & Regulation	05-Dec-16
35	16013596	Thanet District Council	Planning & Development	14-Dec-16
36	16013865	Thanet District Council	Environmental Services & Public Protection & Regulation	20-Dec-16
37	16014315	Thanet District Council	Education & Childrens Services	04-Jan-17
38	16014662	Thanet District Council	Benefits & Tax	11-Jan-17
39	16015778	Thanet District Council	Environmental Services & Public Protection & Regulation	30-Jan-17
40	16016138	Thanet District Council	Benefits & Tax	06-Feb-17
41	16017509	Thanet District Council	Benefits & Tax	27-Feb-17
42	16018072	Thanet District Council	Housing	08-Mar-17
43	16018195	Thanet District Council	Housing	09-Mar-17
44	16018282	Thanet District Council	Planning & Development	13-Mar-17
45	16018635	Thanet District Council	Planning & Development	17-Mar-17
46	16019184	Thanet District Council	Housing	27-Mar-17
47	16019270	Thanet District Council	Benefits & Tax	28-Mar-17

Agenda Item 5

Annex 2

	Reference	Authority	Category	Decision Date	Decision	Remedy
1	14019987	TDC	Environmental Services & Public Protection & Regulation	04-Oct-16	Closed after initial enquiries	Null
2	15000234	TDC	Housing	03-Aug-16	Upheld	Apology,Financial Redress
3	15008213	TDC	Planning & Development	30-Sep-16	Not Upheld	Null
4	15008620	TDC	Planning & Development	13-Jun-16	Not Upheld	Null
5	15013192	TDC	Benefits & Tax	12-Aug-16	Not Upheld	Null
6	15015593	TDC	Housing	26-Jul-16	Upheld	Apology,Financial Redress,Procedure Change
7	15019222	TDC	Planning & Development	15-Aug-16	Upheld	Financial Redress
8	16000407	TDC	Corporate & Other Services	16-May-16	Closed after initial enquiries	Null
9	16000515	TDC	Benefits & Tax	14-Apr-16	Referred back for local resolution	Null
10	16001334	TDC	Housing	03-Jan-17	Referred back for local resolution	Null
11	16002903	TDC	Benefits & Tax	31-May-16	Referred back for local resolution	Null
12	16003546	TDC	Corporate & Other Services	13-Jun-16	Referred back for local resolution	Null
13	16003645	TDC	Planning & Development	11-Aug-16	Closed after initial enquiries	Null
14	16004008	TDC	Corporate & Other Services	21-Jul-16	Referred back for local resolution	Null
15	16004294	TDC	Environmental Services & Public Protection & Regulation	19-Sep-16	Closed after initial enquiries	Null
16	16004464	TDC	Benefits & Tax	28-Jun-16	Referred back for local resolution	Null
17	16005138	TDC	Housing	10-Aug-16	Referred back for local resolution	Null
18	16005462	TDC	Corporate & Other Services	15-Jul-16	Referred back for local resolution	Null
19	16005602	TDC	Housing	01-Dec-16	Closed after initial enquiries	Null
20	16006114	TDC	Housing	28-Jul-16	Referred back for local resolution	Null
21	16006606	TDC	Planning & Development	30-Sep-16	Closed after initial enquiries	Null
22	16006909	TDC	Planning & Development	30-Jan-17	Upheld	Apology
23	16006963	TDC	Housing	15-Aug-16	Referred back for local resolution	Null
24	16007948	TDC	Planning & Development	11-Oct-16	Closed after initial enquiries	Null
25	16008153	TDC	Housing	06-Sep-16	Referred back for local resolution	Null
26	16008385	TDC	Planning & Development	07-Oct-16	Closed after initial enquiries	Null
27	16008524	TDC	Planning & Development	10-Oct-16	Closed after initial enquiries	Null
28	16008881	TDC	Highways & Transport	20-Sep-16	Referred back for local resolution	Null
29	16009481	TDC	Planning & Development	07-Nov-16	Closed after initial enquiries	Null
30	16009574	TDC	Benefits & Tax	24-Oct-16	Referred back for local resolution	Null

