

# **MEETING OF THE COUNCIL**



**Thursday, 11th July, 2019**

**7.00 pm**

**Council Chamber  
Thanet District Council  
Margate**

**[www.thanet.gov.uk](http://www.thanet.gov.uk)  
01843 577000**



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Date: 1 July 2019  
Ask For: James Clapson  
Direct Dial: (01843) 577200  
Email: james.clapson@thanet.gov.uk



You are hereby summoned to attend the meeting of the Thanet District Council to be held in the Council Chamber, Council Offices, Cecil Street, Margate, Kent on Thursday, 11 July 2019 at 7.00 pm for the purpose of transacting the business mentioned below.

*Timothy Howes*

Director of Corporate Governance

To: The Members of Thanet District Council

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

## **AGENDA**

Item  
No

1. **APOLOGIES FOR ABSENCE**

2. **MINUTES OF THE PREVIOUS MEETING** (Pages 5 - 14)

To approve the Minutes of the meeting of Annual Council held on 16 May 2019, copy attached.

3. **ANNOUNCEMENTS**

To receive any announcements from the Chairman, Leader, Members of the Cabinet or Chief Executive in accordance with Council Procedure Rule 2.2 (iv).

4. **DECLARATIONS OF INTEREST** (Pages 15 - 16)

To receive any declarations of interest. Members are advised to consider the advice contained within the Declaration of Interest advice attached to this Agenda. If a Member declares an interest, they should complete the [Declaration of Interest Form](#)

5. **PETITIONS**

To receive petitions from the public in accordance with Council Procedure Rule 12.

<u>Item No</u>	<u>Subject</u>
5a	<b><u>MARGATE CLOCKTOWER TOILETS PETITION</u></b> (Pages 17 - 20)
6.	<b><u>QUESTIONS FROM THE PRESS AND PUBLIC</u></b>  To receive questions received from the press or public in accordance with Council Procedure Rule 13.
7.	<b><u>QUESTIONS FROM MEMBERS OF THE COUNCIL</u></b>  To receive questions from Members of the Council in accordance with Council Procedure Rule 14.
7a	<b><u>QUESTION NO.1 FROM A MEMBER REGARDING TRAVELLER INCURSIONS</u></b> (Pages 21 - 24)
7b	<b><u>QUESTION NO.2 FROM A MEMBER REGARDING CHILD POVERTY</u></b> (Pages 25 - 28)
8.	<b><u>NOTICE OF MOTION</u></b>  To receive any Notices of Motion from Members of Council in accordance with the Council Procedure Rule 3.
8a	<b><u>MOTION - CLIMATE CHANGE EMERGENCY</u></b> (Pages 29 - 32)
8b	<b><u>MOTION - THE COUNCIL'S SYSTEM OF GOVERNANCE</u></b> (Pages 33 - 36)
9.	<b><u>LEADERS REPORT</u></b> (Pages 37 - 38)  To receive a report from the Leader of the Council in accordance with Council Procedure Rule 2.4.
10.	<b><u>REPORT OF THE CHAIRMAN OF THE OVERVIEW AND SCRUTINY PANEL</u></b> (Pages 39 - 46)
11.	<b><u>REPRESENTATION ON OUTSIDE BODIES</u></b> (Pages 47 - 54)
12.	<b><u>CHANGES TO COMMITTEES PANELS AND BOARDS 2019/20</u></b> (Pages 55 - 58)
13.	<b><u>CHANGES TO THE CONSTITUTION - STANDING ORDERS IN RELATION TO STAFF</u></b> (Pages 59 - 86)
14.	<b><u>PAY POLICY STATEMENT</u></b> (Pages 87 - 100)

Item  
No

Subject

15. **MEMBERS ALLOWANCES - REPORT BACK FROM THE EKJIRP COMMITTEE**

Report to follow.

## COUNCIL

**Minutes of the meeting held on 16 May 2019 at 7.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.**

**Present:** Councillors Albon, Ara, Ashbee, Bailey, Bambridge, Bayford, Bayford, Boyd, Braidwood, Campbell, Coleman-Cooke, Constantine, Crittenden, Currie, Day, Dennis, Dexter, Duckworth, Everitt, Farrance, Fellows, Game, Garner, Green, Gregory, Hart, Hopkinson, Huxley, Keen, Kup, Moore, Moore, Ovenden, Parsons, L Piper, S Piper, L Potts, Pugh, Rawf, Rogers, Roper, Rusiecki, D Saunders, M Saunders, Savage, Scobie, Scott, Stevens, Taylor, Tomlinson, Towning, Whitehead, Wing, Wright and Yates

### 1. **ELECTION OF CHAIRMAN**

On the proposal of Councillor Bayford, seconded by Councillor Ashbee, and there being no further nominations, Councillor Savage was declared elected as Chairman of the Council for the 2019/20 municipal year.

### **RECESS**

There was a short recess, during which the new Chairman of the Council was invested with the Chain and Badge of Office.

Following this recess, Councillor Savage made the statutory declaration of acceptance of office of Chairman of the Council, returned thanks for his election and formalised Mrs Savage as his escort.

### **COUNCILLOR SAVAGE IN THE CHAIR**

### 2. **ELECTION OF VICE-CHAIRMAN**

On the proposal of Councillor Bayford, seconded by Councillor Ashbee, and there being no further nominations, Councillor Wright was declared elected as Vice-Chairman of the Council for the 2019/20 municipal year.

Councillor Wright made the statutory declaration of acceptance of office of Vice-Chairman of the Council, returned thanks for her election and formalised Councillor Kup as her escort.

### 3. **APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Shrubbs.

### 4. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

### 5. **MINUTES OF PREVIOUS MEETING**

It was proposal by the Chairman, seconded by the Vice-Chairman and agreed that the minutes of the Council meeting held on 28 March 2019 be approved and signed by the Chairman.

**6. ANNOUNCEMENTS**

There were no announcements.

**7. ELECTION OF LEADER OF THE COUNCIL**

Two nominations were received:

It was proposed by Councillor Ashbee and seconded by Councillor Parsons that Councillor R Bayford be elected Leader of the Council until the Annual meeting of Council in May 2023.

It was proposed by Councillor Whitehead and seconded by Councillor Campbell that Councillor Everitt be elected Leader of the Council until the Annual meeting of Council in May 2023.

Upon being put to the vote, both nominations received an equal number of votes. The Chairman made his casting vote in favor of Councillor R Bayford.

Councillor R Bayford was elected Leader of the Council until the Annual meeting of Council in May 2023.

**8. APPOINTMENT OF DEPUTY LEADER OF THE COUNCIL**

The Leader announced his appointment of Councillor Ashbee as Deputy Leader of the Council until the Annual meeting of Council in May 2023.

**9. RESPONSIBILITY FOR FUNCTIONS - EXECUTIVE DELEGATIONS**

Council was informed of the Cabinet portfolios, Cabinet portfolio holders and Shadow Cabinet portfolio holders for the 2019/20 municipal year as follows:

<b>Name of Cabinet Portfolio</b>	<b>Cabinet Portfolio Holder</b>	<b>Shadow Cabinet Portfolio Holder</b>
Leader of the Council	Councillor R Bayford	Councillor Everitt
Deputy Leader	Councillor Ashbee	Councillor Whitehead
Corporate Governance and Coastal Development	Councillor Pugh	Councillor Duckworth
Financial Services and Estates	Councillor D Saunders	Councillor Yates
Operational Services	Councillor Ashbee	Councillor Albon
Housing and Safer Neighbourhoods	Councillor Game	Councillor Whitehead

**10. CONSTITUTION OF COMMITTEES, POLITICAL BALANCE, APPOINTMENTS TO COMMITTEES, PANELS AND BOARDS**

**NUMBER AND SIZE OF COMMITTEES**

It was proposed by the Chairman, seconded by the Vice-Chairman and Members agreed the number of committees and the number of Members to serve on those committees as shown in table 2 of the report, namely

<b>Committee</b>	<b>Number of Members</b>
Planning Committee	14
Licensing Board	13
Overview and Scrutiny Panel	14
Governance and Audit Committee	13
General Purposes Committee	10
Boundary and Electoral Arrangements Working Party	6
Constitutional Review Working Party	4 (+2 independent)
Joint Transportation Board*	7 (+1 parish)
Standards Committee**	8 (+ 4 independent, + 3 parish)

**PROPORTIONALITY**

It was proposed by the Chairman, seconded by the Vice-Chairman and Members agreed that the proportionality between groups for committees, panels and boards for 2019/20 shown at tables 3, 4, 5 and 6 of the report be adopted.

**NOMINATION OF MEMBERS TO SERVE ON COMMITTEES**

The nominations of Members to serve on committees were as follows:

**Planning Committee**

<b>Conservative</b>		<b>Labour</b>		<b>Thanet Independents</b>		<b>Green</b>	
1	Tomlinson	1	Duckworth	1	Taylor	1	Garner
2	Coleman-Cooles	2	Hopkinson	2	Dennis		
3	J Bayford	3	Albon				
4	Hart	4	Keen				
5	Stevens	5	Huxley				
6	Towning						

**Planning Committee** *(pool of substitute Members)*

Conservative		Labour		Thanet Independents		Green	
1	Moore	1	Everitt	1	Rusiecki	1	Roper
2	Scott	2	Campbell	2	S. Piper		
3		3					
4		4					
5		5					
6							

**Licensing Board**

Conservative		Labour		Thanet Independents		Green	
1	Bambridge	1	Currie	1	Potts	1	Wing
2	Rogers	2	Green				
3	Dexter	3	Ara				
4	M Saunders	4	Scobie				
5	Wright	5	Hopkinson				
6	Moore						



**Overview & Scrutiny Panel**

Conservative		Labour		Thanet Independents		Green	
1	Wright	1	Campbell	1	L Piper	1	Roper
2	Boyd	2	Everitt	2	Rusiecki		
3	Moore	3	Constantine				
4	Savage	4	Whitehead				
5	Scott	5	Albon				
6	Tomlinson						

**Governance and Audit Committee**

Conservative		Labour		Thanet Independents		Green	
1	Day	1	Crittenden	1	S Piper	1	Garner
2	Dexter	2	Moore				
3	Boyd	3	Yates				
4	Kup	4	Farrance				
5	Scott	5	Campbell				
6	Shrubb						

**Governance and Audit Committee** *(Pool of Substitute Members)*

Conservative		Labour		Thanet Independents		Green	
1		1	Whitehead	1	Potts	1	Roper
2		2	Currie				
3		3					
4		4					
5		5					
6							

**General Purposes Committee**

Conservative		Labour		Thanet Independents		Green	
1	R Bayford	1	Campbell	1	Braidwood		
2	Ashbee	2	Everitt				
3	Bambridge	3	Rawf				
4	Day	4	Ovenden				
5	Saunders						

**Boundaries and Electoral Arrangements Working Party**

Conservative		Labour		Thanet Independents		Green	
1	Parsons	1	Currie	1	S. Piper		
2	Savage	2	Green				
3	Stevens						

**Constitutional Review Working Party**

Conservative		Labour		Thanet Independents		Green		Independent Members (non Councillors) *	
1	Stevens	1	Hopkinson	1	Dennis			1	Sexton
2	Tomlinson							2	Vacant

NOTE: \* drawn from the Independent Members of the Standards Committee

**Standards Committee**

Conservative		Labour		Thanet Independents		Green		Independent Members (non Councillors) *	
1	Kup	1	Campbell	1	Braidwood			1	Sexton
2	Dexter	2	Duckworth					2	Vacant
3	Fellows	3	Crittenden					3	Vacant
4	J Bayford							4	Vacant

**Joint Transport Board**

Conservative		Labour		Thanet Independents		Green	
1	M Saunders	1	Scobie	1	Taylor		
2	Fellows	2	Farrance				
3	Hart	3	Keen				

**East Kent Services Committee**

Conservative		Labour		Thanet Independents		Green	
1	R Bayford						
2	Ashbee						

**ELECTION OF CHAIRMAN AND VICE CHAIRMAN TO COMMITTEES, PANELS AND BOARDS FOR THE 2019/20 MUNICIPAL YEAR**

It was proposed by the Chairman, seconded by the Vice-Chairman and Members agreed to elect those nominated for chairmen and vice chairmen as shown in the Members notes, namely;

Position to be Filled	Councillor
Chairman of the Council	Cllr Savage
Vice Chairman of the Council	Cllr Wright
Chairman of the Planning Committee	Cllr Tomlinson
Vice Chairman of the Planning Committee	Cllr Coleman-Cooke
Chairman of the Licensing Board	Cllr Bambridge
Vice Chairman of the Licensing Board	Cllr Rogers
Chairman of the Overview and Scrutiny Panel	Cllr Campbell
Vice Chairman of the Overview and Scrutiny Panel	Cllr Wright
Chairman of the Governance and Audit Committee	Cllr Day
Vice Chairman of the Governance and Audit Committee	Cllr Dexter
Vice Chairman of the Joint Transportation Board	Cllr M Saunders

**STANDARDS COMMITTEE AND CONSTITUTIONAL REVIEW WORKING PARTY**

It was proposed by the Chairman, seconded by the Vice-Chairman and Members agreed that Dr Jonathan Sexton be appointed Chairman of the Standards Committee and Constitutional Review Working Party for the ensuing year.

11. **REPRESENTATION ON OUTSIDE BODIES**

Members noted that the item had been withdrawn and would be considered at a future meeting of Council.

12. **MEMBERS ALLOWANCES SCHEME 2019-20**

It was proposed by the Chairman, seconded by the Vice-Chairman and Members agreed the to adopt the revised 2019/20 Members allowances scheme as set out at annex 1 to the report and to refer the scheme to EKJIRP for them to consider, with any amendments being reported back to Council.

13. **CALENDAR OF MEETINGS**

It was proposed by the Chairman, seconded by the Vice-Chairman and Members agreed the updated calendar of meetings for May 2019 to May 2023 as set out at Annex 1 to the report.

Meeting concluded: 7.25pm

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## **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.

If you need to declare an interest then please complete the declaration of [interest form](#).



