



Date: 3 September 2018  
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## **STANDARDS COMMITTEE**

**11 SEPTEMBER 2018**

A meeting of the Standards Committee will be held at **7.00 pm on Tuesday, 11 September 2018** in the Council Chamber, Cecil Street, Margate, Kent.

### Membership:

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

Councillors: Braidwood, Dawson, Dexter, J Fairbrass, Jaye-Jones, Johnston, Tomlinson and Townend

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 **26 June 2018**, copy attached.
  4. **REVISION TO CONTRACT STANDING ORDERS** (Pages 5 - 26)
  5. **LOCAL GOVERNMENT OMBUDSMAN LETTER 2018** (Pages 27 - 34)
  6. **STANDARDS COMPLAINT STATISTICS** (Pages 35 - 46)
- 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 26 June 2018 at 7.00 pm in Council Chamber, Cecil Street, Margate, Kent.

**Present:** Dr Jonathan Sexton (Independent Chairman); Mrs Janet Bacon (Independent Vice-Chairman)

Councillors: Dawson, Dexter, J Fairbrass, Jaye-Jones, Johnston, Tomlinson and Crow-Brown

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

**In Attendance:** Mr Dennis James, Independent Person

### 151. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Braidwood and Councillor L Fairbrass for whom Councillor Crow-Brown was present.

### 152. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 153. MINUTES OF PREVIOUS MEETING

Councillor Johnston proposed, Councillor Tomlinson seconded and Members agreed the minutes were a correct record of the meeting held on 7 March 2018.

### 154. CHANGES TO THE CONSTITUTION AS A RESULT OF THE VARIATION OF OVERVIEW AND SCRUTINY ARRANGEMENTS

Tim Howes, Director of Corporate Governance and Monitoring Officer outlined the report.

Members raised the following points:

-The section of the Constitution outlined Members' allowances had not been altered. Members were advised that Members' allowances were subject to a separate process through the East Kent Joint Independent Remuneration Panel (EKJIRP).

-Discussion at the Constitutional Review Working Party had resolved Members concerns about the call-in function.

It was proposed by Councillor Johnston, seconded by Councillor Tomlinson and AGREED:

"To recommend the changes to the Constitution to the Full Council."

### 155. STANDARDS COMPLAINT STATISTICS

The Committee noted the Standards Complaint Statistics report.

Meeting concluded : 7.22pm

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## REVISION TO CONTRACT STANDING ORDERS

To:	Standards Committee, 11th September 2018
Report Author	Karen Paton, Strategic Procurement Manager
Portfolio Holder	Cllr Ian Gregory
Status	<b>For Recommendation</b>
Classification:	<b>Unrestricted</b>
Key Decision	<b>No</b>
Reasons for Key	N/A
Previously Considered by	N/A
Ward:	N/A

### **Executive Summary:**

The purpose of this report is to propose revisions to Contract Standing Orders (CSO's) to Standards Committee.

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

Standards Committee is asked to support content of CSO's as per recommendation provided under 5. Options at 5.2 and make further recommendation to Full Council for adoption.

## **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 Government's centralised Procurement Portal – 'Contracts Finder'
- 2.8 The Council's 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**
- 3.1 That consideration was given to the inclusion of a provision to require contractors to pay the national living wage in paragraph 6.
- 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, including those indicated “where applicable” dependant on the nature of the contract as follows:’

**4.0 Further information provided to inform decision on recommended amendments by CRWP**

4.1 Recommendation 3.1 - Consideration of a provision to require contractors to pay the National Living Wage (NLW) previously known as the National Minimum Wage. As the payment of the NLW is an obligatory minimum wage payable to workers aged 25, all contractors have a statutory legal obligation to act lawfully in this regard

4.2 In respect of recommendation 3.2 including examples of how to achieve social value as these are already provided within the Purchasing Guide this can be met by simple adding additional text “see Purchasing Guide”

4.3 In respect of recommendation 3.3. standard clauses can be applied to all Official Purchase Orders which accompany all contracted spend. This will not be possible for spend associated with the use of Government Procurement Cards which is contained to low value/ad hoc purchases only.

**5.0 Options**

5.1 Standards Committee endorse the proposed changes and content of CSO’s to include all CRWP recommended amendments and make recommendation to Full Council.

5.2 Standards Committee endorse the proposed changes and content of CSO’s to include CRWP recommended amendments in terms of 3.2 in entirety and 3.3 excluding spend conducted on Government Procurement Cards. Having given consideration to 3.1 do not endorse the inclusion of a provision to require contractors to pay the National Living Wage in paragraph 6 as there is a legal requirement on all employers to pay a minimum wage in this regard and make recommendation to Full Council.

