

MEETING OF THE COUNCIL



Thursday, 28th March, 2024

7.00 pm

**Council Chamber
Thanet District Council
Margate**

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



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Date: 18 March 2024
Ask For: Gabriella Stewart
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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, 28 March 2024 at 7.00 pm for the purpose of transacting the business mentioned below.

A handwritten signature in black ink, appearing to read "I. M. Grant".

Head of Legal and Democracy & Monitoring Officer

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 Chair 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 - 20)

To approve the Minutes of the meeting of Council held on 22 February 2024, copy attached.

3. **ANNOUNCEMENTS**

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

4. **DECLARATIONS OF INTEREST** (Pages 21 - 22)

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	<u>RESPONSE TO PETITION REGARDING REMOVAL OF VEHICLES AND UNATTACHED TRAILERS FROM LYELL COURT AND BRIECE COURT, BIRCHINGTON</u> (Pages 23 - 28)
6.	<u>QUESTIONS FROM THE PRESS AND PUBLIC</u> (Pages 29 - 32) To receive questions received from the press or public in accordance with Council Procedure Rule 13.
7.	<u>QUESTIONS FROM MEMBERS OF THE COUNCIL</u> (Pages 33 - 36) To receive questions from Members of the Council in accordance with Council Procedure Rule 14.
8.	<u>NOTICE OF MOTION</u> To receive any Notices of Motion from Members of Council in accordance with the Council Procedure Rule 3.
8a	<u>ABUSE OF COUNCILLORS AND OFFICERS MOTION</u> (Pages 37 - 40)
8b	<u>FAIR TAX DECLARATION MOTION</u> (Pages 41 - 48)
9.	<u>LEADERS REPORT</u> (Pages 49 - 52) To receive a report from the Leader of the Council in accordance with Council Procedure Rule 2.4.
10.	<u>ANNUAL REPORT OF THE CHAIR OF THE OVERVIEW AND SCRUTINY PANEL</u> (Pages 53 - 68)
11.	<u>ANNUAL REPORT OF THE CHAIR OF THE STANDARDS COMMITTEE</u> (Pages 69 - 76)
12.	<u>ANNUAL REPORT OF THE CHAIR OF THE GOVERNANCE AND AUDIT COMMITTEE</u> (Pages 77 - 94)
13.	<u>BUDGET MONITORING REPORT NO.3, 2023/24</u> (Pages 95 - 116)
14.	<u>CONTRACT PROCEDURE RULES</u> (Pages 117 - 140)
15.	<u>COUNCILLOR / OFFICER PROTOCOL</u> (Pages 141 - 174)
16.	<u>REVISED CONSTITUTIONAL CHANGE PROCESS</u> (Pages 175 - 180)
17.	<u>CHANGES TO COMMITTEES</u> (Pages 181 - 184)
18.	<u>AMENDMENT TO THE CALENDAR OF MEETINGS 2024-27</u> (Pages 185 - 188)

Item
No

Subject

19. **APPOINTMENT OF THE INTERIM CHIEF EXECUTIVE AND HEAD OF PAID SERVICE** (Pages 189 - 192)

COUNCIL

Minutes of the meeting held on 22 February 2024 at 7.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Present: ; Councillors Edwards, Owen-Hughes, Albon, Ara, Austin, Bambridge, J Bayford, Boyd, Bright, Bright, Britcher, Crittenden, Currie, Davis, Dawson, Donaldson, Duckworth, Everitt, Farooki, Fellows, Garner, D Green, Huxley, Keen, Kup, Makinson, Manners, Matterface, Pat Moore, Paul Moore, Munns, Nichols, Anne-Marie Nixey, Ovenden, Packman, Pope, Pressland, Pugh, Rattigan, Rogers, Scobie, W Scobie, Smith, Towing, Whitehead, Wing, Wright and Yates

In Attendance:

1. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from:

Councillor Barlow,
Councillor Braidwood,
Councillor D'Abbro,
Councillor Dennis,
Councillor Driver,
Councillor Worrow,
Councillor Rusecki.

