



Date: 12 October 2017
Our ref: General Purposes Committee/Agenda
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GENERAL PURPOSES COMMITTEE

20 OCTOBER 2017

A meeting of the General Purposes Committee will be held at **3.00 pm on Friday, 20 October 2017** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Membership:

Councillors: Bambridge, Bayford, Crow-Brown, Campbell, Dellar, J Fairbrass, L Fairbrass, I Gregory, Johnston, L Piper, Stummer-Schmertzing, Taylor-Smith and Wells

AGENDA

Item
No

Subject

1. **ELECTION OF CHAIRMAN**
2. **APOLOGIES FOR ABSENCE**
3. **DECLARATIONS OF INTEREST**

To receive any declarations of interest. Members are advised to consider the extract from the Standard Board Code of Conduct for Members, which forms part of the Declaration of Interest Form at the back of this Agenda. If a Member declares an interest, they should complete that Form and hand it to the Officer clerking the meeting.

4. **MINUTES OF PREVIOUS MEETING** (Pages 3 - 4)
To approve the Minutes of the meeting of the General Purposes Committee held on 28 May 2015, copy attached.
5. **EXCLUSION OF PUBLIC AND PRESS** (Pages 5 - 8)
6. **PROPOSALS FOR CHANGES TO THANET COUNCIL'S CORPORATE STRUCTURE**
(Pages 9 - 12)

Declaration of Interest form - back of agenda



Item
No

Subject

Please scan this barcode for an electronic copy of this agenda.

GENERAL PURPOSES COMMITTEE

Minutes of the meeting held on 28 May 2015 at 5.30 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Present: Councillor Lin Fairbrass (Chairman); Councillors Wells, Ashbee, Bayford, Dexter, G Hillman, Johnston, Taylor-Smith and Smith

82. ELECTION OF CHAIRMAN

Mr Steven Boyle, Interim Head of Legal & Democratic Services presided over the election of the Chairman and called for nominations for the post of Chairman of the General Purposes Committee.

Cllr Wells proposed, Councillor G. Hillman seconded and Members agreed that Councillor Lin Fairbrass be elected Chairman of the General Purposes Committee for 2015/16.

Councillor Fairbrass in the chair.

83. APOLOGIES FOR ABSENCE

Apologies were received from Councillor I. Gregory, substituted by Councillor Dexter.

84. DECLARATIONS OF INTEREST

There were no declarations of interest.

85. MINUTES OF PREVIOUS MEETING

Minute item number 81 (on the 'Appointment of the Interim Director of Corporate Resources and Section 151 Officer'), first sentence in paragraph 4 should read 'Some Members observed that lessons had been drawn regarding the shortcomings of combining the CEx and S151 officer roles because once an incumbent who played that dual role left Council's employment it meant Council was left without a statutory Section 151 officer in post.'

Subject to the above amendments, Members of the Committee agreed that the minutes were a true record of the General Purposes Committee meeting that took place on 7 April 2015.

86. APPOINTMENT OF INTERIM SECTION 151 OFFICER AND INTERIM MONITORING OFFICER

Mr Boyle introduced the item and advised the Committee that both Wendy Allan and himself were leaving TDC employment on Friday, 29 May 2015 (although Steven Boyle would be available to provide advice, but working from home up to the week ending Friday, 5 June 2015). The statutory posts required immediate replacement. Mr Boyle then advised the meeting that the report recommended that Tim Howes and Patricia Marshall be appointed as Interim Head of Legal & Democratic Services (& Monitoring Officer) and Interim Section 151 Officer respectively. The officer report also recommended that the Committee agrees the appointment of Tim Willis as the permanent Director of Corporate Services and Section 151 Officer.

Mr Boyle assured Members that there would be no conflict of interests in an instance where a senior officer is appointed in an interim capacity whilst serving at another local Council, as it was common practice that Councils could share the services of senior officers. Some Members suggested that the Committee should have been introduced to the candidates before they resumed their duties in order to get to know them.

Councillor Wells proposed, Councillor Johnston seconded and Members agreed the following:

1. That Tim Howes is appointed as Monitoring Officer for the Council with effect from 8 June 2015 to replace Steven Boyle;
2. That Patricia Marshall is appointed as Section 151 Officer for the Council with effect from 1st June 2015;
3. That Tim Willis is appointed as Section 151 Officer for the Council with effect from 10 July 2015.

Meeting concluded: 5.45 pm

EXCLUSION OF PUBLIC AND PRESS

General Purposes Committee	20 October 2017
Report Author	Senior Democratic Services Officer
Status	For Decision
Classification:	Unrestricted
Key Decision	No

Executive Summary:

The purpose of the report is to introduce a confidential item for discussion by the committee.

