



Date: 24 February 2020
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STANDARDS COMMITTEE

5 MARCH 2020

A meeting of the Standards Committee will be held at **6.00 pm on Thursday, 5 March 2020** in the Council Chamber, Cecil Street, Margate, Kent.

Membership:

Dr Jonathan Sexton (Chairman);

Councillors: Braidwood, J Bayford, Campbell, Crittenden, Dexter, Duckworth, Fellows, Kup, Quittenden, Crow-Brown.

A G E N D A

Item
No

Subject

1. **APOLOGIES FOR ABSENCE**
2. **MINUTES OF PREVIOUS MEETING** (Pages 3 - 4)
To approve the Minutes of the meeting of Standards Committee held on **9 January 2020**, copy attached.
3. **DECLARATIONS OF INTEREST** (Pages 5 - 6)
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](#)
4. **CHAIRMAN'S REPORT** (Pages 7 - 14)
5. **STANDARDS COMPLAINT STATISTICS** (Pages 15 - 20)
6. **EXCLUSION OF PRESS AND PUBLIC** (Pages 21 - 24)
7. **STANDING ORDERS IN RELATION TO STAFF** (Pages 25 - 28)

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Public Document Pack Agenda Item 2

STANDARDS COMMITTEE

Minutes of the meeting held on 9 January 2020 at 7.00 pm in Council Chamber, Cecil Street, Margate, Kent.

Present: Dr Jonathan Sexton (Chairman)
Councillors J Bayford, Campbell, Crittenden, Dexter, Duckworth, Fellows and Kup.
Parish Councillor Crow-Brown (Minster Parish Council)

177. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Braidwood and Parish Councillor Quittenden.

178. DECLARATIONS OF INTEREST

There were no declarations of interest.

179. MINUTES OF PREVIOUS MEETING

Councillor Campbell proposed, Councillor Duckworth seconded and it was agreed that the minutes of the meeting of the Standards Committee held on 27 June 2019 be approved and signed by the Chairman.

180. STANDING ORDERS IN RELATION TO STAFF

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

Members asked questions and the following was discussed:

- The Constitutional Review Working Party recommended that all suspensions including urgent suspensions be carried out by the Investigations and Disciplinary Committee. Suspensions and particularly urgent suspensions are rare and therefore, it was not appropriate for all suspensions to be agreed by the Investigations and Disciplinary Committee. There would be a legal risk to the authority as suspensions would have to wait over 5 clear working days until the committee had met. In cases where there was a need for an urgent suspension of a chief officer, the decision to suspend the monitoring officer or S151 officer would be taken by the Chief Executive (or the power to suspend the Chief Executive would be taken by the Monitoring Officer) in consultation with the Chairman of the Investigations and Disciplinary Committee or the Leader of the council.
- Where an urgent suspension took place, it would be reported to the Investigations and Disciplinary Committee as soon as practicable.
- The Chairman of the Investigations and Disciplinary Committee would be a permanent appointment (for the municipal year).
- The number of Members on the General Purposes Committee would need to be adjusted at Full Council as appropriate in order to achieve political proportionality and allowing for a Member of Cabinet on each sub-committee.
- Deputy chief officers are Heads of Services who report to the chief officers and it was agreed that the list of roles and definitions would be added.

Councillor Campbell proposed and Councillor Dexter seconded the recommendations subject to the addition of deputy chief officers' roles being listed and the additional recommendations discussed at the meeting listed at f) and g):

- a) to create an Investigation and Disciplinary Sub-Committee and Disciplinary Appeals Sub-Committee as sub-committees of the General Purposes Committee , as set out in Annex 1;
- b) 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;
- c) 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;
- d) to amend the Employment Rules, as set out in Annex 2;
- e) 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.
- f) to delegate authority to the Chief Executive (in consultation with the Leader or Chairman of the Investigation and Disciplinary Sub-Committee) to immediately suspend the Monitoring Officer or Section 151 Officer where their remaining presence at work poses a serious risk to an investigation, to the health and safety of others, or to the resources, information or reputation of the council. 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.
- g) to delegate authority to the Monitoring Officer (in consultation with the Leader or Chairman of the Investigation and Disciplinary Sub-Committee) to immediately suspend the Chief Executive, where their remaining presence at work poses a serious risk to an investigation, to the health and safety of others, or to the resources, information or reputation of the council. 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.