5.3 Standards Committee do not endorse the proposed changes and content of CSO’s with or without CRWP recommendations and provide further instruction in this regard to the Strategic Procurement Manager accordingly.

**6.0 Next Steps**

6.1 Full Council - 11th October 2018

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/uksi/2015/102/contents/made">http://www.legislation.gov.uk/uksi/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



# **Contract Standing Orders**

September 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

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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



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- 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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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

# Agenda Item 4

## Annex 1

4,551,413 ** EU Threshold for Concessions	** Plus 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
  - 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.

18 July 2018

*By email*

Madeline Homer  
Chief Executive  
Thanet District Council

Dear Madeline Homer,

### **Annual Review letter 2018**

I write to you with our annual summary of statistics on the complaints made to the Local Government and Social Care Ombudsman (LGSCO) about your authority for the year ended 31 March 2018. 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.

### **Complaint statistics**

In providing these statistics, I would stress that the volume of complaints does not, in itself, indicate the quality of the council's performance. High volumes of complaints can be a sign of an open, learning organisation, as well as sometimes being an early warning of wider problems. Low complaint volumes can be a worrying sign that an organisation is not alive to user feedback, rather than always being an indicator that all is well. So, I would encourage you to use these figures as the start of a conversation, rather than an absolute measure of corporate health. One of the most significant statistics attached is the number of upheld complaints. This shows how frequently we find fault with the council when we investigate. Equally importantly, we also give a figure for the number of cases where we decided your authority had offered a satisfactory remedy during the local complaints process. Both figures provide important insights.

I want to emphasise the statistics in this letter reflect 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, some of whom 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.

## **Future development of annual review letters**

Last year, we highlighted our plans to move away from a simplistic focus on complaint volumes and instead turn focus onto the lessons that can be learned and the wider improvements we can achieve through our recommendations to improve services for the many. We have produced a new corporate strategy for 2018-21 which commits us to more comprehensively publish information about the outcomes of our investigations and the occasions our recommendations result in improvements to local services.

We will be providing this broader range of data for the first time in next year's letters, as well as creating an interactive map of local authority performance on our website. We believe this will lead to improved transparency of our work, as well as providing increased recognition to the improvements councils have agreed to make following our interventions. We will therefore be seeking views from councils on the future format of our annual letters early next year.

## **Supporting local scrutiny**

One of the purposes of our annual letters to councils is to help ensure learning from complaints informs scrutiny at the local level. Sharing the learning from our investigations and supporting the democratic scrutiny of public services continues to be one of our key priorities. We have created a dedicated section of our website which contains a host of information to help scrutiny committees and councillors to hold their authority to account – complaints data, decision statements, public interest reports, focus reports and scrutiny questions. This can be found at [www.lgo.org.uk/scrutiny](http://www.lgo.org.uk/scrutiny) I would be grateful if you could encourage your elected members and scrutiny committees to make use of these resources.

## **Learning from complaints to improve services**

We share the issues we see in our investigations to help councils learn from the issues others have experienced and avoid making the same mistakes. We do this through the reports and other resources we publish. Over the last year, we have seen examples of councils adopting a positive attitude towards complaints and working constructively with us to remedy injustices and take on board the learning from our cases. In one great example, a county council has seized the opportunity to entirely redesign how its occupational therapists work with all of its districts, to improve partnership working and increase transparency for the public. This originated from a single complaint. This is the sort of culture we all benefit from – one that takes the learning from complaints and uses it to improve services.

## **Complaint handling training**

We have a well-established and successful training programme supporting local authorities and independent care providers to help improve local complaint handling. In 2017-18 we delivered 58 courses, training more than 800 people. We also set up a network of council link officers to promote and share best practice in complaint handling, and hosted a series of seminars for that group. To find out more visit [www.lgo.org.uk/training](http://www.lgo.org.uk/training).

Yours sincerely,



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

**Local Authority Report:** Thanet District Council  
**For the Period Ending:** 31/03/2018

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
1	9	10	0	6	2	10	11	0	49

## Decisions made

Decisions made				Detailed Investigations			
Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed After Initial Enquiries	Not Upheld	Upheld	Uphold Rate	Total
0	1	23	10	5	5	50%	44