**PETITION REGARDING MARGATE CLOCK TOWER TOILETS**

Council	<b>11 July 2019</b>
Report Author	<b>Nick Hughes, Committee Services Manager</b>
Portfolio Holder	<b>Councillor Pugh, Cabinet Member for Corporate Governance and Coastal Development</b>
Status	<b>For recommendation</b>
Classification:	<b>Unrestricted</b>
Key Decision	<b>No</b>

**Executive Summary:**

A petition containing 386 valid signatures was received by the Council requesting that Thanet District Council immediately rescinds its decision to close the Margate Clocktower toilets.

This report sets out how the Council deals with petitions of this size; it explains that the petition organiser will present the petition to the meeting and sets out the next steps as to how the Council will deal with the petition.

**Recommendation(s):**

Under the Council's petitions scheme, Council is required to refer the petition to Cabinet without debate for report back to Council.

**CORPORATE IMPLICATIONS**

<b>Financial and Value for Money</b>	There are no identified financial implications from this report.
<b>Legal</b>	This matter is dealt with under the Council's scheme for dealing with petitions from the public which is contained within the constitution.
<b>Corporate</b>	In accordance with the Council's petition scheme if a petition has over 25, but less than 650, signatories, it will be referred to Cabinet or an appropriate committee without debate for report to Council within three ordinary meetings.
<b>Equalities Act 2010 &amp; Public Sector Equality Duty</b>	<p>Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy &amp; maternity. Only aim (i) of the Duty applies to Marriage &amp; civil partnership.</p> <p>Please indicate which aim is relevant to the report.</p>

	Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,	
	Advance equality of opportunity between people who share a protected characteristic and people who do not share it	
	Foster good relations between people who share a protected characteristic and people who do not share it.	
	There are no specific equity and equalities issues arising from this report.	
	However it is important to be aware of the Council's responsibility under the Public Sector Equality Duty (PSED) and show evidence that due consideration had been given to the equalities impact that may be brought upon communities by the decisions made by Council.	

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

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

## 1.0 Introduction and Background

- 1.1 Under the terms of the Council's petitions scheme, members of the public may present petitions at ordinary meetings of Council; and if a petition has over 25, but less than 650, signatories, it will be referred to Cabinet or an appropriate committee without debate for report to Council within three ordinary meetings.

## 2.0 The Current Situation

- 2.1 A petition organised by Mr Rob Yates (now Cllr Yates) has been validly signed by 386 people. The petition prayer and justification reads:

"We the undersigned demand that Thanet District Council immediately rescinds its decision to close the much needed Margate Clocktower toilets. The three million pounds allocated to refurbish council offices should be used to protect essential local and tourist services. We need to safeguard the services that boost our flourishing tourism economy. This decision is short-sighted and detrimental."

- 2.2 The petition organiser is entitled to present their petition to Council, and in accordance with the Council's petition scheme has three minutes to present the petition.
- 2.3 Councillor Yates has informed the Council that he will be in attendance to present the petition.

## 3.0 Next Steps

- 3.1 Under the Council's petitions scheme, Council is required to refer the petition to Cabinet for report back to Council within three ordinary meetings.

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

## Annex List

None	N/A
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## Background Papers

<b>Title</b>	<b>Details of where to access copy</b>
None	N/A

## Corporate Consultation

<b>Finance</b>	Chris Blundell, Head of Financial Services
<b>Legal</b>	Tim Howes, Director of Corporate Governance & Monitoring Officer

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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 specific equity and equalities issues arising from this report.		

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

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

## 1.0 Introduction and Background

1.1 The following question, addressed to Councillor Game, has been received from Councillor Taylor in accordance with Council Procedure Rule No. 14.

How is the new administration going to tackle the expensive Traveller incursions?

1.2 Council Procedure Rule 14.3 states that a Member of the Council may ask

- a Member of the Cabinet; or
- the Chairman of any Committee or Sub-Committee

A question on any matter in relation to which the Council has powers or duties or which affects the district.

1.3 Council Procedure Rule 14.7 states that an answer may take the form of:

- a) a direct oral answer;
- b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- c) where the reply cannot conveniently be given orally, a written answer circulated within three working days to the questioner.

1.4 A Member may, in accordance with Council Procedure Rule 14.8, ask one supplementary question without notice to the Member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

1.5 The questioner shall have two minutes for the initial question and one minute for the supplementary question and the respondent shall have five minutes for the initial reply and two minutes for the supplementary reply. (Council Procedure Rule 14.9 refers)

Contact Officer: Nick Hughes, Committee Services Manager (7208)

# Agenda Item 7a

Reporting to:	Tim Howes, Director of Corporate Governance
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## Annex List

None	N/A
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## Background Papers

Title	Details of where to access copy
None	N/A

## Corporate Consultation

<b>Finance</b>	Chris Blundell, Head of Financial Services
<b>Legal</b>	Tim Howes, Director of Corporate Governance and Monitoring Officer

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**QUESTION NO. 2 FROM A MEMBER - REGARDING CHILD POVERTY**

**Council** 11 July 2019

Report Author **Committee Services Manager**

Portfolio Holder **Cabinet Member for Housing and Safer Neighbourhoods**

Classification: **Unrestricted**

Key Decision **No**

Ward: **All Wards**

**Executive Summary:**

Councillor Game will receive a question from a Member of Council in relation to child poverty.

**Recommendation(s):**

This report is for information.

**CORPORATE IMPLICATIONS**

<b>Financial and Value for Money</b>	There are no identified financial implications from this report.	
<b>Legal</b>	There are no legal implications directly from this report.	
<b>Corporate</b>	Council Procedure Rule 14 enables Members of Council to ask a Member of the Cabinet or the Chairman of any Committee or Sub-Committee questions on matters in relation to which the Council has powers or duties or which affect the district. No Member, however, can submit more than one question to one meeting.	
<b>Equalities Act 2010 &amp; Public Sector Equality Duty</b>	Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.	
	Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.	
	Please indicate which aim is relevant to the report.	
	Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,	
Advance equality of opportunity between people who share a protected characteristic and people who do not share it		

	Foster good relations between people who share a protected characteristic and people who do not share it.	
There are no specific equity and equalities issues arising from this report.		

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

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

## 1.0 Introduction and Background

1.1 The following question, addressed to Councillor Game, has been received from Councillor Constantine in accordance with Council Procedure Rule No. 14.

Child poverty is unchecked and growing in parts of Kent. In my ward, Newington, recent research shows 52% of all children are living in poverty. Will the Cabinet Member explain what targets TDC has put in place to mitigate the impact?

1.2 Council Procedure Rule 14.3 states that a Member of the Council may ask

- a Member of the Cabinet; or
- the Chairman of any Committee or Sub-Committee

A question on any matter in relation to which the Council has powers or duties or which affects the district.

1.3 Council Procedure Rule 14.7 states that an answer may take the form of:

- a) a direct oral answer;
- b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- c) where the reply cannot conveniently be given orally, a written answer circulated within three working days to the questioner.

1.4 A Member may, in accordance with Council Procedure Rule 14.8, ask one supplementary question without notice to the Member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

1.5 The questioner shall have two minutes for the initial question and one minute for the supplementary question and the respondent shall have five minutes for the initial reply and two minutes for the supplementary reply. (Council Procedure Rule 14.9 refers)

Contact Officer:	Nick Hughes, Committee Services Manager (7208)
Reporting to:	Tim Howes, Director of Corporate Governance

**Annex List**

None	N/A
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**Background Papers**

Title	Details of where to access copy
None	N/A

**Corporate Consultation**

<b>Finance</b>	Chris Blundell, Head of Financial Services
<b>Legal</b>	Tim Howes, Director of Corporate Governance and Monitoring Officer

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**NOTICE OF MOTION – DECLARING A CLIMATE CHANGE EMERGENCY**

<b>Council</b>	<b>11 July 2019</b>
Report Author	<b>Nick Hughes, Committee Services Manager</b>
Portfolio Holder	<b>Councillor Pugh, Cabinet Member for Corporate Governance and Coastal Development</b>
Status	<b>For Decision</b>
Classification:	<b><i>Unrestricted</i></b>
Key Decision	<b>No</b>
Ward:	<b>All Wards</b>

**Executive Summary:**

To consider a Notice of Motion submitted in relation to the declaration of a climate change emergency.

**Recommendation(s):**

Council is invited to consider whether to debate the motion.

**CORPORATE IMPLICATIONS**

<b>Financial and Value for Money</b>	None arising directly from this report
<b>Legal</b>	<p>Council Procedure Rule 3.7 states that: “the Member whose name appears first on the notice will move the motion during his or her speech and call for a seconder. If seconded, a Member from the controlling political group will be entitled to a reply, after which the motion shall stand referred without further discussion to the Cabinet or appropriate committee for determination or report unless the Council decides to debate the motion in accordance with Rule 16” (<i>rules of debate</i>)</p> <p>However, as only Council can adopt the motion on notice, the motion will fall if the Council does not agree to debate it.</p>
<b>Corporate</b>	Council Procedure Rule 3 provides the opportunity for Councillors to give advance notice of motions to be put to Council.
<b>Equalities Act 2010 &amp; Public Sector Equality Duty</b>	Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

	Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.	
	Please indicate which aim is relevant to the report.	
	Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,	
	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.	
	one arising directly from this report	

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

<b>CORPORATE VALUES (tick those relevant)✓</b>	
Delivering value for money	
Supporting the Workforce	
Promoting open communications	x

## 1.0 Introduction and Background

- 1.1 The following motion has been received from Councillor Yates in accordance with Council Procedure Rule No. 3:

<p>This Council therefore resolves to:</p> <ul style="list-style-type: none"> <li>● Declare a climate emergency;</li> <li>● Pledge to do what is within our powers and resources to make Thanet District Council carbon neutral by 2030, taking into account both production and consumption emissions;</li> <li>● Call on Westminster to provide the powers and resources to make the 2030 target possible;</li> <li>● Continue to work with partners across the county and region to deliver this new goal through all relevant strategies;</li> <li>● Requests the council investigate all possible sources of external funding and match funding to support this commitment;</li> </ul>
---

## 2.0 Options

- 2.1 To debate the motion
- 2.2 Not to debate the motion, in which case the motion will fall.
- 2.3 As per Council Procedure Rule 3.8 vii) any motion on notice that proposes the adoption of a policy or the taking of a decision where Council has not received a report from the officers setting out the technical, legal and financial implications of adopting the policy or taking the decision in question shall only be debated. Following the conclusion of the debate, the only action that may be taken is to refer the motion to Cabinet for consideration.

2.4 Council procedure rule applied in this instance and therefore if Full Council do agree to debate the motion then at the conclusion of the debate the only action that the Council may take is to refer the motion to Cabinet.

### 3.0 Decision Making Process

3.1 It is for Council to decide whether or not to debate the motion, and if it does so, to refer it to Cabinet.

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

### Corporate Consultation

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

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**NOTICE OF MOTION – INFORMATION TO CHANGE THE COUNCIL’S SYSTEM OF GOVERNANCE**

<b>Council</b>	<b>11 July 2019</b>
Report Author	<b>Nick Hughes, Committee Services Manager</b>
Portfolio Holder	<b>Councillor Pugh, Cabinet Member for Corporate Governance and Coastal Development</b>
Status	<b>For Decision</b>
Classification:	<b><i>Unrestricted</i></b>
Key Decision	<b>No</b>
Ward:	<b>All Wards</b>

**Executive Summary:**

To consider a Notice of Motion submitted in relation to the Council’s system of governance.

**Recommendation(s):**

Council is invited to consider whether to debate the motion.

**CORPORATE IMPLICATIONS**

<b>Financial and Value for Money</b>	None arising directly from this report
<b>Legal</b>	<p>Council Procedure Rule 3.7 states that: “the Member whose name appears first on the notice will move the motion during his or her speech and call for a seconder. If seconded, a Member from the controlling political group will be entitled to a reply, after which the motion shall stand referred without further discussion to the Cabinet or appropriate committee for determination or report unless the Council decides to debate the motion in accordance with Rule 16” (<i>rules of debate</i>)</p> <p>However, as only Council can adopt the motion on notice, the motion will fall if the Council does not agree to debate it.</p>
<b>Corporate</b>	Council Procedure Rule 3 provides the opportunity for Councillors to give advance notice of motions to be put to Council.
<b>Equalities Act 2010 &amp; Public Sector Equality Duty</b>	Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and

	<p>people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy &amp; maternity. Only aim (i) of the Duty applies to Marriage &amp; civil partnership.</p>										
	<table border="1" style="width: 100%; border-collapse: collapse;"> <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> <tr> <td colspan="2" style="text-align: center;">None arising directly from this report</td> </tr> </table>	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.		None arising directly from this report	
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.											
None arising directly from this report											

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

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

**1.0 Introduction and Background**

1.1 The following motion has been received from Councillor Reverend Piper in accordance with Council Procedure Rule No. 3:

That Council Members have a debate this evening to consider gathering information that may provide members, at a later date, the opportunity to examine the option of changing our system of governance, from the current Cabinet led system to a Committee led system. There are many councils across the UK, including Maidstone Council and Canterbury City Council, who have successfully adopted the committee system.

**2.0 Options**

- 2.1 To debate the motion
- 2.2 Not to debate the motion, in which case the motion will fall.

**3.0 Decision Making Process**

3.1 It is for Council to decide whether or not to debate the motion.

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

## Agenda Item 8b

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

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**LEADER’S REPORT TO COUNCIL**

Council	<b>11 July 2019</b>
Report Author	<b>Nick Hughes, Committee Services Manager</b>
Portfolio Holder	<b>The Leader</b>
Status	<b>For Information</b>
Classification:	<b>Unrestricted</b>
Key Decision	<b>No</b>

**Executive Summary:**

To receive a report from the Leader in accordance with Council Procedure Rule 2.4

**Recommendation(s):**

None - This report is for information only.