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

181. LOCAL GOVERNMENT OMBUDSMAN ANNUAL REVIEW LETTER

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

The Standards Committee noted the report.

182. STANDARDS COMPLAINT STATISTICS

The Standards Committee noted the statistics.

Meeting concluded : 7.20pm

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](#).

Chairman's Annual Report

Meeting	5 March 2020
Report Author	Chairman of the Standards Committee
Status	For Information
Classification:	Unrestricted

Executive Summary:

The Chairman's annual report summarises and comments on the work of the Standards Committee for the period March 2019 - March 2020.

Recommendation(s):

Members note the report.

CORPORATE IMPLICATIONS	
Financial and Value for Money	None arising from this report.
Legal	The role of the Standards Committee is to promote high standards of conduct by councillors and co-opted members in accordance with the Members' Code of Conduct. This report relates to the Committee's function to monitor the effectiveness of the Code of Conduct.
Corporate	The role of the Standards Committee is to promote high standards of conduct by councillors and co-opted members in accordance with the Members' Code of Conduct. This report relates to the Committee's function to monitor the effectiveness of the Code of Conduct.
Equality Act 2010 & Public Sector Equality Duty	<p>Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.</p>
	Please indicate which aim is relevant to the report.

	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

CORPORATE PRIORITIES (tick those relevant) ✓	
Growth	
Environment	
Communities	✓

1.0 Introduction

1.1 My sixth report to Thanet District Council covers the Municipal Year 2019/2020. Throughout this year I have covered the duties of Independent Chair single handed, Mrs Janet Bacon appointed as Deputy Chair at the same time as I, was for family reasons compelled to resign from her position. It is fortunate therefore, and in contrast to some previous years, that the demands on my time to fulfil the role during this year, have been relatively modest.

2.0 Constitutional Review Working Party (CRWP) and Standards Committee Meetings

2.1 CRWP met on 21 June, 24 September and 21 November 2019. The extensive discussions that have taken place in these meetings have concerned the application of amended Statutory Regulations applying to the Council's Chief Executive, Director of Corporate Governance and Deputy Chief Executive. As a result of the personal duties placed upon them, these post holders have a degree of statutory protection from dismissal and disciplinary action. The Council's Employment Rules were revised as part of the review of the Constitution in 2016 but were silent on this specific point. This was because at the time there was uncertainty as to how the revised Regulations ought to be applied in practice. To progress this, a proposal for application across Kent was offered (Counsel's opinion having been sought).

2.2 A process was agreed by CRWP, then endorsed by the Standards Committee on 27 June, with the intention that these be presented at the next Full Council Meeting for approval. In the event, these proposals were withdrawn. This was because further reflections amongst some of the Members who had participated in the CRWP discussions, demanded further refinement. Accordingly two further meetings of CRWP were held.

2.3 Without revisiting the detail, the dialogue focused on the extent and limits of Member involvement in disciplinary matters concerning the Statutory Officers, particularly in the early stages of proposed process. External advice was sought from a national advisory body though their advice was not illuminating.

2.4 As Chair, I found myself in the position of having to broker differences of view between Members and the Monitoring Officer. On both occasions in the autumn meetings, some Members questioned the legitimacy of the Monitoring Officer engaging in the dialogue, as an interested party, notwithstanding that a formal declaration of interest had been made.. I viewed the practicalities of managing the Conflicts of Interest issue as requiring a maturity of approach; specifically a recognition that in these circumstances it just wasn't possible to be purist about how that principle was applied. The same Members did acknowledge as a given, the established employment terms of our Statutory Officers, and that such terms could not in any case, be substantially different from anywhere else in Kent.