### 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
3	0

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# Agenda Item 5

## Annex 1

Reference	Category	Received
16008881	Highways & Transport	29/06/17
17000805	Environmental Services & Public Protection & Regulation	18/04/17
17000808	Highways & Transport	18/04/17
17001301	Environmental Services & Public Protection & Regulation	26/04/17
17001354	Planning & Development	03/08/17
17001399	Benefits & Tax	27/04/17
17001838	Planning & Development	05/05/17
17002091	Benefits & Tax	10/05/17
17002934	Environmental Services & Public Protection & Regulation	23/05/17
17003781	Housing	07/06/17
17003793	Environmental Services & Public Protection & Regulation	08/06/17
17003990	Housing	27/10/17
17004486	Planning & Development	27/06/17
17004739	Benefits & Tax	23/06/17
17005178	Housing	30/06/17
17005770	Planning & Development	10/07/17
17006543	Planning & Development	21/07/17
17006681	Environmental Services & Public Protection & Regulation	25/07/17
17007125	Planning & Development	22/11/17
17007137	Housing	31/07/17
17008182	Housing	25/08/17
17008606	Benefits & Tax	25/08/17
17008995	Planning & Development	01/09/17
17009243	Benefits & Tax	06/09/17
17009712	Adult Care Services	13/09/17
17010678	Benefits & Tax	29/09/17
17011540	Benefits & Tax	16/10/17
17012616	Corporate & Other Services	02/11/17
17013382	Planning & Development	14/02/18
17013632	Housing	21/11/17
17014076	Housing	29/11/17
17014087	Planning & Development	29/11/17
17015067	Corporate & Other Services	12/01/18
17015079	Corporate & Other Services	20/12/17
17015124	Corporate & Other Services	20/12/17
17015269	Corporate & Other Services	02/01/18
17015636	Corporate & Other Services	05/01/18
17015673	Corporate & Other Services	08/01/18
17015678	Corporate & Other Services	08/01/18
17016511	Corporate & Other Services	22/01/18
17016656	Housing	24/01/18
17016828	Benefits & Tax	26/01/18
17017488	Environmental Services & Public Protection & Regulation	07/02/18
17018212	Corporate & Other Services	20/02/18
17018701	Housing	28/02/18
17018812	Planning & Development	01/03/18
17018835	Planning & Development	02/03/18
17019690	Housing	19/03/18
17019814	Benefits & Tax	20/03/18

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Reference	Category	Decided	Decision	Remedy
16013018	Environmental Services & Public Protection & Regulation	14/06/17	Upheld	Null
16018282	Planning & Development	28/09/17	Not Upheld	Null
17000805	Environmental Services & Public Protection & Regulation	18/04/17	Referred back for local resolution	Null
17000808	Highways & Transport	18/04/17	Referred back for local resolution	Null
17001301	Environmental Services & Public Protection & Regulation	10/11/17	Upheld	Financial redress: Loss of service
17001354	Planning & Development	01/09/17	Closed after initial enquiries	Null
17001399	Benefits & Tax	27/04/17	Referred back for local resolution	Null
17001838	Planning & Development	30/10/17	Upheld	Null
17002091	Benefits & Tax	10/05/17	Referred back for local resolution	Null
17002934	Environmental Services & Public Protection & Regulation	13/06/17	Referred back for local resolution	Null
17003781	Housing	23/11/17	Not Upheld	Null
17003793	Environmental Services & Public Protection & Regulation	08/06/17	Referred back for local resolution	Null
17003990	Housing	10/11/17	Referred back for local resolution	Null
17004486	Planning & Development	30/10/17	Not Upheld	Null
17004739	Benefits & Tax	23/06/17	Referred back for local resolution	Null
17005178	Housing	30/06/17	Referred back for local resolution	Null
17005770	Planning & Development	09/11/17	Upheld	decision
17006543	Planning & Development	24/08/17	Closed after initial enquiries	Null
17006681	Environmental Services & Public Protection & Regulation	19/02/18	Upheld	distress/time and trouble,Provide services,Procedure or policy
17007125	Planning & Development	29/03/18	Not Upheld	Null
17007137	Housing	31/07/17	Referred back for local resolution	Null
17008182	Housing	26/09/17	Referred back for local resolution	Null
17008606	Benefits & Tax	23/02/18	Not Upheld	Null
17008995	Planning & Development	01/09/17	Referred back for local resolution	Null
17009243	Benefits & Tax	04/10/17	Closed after initial enquiries	Null
17009712	Adult Care Services	13/09/17	Referred back for local resolution	Null
17010678	Benefits & Tax	29/09/17	Referred back for local resolution	Null
17011540	Benefits & Tax	16/10/17	Referred back for local resolution	Null
17012616	Corporate & Other Services	02/11/17	Referred back for local resolution	Null
17013632	Housing	14/12/17	Advice given	Null
17014076	Housing	29/11/17	Referred back for local resolution	Null
17015067	Corporate & Other Services	26/01/18	Closed after initial enquiries	Null
17015079	Corporate & Other Services	30/01/18	Closed after initial enquiries	Null
17015124	Corporate & Other Services	29/01/18	Closed after initial enquiries	Null
17015269	Corporate & Other Services	02/01/18	Referred back for local resolution	Null
17015636	Corporate & Other Services	01/02/18	Referred back for local resolution	Null
17015673	Corporate & Other Services	30/01/18	Closed after initial enquiries	Null