Agenda Item 5

Annex 2

31	16010196	TDC	Environmental Services & Public Protection & Regulation	13-Oct-16	Referred back for local resolution	Null
32	16010236	TDC	Environmental Services & Public Protection & Regulation	28-Feb-17	Upheld	Null
33	16010264	TDC	Corporate & Other Services	14-Oct-16	Referred back for local resolution	Null
34	16010617	TDC	Environmental Services & Public Protection & Regulation	21-Oct-16	Referred back for local resolution	Null
35	16011037	TDC	Housing	31-Oct-16	Referred back for local resolution	Null
36	16011124	TDC	Environmental Services & Public Protection & Regulation	15-Dec-16	Closed after initial enquiries	Null
37	16011876	TDC	Benefits & Tax	14-Nov-16	Referred back for local resolution	Null
38	16011994	TDC	Benefits & Tax	15-Nov-16	Referred back for local resolution	Null
39	16013596	TDC	Planning & Development	25-Jan-17	Closed after initial enquiries	Null
40	16013865	TDC	Environmental Services & Public Protection & Regulation	20-Dec-16	Referred back for local resolution	Null
41	16014315	TDC	Education & Childrens Services	04-Jan-17	Incomplete/Invalid	Null
42	16014662	TDC	Benefits & Tax	11-Jan-17	Referred back for local resolution	Null
43	16015778	TDC	Environmental Services & Public Protection & Regulation	30-Jan-17	Referred back for local resolution	Null
44	16016138	TDC	Benefits & Tax	22-Feb-17	Referred back for local resolution	Null
45	16017509	TDC	Benefits & Tax	27-Feb-17	Incomplete/Invalid	Null
46	16018072	TDC	Housing	08-Mar-17	Referred back for local resolution	Null
47	16018195	TDC	Housing	09-Mar-17	Referred back for local resolution	Null
48	16018635	TDC	Planning & Development	17-Mar-17	Referred back for local resolution	Null
49	16019184	TDC	Housing	27-Mar-17	Referred back for local resolution	Null
50	16019270	TDC	Benefits & Tax	28-Mar-17	Referred back for local resolution	Null

SUPPORT TO TOWN AND PARISH COUNCILS

Standards Committee – 12 September 2017

Report Author **Director of Corporate Governance**

Portfolio Holder **Cllr Derek Crow-Brown**

Status **For Recommendation**

Ward: **All**

Executive Summary:

To consider options for supporting town and parish councils with their governance arrangements.

Recommendation(s):

The Committee consider the options outlined at 3.0.

CORPORATE IMPLICATIONS

Financial and Value for Money	Any proposals coming from this report will have to be funded before any actions are taken.	
Legal	There are no legal implications arising from this report. Any activities relating to parish or town councils will need the consent and agreement of those councils.	
Corporate	This report impacts on corporate priority two : Supporting neighbourhoods. In particular working with the public and community sector to ensure the best outcomes for Thanet.	
Equality Act 2010 & Public Sector Equality Duty	Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.	
	Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.	
	Please indicate which aim is relevant to the report.	
	Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,	✓
	Advance equality of opportunity between people who share a protected characteristic and people who do not share it	✓
	Foster good relations between people who share a protected characteristic and people who do not share it.	✓
There are no specific equality considerations identified from this report.		

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

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

1.0 Introduction and Background

- 1.1 Members will be aware that the Code of Conduct relates to the conduct of individual members, so, for example, complaints about dissatisfaction with the District or Parish Council's decisions, policies and priorities etc. are outside the jurisdiction of the complaints process.
- 1.2 However, there have been instances where it is apparent that complaints under the code of conduct are symptoms of more general issues and behaviours within the council concerned. This can manifest itself in several ways and can, in extreme cases, make the council appear dysfunctional.
- 1.3 The Committee could take the view that we should not be involved in the internal machinations of another council. However there are two reasons why we might consider doing so; (1) the fact that a dysfunctional council leads to code of conduct complaints and (2) the reputational damage to the district as a whole
- 1.4 Given the above, in the autumn last year the Chairman brokered a meeting with the Kent Association of Local Councils, the Monitoring Officer and representatives of parish and town councils to consider what collectively we might do to address these issues. That meeting considered the following measures:
 - a) An initial training day on improving governance for local councils in Thanet (for all councillors with officers as observers)
 - b) A six month scheme of mentoring support from KALC with a local Clerk and a member of the KALC Executive Committee and a Thanet District councillor.
 - c) A review of the above and consideration how it might be extended if appropriate.
- 1.4 Unfortunately the training provider was not able to undertake this initial training work and the planned programme has not been delivered. A lack of financial resources was one factor in the non-delivery. This initiative has therefore stalled and it was considered appropriate that we bring the matter to the Committee for the views of Members.