2.5 Some scheduled Standards Committees were cancelled; the first because it was too soon after the Council elections, thereafter the Committee meetings were arranged primarily to manage the CRWP deliberations and all other business being accommodated alongside. One further scheduled meeting was cancelled because of the untimely sickness of the Monitoring Officer. I should state that I was placed under some pressure (including being rung informally at home) to hold the meeting regardless. My view was that it would have been unconscionable to have held this meeting in the absence of the Monitoring Officer, especially in view of the business to be transacted. Further delay thereafter was occasioned by my own availability, and the December General Election. A Standards meeting was finally held on 9 January 2020; and the revised Standing Orders in Relation to the Statutory Officers were finally included in the agenda of the budget setting meeting of Full Council on 6th February 2020. Most of the revisions were approved, though I understand that some elements were referred back to Standards Committee for further consideration.

3.0 **Complaints about Member Behaviour Considered by a Standards Sub Committee of Thanet District Council 2019/20**

3.1 The totality of complaints received relating to both District and Town/Parish Councils is set out in the table below. It should be noted that the data covers a period between one report and the next; which because of the Committee timetabling and reporting sequence, does not fully coincide perfectly with the Municipal Year. The significance of the latter point will be seen later in this commentary. In view of the data (small numbers) an expression in percentage terms might lead to misleading or sensational interpretation. Absolute numbers are therefore used.

COMPLAINT NO:	DATE	PROGRESS	COMPLAINANT	AGAINST	ALLEGATION
TDCSC213/19	18/02/19	Informal Dispute Resolution procedure instigated. Closed.	Parish Cllr	Parish Cllrs	Complainant alleges that subject members are bullying and harassing them.
TDCSC214/19	18/02/19	Did not meet jurisdiction test. Closed	Member of the public	-	-

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TDCSC215/19	18/02/19	Did not meet jurisdiction test. Closed	Member of the public	-	-
TDCSC216/19	20/02/19	Did not meet jurisdiction test. Closed	Member of the public	-	-
TDCSC217/19	25/02/19	Initial jurisdiction test. Closed	Parish Cllr	Parish Cllrs	-
TDCSC218/19	28/02/19	Did not meet jurisdiction test. Closed	Member of the public	Parish Cllr	-
TDCSC219/19	28/02/19	Did not meet jurisdiction test. Closed	Member of the public	TDC Cllr	-
TDCSC220/19	08/03/19	Referred to MO for investigation. Cllr not re-elected. Closed.	TDC Officer	TDC Cllr	Allegations of bullying and bringing the council into disrepute with posts made on social media.
TDCSC221/19	12/03/19	Insufficient evidence. NFA. Closed.	Member of the public	TDC Cllr	Allegations of bullying and "trolling" on social media.
TDCSC222/19	27/03/19	Did not meet jurisdiction test. Closed	Member of the public	Parish Cllr	-
TDCSC223/19	18/04/19	Complainant requested anonymity but did not advise on what grounds. No response to follow up. Cllr not re-elected.	Member of the public	TDC Cllr	Allegations made regarding offensive posts on social media.

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		Closed.			
TDCSC224/19	25/04/19	Cllr not re-elected. Closed.	Other council officer or authority employee	TDC Cllr	Allegations made regarding offensive posts on social media.
TDCSC225/19	28/04/19	Did not meet jurisdiction test. Closed	Member of the public	Officer	-
TDCSC226/19	31/05/19	Did not meet jurisdiction test. Closed	Members of the public	TDC Cllr	-
TDCSC227/19	25/06/19	Did not meet jurisdiction test. Closed	Member of the public	Officer	-
TDCSC228/19	19/07/19	Did not meet jurisdiction test. Closed	Member of the public	TDC Cllr	-
TDCSC229/19	30/07/19	NFA Closed.	Members of the public	Parish Cllr	Allegations that the subject member was not eligible to hold office, had brought the parish into disrepute, dishonest and rude.
TDCSC230/19	12/08/19	Did not meet jurisdiction test. Closed	Member of the public	Officer	-
TDCSC231/19	21/08/19	NFA Closed.	Officer	TDC Cllr	Allegations that the subject member had made inappropriate comments to the media regarding staffing matters.