17015678	Corporate & Other Services	08/02/18	Closed after initial enquiries	Null
17016511	Corporate & Other Services	28/02/18	Closed after initial enquiries	Null
17016656	Housing	24/01/18	Referred back for local resolution	Null
17016828	Benefits & Tax	26/01/18	Referred back for local resolution	Null
17017488	Environmental Services & Public Protection & Regulation	07/02/18	Referred back for local resolution	Null
17018212	Corporate & Other Services	15/03/18	Closed after initial enquiries	Null
17018701	Housing	28/02/18	Referred back for local resolution	Null

<b>COMPLAINT NO:</b>	<b>DATE</b>	<b>PROGRESS</b>	<b>COMPLAINANT</b>	<b>AGAINST</b>	<b>ALLEGATION</b>
2017/2018					
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.
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.
TDCSC163/17	28/02/17	Did not meet legal jurisdiction test.  Closed.	Member of the public	TDC Councillor	-
TDCSC164/17	09/03/17	No further action.  Closed.	Member of the public	TDC Councillor	Allegations of inappropriate sharing of information.
TDCSC165/17	13/04/17	Closed.	Member of the public.	TDC Councillor	-

<b>COMPLAINT NO:</b>	<b>DATE</b>	<b>PROGRESS</b>	<b>COMPLAINANT</b>	<b>AGAINST</b>	<b>ALLEGATION</b>
2017/2018					
TDCSC166/17	10/05/17	Did not meet legal jurisdiction test.  Closed.	Parish Councillor	Parish Councillor	-
TDCSC167/17	15/05/17	Investigation completed. No breach.  Closed.	TDC Councillors	TDC Councillor	Allegations of bullying and harassment.
TDCSC168/17	31/05/17	Did not meet legal jurisdiction test.  Closed.	Members of the public	TDC Councillor	-
TDCSC169/17	20/06/17	Did not meet legal jurisdiction test.	TDC Councillor	TDC Councillor	-

COMPLAINT NO:	DATE	PROGRESS	COMPLAINANT	AGAINST	ALLEGATION
2017/2018					
		Closed.			
TDCSC170/17	20/06/17	Did not meet legal jurisdiction test.  Closed.	TDC Councillor	TDC Councillor	-
TDCSC171/17	03/07/17	Did not meet legal jurisdiction test.  Closed.	Member of the public	TDC Councillor	-
TDCSC172/17	10/07/17	Did not meet legal jurisdiction test.  Closed.	Member of the public	Parish Councillor	-

COMPLAINT NO:	DATE	PROGRESS	COMPLAINANT	AGAINST	ALLEGATION
2017/2018					
TDCSC173/17	17/07/17	Did not meet legal jurisdiction test.  Closed.	Member of the public	Parish Councillor	-
TDCSC174/17	24/07/17	Did not meet legal jurisdiction test.  Closed.	Parish Councillor	TDC Councillor	-
TDCSC175/17	15/08/17	Investigation completed. Breach.  Closed.	Member of staff	TDC Councillor	Allegations that a subject member berated an officer on social media.
TDCSC176/17	24/08/17	Did not meet legal jurisdiction test.	Member of the public	Parish Councillor	-

<b>COMPLAINT NO:</b>	<b>DATE</b>	<b>PROGRESS</b>	<b>COMPLAINANT</b>	<b>AGAINST</b>	<b>ALLEGATION</b>
2017/2018					
		Closed.			
TDCSC177/17	18/09/17	No further action.  Closed.	TDC Councillor	TDC Councillor	Complaint regarding abusive posts on social media.
TDCSC178/17	18/09/17	No further action.  Closed.	TDC Councillor	TDC Councillor	Complaint regarding abusive posts on social media.
TDCSC179/17	28/09/17	Did not meet legal jurisdiction test.  Closed.	Member of the public	TDC Councillor	-
TDCSC180/17	12/10/17	Did not meet legal jurisdiction test.  Closed.	Parish Councillor	TDC Councillor	-