**CORPORATE IMPLICATIONS**

<b>Financial and Value for Money</b>	There are no financial implications directly arising from this report.	
<b>Legal</b>	There are no legal implications arising from this report.	
<b>Corporate</b>	The Leaders report helps to contribute to the promoting open communications corporate value.	
<b>Equalities Act 2010 &amp; Public Sector Equality Duty</b>	Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.	
	Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.	
	Please indicate which aim is relevant to the report.	
	Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,	x
Advance equality of opportunity between people who share a protected characteristic and people who do not share it	x	
Foster good relations between people who share a protected characteristic and people who do not share it.	x	

# Agenda Item 9

	The Council demonstrates due regard to the aims of the Public Sector Equality Duty when conducting its business, this due regard is mirrored in the leaders report which provides an update on key issues arising since the last meeting of Council.
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<b>CORPORATE PRIORITIES (tick those relevant) ✓</b>	
A clean and welcoming Environment	
Promoting inward investment and job creation	
Supporting neighbourhoods	

<b>CORPORATE VALUES (tick those relevant) ✓</b>	
Delivering value for money	
Supporting the Workforce	
Promoting open communications	x

## 1.0 Introduction and Background

1.1 Council Procedure Rule 2.4 provides that:

<p>The Leader of the Council will make available in writing the content of his oral report to opposition group leaders no later than the Saturday before the meeting. The speech will not exceed ten minutes on key issues arising since the last meeting of Council.</p> <p>The Leaders of any other political group may comment on the Leader's report. The comments of the Leaders of the other political groups shall be limited each to five minutes. The other Group Leaders will comment in an order determined by the number of Councillors within those political groups, with the largest group commenting first, and so on.</p> <p>The Leader has a right of reply to each Group Leader limited to two minutes, in hierarchical order, to any comments made on his/her report.</p> <p>The Leader of the Council, the Leader of the Opposition and the Leader of any other political group may appoint substitutes to speak on their behalf.</p> <p>No motions may be moved nor resolutions passed under this item.</p>
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Contact Officer:	Nicholas Hughes, Committee Services Manager
Reporting to:	Tim Howes, Director of Corporate Governance and Monitoring Officer

### Annex List

None	N/A
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### Background Papers

Title	Details of where to access copy
None	N/A

### Corporate Consultation

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

**OVERVIEW & SCRUTINY PANEL CHAIRMAN'S REPORT TO COUNCIL**

Council	<b>11 July 2019</b>
Report Author	<b>Cllr Campbell, Chairman of the Overview &amp; Scrutiny Panel</b>
Status	<b>For Information</b>
Classification:	<b>Unrestricted</b>
Key Decision	<b>No</b>
Ward:	<b>Thanet Wide</b>

**Executive Summary:**

The purpose of the report is to highlight some of the key activities that have been planned for by the Overview & Scrutiny Panel during the course of this municipal year and progress to date regarding implementation of the Panel's work programme.

**Recommendation(s):**

1. Members are invited to discuss and note the report.

**CORPORATE IMPLICATIONS**

<b>Financial and Value for Money</b>	There are no financial implications directly arising from this report. The report provides a briefing to Full Council about the current work activities of the Overview & Scrutiny Panel.
<b>Legal</b>	There are no legal implications directly arising from this report. A presentation of the Panel Chairman's report to Full Council enables the Chairman to fulfil their duty as is required by the Council's Constitution.
<b>Corporate</b>	<p>There are no corporate risks associated with this report. The report enables discussion by Members at Full Council on the activities of the Finance Scrutiny Panel.</p> <p>The debate on the Panel Chairman's report contributes to open communication across the council. A strong scrutiny function contributes to an open democratic process for decision making and delivery of value for money services as council decisions are interrogated by Members before they are implemented. In instances where such decisions are interrogated after implementation, there will be lessons to learn for future policy development.</p>

<p><b>Equality Act 2010 &amp; Public Sector Equality Duty</b></p>	<p>Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy &amp; maternity. Only aim (i) only applies to Marriage &amp; civil partnership.</p> <p>Please indicate which aim is relevant to the report.</p> <p>Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,</p> <p>Advance equality of opportunity between people who share a protected characteristic and people who do not share it</p> <p>Foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>No implications arise directly but the Council needs to retain a strong focus and understanding on issues of diversity amongst the local community and ensure service delivery matches these.</p> <p>It is important to be aware of the Council's responsibility under the Public Sector Equality Duty (PSED) and show evidence that due consideration had been given to the equalities impact that may be brought upon communities by the decisions made by Council.</p>
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<b>CORPORATE PRIORITIES (tick those relevant) ✓</b>	
A clean and welcoming Environment	
Promoting inward investment and job creation	
Supporting neighbourhoods	✓

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

## 1.0 Introduction and Background

- 1.1 At each ordinary Full Council meeting, the Chairman of the Overview and Scrutiny Panel presents a progress update report on the activities of the Panel since the last Council meeting.



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

1.3 This report updates Council on the work of the Panel since the last Council meeting and allows for discussion of the work undertaken, therefore strengthening the Council's scrutiny function.

1.4 This report follows on from the one presented at Full Council on 28 March.

## **2.0 Current Scrutiny Activities, including Cabinet Member Presentations**

2.1 The Panel met once since the last report to Council and the main purpose of the meeting was to establish its work programme for the year.

2.2 Members identified a number of topics for discussion between portfolio holders and the Overview & Scrutiny Panel. These are highlighted in the work programme attached as Annex 1 to this report. Although the wording is still generic, wide ranging and unwieldy, the specific topics will be fine tuned near the meeting times to make the discussion much more manageable.

2.3 The topics include the following:

1. Review the development work going on and the future of the Ramsgate Port (18 July 2019);
2. Service review of Operational Services (29 August 2019);
3. Review proposals for the fees and Charges (22 October 2019);
4. Service review of the Corporate Governance and Coastal Development service area (date still to be confirmed by the Panel).

2.4 The Panel further agreed to conduct a scrutiny review of the issue regarding "Travellers in Thanet." A five member task and finish group was set up to conduct the in-depth study and membership would be as follows:

Councillor Albon;  
Councillor Roper;  
Councillor L. Piper;  
Councillor Tomlinson;  
Councillor Yates.

2.5 The Scrutiny Review Group would report back to the Panel within four months of being established. The sub group would be required to provide progress updates at each Panel meeting, as part of the review of the work programme.

2.6 The rest of the work programme for 2019/20 is detailed in Annex 1 to the Council report. This schedule is subject to amendments during the course of the year as Members may add more items for reviewing.

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

3.1 In 2018/19 the Panel recommended that Cabinet sets up a cross party working group to inform the decision regarding the proposals for fees and charges for 2020/21.

3.2 Cabinet considered the recommendations at an extraordinary meeting on 06 December 2018 and on 13 June 2019, Cabinet agreed a seven member cabinet advisory group made up of the following representation:

- 3 Conservative;
- 2 Labour;
- 1 Green;
- 1 Thanet Independent.

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

### Annex List

Annex 1	Overview & Scrutiny Panel Work Programme 2019/20
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### Background Papers

Title	Details of where to access copy
None	N/A

### Corporate Consultation

<b>Finance</b>	Chris Blundell, Head of Financial Services
<b>Legal</b>	Tim Howes, Director of Corporate Governance & Monitoring Officer

Overview & Scrutiny Panel Work Programme for 2019/20		
Meeting Date	Indicative Agenda Items	Issue Source
18 July 2019	Cabinet Member Presentation - The Leader of Council to present on “the current development work going on and the future of the Ramsgate Port and Harbour.”	Standing Agenda Item
	Adoption of a new Housing Assistance Policy	Housing Item
	Review the Panel Work Programme 2019/20 - to include progress update from the Travellers Review Group	Standing Agenda Item
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item
29 August 2019	Cabinet Member Presentation - Review proposals for the new Corporate Statement 2019-2023	Corporate Services Item
	Quarterly Performance Report Q1 2019/20	Corporate Resources Item
	Review of the Panel Work Programme 2019/20 - to include progress update from the Travellers Review Group	Standing Agenda Item
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item
22 October 2019	Cabinet Member Presentation - Proposed Council Fees and Charges for 2020/21	Standing Agenda Item
	Review of the Panel Work Programme 2019/20 -to include a final report back from the Travellers Review Group	Standing Agenda Item
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item
19 November 2019	Cabinet Member Presentation - Service review of Operational Services (TBC)	Standing Agenda Item

	Quarterly Performance Report Q2 2019/20	Financial Services Item
	Local Authority Housing Company	Housing Item
	Review of Panel the Work Programme 2019/20	Standing Agenda Item
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item
21 January 2020	Cabinet Member Presentation	Standing Agenda Item
	Budget 2020/21 & Medium Term Financial Plan 2020-24	Financial Services Item
	Review of the Panel Work Programme 2019/20	Standing Agenda Item
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item
20 February 2020	Cabinet Member Presentation - Service review of the Corporate Governance and Coastal Development service area (TBC)	Standing Agenda Item
	Quarterly Performance Report Q3 2019/20	Financial Services Item
	Review of the Panel Work Programme 2019/20	Standing Agenda Item
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item
21 April 2020	Cabinet Member Presentation	Standing Agenda Item
	Review of the Panel Work Programme 2019/20	Standing Agenda Item
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item
26 May 2020	Establish OSP Work Programme for 2020/21	Standing Agenda Item
	Quarterly Performance Report Q4 2019/20	Financial Services Item
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item

## Agenda Item 10

### Annex 1

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## REPRESENTATION ON OUTSIDE BODIES

Annual Council	<b>11 July 2019</b>
Report Author	<b>Committee Services Manager</b>
Portfolio Holder	<b>Cabinet Member for Corporate Governance and Coastal Development</b>
Status	<b>For Decision</b>
Classification:	<b>Unrestricted</b>
Key Decision	<b>No</b>

### **Executive Summary:**

This report invites suggestions to update the lists of recognised outside bodies and the appointment of Members to serve on the non-executive list.

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

1. That Council agrees the list of Executive appointed outside bodies;
2. That Council agrees the list of Non-Executive outside bodies;
3. That Council agrees the nominations to the Non-Executive outside bodies.

### **CORPORATE IMPLICATIONS**

<b>Financial and Value for Money</b>	There are no direct financial implications from this report. However members allowances included in the annual budget are based on the existing structure and any increase in size or number of committees would require approval of the resulting increase in the budget.
<b>Legal</b>	None
<b>Corporate</b>	The Council appoints representatives to outside bodies in order to express the views of the Council to those bodies on the work they undertake, and to feed back to the Council issues emerging from those bodies that relate to Council activities.
<b>Equalities Act 2010 &amp; Public Sector Equality Duty</b>	<p>Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy &amp; maternity. Only aim (i) of the Duty applies to Marriage &amp; civil partnership.</p> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">Please indicate which aim is relevant to the report.</div>

	Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,	
	Advance equality of opportunity between people who share a protected characteristic and people who do not share it	
	Foster good relations between people who share a protected characteristic and people who do not share it.	
	There are no direct equalities implications to this report as although there are Councillors from the protected groups, there are no restrictions on who may be appointed to represent the Council on outside bodies.	

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

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

## 1.0 Introduction and Background

- 1.1 Council has two categories of outside bodies: those that relate to an Executive function and hence appointments should be made by the Cabinet, and those for which appointments should be made by Council.

## 2.0 The Current Situation

- 2.1 The Leader has proposed the lists of Executive and Non-Executive outside bodies. These are shown at Annex 1 and Annex 2.
- 2.2 It is for Council to decide on both the list of Non-Executive outside bodies and the nominations to those Non-Executive outside bodies. The Leader will propose a list of nominations to the Non-Executive outside bodies at the Council meeting.
- 2.3 It is for Council to decide on those outside bodies it feels relate to an Executive function, but for Cabinet to agree the nominations to them.

## 3.0 Decision Making Process

- 3.1 Council is the decision making body.

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

## Annex List

Annex 1	List of Executive appointed outside bodies for 2019/20
Annex 2	List of Non-Executive outside bodies for 2019/20

## Background Papers



# Agenda Item 11

<b>Title</b>	<b>Details of where to access copy</b>
None	N/A

## **Corporate Consultation**

<b>Finance</b>	Chris Blundell, Head of Financial Services
<b>Legal</b>	Tim Howes, Director of Corporate Governance and Monitoring Officer

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**Proposed List of Executive Appointed Outside Bodies – for the municipal year 2019/20**

<b>Name of Outside Body</b>	<b>No. of Reprs</b>
British Ports Association	1
British Resorts Association (AGM, Annual Conference and Executive Meetings)	1
Community Safety Partnership	1
Domestic Violence Forum	1 + 1 sub
East Kent Opportunities Ltd	1
East Kent Spatial Development Company	1
Kent Police and Crime Panel	1
Local Government Association Coastal Special Interest Group	1
Local Government Association District Councils' Network	1
Local Government Association (General Assembly)	1
Local Government Association Strategic Aviation Specialist Interest Group	1
Margate Town Partnership	1
South East England Councils	1
Supporting People in Kent Commissioning Body	1
Thanet Harbour Users' Groups	1 + 1 sub
Thanet Quality Bus Partnership	1
Tourism South East	1
Your Leisure Thanet Sub Group	2

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# Agenda Item 11

## Annex 2

### Proposed List of Non-Executive Outside Bodies – for the municipal year 2019/20

Name of Outside Body	No. of Reps	Representatives 2019/20 (to be presented at the meeting)
Action with Communities in Rural Kent	2	
Age UK: Thanet	1	
Campaign to Protect Rural England	1	
Canterbury Festival	1	
Citizens Advice Bureau, Thanet	2	
East Kent Housing Area Board	2	
East Kent Housing Board	1	
Millmead Children's Centre Partnership Ltd	1	
Multiple Sclerosis Society	1	
Parking and Traffic Regulation Outside London	1	
Powell Cotton Museum and Quex House	1	
(The) River Stour (Kent) Internal Drainage Board	1	
Sandwich and Pegwell Bay National Nature Reserve Steering Group	1	
Thanet Countryside Trust	2	
Thanet Rural Regeneration Group	1	
Thanet Sports Network	1 +reserve	
Thanet Volunteer Bureau	1	
The Friends of Margate Cemetery Trust	2	
Trust for Thanet Archaeology	2	
Youth Advisory Group (formerly, Concorde Youth Centre)	1	

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**CHANGES TO COMMITTEES, PANELS AND BOARDS –  
2019/20**

<b>Annual Council</b>	<b>11 July 2019</b>
Report Author	<b>Nick Hughes, Committee Services Manager</b>
Status	<b>For Decision</b>
Classification:	<b>Unrestricted</b>
Key Decision	<b>No</b>

**Executive Summary:**

The report informs Council of changes to the nominations on Committees from the Group Leaders and allows for the subsequent election of a new Chairman of the Overview and Scrutiny Panel.