2.0 The Current Situation

- 2.1 The views of the Standards Committee are therefore being sought on whether we should pursue this initiative further. In an attempt to engender debate there are a number of questions set out below for consideration:
 - a) Should the Standards Committee get involved at all? Could we, for example, leave it to KALC or some other body?
 - b) What should we do to assist? Training, mentoring, peer review?
 - c) How should this be funded? Should we ask parishes to contribute to a central fund?

3.0 Options

- 3.1 The committee recommend that no further action be taken; or
- 3.2 Agree the actions to date and/or suggest future actions

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

Corporate Consultation

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

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Recent Case Law on the Code of Conduct

Standards Committee - 12 September 2017

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

Portfolio Holder **Cllr Derek Crowe Brown**

Status **For Information**

Classification: **Unrestricted**

Ward: **All**

Executive Summary:

This is a report on two court decisions relevant to the role of the Standards Committee.

Recommendation(s):

It is recommended that Members note the cases and the implications for dealing with breaches of the Code of Conduct.

CORPORATE IMPLICATIONS

Financial and Value for Money	There are no financial implications arising from this report.
Legal	The legal implications are set out in the report
Corporate	<p>The Localism Act 2011 places a general obligation on councils (including town and parish) to "promote and maintain high standards of conduct by members and co-opted members of the authority" and to "adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity".</p> <p>The first part of the code sets out the behaviours and characteristics required of councillors. It is important to appreciate that the code applies when a councillor or co-opted member is acting in that role, and that it is their responsibility to comply with its provisions.</p>
Equality Act 2010 & Public Sector Equality Duty	<p>Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.</p>

	Please indicate which aim is relevant to the report.	
	Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,	✓
	Advance equality of opportunity between people who share a protected characteristic and people who do not share it	✓
	Foster good relations between people who share a protected characteristic and people who do not share it.	
There are no particular equality issues or matters raised by this report.		

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

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

1.0 Taylor v Honiton Town Council 2016, Queen's Bench Division (Administrative Court)

- 1.1 In the case of Taylor v Honiton Town Council, a town councillor (Cllr Taylor) applied for judicial review of a decision by the town council to impose sanctions on him for a breach of its code of conduct.
- 1.2 The East Devon District Council was the parish council's principal authority. It had more resources and performed certain functions on behalf of the parish council. They worked together fulfilling the functions of a local authority, and sought to comply with the duty under the Localism Act 2011 s.27(1) to promote and maintain high standards of conduct by their members.
- 1.3 Cllr Taylor became concerned about the funding of a project for a community centre and wrote a letter to local newspapers. The town clerk complained that she had been slandered. Cllr Taylor refused to make an unreserved apology and the district council appointed an officer to investigate. Cllr Taylor was found to have publicly made claims of illegality and impropriety associated with the town clerk, without reasonable justification, in breach of the code of conduct. The district council's standards committee recommended sanctions, including censure and training requirements.
- 1.4 The parish council imposed the recommended sanctions, and imposed additional sanctions, including Cllr Taylor's removal from committees and working groups on which he served, and restrictions from attending or speaking at meetings or attending parish council offices.
- 1.4 The issues before the court were whether (1) the parish council was bound by the district council's findings of fact and as to whether there had been a breach of the code; (2) there was a power to impose a training requirement.

2.0 The Decision in Taylor v Honiton Town Council

- 2.1 The district council, as principal authority, was required to have arrangements in place, including the involvement of independent persons, for the investigation of allegations against members of the parish council, and for making decisions on those allegations. To hold that a parish council had a duty to reconsider the principal

authority's decision and substitute its own decision if it chose to would frustrate that important independent safeguard.