2. **MINUTES OF THE PREVIOUS MEETING**

It was proposed by the Chair, seconded by the Vice-Chair and agreed that the minutes of the Council meeting held on 8 February 2024 be approved and signed by the Chair.

3. **ANNOUNCEMENTS**

The Chair announced that former Councillor Kay Dark had recently passed away. Councillors paused for a minute's silence in respect of Councillor Dark. Councillors made tributes to Councillor Dark.

4. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

5. **PETITIONS**

There were no petitions considered at the meeting.

6. **QUESTIONS FROM THE PRESS AND PUBLIC**

(a) **QUESTION NO.1 FROM A MEMBER OF THE PUBLIC REGARDING CEASEFIRE IN GAZA**

Ms Gardner asked the Leader the following question:

“Based on the fact that major corporations operating in your neighbourhoods are directly profiting off of the murder of innocent people like my cousins uncle, why have you not done more in your position of power to call for a ceasefire? And why do you continue to allow these clearly unethical companies to operate in your neighbourhoods?”

Councillor Everitt responded:

The district council had no powers to prevent the operation of major corporations in Thanet, either on an ethical basis or generally.

(b) **QUESTION NO.2 FROM A MEMBER OF THE PUBLIC REGARDING CEASEFIRE**

Ms Trentham asked the Leader the following question:

“As a resident of Thanet I am very worried about the impact of the present situation in Gaza on Palestinians and Israelis and also those living here and this concern is shared by many according to a recent Ipsos poll. Can you tell me why this council is not speaking out against what many NGOs now state is genocide and in doing so show empathy to these communities, and why this council is not calling for a permanent ceasefire now?”

Councillor Everitt responded:

There was a motion before the council at the meeting of 22/02/24 calling for an immediate ceasefire.

(c) **QUESTION NO.3 FROM A MEMBER OF THE PUBLIC REGARDING LOCAL GOVERNMENT INVESTMENTS IN ISRAEL**

Mr Knight asked Councillor Yates the following question:

“As cabinet member for corporate services, can you confirm whether Thanet District Council has no local government investments, either through pension funds or any other applicable routes, that may be linked to holdings connected to Israeli settlements, or companies that are supporting Israel’s genocide against the Palestinians in Gaza. And if any exist will you instruct the finance committee to divest from these in the light of the deadly attacks by the Israeli state which have cost the lives of almost 30,000 innocent Palestinians in Gaza, 12,000 of whom were children.”

Councillor Yates responded:

- Thanet District Council’s treasury cash had not been used to invest directly in Israel. However, the Council did not hold this information with regards to each of its counterparties.
- With regards Pension funds, these were managed by Kent County Council via the Kent Pension Fund committee which managed £8 billion of local government pensions. Although it had not been confirmed directly whether or not they had invested in Israeli settlements, or companies involved in the current conflict, it was confirmed that they have a Responsible Investment Policy, that looks at Environmental, Social and Governance factors.
- Furthermore, the Head of Pensions and Treasury within the Kent Pension Fund had been emailed and asked the question, this information would be shared with the member of the public once a response was forthcoming.

7. **QUESTIONS FROM MEMBERS OF THE COUNCIL**

(a) **QUESTION NO. 1 FROM A COUNCILLOR REGARDING MARTYN'S LAW**

Councillor Scobie asked Councillor Keen the following question:

“Would the Cabinet member please share what preparations TDC is making about the proposed new Protect Duty, otherwise known as Martyn’s law? Specifically, how many venues does TDC believe will be covered by the Enhanced tier?”