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TDCSC232/19	29/08/19	NFA Closed.	Member of the public	TDC Cllr	Allegations that the subject member had made inappropriate comments to the media regarding staffing matters.
TDCSC233/19	09/09/19	Did not meet jurisdiction test. Closed	Member of the public	Dover District Council	-
TDCSC234/19	19/09/19	Did not meet jurisdiction test. Closed	Member of the public	TDC Cllr	-
TDCSC235/19	23/09/19	Did not meet jurisdiction test. Closed	Member of the public	KCC	-
TDCSC236/19	16/10/19	Did not meet jurisdiction test. Closed	Member of the public	TDC Cllr	-
TDCSC237/19	20/12/19	Did not meet jurisdiction test. Closed	Member of the public	TDC Cllr	-
TDCSC238/20	17/01/20	Did not meet the jurisdiction test. Closed	Member of the public	Corporate complaint	-
TDCSC239/20	17/01/20	Did not meet the jurisdiction test. Closed	Member of the public	TDC Cllr	-

- 3.2 Of the 27 complaints received, 19 were judged not to meet the jurisdiction test. 8 cases were therefore progressed for consideration by a sub-committee. It was judged that in 4 cases no further action was deemed the appropriate response. 1 case was judged to have been a breach of the Code of Conduct and in consequence, a process of informal resolution was instituted. The 3 remaining complaints related to one Member, who ceased holding such office by virtue of the Council elections in 2019.

Accordingly, all further consideration of these specific complaints ceased. One of these cases, involving an employee of the Council as complainant, might on the basis of the allegations, have necessitated a formal investigation and consequential expense of an external investigator; fortunately avoided in this instance by democratic process.

- 3.3 It will be noted that some of the cases originate from Town and Parish Councils within the Thanet area. The challenge of managing Member Conduct within these bodies remains a concern, notwithstanding that past attempts have been made by myself, the Monitoring Officer and the Kent Association of Local Councils (KALC) to promote best practice. To the extent that it is reassuring, I am advised that the current national dialogue to draft a new national Code of Conduct, pursuant of the Review of Local Government Ethical Standards, (referred to in last years Report) , has identified that Member behaviour in Parish/ Town Councils, as a common challenge. It is not therefore a unique characteristic of our area!
- 3.4 I am grateful for the help received from Cllr John Quickenden and Cllr Derek Crow-Brown, both of Minster Parish Council; the parish council members nominated to sit on the Thanet Standards Committee. Their insight is valuable when Sub Committees are formed to address complaints involving Parish and Town Council Members.
- 3.5 Since the new District Council has been elected in May 2019, the issue of Member behaviour so far, appears to be less of an issue for the purposes of Standards compliance. I would like to attribute some of this to the Member training programme that officers laid on at the beginning of the new Council and in accordance with the recently acquired Charter status for Elected Member Development.

4.0 Thanks

- 4.1 I would like to thank Tim Howes, Monitoring Officer for his wisdom knowledge and professional integrity. My thanks also go to the officers of Democratic Services who continue to serve the Standards agenda with diligence. In particular I must commend Emily Kennedy for her personal commitment to maintaining the informal performance management standard of an average acknowledgment from receipt of 3 working days, and an average of 28 days to the meeting of an assessment Sub Committee. I must also note the contribution of Mr Dennis James and his assistant Mr Peter Tucker, for their assessment of potential complaints to determine whether they meet the jurisdiction test. Finally I must acknowledge those elected Members of Standards Committee particularly those who have severally served on convened Standards Sub-Committees and also separately, those who have served on the CRWP.

