

EXTRAORDINARY MEETING OF THE COUNCIL



Tuesday, 6th November, 2018

7.00 pm

**Council Chamber
Thanet District Council
Margate**

**www.thanet.gov.uk
01843 577000**



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Date: **29 October 2018**
Ask For: James Clapson
Direct Dial: (01843) 577200
Email: james.clapson@thanet.gov.uk



You are hereby summoned to attend the meeting of the Thanet District Council to be held in the Council Chamber, Council Offices, Cecil Street, Margate, Kent on Tuesday, 6 November 2018 at 7.00 pm for the purpose of transacting the business mentioned below.

Timothy Hines

Director of Corporate Governance

To: The Members of Thanet District Council

FIRE ALARM PROCEDURES: If the fire alarm is activated, please vacate the offices via the stairs either through the security door to the left of the Chairman or opposite the lifts in the foyer. Please do not use the lifts. Please assemble in Hawley Square on the green. Officers will assist you and advise when it is deemed safe to return to the Chamber.

A G E N D A

Item
No

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST**

To receive any declarations of interest from Members in accordance with Council Procedure rule 2.2 (v)

3. **REVISION TO THE SCHEME OF DELEGATIONS** (Pages 3 - 4)

Declaration of Interests Form

REVISION TO DELEGATIONS

Council	6 November 2018
Report Author	Director of Corporate Governance and Monitoring Officer
Status	For Decision
Classification:	Unrestricted
Ward:	All

Executive Summary:

In line with the practice followed in other authorities, Council is being recommended to amend the scheme of delegations to authorise the Chief Executive to declare vacancies in office under Section 86 of the Local Government Act 1972.

This will avoid the artificial situation where Council is asked to consider and debate an administrative provision whereas the law requires that the matter be agreed.

Recommendation(s):

Council amends its scheme of delegations by delegating to the Chief Executive (and in her absence the Director of Corporate Governance) the authority to declare vacancies in office under section 86 of the Local Government Act 1972.

CORPORATE IMPLICATIONS

Financial and Value for Money	There are no additional costs resulting from this recommendation.
Legal	A continued failure to declare a vacancy may lead to the publication of a report under section 5 of the Local Government and Housing Act 1989 and potential judicial review proceedings
Corporate	The failure to declare vacancies forthwith has the effect of disenfranchising the electorate when elections are halted or delayed.
Equality Act 2010 & Public Sector Equality Duty	Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

	<p>Please indicate which aim is relevant to the report.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,</td><td style="width: 20px;"></td></tr> <tr> <td style="padding: 2px;">Advance equality of opportunity between people who share a protected characteristic and people who do not share it</td><td style="width: 20px;"></td></tr> <tr> <td style="padding: 2px;">Foster good relations between people who share a protected characteristic and people who do not share it.</td><td style="width: 20px;"></td></tr> </table>	Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,		Advance equality of opportunity between people who share a protected characteristic and people who do not share it		Foster good relations between people who share a protected characteristic and people who do not share it.	
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Advance equality of opportunity between people who share a protected characteristic and people who do not share it							
Foster good relations between people who share a protected characteristic and people who do not share it.							
There are no equality implications in respect of this report.							

CORPORATE PRIORITIES (tick those relevant) ✓	
A clean and welcoming Environment	
Promoting inward investment and job creation	
Supporting neighbourhoods	<input checked="" type="checkbox"/>

CORPORATE VALUES (tick those relevant) ✓	
Delivering value for money	
Supporting the Workforce	
Promoting open communications	<input checked="" type="checkbox"/>

1.0 Introduction and Background

- 1.1 The law requires the Council to declare a vacancy in office forthwith, where a councillor, ceases to be qualified as a member, becomes disqualified for being a member or ceases to be a member by reason of failure to attend meetings. This responsibility is currently reserved to Council in the scheme of delegations.
- 1.2 Recent events have shown that seeking a Council decision to carry out this statutory requirement where there is no discretion, has caused confusion and a delay in declaring a vacancy.

2.0 The Proposed Way Forward

- 2.1 In order to avoid any potential confusion, it is recommended that the responsibility for declaring vacancies in office under section 86 of the Local Government Act 1972 is delegated to the Chief Executive and in her absence, the Director of Corporate Governance. This then avoids the Council going through the fallacy of a debate when the law requires the Council to make an administrative decision with no choice or discretion.

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

Corporate Consultation

Finance	Matthew Sanham Financial Services Manager
Legal	Tim Howes, Director of Corporate Governance

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.