Councillor Keen responded:

- The proposed Martyn's Law impacted the local authority in many ways as the Licensing Authority, the responsible authority for public spaces and potentially the enforcing authority, the Council was therefore preparing in various ways.
- The Government had been clear that specific guidance around requirements would be published as part of the bill. Until this is published the Council was unsure as to whether or not they would be the enforcing authority.
- The Council had plotted all of the premises which they believed would be within the enhanced tier including its own. The required assessments would be part of the management of the Council’s sites.
- Based on the information available, it was believed that there would be in the region of 90+ enhanced tier premises in the Thanet District.
- There was a consultation regarding the updated standard tier in order to balance public protection and the burden on smaller premises prior to the Bill being presented to Parliament.

Councillor Scobie followed up his question by asking Councillor Keen if it was assumed that if the Theatre Royal and Winter Gardens opened, it would be in the advanced tier?

Councillor Keen responded that these assets, including the Theatre Royal and Winter Gardens, were the sorts of assets that had this clear plan. Training was considered an excellent idea, this had the potential to be brought into a councillors briefing.

(b) **QUESTION NO. 2 FROM A COUNCILLOR REGARDING RENOVATIONS TO THE SPORTS PAVILION AT NORTHDOWN PARK**

Councillor Manners asked Councillor Albon the following question:

“I’m pleased to see that the Council has published ambitious plans for Jacky Bakers. Support for grass roots sport and football is important to the communities we serve. With that in mind could I please have an update on promises made to renovate the Sports Pavilion at Northdown Park? Has a full structural survey including asbestos survey been conducted and what are the findings and recommendations? Have officers prepared a schedule of proposed works and a timetable for delivery? What are the costings and has a budget allocation been made?”

Councillor Albon responded:

- The open spaces and estate teams had been working collaboratively to prepare the site for a long-term tenant who could enhance the facility. A schedule of works had been prepared by the Council's Building Surveyor which outlined the necessary improvements. This schedule would be a crucial component of the new agreement, ensuring that the renovations align with the long-term goals for the site.
- There was no additional budget allocation beyond the costs required for clearing the site of debris, carrying out the EPC and Asbestos Report, and preparing it for marketing. As the marketing of the flagship property (Northdown House) in the same park was nearing completion, the Pavilion would be the next property to seek a new custodian. This systematic approach allowed the Council to ensure they had the required staffing capacity to carry out accompanied viewings, and to be able to address the incoming levels of offers and requests.

Councillor Manners followed up his question by asking Councillor Albon whether the council was looking in third party interests? If the council was looking for a tenant for the building, would the council be publishing the terms of reference?

Councillor Albon responded that the council would do everything they could.

(c) **QUESTION NO. 3 FROM A COUNCILLOR REGARDING AFFORDABLE HOMES**

Councillor Bayford asked Councillor Whitehead the following question:

“It seems that in order to meet the Council’s plan to purchase more affordable homes, some are being acquired prior to their construction. In these cases, does TDC have influence on the proposed EPC rating for the homes to be purchased, particularly as potential tenants are likely to benefit from the least expensive energy costs possible, as well as the obvious benefit to the environment?”

Councillor Whitehead responded:

- When the Council acquired homes off plan or as a 'turn-key' product, it was not permitted to influence the specification - this is because the Council would be creating a bespoke product that should be procured through a competitive tendering process.
- While the Council was not allowed to influence developers and change their specification, it would work very closely with colleagues in planning and were united in achieving the environmental benefits set out in the corporate statement, in order to set the highest bar possible for the green credentials of the homes that it acquired.
- The Council would actively take part in discussions with the developers about its ambitions. Where sites are not yet being built out, the Council would also share its own detailed specification, and would monitor the quality of the build throughout the construction process to ensure that the quality was there and certification is all in order at the point of handover of homes on the development.
- The units which had already completed and that have been handed over (LAHF and Spitfire Green Phase 1) were all EPC 'B'.

Councillor Bayford followed up her question by asking Councillor Whitehead how the council intended on funding the costs?

Councillor Whitehead responded that with acquisition came business cases. If the development cost was not cost effective, the council would not enter into the agreement. The council was considered in a good position in terms of acquiring properties.