5.0 Valediction

- 5.1 This will be my last Annual Report and at the Council's Annual Meeting in May I will cease to be Independent Chair. To dispel any possibility of rumour or 'fake news' I have chosen to step down for no other reason than following my appointment in 2013, I have stayed in the role for far longer than I ever intended! Resisting an expressed preference by Democratic Services, I have declined to be Chair for a fixed term, preferring to seek annual renewal in post. This was in part a personal preference to regularly renew credibility with Members, but chiefly because an annual reappointment allowed me the flexibility to leave the role if and when I desired.

- 5.2 In the nearly seven years that have passed, there have been 5 administrations and with the exception of one period, these have been minority administrations of changing political leadership. There has been a substantial turnover in elected Members. This has been against a backdrop of significant political change in the country, some of which has directly imposed itself upon Thanet and on the affairs of this Council.
- 5.3 It has also been a difficult time for local government generally, which has borne a significant burden of centrally imposed financial austerity. As someone who has spent his professional life working in another part of the public sector where funding has to some extent been safeguarded by public opinion, I can only express my admiration for the leadership from Officers and Members necessary for services to be adapted and improvised so as to maintain delivery.
- 5.4 Holding this position has been a learning experience. I wish my successor and indeed the Council well for the future.

Annex List

	<i>No annexes</i>
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Background Papers

Title	Details of where to access copy
None	

Corporate Consultation

Finance	
Legal	Timothy Howes, Director of Corporate Governance and Monitoring Officer

COMPLAINT NO:	DATE	PROGRESS	COMPLAINANT	AGAINST	ALLEGATION
TDCSC213/19	18/02/19	Informal Dispute Resolution procedure instigated. Closed.	Parish Councillor	Parish Councillors	Complainant alleges that subject members are bullying and harassing them.
TDCSC214/19	18/02/19	Did not meet jurisdiction test. Closed	Member of the public	-	-
TDCSC215/19	18/02/19	Did not meet jurisdiction test. Closed	Member of the public	-	-
TDCSC216/19	20/02/19	Did not meet jurisdiction test. Closed	Member of the public	-	-

TDCSC217/19	25/02/19	Initial jurisdiction test. Closed	Parish Councillor	Parish Councillors	-
TDCSC218/19	28/02/19	Did not meet jurisdiction test. Closed	Member of the public	Parish Councillor	-
TDCSC219/19	28/02/19	Did not meet jurisdiction test. Closed	Member of the public	TDC Councillor	-
TDCSC220/19	08/03/19	Referred to MO for investigation. Councillor not re-elected. Closed.	TDC Officer	TDC Councillor	Allegations of bullying and bringing the council into disrepute with posts made on social media.
TDCSC221/19	12/03/19	Insufficient evidence. NFA.	Member of the public	TDC Councillor	Allegations of bullying and "trolling" on social media.

		Closed.			
TDCSC222/19	27/03/19	Did not meet jurisdiction test. Closed	Member of the public	Parish Councillor	-
TDCSC223/19	18/04/19	Complainant requested anonymity but did not advise on what grounds. No response to follow up. Councillor not re-elected. Closed.	Member of the public	TDC Councillor	Allegations made regarding offensive posts on social media.
TDCSC224/19	25/04/19	Councillor not re-elected. Closed.	Other council officer or authority employee	TDC Councillor	Allegations made regarding offensive posts on social media.

TDCSC225/19	28/04/19	Did not meet jurisdiction test. Closed	Member of the public	Officer	-
TDCSC226/19	31/05/19	Did not meet jurisdiction test. Closed	Members of the public	TDC Councillor	-
TDCSC227/19	25/06/19	Did not meet jurisdiction test. Closed	Member of the public	Officer	-
TDCSC228/19	19/07/19	Did not meet jurisdiction test. Closed	Member of the public	TDC Councillor	-
TDCSC229/19	30/07/19	NFA Closed.	Members of the public	Parish Councillor	Allegations that the subject member was not eligible to hold office, had brought the parish into disrepute, dishonest and rude.