Recommendation:

That the public and press be excluded from the meeting for agenda item 6 as it contains exempt information as defined in Paragraphs 2,3 and 4 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

CORPORATE IMPLICATIONS

Financial and Value for Money	There are no direct financial implications arising from the covering report.								
Legal	As per Part 1 of Schedule 12A and Part VA of the Local Government Act 1972 (as amended).								
Corporate	Thanet District Council will endeavour to keep the number of exempt reports it produces to a minimum in order to promote transparency.								
Equality Act 2010 & Public Sector Equality Duty	<p>Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.</p> <table border="1" style="width: 100%; margin-top: 10px;"> <tr> <td colspan="2">Please indicate which aim is relevant to the report.</td> </tr> <tr> <td style="width: 80%;">Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,</td> <td style="width: 20%;"></td> </tr> <tr> <td>Advance equality of opportunity between people who share a protected characteristic and people who do not share it</td> <td></td> </tr> <tr> <td>Foster good relations between people who share a protected characteristic and people who do not share it.</td> <td></td> </tr> </table> <p>There are no specific equity and equality considerations that need to be addressed in this report.</p>	Please indicate which aim is relevant to the report.		Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,		Advance equality of opportunity between people who share a protected characteristic and people who do not share it		Foster good relations between people who share a protected characteristic and people who do not share it.	
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Foster good relations between people who share a protected characteristic and people who do not share it.									

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

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

1.0 Introduction and Background

- 1.1 Whilst the starting point for all public meetings of the Council is to admit the public and press, they may be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted that confidential or exempt information would be disclosed. Under such circumstances, confidential or exempt information may be excluded from the public agenda. The public and press must be excluded from meetings if confidential information will be considered and disclosed, and such material must be excluded from the public agenda.

Meaning of confidential information

- 1.2 Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

Exempt information – discretion to exclude public

- 1.3 Subject to Article 6 of the Human Rights Act 1998 (right to a fair trial) the public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that “exempt” information would be disclosed.

2.0 Exempt information

- 2.1 The full rules are set out in Part 1 of Schedule 12A and Part VA of the Local Government Act 1972 (as Amended) and is as shown below:

Paragraph 2

- 2.2 Information that is likely to reveal the identity of an individual.

Paragraph 3

- 2.3 Information relating to the financial or business affairs of a particular person.

NB Information is not exempt if it is required to be registered under:

- Companies Act 1985;
- Friendly Societies Acts 1974 and 1992;
- Industrial and Provident Societies Acts 1965 to 1978;
- Building Societies Act 1986;
- Charities Act 1993.

The rights of access by Members are contained in Section 100F of the 1972 Act.

Paragraph 4

- 2.4 Information relating to any consultations or negotiations, or contemplated consultations or negotiations in connection with any labour relations matter arising

Agenda Item 5

between the authority or a Minister of the Crown and employees of, or office holders under, the Authority.

3.0 Reason Why Agenda Item 6 are considered to be “exempt”

3.1 The report author has classified Agenda Item 6 as disclosing exempt information under Paragraphs 2,3 and 4 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended); - Information that is likely to reveal the identity of an individual; Information relating to the financial or business affairs of a particular person and Information relating to any consultations or negotiations, or contemplated consultations or negotiations in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the Authority, thereby suggesting that the press and public be excluded from the meeting whilst this item is debated.

4.0 Justification/Public Interest Test

4.1 Agenda item 6 is restricted as the information contained within it is exempt under paragraphs 2, 3 and 4 of Part 1 to Schedule 12A to the Local Government Act 1972 (as amended). Whilst the Council will always try to keep exempt information to a minimum, in this case disclosure of the information contained within the report would prejudice the Council. On this occasion, discussion of staffing matters ought to be conducted in confidence in order to protect the interests of both the staff and council as breach of confidentiality may lead to litigation against the council.

4.2 It is therefore considered that the public interest is served by the non-disclosure of the information contained within the report at agenda item 6.

5.0 Not Excluding the Press and Public

5.1 There will be occasions when the meeting may decline to exclude the press and public from the meeting. If that occurs it does not simply mean that those members of the press and public who are present are allowed to stay for the discussion of the item(s). Declining to exclude the press and public would also mean that the press and public are allowed access to the actual report contained within the confidential part of the agenda (what Democratic Services refer to as the “pink pages”).

5.2 Members may wish to note that if a committee member is of the view that it is possible that the recommendation in this report may not be approved at the meeting, they should let Democratic Services know (as soon as they have read the agenda papers before the meeting); in order that spare copies are made available ready to be distributed, if necessary, at the meeting.

5.3 If the referred item is not exempted, Democratic Services would also make arrangements for the report to be retrospectively published on the Council’s website.

6.0 Decision Making Process

6.1 If the press and public are to be excluded for the agenda item; this Committee must exercise its power to agree the recommendation.

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

Annex List

None	N/A
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Corporate Consultation

Legal	Tim Howes, Director of Corporate Governance
Finance	Tim Willis, Director of Corporate Resources

By virtue of paragraph(s) 2, 3, 4 of Part 1 of Schedule 12A of the Local Government Act 1972.

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THANET DISTRICT COUNCIL DECLARATION OF INTEREST FORM

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

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

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

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

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

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

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

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

An associated person is defined as:

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

An Authority Function is defined as: -

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

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

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

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

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

Gifts, Benefits and Hospitality

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

What if I am unsure?

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

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

MEETING

DATE..... **AGENDA ITEM**

DISCRETIONARY PECUNIARY INTEREST

SIGNIFICANT INTEREST

GIFTS, BENEFITS AND HOSPITALITY

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

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

NAME (PRINT):

SIGNATURE:

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