**Summary of Recommendation(s):**

- 2.3.1 The new nominations are for information only.
- 3.3.1 That Council elects a new Vice-Chairmen of the Overview and Scrutiny Panel for the remainder of 2019/20.

**CORPORATE IMPLICATIONS**

<b>Financial and Value for Money</b>	There are no direct financial implications from this report. However members allowances included in the annual budget are based on the existing structure and any increase in size or number of committees would require approval of the resulting increase in the budget.	
<b>Legal</b>	The composition and allocation of membership of committees has been based on the relevant legislative requirements.	
<b>Corporate</b>	There are no direct Corporate Implications	
<b>Equalities Act 2010 &amp; Public Sector Equality Duty</b>	Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.	
	Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.	
	Please indicate which aim is relevant to the report.	
	Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,	x

	Advance equality of opportunity between people who share a protected characteristic and people who do not share it	x
	Foster good relations between people who share a protected characteristic and people who do not share it.	x

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

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

## 1.0 Introduction

- 1.1 The report informs Council of changes to the nominations on Committees from the Group Leaders and allows for the subsequent election of a new Chairman of the Overview and Scrutiny Panel.

## 2.0 Nominations of Members to serve on Committees

- 2.1 Members are reminded that Section 16 of the Local Government and Housing Act 1989 states that where the Council has determined the allocation to different groups of the seats to which the Act applies, it shall be the duty of the authority to give effect to a Group's wishes about who is to be appointed to the seats that they have been allocated.
- 2.2 Councillor Bayford has informed Democratic Services that he has two changes to make to the Conservative nominations to the Overview and Scrutiny Panel. Cllr Savage and Cllr Wright are to be removed from the panel and their replacements will be announced at the meeting. .

## 2.3 Recommendation

- 2.3.1 The new nominations are for information only.

## 3.0 Appointment of new Vice-Chairman of the Overview and Scrutiny Panel for the remainder of 2019/20

- 3.1 As Cllr Wright is due to be replaced as a nominee on the Overview and Scrutiny Panel it means that a new Vice-Chairman should be elected.
- 3.2 Nominations to this position will be made at the meeting.

## 3.3 Recommendation

That Council elects a new Vice-Chairmen of the Overview and Scrutiny Panel for the remainder of 2019/20.

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



## Annex List

None	
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## Background Papers

Title	Details of where to access copy
None	

## Corporate Consultation

<b>Finance</b>	Chris Blundell, Head of Financial Services
<b>Legal</b>	Tim Howes, Director of Corporate Governance and Monitoring Officer

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**STANDING ORDERS IN RELATION TO STAFF**

Council **11 July 2019**

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

Status **Recommendation**

Classification: **Unrestricted**

**Executive Summary:**

This report sets out the required arrangements for dealing with disciplinary action against the Council’s Statutory Officers (Head of Paid Service, Chief Finance Officer and Monitoring Officer) in order to comply with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

**Recommendation(s):**

The Standards Committee is requested to recommend to Council:

- a) to extend the terms of reference of the General Purposes Committee, as set out in Annex 1;
- b) to appoint a Disciplinary Appeals Committee and agree its terms of reference, as set out in Annex 1, and agree the Committee should comprise five Members of the Council appointed on a politically proportionate basis;
- c) to appoint an Independent Persons Panel, agree its terms of reference, as set out in Annex 1, and agree that it should comprise three Independent Persons;
- d) to agree to pay a fee to Independent Persons appointed to the Independent Persons Panel equal to the agreed rate paid in respect of their role in advising Council on Councillor Conduct issues;
- e) to amend the Employment Rules, as set out in Annex 2;
- f) to delegate to the Committee Services Manager authority to invite and appoint members to serve on the Independent Persons Panel as set out in paragraph 5 of the report, and;
- g) to delegate to the Chief Executive (in consultation with the Chairman of the General Purposes Committee) the authority to suspend the S.151 Officer or the Monitoring Officer in cases of urgency, as set out in paragraph 9

**CORPORATE IMPLICATIONS**

**Financial and Value for Money**

The proposals will result in costs being incurred in relation to the appointment of an Independent Investigator and also if either the Disciplinary Appeals Committee or the Independent Persons Panel decides to commission external legal and professional advice. In addition, the Members of the Independent Persons Panel are entitled to receive a fee, which must not exceed the rate payable to that person in respect of their role in advising the Council on Councillor Conduct issues. Any costs will be met from within existing budgets.

<b>Legal</b>	<p>The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 require local authorities to make or modify standing orders to include certain provisions relating to staff and other matters. The Council amended the Employment Rules in February 2016 to comply with the broad requirements of the Regulations but left the details to be resolved later due to uncertainty over the operation of the rules. The proposals in this report are compliant with the 2015 Regulations.</p> <p>The Independent Persons Panel is an advisory committee of the Council appointed under S.102 (4) of the Local Government Act 1972.</p>								
<b>Corporate</b>	<p>The Council is vulnerable to claims if its processes do not fully comply with the legislation and its contractual obligations. The proposals have been agreed with Kent Monitoring Officers following advice from Counsel on key issues.</p>								
<b>Equality Act 2010 &amp; Public Sector Equality Duty</b>	<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, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy &amp; maternity. Only aim (i) of the Duty applies to Marriage &amp; civil partnership.</p> <table border="1" style="width: 100%; border-collapse: collapse; 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="text-align: center;">✓</td> </tr> <tr> <td>Advance equality of opportunity between people who share a protected characteristic and people who do not share it</td> <td style="text-align: center;">✓</td> </tr> <tr> <td>Foster good relations between people who share a protected characteristic and people who do not share it.</td> <td style="text-align: center;">✓</td> </tr> </table> <p>There are no direct equalities implications.</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.	✓
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.	✓								

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

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

## 1.0 Introduction and Background

- 1.1 The Council's Employment Rules and Prescribed Standing Orders must stipulate that the Council's Statutory Officers (i.e. The Head of Paid Service, Monitoring Officer and Chief Finance Officer) may not be dismissed by the Council unless in accordance

with the requirements of the Local Authorities (Standing Orders) England) (Amendment) Regulations 2015.

- 1.2 Decisions on the arrangements needed to comply with these Regulations are a matter for Council.

## **2.0 Background**

- 2.1 The Local Government Act 1972, the Local Government Finance Act 1988 and the Local Government and Housing Act 1989 require local authorities To designate officers as the “head of paid service”, the “monitoring officer” and the officer “responsible for the administration of the authority’s financial affairs” (called the “chief finance officer” or “section 151 officer”), each of whom has a personal statutory duty to report to Cabinet or Full Council in certain circumstances. Their duties are, in very broad terms, to prevent or highlight organisational, legal or financial problems. This Council has designated the Chief Executive, the Director of Corporate Governance and the Deputy Chief Executive to these respective roles.
- 2.2 As a result of the personal duties upon them, the post holders have a degree of statutory protection from dismissal or other disciplinary action. Before the 2015 Regulations referred to above, there was a requirement to appoint a Designated Independent Person (DIP) to undertake an investigation where disciplinary proceedings were contemplated against a Statutory Officer. The Council or a relevant Committee was obliged to consider that report before making a decision involving disciplinary sanction or dismissal of a Statutory Officer. Under the previous rules, only Full Council could dismiss the Head of Paid Service. The Monitoring Officer and Chief Finance Officer could be dismissed by a Committee. The DIP procedures dated back to 1993 but the concept of statutory protection is a much older one.
- 2.3 In March 2015, the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 came into force. The Regulations changed the procedure which local authorities must follow before dismissing the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer (the Statutory Officers). The Regulations required the Council to include in its Constitution, Standing Orders which deal with the appointment and dismissal of staff.
- 2.4 The Department for Communities and Local Government (DCLG) had cited issues of complexity and expense associated with the previous regime as the reasons for bringing forward this legislative change. The 2015 Regulations sought to introduce a new streamlined procedure while attempting to retain an independent check within the system by giving the ‘Independent Persons’ (IPs) appointed to support the Members’ conduct framework a role in the disciplinary and dismissal process for these three officers.
- 2.5 The Council’s Employment Rules were revised as part of the review of the Constitution, in 2016 but they are silent as to the specific procedures which the Council will adopt if disciplinary action is to be taken against one of the Statutory Officers. Nor does the Constitution currently contain the “machinery” required to operate the new procedures. This is because there has been uncertainty as to how the legislation ought to be applied in practice.

2.6 The 2015 Regulations, as drafted, raised some fundamental questions about their scope, an apparent conflict with the Localism Act 2011 (see paras 5.12-5.13 below) and how, if at all, an appeal against a decision to dismiss could be incorporated into the new arrangements. Additional uncertainty was caused by the fact that the previous DIP process was embedded within the terms and conditions for Chief Executives as set out in the JNC for Local Authority Chief Executives handbook. The latter has contractual effect where an authority has agreed to be bound by JNC terms and conditions. Until October 2016, when the JNC issued a new handbook, there was a scenario where the contractual obligations owed under JNC terms required different steps to be taken to those set out in the new Regulations. The procedures proposed in this paper are largely modelled on what is contained in the new JNC handbook.

2.7 To try and resolve these issues discussions have taken place with other Monitoring Officers through the Kent Secretaries Group who have sought clarification from the Government as well as instructing Counsel on several key issues. The Group has now reached a Kent wide view on the most appropriate way to implement the new arrangements.

### **3.0 The New Process for Dismissal**

3.1 The 2015 Regulations replaced the previous Designated Independent Person (DIP) arrangements with a new system. There is now no requirement to appoint a DIP where disciplinary action against a Statutory Officer is being considered and instead full Council must approve the dismissal of any of the Statutory Officers (previously this had only applied to the Head of Paid Service).

3.2 The Regulations stipulate that the following procedure must be followed before a Statutory Officer can be dismissed: The Council must invite a number of independent persons ("IPs") to be appointed to a Panel. (These are the same independent persons who have been appointed to advise the Council on member conduct complaints under the Localism Act 2011.) The Council must appoint independent persons who have accepted such an invitation to a Panel at least 20 days before the Council takes a decision to approve the dismissal of a Statutory Officer. Full Council must then meet and, before a vote is taken on whether or not to approve the proposed dismissal, it must take into account any advice, views or recommendations of the Panel as well as the conclusions of any investigation and any representations made by the officer concerned.

3.3 The Ministry for Housing, Communities and Local Government was asked if the new arrangements were limited to dismissal on conduct grounds or whether they also applied in cases of dismissal due to ill health or redundancy etc. MHCLG have clarified that the procedures set out in paragraph 3.2 only apply to dismissal on disciplinary grounds. However, if one of the Statutory Officers was to request that these procedures be invoked where dismissal was proposed on grounds other than conduct then it is considered such a request should be agreed to.

3.4 The Local Authorities (Standing Orders) Regulations 1993 define disciplinary action as follows: *"any action occasioned by alleged misconduct which, if proved, would, according to the usual practice of the authority, be recorded on the member of staff's personal file, and includes any proposal for dismissal of a member of staff for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but*

*does not include failure to renew a contract of employment for a fixed term unless the authority has undertaken to renew such a contract.”*

## **4.0 The JNC for Local Authority Chief Executives Model Disciplinary Procedure**

4.1 The JNC October 2016 handbook contains a model disciplinary procedure. Whilst this procedure only applies to Heads of Paid Service subject to JNC terms and conditions, it is recommended that these procedures should be followed (with some minor deviations) and also applied to the other Statutory Officers too (i.e. to the Monitoring Officer and the Section 151 officer).

4.2 The main features of the JNC model procedure are:

a) That there should be a standing Investigation and Disciplinary Committee which oversees any disciplinary process and determines the outcome. (It is recommended that this role is carried out by our General Purposes Committee)

b) That any disciplinary investigation should be carried out by an Independent Investigator.

c) That there should be a Disciplinary Appeals Committee to consider any appeal against a decision of the Investigation and Disciplinary Committee to take any disciplinary action short of dismissal. (It is recommended that this is a Council Committee of 5 members).

4.3 The model procedure suggests that any decision to suspend the Head of Paid Service should be made by a Committee, but that the power to make such a decision in urgent circumstances should be delegated to the Chairman of the Committee. However, this cannot lawfully be delegated to a single Member and as such is not recommended in this paper.

4.4 At present the Chief Executive and Directors have the power to discipline, suspend and dismiss employees in accordance with the Council's disciplinary procedure and capability procedures. However, in keeping with the principle of a consistent application of the protections to all of the Statutory Officers, it is proposed that the General Purposes Committee be responsible for deciding whether or not to suspend a Statutory Officer.

4.5 The model procedure suggests that any suspension of the Head of Paid Service (and so, by extension, the Monitoring Officer and S151 officer) is reviewed after a period of two months by a Committee. In doing so it should consult with the Independent Investigator and consider any representations from the officer concerned.

4.6 The model procedure makes provision for the Investigation and Disciplinary Committee (formed from our General Purposes Committee) and the Disciplinary Appeals Committee to include a Cabinet Member.

4.7 Amendments will be made to the Employment Rules to reflect the model procedure. The proposed amended Rules are attached as Annex 2.

## **5.0 Proposals for Change**

### **a) Disciplinary action**

- 5.1 The words “disciplinary action” in relation to a member of staff of a local authority has a specific meaning under the 2001 Regulations (set out earlier). Therefore any allegations against an officer must be assessed against this definition before they can be dealt with under the new procedure. In respect of the Monitoring Officer and Chief Finance Officer, the Chief Executive will determine whether the allegations come within the statutory definition. In respect of the Head of Paid Service, the determination will be made by the Monitoring Officer.