TDCSC230/19	12/08/19	Did not meet jurisdiction test. Closed	Member of the public	Officer	-
TDCSC231/19	21/08/19	NFA Closed.	Officer	TDC Councillor	Allegations that the subject member had made inappropriate comments to the media regarding staffing matters.
TDCSC232/19	29/08/19	NFA Closed.	Member of the public	TDC Councillor	Allegations that the subject member had made inappropriate comments to the media regarding staffing matters.
TDCSC233/19	09/09/19	Did not meet jurisdiction test. Closed	Member of the public	Dover District Council	-
TDCSC234/19	19/09/19	Did not meet jurisdiction test. Closed	Member of the public	TDC Councillor	-
TDCSC235/19	23/09/19	Did not meet jurisdiction test. Closed	Member of the public	KCC	-

TDCSC236/19	16/10/19	Did not meet jurisdiction test. Closed	Member of the public	TDC Councillor	-
TDCSC237/19	20/12/19	Did not meet jurisdiction test. Closed	Member of the public	TDC Councillor	-
TDCSC238/20	17/01/20	Did not meet the jurisdiction test. Closed	Member of the public	Corporate complaint	-
TDCSC239/20	17/01/20	Did not meet the jurisdiction test. Closed	Member of the public	TDC Councillor	-
TDCSC240/20	20/02/20	Initial assessment Open.	Officer	TDC Councillor	-

EXCLUSION OF PUBLIC AND PRESS

Standards Committee **5 March 2020**

Report Author **Tim Howes**

Status **For Decision**

Classification: **unrestricted**

Executive Summary:

To consider whether to exclude the press and public for the consideration of agenda item 7.

Recommendation:

That the public and press be excluded from the meeting for agenda item 7 as it contains exempt information as defined in Paragraphs 1, 2, 4 and 5 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

CORPORATE IMPLICATIONS

Financial and Value for Money	There are no direct financial implications arising from the report.	
Legal	As per Part 1 of Schedule 12A and Part VA of the Local Government Act 1972 (as amended).	
Corporate	Thanet District Council will endeavour to keep the number of exempt reports it produces to a minimum in order to promote transparency.	
Equality Act 2010 & Public Sector Equality Duty	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 is 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 equality considerations that need to be addressed in this report.
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CORPORATE PRIORITIES (tick those relevant) ✓	
Growth	
Environment	
Communities	

1.0 Introduction and Background

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

Meaning of confidential information

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

Exempt information – discretion to exclude public

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

2.0 Exempt information

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

Paragraph 1

Information relating to any individual

Paragraph 2

Information which is likely to reveal the identity of an individual

Paragraph 4

Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.

Paragraph 5

Information in respect of which a claim to professional privilege could be maintained in legal proceedings

3.0 Reason Why Agenda Item 7 is considered to be “exempt”

3.1 The report author has classified Agenda Item 7 as disclosing exempt information under Paragraph 1, 2, 4 and 5.

4.0 Justification/Public Interest Test

4.1 Agenda item 7 is restricted as the information contained within it is exempt under paragraphs 1, 2, 4 and 5 of Part 1 to Schedule 12A to the Local Government Act 1972 (as amended). This relates to Labour relations matters. There is an expectation that in the interests of those involved and the council that these matters are not raised in public.

4.2 It is therefore considered that the public interest is served by the non-disclosure of the information contained within the report at agenda item 7.

5.0 Not Excluding the Press and Public

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

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

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

6.0 Decision Making Process

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

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

Annex List

None	N/A
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Corporate Consultation

Agenda Item 6

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

By virtue of paragraph(s) 1, 2, 4, 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

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