- 2.2 In the instant case, the district council decided the issue of breach but made recommendations to the parish council about what action it should take consequent on that finding. The parish council took the decision on sanctions. Cllr Taylor's challenge was based on the proposition that the district council's role was limited to that of investigator and adviser, and that the parish council was the ultimate decision-maker on both issues. On a natural reading of the Act, that was clearly wrong. It gave decision-making power to the principal authority and required it to have arrangements in place for the exercise of that power.
 - 2.3 It would make a nonsense of the scheme if the parish council were able to take its own decisions without having any arrangements in place. The point of the scheme was to remove decision-making powers and duties from very small authorities which did not have the resources to manage them effectively.
 - 2.4 Parliament clearly contemplated that a relevant authority could take "action" following a finding of non-compliance with a code of conduct, and did not define or limit what action that might be. The abolition of the old regime carried with it the abolition of the power to disqualify and suspend, but otherwise the powers appeared to be largely undefined. Any action which required a councillor to do anything could not therefore be enforced by suspension as a means of securing compliance. However, that did not mean that the requirement should not be imposed. Provided that it was lawful, such a sanction could be imposed. It had to be proportionate to the breach.
 - 2.5 The parish council was under the statutory duty to maintain high standards of conduct. The law required it to have a code of its own or to adopt that of the district council. A code of conduct was regarded by Parliament as an important aspect of the maintenance of standards. It was proportionate to a significant breach of the code for a relevant authority to require the person in breach to be trained in its meaning and application.
- 3.0 Hussain v Sandwell Metropolitan Borough Council 2017, Queen's Bench Division (Administrative Court)**
- 3.1 In the case of Hussain v Sandwell MBC a councillor (Cllr Hussain) applied for judicial review of the council's initiation of formal investigatory procedures and publication of documents relating to the complaint.
 - 3.2 It was alleged that Cllr Hussain was engaged in procuring council assets at a substantial undervalue and using his influence to have parking tickets issued to his family cancelled. He challenged the investigations and attempted to prevent the council concluding them and summoning him before the Standards Committee. The council had conducted a 'pre-formal' investigation (which was not conducted under the 'arrangements' in place for dealing with breaches of the code of conduct).
 - 3.3 Cllr Hussain's grounds of claim included that the council had acted ultra-vires, that the process had been politically motivated and that there had been bias which continued to taint the process going forward. He also challenged under the Data Protection Act 1998 and the European Convention on Human Rights (ECHR) reports into the allegations being put in the public domain.

4.0 The Decision in Hussain v Sandwell MBC

- 4.1 The judgement clarifies that 'pre-formal investigations' are permissible. The Judge said the council had 'ample power' to conduct the initial informal investigation into allegations of serious misconduct and there was no amnesty for serious misconduct if it occurred before the new standards regime came into force. The judge also rejected the complaint about the publication of the report of the pre-formal investigation. There is an important public interest, with respect to allegations against a councillor, in openness and transparency.
- 4.2 The judgement upholds the scope of the powers of local authorities generally to investigate member impropriety, and ultimately to do so in accordance with the formal arrangements under the Localism Act 2011. The forum for the member to present their case fully will then be the Standards Committee. If issues acquire a 'political flavour' to them, that is not a reason for the council, as a body, to act differently.

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

Background Papers

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

Corporate Consultation

Finance	Ramesh Prashar – Head of Financial Services
Legal	Tim Howes, Director of Corporate Governance

	COMPLAINT NO:	DATE	PROGRESS	COMPLAINANT	AGAINST	ALLEGATION
147	TDCSC147/16	18/07/2016	Informal Dispute Resolution. Letter from the Monitoring Officer issued. Closed	Member of the Public	TDC Councillor	Allegations of rudeness in email correspondence.
148	TDCSC148/16	23/09/2016	Did not meet legal jurisdiction test. Closed	Member of the Public	TDC and Parish Councillors	-
149	TDCSC149/16	25/08/2016	Withdrawn Closed	TDC Councillor	TDC Councillor	Allegations of harassment.
150	TDCSC150/16	24/10/2016	No further action. Closed	TDC Councillor	TDC Councillor	Allegations of bullying and unfair behaviour in council meetings
151	TDCSC151/16	28/10/2016	No further action Closed	TDC Councillor	TDC Councillor	Allegations of inappropriate use of civic robes.
152	TDCSC152/16	28/10/2016	Did not meet legal jurisdiction test.	TDC Councillor	TDC Councillor	-