(d) **QUESTION NO. 4 FROM A COUNCILLOR REGARDING POLLUTION**

Councillor Garner asked Councillor Keen the following question:

“The Royal College of Physicians estimate that 40,000 deaths a year in the UK are linked to air pollution, with engine idling contributing to this by increasing the amount of exhaust fumes in the air.

The Highway Code states that ‘if the vehicle is stationary and is likely to remain so for more than a couple of minutes, you should apply the parking brake and switch off the engine to reduce emissions and noise pollution’.

As a first step towards TDC considering the introduction of clean air zones, will Cllr Keen please follow the lead of other progressive councils in the UK and ask enforcement officers to issue fixed penalty notices to the driver when they witness a car idling and issue a fine of £40 if they refuse to turn their engine off?”

Councillor Keen responded:

It had been proposed that the Climate Change Cabinet Advisory Group explored how the Council could incorporate this enforcement in a meaningful way. It was confirmed that the Chair of the Climate CAG would take this up in a forthcoming meeting. Thanet District Council monitors air quality across the district and currently at the time of the meeting had one air quality management area in St Lawrence. All of the monitoring data was available at kentair.org.uk.

There were no supplementary questions.

(e) **QUESTION NO. 5 FROM A COUNCILLOR REGARDING COMPOSTABLE WASTE**

Councillor Rogers asked Councillor Albon the following question:

“I am addressing the serious concerns of compostable waste at the Dane Park Depot. 2,180 tonnes of waste, when the permitted amount is a maximum of 60 tonnes. Thankfully we have an efficient Head of Coastal and Public Realm who was concerned and asked relevant questions to the council’s waste consultant. Substantial fines and custodial sentences could have been imposed by the Environment Agency for non-compliance. The cost of removal was £275,000.

Why was this allowed to build up over several years, why did the Operational Services Director not inspect the site, so allowing this to happen? Why, if the director left, did an interim or deputy manager not spot this? Surely someone on site must have recognised that this could incur costs? What has been put in place to ensure this never happens again?”

Councillor Albon responded that:

- The management of the Open Spaces service was in a much more stable place, with the Open Spaces Manager, Head of Service and Director roles filled with permanent staff.
- The supervisors and their teams had been given clear instructions based on the advice and guidance of the Council’s waste consultant and Waste Compliance Manager.
- The Head of Service was undertaking monthly checks of all sites within the Coastal and Public Realm service to ensure compliant working practices were being undertaken.

Councillor Rogers followed up her question by asking Councillor Albon if he agreed that due to the estimated figure of £225,000 being overspent by £50,000, should this had gone out to tender, and changed from an officer to a key decision?

Councillor Albon responded that in order to get the work done in a timely manner the decision was taken to use the contractor. If the council had gone through the process of tendering, this would have taken up valuable time.

(f) **QUESTION NO. 6 FROM A COUNCILLOR REGARDING AN ABANDONED VEHICLE**

Councillor Huxley asked Councillor Keen the following question:

“Local residents have repeatedly contacted me to ask for help in relation to an abandoned vehicle which has been dumped on unadopted land in Camden Square, Ramsgate, and has now been there for over a year without moving. The vehicle is full of rubbish and has four flat tyres. A second similar vehicle has more recently arrived. I

understand the owner has claimed the first vehicle but has failed to remove it. Please would the Cabinet Member set out what action the council can take to get these vehicles removed. Thank you.”

Councillor Keen responded:

- The vehicle in question was not abandoned as it had an owner and therefore the Council was unable to use abandoned vehicle legislation to remove this vehicle. The council's Street Scene team would investigate to see what enforcement activity could be undertaken.
- The Council had received a report regarding a second vehicle on 16th February and this was, at the time of the meeting, being processed through the abandoned vehicle processes with the initial notices been issued.

Councillor Huxley followed up her question by asking Councillor Keen whether the council should be able to name and shame the owners of such vehicles?

Councillor Keen responded that she believed that naming and shaming was not the correct thing to do. However, it was noted that all residents had a responsibility to look after the area, and it was disappointing when residents did not do this.