## **b) General Purposes Committee**

- 5.2 The terms of reference of the General Purposes Committee need to be extended to include the power to decide whether any of the Statutory Officers should be suspended and to also determine whether any allegation against any of the Statutory Officers warrants investigation. It is recommended that when the Committee is exercising this power that, for consistency, unless a Member is unavoidably indisposed or conflicted, the same Members shall comprise the Committee until the matter has been dealt with fully. It is recommended that the same approach be applied to the Disciplinary Appeals Committee.
- 5.3 The General Purposes Committee would appoint an Independent Investigator. The Committee will consider any report of the Independent Investigator and, if appropriate conduct a hearing. The Committee may determine that no action should be taken, that some action short of dismissal should be taken, or propose that the officer should be dismissed.
- 5.4 If the action taken is short of dismissal the officer should have the right to appeal that decision.
- 5.5 If the General Purposes Committees recommends that the officer should be dismissed it will forward its proposal and the necessary information to the Independent Persons Panel. The Panel will consider the proposal and the necessary particulars and decide what advice, views or recommendations to make to full Council. Full Council will decide whether or not to dismiss the officer, having regard to any advice, views or recommendations of the Panel, the conclusions of any investigation, and any representations from the officer.

## **c) Disciplinary Appeals Committee**

- 5.6 It is proposed to set up a new appeals committee comprising five Members to determine any appeals by one of the statutory officers against a decision by the General Purposes Committee to take disciplinary action short of dismissal.
- 5.7 The new committee clearly cannot comprise any members of the General Purposes Committee.

## **d) The Independent Persons Panel**

- 5.8 It is recommended that a standing Independent Persons Panel should be established, comprising three Independent Persons (IPs) and a substitute IP, appointed in priority order in accordance with the Regulations. The Panel will be an advisory committee of the Council. The substitute would take the place of any IP who was unable to participate because he or she was not available at the time, or had a personal conflict



of interest. The Council currently has two IPs. In line with the priority order set out in the 2015 Regulations the Council's two IPs would be invited to serve on the Panel first and then an invitation would be extended to an IP from another authority in Kent. It is recommended that the Committee Services Manager is authorised to make these invitations.

- 5.9 If a Council has fewer than two IPs, it must extend the invitation to one or more IPs from another authority. If more accept the invitation than are needed, then appointments must be made in the following priority order: An IP appointed by the Council who is on the electoral register in Thanet Any other IP appointed by the Council An IP who has been appointed by another authority
- 5.10 At least two of the IPs who have accepted the invitation must be appointed, but there is no upper limit. They can be paid an allowance or expenses, but no more than they would receive for their Localism Act work. The appointment must be made at least 20 days before Council takes a decision to approve the dismissal of a Statutory Officer. At the full Council meeting, the authority must take into account any advice, views or recommendations of the Panel as well as the conclusions of any investigation and any representations made by the officer concerned.
- 5.11 The JNC for Local Authority Chief Executives (the JNC) has sought clarification from DCLG on whether the Panel referred to above should be comprised solely of independent persons or whether it can, or should, also include elected members. DCLG has indicated that the intention is that this Panel should consist solely of IPs "so that independent scrutiny can be attained before a full council takes the final decision on a dismissal motion". The proposal is therefore to follow that approach as this emphasises the independence of the Panel while still ensuring Member involvement at every other stage of the process.
- 5.12 One of the difficulties in implementing the 2015 Regulations has been its apparent incompatibility with the Localism Act in relation to the appointment of independent persons. S. 28(8) of the Localism Act provides that any independent person appointed to provide a view on councillor conduct issues is ineligible to be appointed to this position if they are a voting co-opted member of a committee of the council (and/or hold such a position at any time during the 5 years ending with the appointment). However, an independent person appointed to an Independent Persons Panel under the 2015 Regulations will become a voting co-opted member of a committee of the council. The Council could decide not to give them a vote but that is not recommended as it is difficult to see how the Panel can come to a view on a matter if Panel Members do not have voting rights.
- 5.13 Counsel's advice is that, ultimately, the two pieces of legislation are not in irreconcilable conflict "because appointment to an IP (i.e. the Independent Persons Panel) cannot itself be regarded as disqualifying an Independent Person (IP) from being such on the basis that the very appointment makes them a co-opted member". An IP appointed under the Localism Act is not excluded from continuing in this role by virtue of being appointed as a voting member of the Independent Persons Panel as on that logic they would be prevented from serving on the Panel as they would no longer be an independent person.
- 5.14 The Kent Secretaries Group have agreed in principle reciprocal arrangements whereby each Council is able to invite the IP of another council in Kent to serve on

the Independent Persons Panel. This proposal is being explored with the Independent Persons and contact is being made with the Chair of their Forum to seek their agreement to this reciprocal arrangement. Therefore it would be possible for the Independent Persons Panel to comprise one or more IPs from other authorities.

- 5.15 The proposed revised Terms of Reference for the General Purposes Committee, and the terms of reference for the Independent Persons Panel and the Disciplinary Appeals Committee are attached at Annex 1.

## **6.0 Options**

- 6.1 The Council could establish a new standing Committee to carry out the additional functions proposed for the General Purposes Committee.

## **7.0 Advice and analysis**

- 7.1 The model procedure adopts a balanced approach to the need to set up a new disciplinary process, which will ensure that the Council has a fair process which is unlikely to be susceptible to successful challenge. It has taken over a year for the JNC to reach agreement on this process. Any attempt to seek local agreement to a different process is likely to cause further delay and it may be difficult to reach agreement. Any alternative process would have to be fair and comply with employment law, so it would be unlikely to be radically different from the model procedure.
- 7.2 The protection rules which apply to the Statutory Officers are an important means of ensuring good governance and maintaining high standards of legal, ethical and financial conduct and probity. The proposals in this report have been formulated in such a way that implements the 2015 Regulations, maintains those protections and governance safeguards while also minimising the costs and risks to the Council.
- 7.3 A flowchart detailing the processes for dealing with allegations in relation to disciplinary matters relating to the Council's Statutory Officers is attached at Annex 3.

## **8.0 Independent Persons**

- 8.1 The Independent Persons who will comprise the Independent Persons Panel are the same independent persons appointed by the Council to advise on councillor conduct matters.
- 8.2 A person may not be appointed as an Independent Person (i.e. to advise on councillor conduct issues) if that person:
- (a) is a member, co-opted member or officer of the Council or a parish/town council in Thanet, or
  - (b) is a relative, or close friend of such a person, or
  - (c) has been a member, co-opted member or officer of the Council or a parish/town council in Thanet in the previous 5 years.
- 8.3 The Council must advertise any vacancies for an Independent Person and applicants must submit an application form before they can be appointed. Only Full Council can

make the appointment, which must be approved by a majority of Members of the Council.

## **9.0 Decision making in cases of a need to urgently suspend one of the statutory chief officers**

9.1 Where there is a need to urgently suspend one of the Statutory Officers. The General Purposes Committee is given the power to suspend any of the Statutory Officers. Such a decision could not be lawfully delegated to the Chairman of the Committee or any other Member but there remains a gap where the seriousness of a situation meant there was an urgent need to suspend one of the officers and it was not feasible to wait until the statutory five days' notice of a public meeting had been given. This is particularly an issue in the case of the Head of Paid Service as it would be possible for them to be given the power to suspend the Monitoring Officer or the S.151 Officer in a situation of urgency.

9.2 It is therefore recommended that the Chief Executive be given the explicit authority, following consultation with the Chairman of the General Purposes Committee where practicable, to suspend the Monitoring Officer or the S.151 Officer in cases of urgency. If agreed the following additional amendment to the Employment Rules is suggested:

*"In cases of urgency the Head of Paid Service may suspend the Chief Finance Officer or the Monitoring Officer, following consultation with the Chairman of the General Purposes Committee where practicable whilst an investigation take place into alleged misconduct. The Head of Paid Service shall, before deciding to suspend, invite the officer to make representations unless it is impractical to do so. The General Purposes Committee shall review the suspension as soon as is practicable and in any event no later than two months following the original decision to suspend".*

9.3 If there was an urgent need to suspend the Head of Paid Service, the Council could rely on an implicit power in the Local Government (Access to Information) Act 1985 to convene a meeting of a Committee (in this case the General Purposes Committee) by giving shorter notice than the prescribed 5 clear days. The Act does not specify in what circumstances this provision can be relied on and, as such, it is rarely invoked because of the risk of challenge. If this provision was to be used then the Council would need to be able to demonstrate that it had used this power reasonably and for good reasons. The view of the Monitoring Officer is that this is a power the Council could justify relying on in circumstances where there was an urgent need to suspend the Head of Paid Service. In any event, the proposed procedures require that any suspension must be reviewed every two months by the General Purposes Committee and, for those meetings, the usual period of notice (i.e. 5 clear days) would be given.

## **10.0 Views of the Constitutional Review Working Party**

10.1 This report was reviewed by the Constitutional Review Working Party on 21 June. The changes suggested by the Constitutional Review Working Party have been included in this report.

- 10.2 The main changes were:
- a. Increasing the membership of the Disciplinary Appeals Committee from three to five members
  - b. Making clear that the Disciplinary Appeals Committee and General Purposes Committee should contain a Cabinet Member
  - c. Clarity on the role of the Independent Investigator
  - d. hat the Chief Executive should consult with the Chair of the General Purposes Committee before suspending the Chief Finance Officer or Monitoring Officer

## 11.0 Views of the Standards Committee

11.1 This report was reviewed by the Standards Committee on 27 June. There were a number of typographical and other minor changes to clarify meaning, which have been incorporated into this report.

11.3 One particular point was raised under paragraph 3.3 above. This was whether the Council could invoke this process in respect of ill-health dismissal or redundancy? The MHCLG have already advised that it should only be used by the Council for dismissal on disciplinary grounds (whilst an officer could request it on other grounds for dismissal). This is because the Regulations are there as a 'shield' to protect the officer from arbitrary use of other powers to dismiss them, they are not there as a 'sword' for the council to use at will in cases other than disciplinary dismissals. Therefore, the Council should only invoke this procedure for dismissal on disciplinary grounds.

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

## Annex List

Annex 1	(a) General Purposes Committee Amended Terms of Reference (b) Disciplinary Appeals Committee Terms of Reference (c) Independent Persons Panel Terms of Reference
Annex 2	Amended Employment Rules
Annex 3	Disciplinary process flow chart

## Background Papers

Title	Details of where to access copy
The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015	<a href="http://www.legislation.gov.uk/ukxi/2015/881/contents/made">http://www.legislation.gov.uk/ukxi/2015/881/contents/made</a>

## Corporate Consultation

<b>Finance</b>	Matthew Sanham, Financial Services Manager
<b>Legal</b>	Sophie Nartey, Interim Head of Legal Services

**Annex 1 Amendments to COUNCIL FUNCTIONS CARRIED OUT BY COMMITTEES**

**Decision Making Body: General Purposes Committee**

**Functions:**

To exercise any function of the Council, which by statute or regulation is a function not to be the responsibility of an authority's executive, and which is not delegated to another committee or reserved to the Council by statute, regulations or the Council's Constitution.

To consider allegations /issues regarding disciplinary matters relating to the Head of Paid Service, the S.151 Officer and the Monitoring Officer.

- (a) Members of the committee must have completed mandatory training in respect of the latter function.
- (b) For consistency, unless unavoidably indisposed or conflicted, once appointed, the same Members shall comprise the committee (and any adjournment of it) over the course of the full consideration of the matter (and any related matter) that it has been convened to consider, until such time as the matter is disposed of.

The Committee must include at least one Cabinet Member

**Advisory Body: Independent Persons Panel**

**Functions;**

To advise the authority on matters relating to the dismissal of the officers designated as the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer.

- (a) The Panel will comprise of three Independent Persons (IPs) appointed under section 28(7) of the Localism Act 2011 plus one reserve.
- (b) To be appointed in the following priority order:
  - (i) An IP who has been appointed by the Council and who is on electoral roll in Thanet
  - (ii) Any other IP appointed by the Council
  - (iii) An IP who has been appointed by another authority
- (c) Panel members must have completed mandatory training in respect of this function

**Decision Making Body: Disciplinary Appeals Committee**

**Functions:**

To hear and determine appeals brought by the Head of Paid Service, the S.151 Officer and the Monitoring Officer against any decisions made by the General Purposes Committee to take disciplinary action short of dismissal

# Agenda Item 13

## Annex 1

- (a) 5 Members of the Council one of whom must be a Member of the Cabinet
- (b) No Member who was a member of the General Purposes Committee making the decision which is the subject of the appeal may serve as a member of the Disciplinary Appeals Committee.
- (c) Members of the committee must have completed mandatory training.
- (d) For consistency, unless unavoidably indisposed or conflicted, once appointed, the same Members shall comprise the committee (and any adjournment of it) over the course of the full consideration of the matter (and any related matter) that it has been convened to consider, until such time as the matter is disposed of.

**Annex 2**

**Officer Employment Procedure Rules (see also Standing Orders relating to Staff)**

**1.0 Recruitment and Appointment**

(a) Declarations

(i) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or officer of the Council; or of the partner of such persons.

(ii) No candidate so related to a Councillor or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by him/her.

(b) Seeking support for appointment.

(i) The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.

(ii) No Councillor will seek support for any person for any appointment with the Council.

(iii) Paragraphs (i) and (ii) above preclude a Councillor from giving a written reference for a candidate for submission with an application for appointment.

**2.0 Recruitment of Head of Paid Service and Chief Officers**

Where the Council proposes to appoint a chief officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

(a) draw up a statement specifying:

(i) the duties of the officer concerned; and

(ii) any qualifications or qualities to be sought in the person to be appointed;

(b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

(c) make arrangements for a copy of the statement mentioned in paragraph (1) to be sent to any person on request.

**3.0 Appointment of Head of Paid Service**

- (a) The full Council will appoint the Head of Paid Service.
- (b) The full Council may only make or approve the appointment of the Head of Paid Service where no well-founded objection has been made by any member of the Cabinet.

#### 4.0 Appointment of Chief Officers and Deputy Chief Officers

- (a) A Committee or Sub-Committee of the Council will appoint chief officers and deputy chief officers. That Committee or Sub-Committee must include at least one member of the Cabinet.
- (b) An offer of employment as a chief officer or deputy chief officer shall only be made where no well-founded objection from any member of the Cabinet has been received. A list of Chief Officers and Deputy Chief Officers is appended.