			Closed			
153	TDCSC153/16	28/10/2016	No further action Closed	TDC Councillor	TDC Councillor	Allegations that inappropriate comments had been made to the press regarding a safeguarding matter.
154	TDCSC154/16	31/10/2016	No further action. Closed	Member of the Public	TDC Councillor	Allegation that subject member had failed to declare an interest in a planning application.
155	TDCSC155/16	03/11/2016	Informal Dispute Resolution. Letter from the Monitoring Officer issued. Closed	Member of the Public	TDC Councillor	Allegations of harassment and unannounced visit to member of the public's home.
156	TDCSC156/16	08/12/2016	Informal Dispute Resolution Letter from the Monitoring Officer issued. Closed	TDC Councillor	TDC Councillor	Allegations concerning prejudiced and political views and reneging on duty to assist resident.
157	TDCSC157/16	21/12/2016	Did not meet legal jurisdiction test.	Member of the Public	TDC Councillor	-

			Closed			
	2017					
158	TDCSC158/17	20/01/17	Did not meet legal jurisdiction test. Closed.	TDC Councillor	TDC Councillors	-
159	TDCSC159/17	27/01/17	Did not meet legal jurisdiction test. Closed.	Member of the public	TDC Councillor	-
160	TDCSC160/17	06/02/17	Investigation on hold.	Member of the public	Parish Councillor	Allegations of bullying and attempts to unduly influence the outcome of an election.
161	TDCSC161/17	22/02/17	Informal complaint resolution instigated. Closed.	Member of the public	Parish Councillor	Allegations of bullying behaviour and inappropriate use of language.
162	TDCSC162/17	27/02/17	No further action. Closed.	Member(s) of the public and TDC Councillor	TDC Councillor	Allegations of misuse of charity money.

163	TDCSC163/17	28/02/17	Did not meet legal jurisdiction test. Closed.	Member of the public	TDC Councillor	-
164	TDCSC164/17	09/03/17	No further action. Closed.	Member of the public	TDC Councillor	Allegations of inappropriate sharing of information.
165	TDCSC165/17	13/04/17	Currently on hold.	Member of the public.	TDC Councillor	-
166	TDCSC166/17	10/05/17	Did not meet legal jurisdiction test. Closed.	Parish Councillor	Parish Councillor	-
167	TDCSC167/17	15/05/17	Open. Investigation ongoing.	TDC Councillors	TDC Councillor	Allegations of bullying and harassment.
168	TDCSC168/17	31/05/2017	Did not meet legal jurisdiction test. Closed.	Member of the public	TDC Councillor	-

169	TDCSC169/17	21/06/2017	Did not meet legal jurisdiction test. Closed.	TDC Councillor	TDC Councillor	-
170	TDCSC170/17	21/06/2017	Did not meet legal jurisdiction test. Closed.	TDC Councillor	TDC Councillor	-
171	TDCSC171/17	04/07/2017	Did not meet legal jurisdiction test. Closed.	Member of the public	TDC Councillor	-
172	TDCSC172/17	10/07/2017	Did not meet legal jurisdiction test. Closed.	Member of the public	Parish Councillor	-
173	TDCSC173/17	17/07/2017	Did not meet legal jurisdiction test. Closed.	Member of the public	Parish Councillor	
174	TDCSC174/17	24/07/2017	Did not meet legal jurisdiction test.	Member of the public	TDC Councillor	

			Closed.			
175	TDCSC175/17	15/08/2017	Open	Member of staff	TDC Councillor	Allegations of posts berating a council officer on social media.
176	TDCSC176/17	24/08/2017	Did not meet legal jurisdiction test. Closed.	Member of the public	Parish Councillor	-

THANET DISTRICT COUNCIL DECLARATION OF INTEREST FORM

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

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

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

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

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

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

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

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

An associated person is defined as:

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

An Authority Function is defined as: -

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

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

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

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

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

Gifts, Benefits and Hospitality

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

What if I am unsure?

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

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

MEETING.....

DATE..... AGENDA ITEM

DISCLOSABLE PECUNIARY INTEREST ☐

SIGNIFICANT INTEREST ☐

GIFTS, BENEFITS AND HOSPITALITY ☐

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

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

NAME (PRINT):

SIGNATURE:

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