(g) **QUESTION NO. 7 FROM A COUNCILLOR REGARDING MARGATE BECOMING A TOWN COUNCIL**

Councillor Rattigan asked Councillor Everitt the following question:

“The Margate charter trustee want to start the process to become a town council, with a time scale for becoming a town council in April 2026. Will you confirm you will trigger this process and confirm that the scale time can be met.”

Councillor Everitt responded:

- The Council was committed to parishing Margate in order to create a town council. However, the review to create a Parish Council for Margate could not run at the same time as the review reducing the number of TDC Councillors. As a result the start date of a review to create a Margate Town Parish could not be set in stone. It would be started as soon as the review was complete.
- This was scheduled to be at the end of the 2024 calendar year.
- If the review finished sooner, the Council would start the Parishing of Margate sooner. The process to create a Parish had to be completed within a one year period, and so it was hoped to see a shadow Parish Council created around the time suggested with the formal Parish Council coming into effect at the next elections in May 2027.

There were no supplementary questions.

(h) **QUESTION NO. 8 FROM A COUNCILLOR REGARDING FARMLAND**

Councillor Worrow was not present at the meeting, therefore he would receive a written response to his question.

(i) **QUESTION NO.9 FROM A COUNCILLOR REGARDING VETERANS**

Councillor Paul Moore asked Councillor Whitehead the following question:

“Our veterans are an important part of our community. Having served this country, the Armed forces covenant has been created by the government to ensure that veterans receive the support that they rightly deserve.

The covenant legal duty is a legal obligation on certain public bodies including LA's to have due regard to the principles of the AF Covenant when carrying out certain functions in health care, education and housing.

We have no officer presently in post having stepped back as written in an email to all of the group members in the AF covenant and that the council's commitment to the covenant has seemingly stagnated, (these are the feeling by those volunteers and members of the Thanet group).

What is happening with the armed forces covenant presently?

WE have been awarded silver standard and if we are not actively doing anything we should give back those awards/accreditations.”

Councillor Whitehead responded:

- Following the departure of the officer supporting the armed forces covenant, the council's Enforcement and Multi-agency task Force manager had assumed responsibility for the relevant functions and was representing the council at the Thanet Armed Forces/Civilian Partnership Network.
- Prior to the covenant becoming a statutory duty the Multi-agency task force held leadership roles in delivering activities around the covenant as well as undertaking extensive work supporting former armed forces personnel and their families.
- The Multi-agency task force manager had begun meeting individually with representatives of the network, and it was assured that the council's commitment to those who serve and have served remains undiminished.

Councillor Paul. Moore followed up his question by asking Councillor Whitehead whether the council would provide an AFC role and take ownership?

Councillor Whitehead responded that the work had not stopped. The commitment was there from the council. Notably, the council was in belief of turning this into a meaningful partnership.

8. **NOTICE OF MOTION**

The Chair proposed, Councillor Albon seconded and Councillors agreed that the Council considered the Notice of Motion 8B and Notice of Motion 8C before 8A (Abuse of Councillors and Officers Motion) under Council Procedure Rule 3.3.

(a) **Fair Tax Declaration Motion**

It was proposed by Councillor Austin and seconded by Councillor Yates that:

“The Green Group is proposing this motion to highlight the positive role that tax plays in our society. Tax should not be seen as a burden, as it is characterised by some politicians and certain media. If we all pay our fair share, it is a means of funding essential public services and ensuring all our communities are properly supported.

As a responsible public body, we want to lead by example, to stand up for better standards and campaign to change public procurement rules. Between 2014 and 2019, 17.5% of public procurement contracts were won by businesses with a connection to a tax haven. We find this unacceptable - and so do the majority of the public. Polls show over 60% of people believe public bodies should be able to consider company ethics and responsible tax conduct when awarding contracts to suppliers - but at present we are not permitted to do so.