#### 5.0 Other Appointments

- (a) **Officers below deputy chief officer.** Appointment of officers below deputy chief officer (other than assistants to political groups) is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by Councillors.
- (b) **Assistants to political groups.** Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

#### 6.0 Disciplinary Action

**(a) Suspension.** The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended by the General Purposes Committee whilst an investigation takes place into alleged misconduct. Before deciding whether to suspend the Committee shall invite the officer to make representations unless it is impracticable to do so. That suspension will be on full pay. The Committee shall review any continuing suspension every two months. In carrying out such review the Committee shall consider any representations made by the officer.

In cases of urgency the Head of Paid Service may suspend the Chief Finance Officer or the Monitoring Officer, following consultation with the Chairman of the General Purposes Committee where practicable whilst an investigation take place into alleged misconduct. The Head of Paid Service shall, before deciding to suspend, invite the officer to make representations unless it is impractical to do so. The General Purposes Committee shall review the suspension as soon as is practicable and in any event no later than two months following the original decision to suspend.

~~(b) Independent person. No other disciplinary action may be taken in respect of any of those officers except in accordance with a recommendation in a report made by a designated independent person.~~



(b) The Head of Paid Service, Monitoring officer and Chief Finance Officer have a right of appeal to the Disciplinary Appeal Committee against any decisions made by the General Purposes Committee to take disciplinary action short of dismissal

(c) Councillors will not be involved in the disciplinary action (as defined by the Local Authorities (Standing Orders) (England) Regulations 2001) against any officer below deputy chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of disciplinary action.

### 7.0 Dismissal

- 7.1 Councillors will not be involved in the dismissal of any officer below deputy chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of dismissals.
- 7.2 Any disciplinary investigation in respect of The Head of Paid Service, Chief Finance Officer and Monitoring Officer should be carried out by an Independent Investigator.
- 7.3 All Chief Officers and Deputy Chief Officers (with the exception of the Head of Paid Service, Monitoring Officer and Chief Finance Officer) have a right of appeal to the General Purposes Committee against dismissal.
- 7.4 The Head of Paid Service, Monitoring Officer and Chief Finance Officer have a right of appeal to the Disciplinary Appeals Committee against any decisions of the General Purposes Committee to take disciplinary action short of dismissal.
- 7.5 Where a committee, sub committee or officer is discharging, on behalf of the authority, the function of the dismissal of an officer designated as the Head of Paid Service, as the authority's Chief Finance Officer, or as the authority's Monitoring Officer, the Full Council must approve that dismissal before notice is given to that person.
- 7.6 If there is a recommendation to dismiss the Chief Executive, Chief Finance Officer or Monitoring Officer the reports of the General Purposes Committee and the Independent Investigator should be sent to the Independent Panel for its consideration. The officers may also make written representations to the Panel.
- 7.8 The Chief Executive, Chief Finance Officer or Monitoring Officer will not be issued with the notice of the dismissal until:
- the Council has notified the proper officer of the name of the person who the Council

wishes to dismiss and any other particulars which the Council considers are relevant to the dismissal

- the proper officer has notified every member of the Cabinet of this information together with the period within which any objection to the dismissal is to be made by the Leader of the Council on behalf of the Cabinet to the proper officer; and either—
  - (i) the Leader has, within the period specified, notified the Council that neither they nor any other member of the Cabinet has any objection to the dismissal;
  - (ii) the proper officer has notified the Council that no objection was received by the proper officer within that period from the Leader; or
  - (iii) the Council is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

**List of chief officers and deputy chief officers for the purposes of Officer Employment Procedure Rule 4**

Chief Executive

Deputy Chief Executive and Section 151 Officer

Director of Commercial and Operational Services

Director of Corporate Governance and Monitoring Officer

Deputy Chief Officers

## **Prescribed and Other Standing Orders**

### **Part I – Prescribed Standing Orders**

#### **Introduction, Application and Interpretation**

1. The following Standing Orders shall be known as ‘Prescribed Standing Orders’, and shall form part of the Council’s Standing Orders. The Council’s Standing Orders other than Prescribed Standing Orders shall be known as ‘Ordinary Standing Orders’.
2. In the event of any conflict or inconsistency between Ordinary Standing Orders and Prescribed Standing Orders the latter shall prevail.
3. Any word or phrase contained within Prescribed Standing Orders shall, if such word or phrase is given a meaning by The Local Authorities (Standing Orders) Regulations 1993, have that same meaning for the purposes of Prescribed Standing Orders.

#### **Appointment of Chief Officers**

4. Where the authority propose to appoint a Chief Officer, and it is not proposed that the appointment be made exclusively from among their existing Officers, they shall:-
  - (a) draw up a statement specifying:-
    - (i) the duties of the Officer concerned, and
    - (ii) any qualifications or qualities to be sought in the person to be appointed;
  - (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it: and
  - (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.
5. (1) Where a post has been advertised as provided in standing order 4 (b) the authority shall:-
  - (a) interview all qualified applicants for the post, or
  - (b) select a short list of such qualified applicants and interview those included on the short list.

(2) Where no qualified person has applied, the authority shall make further arrangements for advertisement in accordance with standing order 4 (b).
6. Every appointment of a Chief Officer shall be made by the authority unless made by any duly authorised Committee, Action/Sub-Committee, or a relevant Joint Committee.

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7. The steps under Prescribed Standing Orders 4 and 5 above may be taken by any Committee, Action/Sub-Committee or Chief Officer of the authority if duly authorised in that behalf.
8. Where the duties of a Chief Officer include the discharge of functions of two or more local authorities in pursuance of Section 101 (5) of the Local Government Act 1972:-
  - (a) the steps under prescribed standing orders 4 and 5 above may be taken by any duly authorised joint committee of those authorities, sub committee of such a committee or a chief officer of any of the authorities concerned, and
  - (b) any chief officer may be appointed by such a duly authorised joint committee, sub committee of such a committee or a committee or sub committee of any of those authorities.
9. Excluded from the application of prescribed standing orders 4 to 6 shall be any appointment in pursuance of Section 9 (assistants for political groups) of the Act.

### **Disciplinary Action Against Head of Paid Service and Others**

10.1 The Head of Paid Service, Monitoring officer and Chief Finance Officer may not be dismissed by the Council unless in accordance with the requirements of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

~~A relevant officer may not be dismissed by the Council unless the procedure set out in Schedule 3 to the Local Authorities (Standing Orders) (England) Regulations 2004 is complied with.~~

~~(Note: In this standing order 'relevant officer' means head of the authority's paid service, monitoring officer or the chief finance officer, as the case may be.)~~

10.2 The Head of Paid Service, Monitoring officer and Chief Finance Officer have a right of appeal to the Disciplinary Appeal Committee against any decisions made by the General Purposes Committee to take disciplinary action short of dismissal

### **Recording of Votes at Meetings**

11. (1) Where immediately after a vote is taken at a meeting of a relevant body any member of that body so requires, there shall be recorded in the minutes of the proceedings of that meeting whether that person cast his/her vote for the question or against the question or whether he/she abstained from voting.
- (2) In this paragraph 'relevant body' means the authority, a committee or sub committee of the authority or a relevant joint committee or sub committee of such a committee.

**Signing Minutes - Extraordinary Meetings**

12. Where in relation to any meeting of the authority the next such meeting is a meeting called under paragraph 3 (extraordinary meetings) of Schedule 12 to the Local Government Act 1972, the next following meeting of the authority (being a meeting called otherwise than under that paragraph) shall be treated as a suitable meeting for the purposes of paragraph 41 (1) and (2) (signing of minutes) of that Schedule.

**Variation and Revocation**

13. Otherwise than to incorporate options allowed by the Regulations these prescribed standing orders shall not be revoked or amended.

**Part II – Standing Orders relating to Staff**

1. In this Part:

“the 1989 Act” means the Local Government and Housing Act 1989;

“the 2000 Act” means the Local Government Act 2000;

“disciplinary action” has the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001;

“executive” and “executive leader” have the same meaning as in Part II of the 2000 Act;

“member of staff” means a person appointed to or holding a paid office or employment under the authority; and

“proper officer” means the Human Resources Manager or his or her nominee.

2. Subject to paragraphs 3 and 7, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the authority must be discharged, on behalf of the authority, by the officer designated under section 4(1) of the 1989 Act (designation and reports of head of paid service) as the head of the authority’s paid service or by an officer nominated by him/her.

3. Paragraph 2 shall not apply to the appointment or dismissal of, or disciplinary action against:

- (a) the officer designated as the head of the authority’s paid service;
- (b) a statutory chief officer within the meaning of section 2(6) of the 1989 Act;
- (c) a non-statutory chief officer within the meaning of section 2(7) of the 1989

Act;

- (d) a deputy chief officer within the meaning of section 2(8) of the 1989 Act; or
- (e) a person appointed in pursuance of section 9 of the 1989 Act (assistants for political groups).

4. (1) Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the appointment of an officer designated as the head of the authority’s paid service, the authority must approve that appointment before an offer of appointment is made to that person.

(2) Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the dismissal of an officer designated as the head of the authority’s paid service, as the authority’s chief finance officer, or as the authority’s monitoring officer, the authority must approve that dismissal before notice is given to that person.

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(3) The Head of Paid Service, Monitoring officer and Chief Finance Officer may not be dismissed by the Council unless in accordance with the requirements of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015:

- (a) At least 20 days before the relevant Council meeting a Panel has been established for the purposes of advising on matters relating to the dismissal and independent persons appointed under section 27 of the Localism Act 2011 have been invited to be appointed to the Panel and
- (b) Any advice, views or recommendations of the Panel, the conclusions of any investigation into the proposed dismissal and any representations from the relevant officer have been taken into account before the taking of the vote on whether or not to approve such a dismissal

(3) Where a committee or a sub-committee of the authority is discharging, on behalf of the authority, the function of the appointment or dismissal of any officer referred to in sub-paragraph ~~(a)~~, ~~(b)~~, ~~(c)~~ or (d) of paragraph 3, at least one member of the executive must be a member of that committee or subcommittee.

5. (1) In this paragraph, “appointor” means, in relation to the appointment of a person as an officer of the authority, the authority or, where a committee, subcommittee or officer is discharging the function of appointment on behalf of the authority, that committee, sub-committee or officer, as the case may be.

(2) An offer of an appointment as an officer referred to in sub-paragraph (a), (b) (c) or (d) of paragraph 3 must not be made by the appointor until:

(a) the appointor has notified the proper officer of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment;

(b) the proper officer has notified every member of the executive of the authority of:

- (i) the name of the person to whom the appointor wishes to make the offer;
- (ii) any other particulars relevant to the appointment which the appointor has notified to the proper officer; and
- (iii) the period within which any objection to the making of the offer is to be made by the executive leader on behalf of the executive to the proper officer; and

(c) either:

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- (i) the executive leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the appointee that neither he/she nor any other member of the executive has any objection to the making of the offer;
- (ii) the proper officer has notified the appointor that no objection was received by him/her within that period from the executive leader; or
- (iii) the appointor is satisfied that any objection received from the executive leader within that period is not material or is not wellfounded.

6. (1) In this paragraph, “dismissor” means, in relation to the dismissal of an officer of the authority, the authority or, where a committee, sub-committee or another officer is discharging the function of dismissal on behalf of the authority, that committee, sub-committee or other officer, as the case may be.

(2) Notice of the dismissal of an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 3 must not be given by the dismissor until:

(a) the dismissor has notified the proper officer of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;

(b) the proper officer has notified every member of the executive of the authority of –

- (i) the name of the person who the dismissor wishes to dismiss;
- (ii) any other particulars relevant to the dismissal which the dismissor has notified to the proper officer; and
- (iii) the period within which any objection to the dismissal is to be made by the executive leader on behalf of the executive to the proper officer; and

(c) either:

(i) the executive leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the dismissor that neither he/she nor any other member of the executive has any objection to the dismissal;

(ii) the proper officer has notified the dismissor that no objection was received by him/her within that period from the executive leader; or

(iii) the dismissor is satisfied that any objection received from the executive leader within that period is not material or is not well founded.

7. Nothing in paragraph 2 shall prevent a person from serving as a member of any



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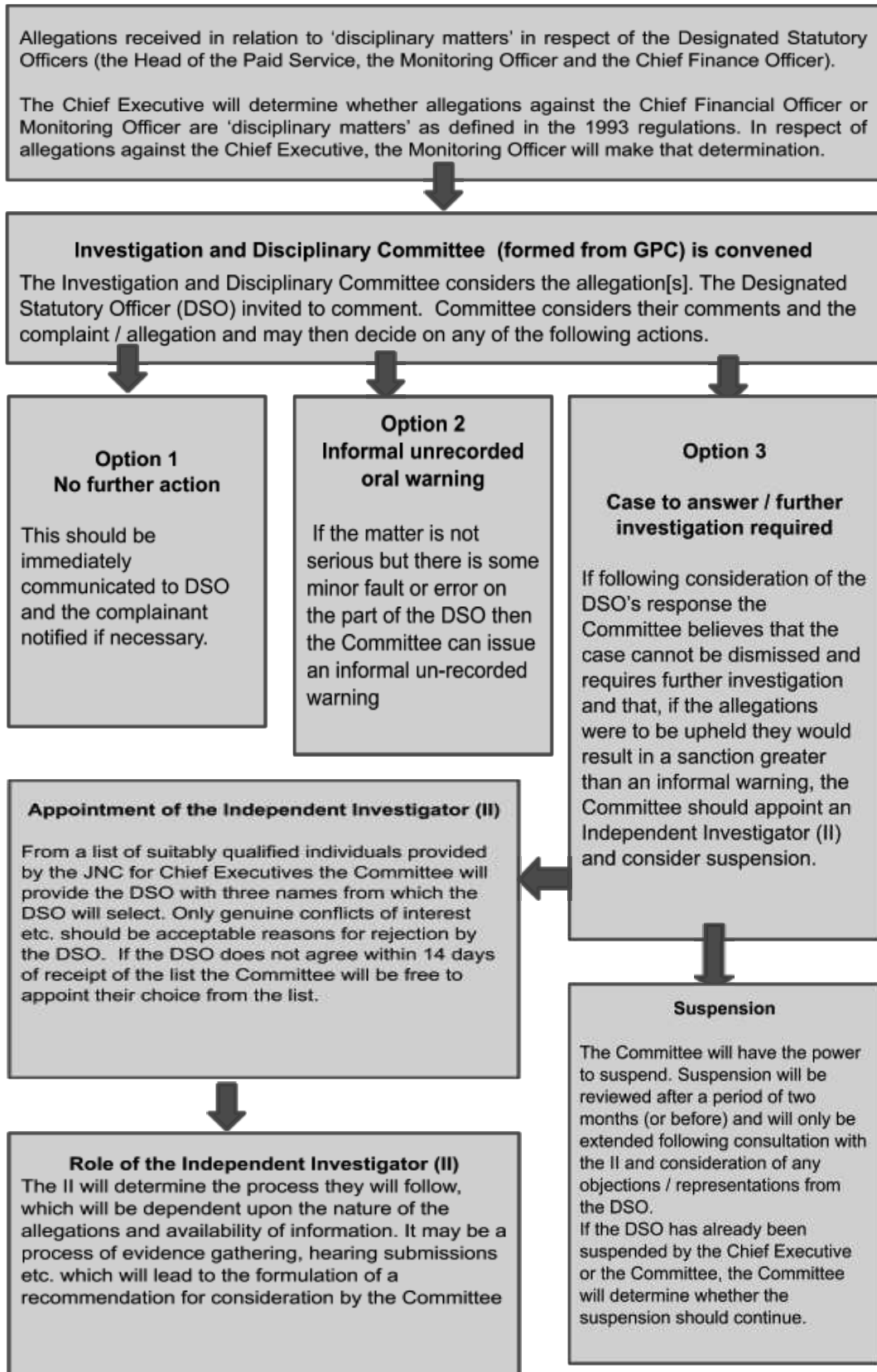
committee or sub-committee established by the authority to consider an appeal by:

- (a) another person against any decision relating to the appointment of that other person as a member of staff of the authority; or
- (b) a member of staff of the authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.