<b>COMPLAINT NO:</b>	<b>DATE</b>	<b>PROGRESS</b>	<b>COMPLAINANT</b>	<b>AGAINST</b>	<b>ALLEGATION</b>
2017/2018					
TDCSC181/17	16/10/17	Did not meet legal jurisdiction test.  Closed.	Member of the public	TDC Councillor	-
TDCSC182/17	18/10/17	Closed	Member of the public	TDC Councillor	Complaint regarding offensive comments on social media.
TDCSC183/17	19/10/17	Informal resolution.  Closed	Member of staff	TDC Councillor	Allegations that a subject member berated an officer on social media.
TDCSC184/17	27/10/17	Closed	TDC Councillor	TDC Councillor	Complaint regarding subject member not observing a minute's silence at a council meeting.
TDCSC185/17	03/11/17	Informal resolution.  Closed	Members of the public	TDC Councillor	Allegations that the subject member met with a member of the public about their planning application and concerns that this was inappropriate.
TDCSC186/17	09/11/17	Investigation completed. No breach of the	Member of the public	TDC Councillor	Allegations about posts made on social media and contact made to the complainant's employer to bully and harass.



COMPLAINT NO:	DATE	PROGRESS	COMPLAINANT	AGAINST	ALLEGATION
2017/2018					
		Code of Conduct.  Closed			
TDCSC187/17	13/11/17	Investigation – Standards Hearing  Open	Officer	TDC Councillor	Allegations that the subject member posted an officer’s private home telephone number online.
TDCSC188/18	11/01/18	Did not meet legal jurisdiction test.  Closed	Member of the public	KCC Councillor	-
TDCSC189/18	12/01/18	Did not meet legal jurisdiction test.  Closed	TDC Councillor	TDC Councillor	-

<b>COMPLAINT NO:</b>	<b>DATE</b>	<b>PROGRESS</b>	<b>COMPLAINANT</b>	<b>AGAINST</b>	<b>ALLEGATION</b>
2017/2018					
TDCSC190/18	08/02/18	Did not meet legal jurisdiction test.  Closed	TDC Councillor	TDC Councillor	-
TDCSC191/18	12/02/18	Did not meet legal jurisdiction test.  Closed	Member of the public	TDC Councillor	-
TDCSC192/18	26/02/18	Informal dispute resolution.  Closed	Member of the public	TDC Councillor	Complainant alleged subject member made inappropriate post on social media regarding an officer.
TDCSC193/18	27/02/18	Did not meet jurisdiction test.  Closed	Member of the public	TDC Councillor	-

<b>COMPLAINT NO:</b>	<b>DATE</b>	<b>PROGRESS</b>	<b>COMPLAINANT</b>	<b>AGAINST</b>	<b>ALLEGATION</b>
2017/2018					
TDCSC194/18	05/03/18	Did not meet jurisdiction test.  Closed	Member of the public	-	-
TDCSC195/18	07/03/18	Did not meet jurisdiction test.  Closed	Member of the public	TDC Councillor	-
TDCSC196/18	08/03/18	Did not meet jurisdiction test.  Closed	Member of the public	TDC Councillor	-
TDCSC197/18	15/03/18	Did not meet jurisdiction test.  Closed	Member of the public	TDC Councillors	-
TDCSC198/18	11/04/18	Did not meet jurisdiction test.	TDC Councillor	TDC Councillor	-

<b>COMPLAINT NO:</b>	<b>DATE</b>	<b>PROGRESS</b>	<b>COMPLAINANT</b>	<b>AGAINST</b>	<b>ALLEGATION</b>
2017/2018					
		Closed			
TDCSC199/18	16/04/18	Did not meet jurisdiction test.  Closed	TDC Councillor	TDC Councillor	-
TDCSC200/18	29/05/18	Did not meet jurisdiction test.  Closed	Member of the public	TDC Councillor	-
TDCSC201/18	06/06/18	Did not meet jurisdiction test.  Closed	TDC Councillor	TDC Councillor	-
TDCSC202/18	16/07/18	Did not meet jurisdiction test.  Closed	Other council officer or authority employee	TDC Councillor	-

<b>COMPLAINT NO:</b>	<b>DATE</b>	<b>PROGRESS</b>	<b>COMPLAINANT</b>	<b>AGAINST</b>	<b>ALLEGATION</b>
2017/2018					
TDCSC203/18	16/07/18	Did not meet jurisdiction test.  Closed	Member of the public	Parish Councillors	-
TDCSC204/18	18/07/18	Did not meet jurisdiction test.  Closed	Member of the public	Parish Councillor	-
TDCSC205/18	24/07/18	Did not meet jurisdiction test.  Closed	Other	District Councillor	-
TDCSC206/18	19/07/18	Open.	Member of the public	Parish Councillor	Complainant alleged that Subject Member has tried to use their position to gain a personal advantage.

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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 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.