We are therefore asking Council to support the following motion:

This Council resolves to:

Approve the Councils for Fair Tax Declaration.

Lead by example and demonstrate good practice in our tax conduct, right across our activities.

Ensure IR35 is implemented robustly and contract workers pay a fair share of employment taxes.

Not use offshore vehicles for the purchase of land and property, especially where this leads to reduced payments of stamp duty.

Undertake due diligence to ensure that not-for-profit structures are not being used inappropriately by suppliers as an artificial device to reduce the payment of tax and business rates.

Demand clarity on the ultimate beneficial ownership of suppliers UK and overseas and their consolidated profit & loss position, given lack of clarity could be strong indicators of poor financial probity and weak financial standing.

Promote Fair Tax Mark certification especially for any business in which we have a significant stake and where corporation tax is due.

Support Fair Tax Week events in the area, and celebrate the tax contribution made by responsible businesses are proud to promote responsible tax conduct and pay their fair share of corporation tax.

Support calls for urgent reform of UK procurement law to enable local authorities to better penalise poor tax conduct and reward good tax conduct through their procurement policies.”

In accordance with council procedure rule 3.7, Councillor Everitt provided a response to the motion.

Members voted to debate the motion; due to paragraph 3.8 of the constitution stating ‘The Council should not debate any motion which would give rise to a significant change to income of the Council, to its expenditure or contract terms, unless it has received a report from the Chief Finance Officer or the Monitoring Officer as appropriate setting out the legal or financial effect of the motion,’ the Council did not debate this motion at the meeting, and deferred it to the next meeting of Council.

A full report on the financial impact of the proposed motion would be written for Members' consideration, so that an informed debate could take place in the March 2024 Council meeting.

(b) **Ceasefire Motion**

It was proposed by Councillor Wing and seconded by Councillor Austin that:

“That this Council:-

(a) notes:-

- i. In response to the Hamas-led attacks on 7th October, that ‘by mid-December the Israeli army has dropped 29,000 bombs, munitions and shells on the strip. Nearly 70% of Gaza’s 439,000 homes and half of its buildings have been damaged or destroyed’. Gaza is one of the most densely populated places in the world and home to 2.2 million Palestinians (of whom almost half are children).
- ii. As of 21 st January 2024, 25,105 Palestinians have been killed in Gaza and another 62,681 wounded’. Over 1 million Palestinians have been displaced, and many of the killed and injured are children.
- iii. That collective punishment is against international law under the Geneva Conventions.
- iv. This escalation in violence has been felt acutely across the district by residents and in particular among health care workers and clinical staff at

QEQM hospital, the main medical centre for Thanet, which has a far higher level of diversity than the general population, some of whom have lost loved ones. That residents in Thanet, as in other communities, have been further affected by the rise in antisemitic and Islamophobic incidents across the UK and elsewhere. Thanet has a significant Jewish community and heritage, and 'more than seven out of ten Jews living in the UK have family in Israel, making the horrific 7 th October attack by Hamas personal'. UK Police have also reported a 'record rise in religious hate crimes, with the Community Safety Trust, a Jewish charity describing the figures as 'shocking' and campaigners against Anti-Muslim abuse stating they are 'deeply worrying'. It further notes that it is affecting communities 'trust in authorities and their sense of identity and belonging'. The lack of criticism by Thanet District Council for the unprecedented attacks on a predominantly Muslim/brown civilian population is having a further impact on this part of our community.

v. That the Israeli government have cut off water, food, and electricity to Gaza which is a recognised war crime under International Humanitarian Law.

vi. That on the 30 th October 2023 the World Bank warned that 'oil prices could reach \$150 in 2024 due to the consequences of the war leading to further oil supply disruption' which would 'inevitably mean higher food prices'. 'The IMF estimates that a sustained 10% increase in oil prices shaves 0.15 percentage points off global economic growth and adds 0.4 points to inflation in the following year'. It further adds that 'the cost of a barrel of crude oil is now about 10% higher than it was before the Hamas attack'. Government poverty data continues to rank 'Thanet as the most deprived local authority in Kent', it also 'has the most LSOAs within the most deprived decile with 18' and has seen no change since 2015. Clearly, the impact of increased food and fuel prices now and as predicted into the coming year, will be felt by all Thanet residents but disproportionately felt by the significant number of residents that live in poverty. In addition, higher costs will also negatively affect the Councils finances. With no end in sight and tensions growing 'if the conflict spreads to major oil-producing nations in the region such as Iran, the global economy could face severe repercussions as energy costs for businesses and households spike'.