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Appendix 3

**Procedure for Local Authority  
Designated Statutory Officers**



**Report by Independent Investigator and consideration and decision by the GPC**

On completion of the investigation the Independent Investigator will prepare a report with recommendations and rationale for submission to the Committee.

The Committee will afford the DSO the opportunity for a hearing to allow the post holder to challenge the recommendations of the Independent Investigator, call witnesses etc.

The Committee may decide to call witnesses for clarification. The DSO and Independent Investigator should attend this meeting and both parties afforded the opportunity to summarise their case and will have the usual opportunities to present evidence and cross examine witnesses etc. Both parties will have the right to be represented at the hearing. The hearing should be conducted in accordance with the ACAS code of practice.



**Recommendation of the GPC**

Following either consideration of the report of the II or a full hearing of the case the GPC will essentially have the following options:

- No case to answer
- Recommend informal resolution or other appropriate procedures
- Refer back to the II for further investigation
- Disciplinary action short of dismissal
- Propose dismissal



**No case to answer**

*Appropriate communication should be prepared in agreement with the DSO to ensure that as far as possible there is no damage to the post holder's reputation.*



**Action short of dismissal**

A decision to take action short of dismissal should be communicated in writing to the DSO with rationale for the decision. The DSO has the right to appeal to the Disciplinary Appeals Committee against this decision.



**Recommendation to dismiss**

If there is a recommendation to dismiss, the reports of the GPC and the II should then be sent to Independent Panel (IP) for its consideration. The DSO may make written representation to the IP.





#### **Composition, role and process of the Independent Panel (IP)**

The IP will be a committee of the Council, appointed under section 102(4) of the Local Government Act 1972, and will comprise only independent persons (at least two) appointed under S28 (7) of the Localism Act 2011. Appropriate training should be provided to these independent members. Both parties should be present or represented\* at the meeting. The IP should receive any oral representations from the DSO in which case it should invite any response of behalf of the GPC to the points made, and may ask questions of either party. The IP should review the decision and prepare a report for Council. This report should contain clear rationale if they disagree with the recommendation to dismiss.

\*The GPC should nominate a person to attend on its behalf. This will usually be the Chairman of the GPC.



#### **Report to Full Council**

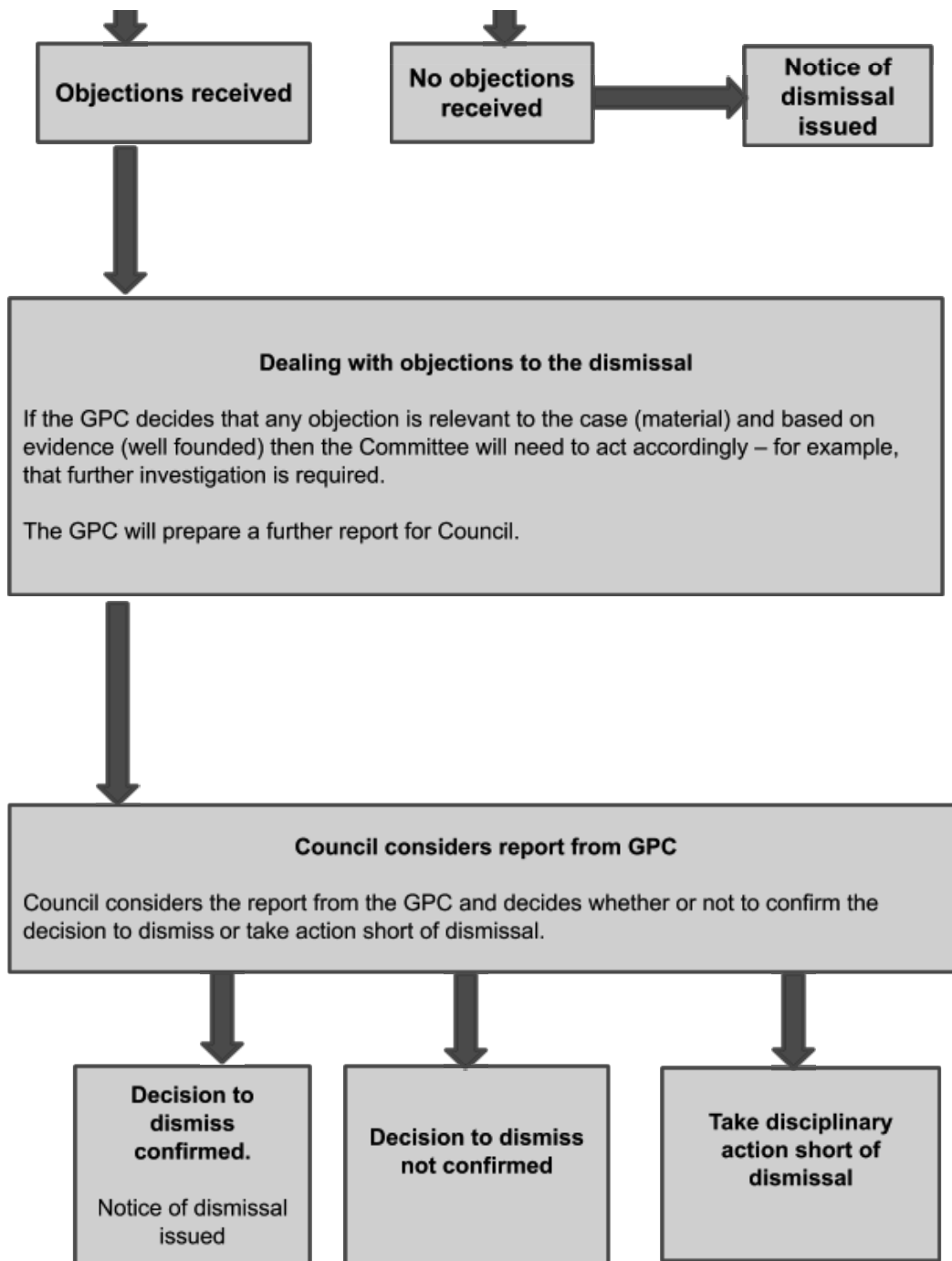
Following consideration by the IP a report will be presented to Council. This report should comprise the recommendation of the GPC, the IP's report and any comments on the recommendations for dismissal from the IP. In the light of this information, Council should consider the recommendation to dismiss. The DSO should be allowed to attend this meeting and address the Council. The IP may also be invited to attend to provide clarification if required. Following this consideration Council should either confirm or reject the recommendation to dismiss. It may at this stage impose a lesser sanction (in which case there would be no right of appeal)



#### **Notice of dismissal and Executive Notification Procedure**

The DSO will not be issued with the notice of the dismissal until:

- the Council has notified the proper officer of the name of the person who the Council wishes to dismiss and any other particulars which the Council considers are relevant to the dismissal
- the proper officer has notified every member of the cabinet of this information together with the period within which any objection to the dismissal is to be made by the Leader of the Council on behalf of the cabinet to the proper officer; and either—
  - (i) the Leader has, within the period specified, notified the Council that neither they nor any other member of the cabinet has any objection to the dismissal;
  - (ii) the proper officer has notified the Council that no objection was received by the proper officer within that period from the Leader; or
  - (iii) the Council is satisfied that any objection received from the Leader within that period is not material or is not well-founded.



**2019/20 PAY POLICY STATEMENT**

Council **11 July 2019**

Report Author **Director of Corporate Governance**

Portfolio Holder **Corporate Governance and Coastal Development**

Status **For Decision**

Classification: **Unrestricted**

**Executive Summary:**

This Pay Policy Statement sets out the Council’s approach to pay in accordance with the requirements of section 38 of the Localism Act 2011. The purpose of the statement is to provide transparency with regard to the council’s approach to setting the pay of its employees. This paper presents the Pay Policy Statement to cover the financial year 2019/20. The Localism Act 2011 requires that the Pay Policy Statement must be approved by resolution of the Council and then published soon after.

**Recommendation(s):**

Approve the Pay Policy Statement for 2019/20 as set out in Annex 1, after which it will be published.

<b>CORPORATE IMPLICATIONS</b>	
<b>Financial and Value for Money</b>	The budget relating to staff pay is agreed through appropriate authority procedures and is within current budget
<b>Legal</b>	The Pay Policy Statement must be approved by resolution of the Council to ensure compliance with the Localism Act 2011.
<b>Corporate</b>	The Pay Policy Statement supports the council’s objective of transparency, ensures compliance with statutory legislation and provides direction for members and officers making decisions on pay.
<b>Equality Act 2010 &amp; Public Sector Equality Duty</b>	<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, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy &amp; maternity. Only aim (i) of the Duty applies to Marriage &amp; civil partnership.</p>

	Please indicate which aim is relevant to the report.	
	Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,	X
	Advance equality of opportunity between people who share a protected characteristic and people who do not share it	X
	Foster good relations between people who share a protected characteristic and people who do not share it.	X
In determining pay and remuneration for all of its employees, the council will comply with all relevant employment legislation. This includes the Equality Act 2010 and the Public Sector Equality Duty.		

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

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

## 1.0 Introduction and Background

- 1.1 Section 38 of the Localism Act 2011 requires the council to produce and publish a Pay Policy statement for each financial year.
- 1.2 The Pay Policy Statement ensures transparency with regard to the council's approach to setting the pay of all its employees by identifying: the methods by which salaries of all employees are determined; the detail and level of remuneration of its most senior staff i.e. 'chief officers', as defined by the relevant legislation; the relationship between o the remuneration of its Chief Officers and o the remuneration of its employees who are not Chief Officers
- 1.3 The Pay Policy Statement provides direction to members and officers making detailed decisions on pay, providing a clear statement of the principles underpinning decisions on the use of public funds.

## 2.0 The Requirement

- 2.1 In accordance with the Localism Act 2011, the council is required to prepare and approve a Pay Policy Statement
- 2.2 The Council's Pay Policy Statement 2019/20 must be approved by resolution of the Council before it comes into force.
- 2.3 The main changes to the Pay Policy Statement have been the removal of a number of posts that are no longer defined as 'chief officers' and clarification that pension contributions paid to the local Government Pension Scheme (rather than directly to the individual) are excluded from the calculation of the £100,000 limit on severance payments.
- 2.4 The pay policy statement 2019/20 is attached at annex 1 and details the council's approach to setting the pay of its employees.



### 3.0 Next Steps

3.1 Once approved, the Pay Policy Statement will be published on the council's website.

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

### Annex List

Annex 1	Pay Policy Statement
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### Background Papers

Title	Details of where to access copy
None	

### Corporate Consultation

<b>Finance</b>	Chris Blundell, Head of Financial Services
<b>Legal</b>	Tim Howes, Director of Corporate Governance

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# Thanet District Council

## Pay Policy Statement 2019-20

## 1. Purpose

This Pay Policy Statement sets out the council's approach to pay in accordance with the requirements of Section 38 of the Localism Act 2011.

The purpose of the statement is to provide transparency with regard to the council's approach to setting the pay of its employees by identifying:

- the methods by which remuneration of all employees are determined;
- the detail and level of remuneration of its most senior staff i.e. 'chief officers', as defined by the relevant legislation;
- the relationship between
  - the remuneration of its Chief Officers and
  - the remuneration of its employees who are not Chief Officers

The Chief Executive (as Head of Paid Service) and General Purposes Committee, in so far as it relates to relevant Chief Officers, are responsible for ensuring the provisions set out in this statement are applied consistently throughout the council.

The council is required to prepare and approve a pay policy statement annually.

## 2. Definitions and interpretation

For the purpose of this pay policy the following definitions will apply:

"Pay" in addition to salary includes charges, fees, allowances, benefits in kind, increases in/enhancements to pension entitlements, and termination payments.

For the purposes of this pay policy 'Chief Officers' are as follows:

- Chief Executive, as Head of Paid Services
- Deputy Chief Executive, as Chief Financial Officer
- Director of Corporate Governance and Monitoring Officer, as Monitoring Officer
- Director of Operational and Commercial Services, as non-statutory Chief Officer
- Head of Shared Services, as non-statutory Chief Officer

Deputy Chief Officers (as defined within the Local Government and Housing Act 1989) i.e. direct reports to chief officers, as follows:

- Head of Financial Services
- Head of Communications and Digital
- Head of Housing and Planning
- Head of Port & Technical Services
- Head of Safer Neighbourhoods
- Head of Asset Management
- Head of Operational Services
- Head of Legal and Democratic Services
- Health and Safety Compliance Officer
- Corporate Account Manager
- Head of HR (EK Services)
- Client Officer

“Lowest paid employees” refers to those staff employed within grade TG-B of the Council’s pay framework. This definition for the “lowest paid employees” has been adopted because grade TG-B is the lowest grade to which staff are employed on the Council’s pay framework.

“Employee who is not a Chief Officer” refers to all staff that are not covered under the “Chief Officer” group listed above. This includes the “lowest paid employees” i.e. staff on grades TG-B to TG-P.

This excludes staff governed by national consultation groups, e.g. apprentices.

### 3. Pay framework

#### 3.1 General approach

The council recognises the need to exercise the greatest care in managing scarce public resources, whilst also securing and retaining high quality employees. The level of remuneration is a very important factor in both recruitment and retention. In light of the economic pressures there is a need to balance affordability and value for money whilst creating an environment where retention of the wealth of skills and experience within the organisation is cemented and, where external recruitment is required, the organisation can be counted as employers of choice.

In determining the pay and remuneration of all its employees, the council will comply with all relevant legislation. This includes legislation such as the Equality Act 2010, Part-time Employment (Prevention of Less Favourable treatment) Regulations 2000 and where relevant, the Transfer of Undertakings (Protection of Earnings) Regulations. The council ensures there is no pay discrimination within its pay structures and that all pay differentials can be objectively justified through the use of job evaluation mechanisms, which directly establishes the relative levels of posts in grades according to the requirements, demands and responsibilities of the role.

In the application of the pay framework, the council takes into account market rates, individual performance and the need for consistency in the way grades are applied.

#### 3.2 Responsibility for decisions on remuneration

With the exception of any groups where pay is governed by national consultation groups, pay for the “lowest paid employees” and “all other employees who are not Chief Officers” is determined by the council’s agreed pay framework.

Pay for ‘Deputy Chief Officers’ is determined by the council agreed pay framework.

The Employee Council, is the council’s recognised negotiating body for the purposes of pay bargaining. This includes Unison and GMB. Pay awards are considered and determined locally in negotiation with both Unison and GMB through the Employee Council.

It is essential for good governance that decisions on pay and reward packages for chief executives and chief officers are made in an open and accountable way and that there is a verified and accountable process for recommending the levels of top salaries.

The current framework, in so far as it affects the Chief Executive and the Chief Officers (excluding Deputy Chief Officers) was agreed by the General Purposes Committee on 21 February 2013.

Any future changes to the council’s pay framework where it affects pay for Chief Executive and the Chief Officers are to be agreed by the General Purposes Committee.

### 3.3 Salary grades and grading framework

Following a national requirement for all Local Authorities and other public sector employers to review their pay and grading frameworks to ensure fair and consistent practice for different groups of workers with the same employer, the council implemented the Hay job evaluation scheme.

The full Council will approve remuneration packages for new appointments in excess of £100k (incl. Salary, fees, allowances, benefits in kind etc.).

Grades are determined in line with the Hay job evaluation scheme.

There are 18 grades (TG-B to TG-S) in the pay framework, grade TG-B being the lowest and grade TG-S the highest. Each employee will be on one of the grades based on the job evaluation of their role.

Thanet District Council pays the statutory National Living Wage to all employees, regardless of age, with the exception of staff governed by national consultation groups, e.g. apprentices.

### 3.4 Incremental Progression

From 1 April 2018, progression within the salary band will be automatic unless there are exceptional circumstances whereby an employee's performance or conduct either falls well below or far exceeds expectation, in which case incremental progression may be withheld or enhanced in accordance with Council policy.

## 4. Remuneration and benefits

### 4.1 Salaries

#### 4.1.1 "Chief Officer" – remuneration & the relationship to non-chief officers

All Chief Officers are currently employed within grades TG-Q to TG-S

#### 4.1.2 "Statutory Chief Officers" – the Chief Executive

This Chief Executive is paid within the council's pay framework, which applies to all employees.

Salary on appointment will be approved by Full Council acting on the recommendations of an appointments panel with the consent of the Cabinet Leader.

The annual performance for the Chief Executive is considered by the Leader of the Council in consultation with the Group Leaders following the council's agreed performance appraisal process. Progression through the salary band will be as outlined above.

Typically pay awards are considered and determined locally in negotiation with both Unison and GMB through the Employee Council.

The Chief Executive's remuneration is published annually on the council's website.

#### 4.1.3 "Statutory Chief Officers" – other than the Chief Executive

These Chief Officers are paid within the council's pay framework, which applies to all employees.

The annual performance for these Chief Officers is considered by the Chief Executive in line with the council's agreed performance appraisal process. Progression through the salary band will be as outlined above.

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## Annex 1

For this group of Chief Officers appointment, and salary on appointment, will be made by the General Purposes Committee.

Typically pay awards are considered and determined locally in negotiation with both Unison and GMB through the Employee Council.

The remuneration of these Chief Officers are published annually on the council's website.

### **4.1.4 “Non Statutory Chief Officers” – Head of Shared Services**

The Head of Shared Services is paid within the council's pay framework, which applies to all employees.

Salary on appointment will be approved by the General Purpose Committee acting on the recommendation of the East Kent Services Committee.

The annual performance for the Head of Shared Services is considered by the Chief Executive of Thanet District Council in consultation with the Chief Executives of Canterbury City Council and Dover District Council. Progression through the salary band will be as outlined above.

Typically pay awards are considered and determined locally in negotiation with both Unison and GMB through the Employee Council.

The Head of Shared Services' remuneration is published annually on the council's website.

### **4.1.5 “Non Statutory Chief Officers” other than the Chief Executive and Head of Shared Services.**

These Chief Officers are paid within the council's pay framework, which applies to all employees.

The annual performance for these Chief Officers is considered by the Chief Executive in line with the council's agreed performance appraisal process. Progression through the salary band will be as outlined above.

For this group of Chief Officers appointment, and salary on appointment, will be made by the General Purposes Committee.

Typically pay awards are considered and determined locally in negotiation with both Unison and GMB through the Employee Council.

Remuneration of Non Statutory Chief Officers are published annually on the council's website.

### **4.1.6 “Deputy Chief Officers” (direct reports to non-statutory chief officers who report to statutory chief officers)**

Deputy Chief Officers are paid within the council's pay framework, which applies to all employees.

Progression through the salary band will be as outlined above.

Pay awards are considered and determined locally in negotiation with both Unison and GMB through the Employee Council.

### **4.1.7 “Lowest paid employees” and “other employees”.**

Each “lowest paid employee” is paid within the salary range for grade TG-B and all “other employees” are paid within the salary range TG-C to TG-P, within the council's pay framework, which applies to all employees.

Progression through the salary band will be as outlined above.

Pay awards are considered and determined locally in negotiation with both Unison and GMB through the Employee Council.

#### **4.1.8 Relationship between remuneration of “Chief Officers” and “employees who are not Chief Officers”**

The highest paid employee’s salary is 4.65 times that of the “median” average earnings across the authority.

#### **4.2 Salaries on appointment for new starters**

New starters will normally be appointed to the minimum of the salary scale of the grade for the post.

If any relevant factors such as a requirement for unique knowledge and skills or extensive previous experience exist, a Manager may make a documented business case for a higher starting salary to be approved by the Senior Management Team/EK Services Management Team meeting before the candidate is offered the job. In such cases Managers must take due regard of the salaries of existing staff doing similar work to ensure pay equity.

#### **4.3 Salaries on promotion**

A promotion is defined as an appointment to a higher graded post.

Employees who are promoted will normally be awarded a basic salary on a point of the salary scale of the new grade 2.5% higher than their previous salary. If any relevant factors exist which substantiate an increase above 2.5% a Manager may make a documented business case to be approved by the Senior Management Team/EK Services Management Team meeting having due regard of the salaries of existing staff doing similar work to ensure pay equity.

The basic salary on promotion should not be below the minimum of the salary scale of the new post.

#### **4.4 Market supplements**

There may be exceptional circumstances from time to time when a particular job or jobs require payment of a market supplement in order to recruit or maintain adequate staffing levels.

Payment of a market supplement will only apply when alternative ways of recruiting and retaining staff have been fully explored; it is expected that the use of market supplements will be rare.

A market supplement put forward for approval must be supported by a documented business case with the following information:

- A clear definition of the job or group of jobs affected.
- Market supplements will be reviewed at least every two years
- Evidence of pay-related recruitment and retention difficulties compared to other groups of staff using appropriate indicators e.g. turnover rates, stability rates, numbers of responses to job advertisements, quality assessment of applicants and interviewees, data on competitive pay.
- Confirmation that the proposed market supplement would not create any indefensible internal pay inequities.

The business case must be approved by the Senior Management Team at the monthly workforce forum meeting/EK Services Management Team meeting.



Market supplements at Thanet District Council must be approved by the Chief Executive. Market supplements at EK Services must be approved by the Head of Shared Services.

Market supplements approved under this policy will apply for a period not exceeding two years without review. The duration of the market supplement will be clearly identified in recruitment and appointment discussions and documentation for new staff, and in contractual variations for existing staff. Any continuation of a market supplement beyond the initial period will require submission of a fresh business case for approval.

EK Human Resources will maintain a database of all market supplements that are approved and will ensure that the appropriate Senior Management Team reviews these annually. A review will also be carried out when an individual leaves a post that has attracted a market supplement, in order to assess the need to advertise the vacancy with a market supplement in the current labour market. Further reviews will be carried out whenever a post is re-evaluated through the job evaluation process. If a review results in a decision that the market supplement is no longer justified, it will be withdrawn. In these circumstances, for employees still in receipt of a market supplement, three months' written notice will be given that the market supplement is being withdrawn. Where such a review leads to a decision to withdraw the market supplement, this will apply with immediate effect for vacant posts.

Market supplements are paid monthly and are pensionable.

#### **4.5 Honoraria payments**

Honoraria payments are a means of adjusting salaries on a temporary basis for undertaking additional duties for a limited period normally not exceeding one year.

Employees undertaking the full duties and responsibilities for a higher graded post for a continuous period over four weeks should receive payment in accordance with the grade of the post temporarily occupied as if they had been promoted into the post.

A partial payment may be made to an individual who performs some of the duties and responsibilities of a higher graded post. The amount of payment should be assessed taking into account the specific circumstances of each case.

Honoraria payments at Thanet District Council must be approved by the Chief Executive. Honoraria payments at EK Services must be approved by the Head of Shared Services.

The duration of the period of acting up should be indicated before it commences and confirmed in writing. It must be remembered that acting up is a temporary arrangement and in no circumstances should be allowed to exceed 12 months without re-approval. EK Human Resources will maintain a central log of all current honoraria payments. All honoraria payments will cease at the agreed date. Six weeks prior to the end period of a payment, EK Human Resources will inform the relevant line manager that the payment will cease on the due date unless re-approval is sought. For a further honorarium to be paid, a further request will need to be submitted via the relevant approval process. Should circumstances change before the previously agreed end date the payment may be withdrawn earlier. In these circumstances the value of the honorarium will not be protected. One month prior to the honorarium ceasing, EK Human Resources will write to the employee to inform them that the payment will be ceasing.

Honoraria payments are paid monthly and are pensionable.

#### **4.6 Charges, fees or allowances**

Any allowance or payments will only be made to employees in connection with their role or the patterns of hours they work and must be in accordance with the council's agreed policies/approach for pay, benefits and allowances. These will apply to all staff, unless otherwise specified within the policy, and include:

- Disturbance allowance scheme
- Disturbance and travelling allowances following reorganisations
- Emergency call outs
- Irregular hours working
- Mileage reimbursement
- Payment in lieu of a lease car
- Overtime
- Standby/call out allowance
- Expenses and Subsistence allowance
- Training and development scheme – financial assistance
- Contribution towards annual bus pass
- Professional Fees for specific posts
- Professional fees whilst undertaking post entry training
- First aid payment
- Personal protective equipment
- Free parking

Information is available to staff on the council's website or by telephoning EK Human Resources on 01304 872799 and are available to the public on request.

Election duties - the returning officer receives a one-off payment for election duties. Payments are made on the basis of population in the district and whether the election is local, national – the payment for national elections is agreed nationally and the payment for local elections agreed at county level. Other officers who undertake specific duties in relation to elections (e.g. Presiding Officers etc.) will receive additional payments for those roles.

#### **4.7 Employee discount scheme**

The council currently offers all employees access to an employee discount scheme. This offers employees the chance to purchase a range of goods and services at discounted rates from a variety of suppliers.

#### **4.8 Benefits in kind**

Present benefits in kind are:

- Reduced leisure centre membership – available to all staff
- Relocation allowance – available in some cases for staff moving into the area for work
- VDU eye tests – all staff
- 25 Year Long service award

Other in kind schemes may be considered and introduced in year

#### **4.9 Pension**

All employees as a result of their employment are eligible to join the Local Government Pension Scheme (LGPS).

#### **4.10 Severance payments**

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## Annex 1

We are already required to publish our policy on discretionary payments on early termination of employment as well as publishing our policy on increasing an employee's total pension scheme membership and on awarding additional pension. This information is disclosed within the council's statement of accounts, available on the website and in council policies in respect of:

- Discretionary Functions of the LGPS
- Early Termination of Employment
- LGPS Banding report and Policy
- Flexible Retirement
- Employment Stability

These policies are available to staff on the council's intranet or on request from the EK Human Resources and available to the public on request.

The full Council will approve severance packages in excess of £100k. The Council in considering a package over £100k will be provided with the components of relevant severance packages. This will include salary paid in lieu, redundancy compensation, holiday pay and any fees, allowances or benefits in kind paid (it will not include payments made by the council to the Local Government Pension Scheme).

The government legislated for a cap of £95,000 on exit payments in the public sector in the Small Business Enterprise and Employment Act 2015 as amended by the Enterprise Act 2016. The government is currently consulting on draft regulations to implement this legislation.

## 5. Data transparency

To support data transparency the council publishes on the website salary related information in accordance with the Local Government Transparency Code 2015.

Salary scales are currently published on the intranet and available to the public on request.

<https://www.thanet.gov.uk/info-pages/senior-management-salaries/>

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