(b) believes:-

i. What is happening in Gaza is a humanitarian catastrophe with horrific escalations of violence.

ii. Loss of all civilian lives and atrocities committed against civilians in both the Hamas attacks and the continuing bombardment of the Gaza strip by Israel, is horrific and must be condemned and investigated.

iii. All forms of racism, including Anti-Palestinian racism, Antisemitism and Islamophobia have no place in Thanet or the wider world and condemns any attacks on these groups

iv. Polls show that UK citizens surveyed overwhelmingly support a humanitarian ceasefire, which has been called for by the U.N. High Commissioner for Human Rights, UNICEF, Save the Children, the head of the WHO, as well as Oxfam. While Ipsos found '7 out of 10 UK citizens are concerned about the impact of the conflict on Palestinians and Israeli civilians' and that they 'are more likely to want the UK Government to be a neutral mediator or not be involved at all than support a particular side' .

v. All political leaders, at all levels of government, have duties under international law to prevent genocide; and that

vi. Thousands of Thanet residents have joined protests, meetings and other events and gatherings, written to MPs, or contacted their councillors backing these calls for a ceasefire

(c) therefore resolves to:-

(i) call upon the UK Government and Opposition Government to:-

- i. call for an immediate ceasefire,
- ii. open humanitarian corridors into Gaza to allow aid and other vital medical resources to flow unhindered in,
- iii. provide an opportunity to seek the immediate release of all hostages and all Palestinians held in arbitrary military detention,
- iv. call for an arms embargo to be enacted by all involved in the conflict and
- v. call on Israel to resume negotiations with the Palestinians to seek a peaceful solution that ensures justice, safety, fairness and equality for all;

(ii) request that the Leader submits this Motion to the UK Prime Minister and Opposition Leader.”

In accordance with council procedure rule 3.7, Councillor Everitt provided a response to the motion.

It was proposed by Councillor Yates, seconded by Councillor Garner and councillors agreed to debate the motion.

Councillor Everitt proposed and Councillor Scobie seconded the following amendment:

“1, Delete at a) iv: “The lack of criticism by Thanet District Council for the unprecedented attacks on a predominantly Muslim/brown civilian population is having a further impact on this part of our community.”

2. Following b) delete “believes” and insert “recognises that”

3. At b) v: insert, after the word “genocide”, “to the extent it is within their power”

4. At c) delete “opposition government” and insert “all Westminster political parties”

5. At c) i. Insert “humanitarian” before ceasefire

6. At c) ii delete “open” and insert “call for the opening of”

7. At c) iii delete all the existing and insert “call for the immediate unconditional release of the hostages held by Hamas”

8. Delete c) iv in its entirety

At c) v renumber as iv and delete “call on Israel to resume negotiations with the Palestinians” and insert “call for resumed negotiations” instead; then insert “two-state” before “solution”

(ii) delete the remainder after “Prime Minister”.

Councillors debated the motion, Councillors agreed and the motion was carried.

Councillor Pugh proposed and Councillor Kup seconded the following amendment:

“That this Council:-

(a) notes:-

- i. In response to the Hamas-led attacks on 7th October, that ‘by mid-December the Israeli army has dropped 29,000 bombs, munitions and shells on the strip. Nearly 70% of Gaza’s 439,000 homes and half of its buildings have been damaged or destroyed’. Gaza is one of the most densely populated places in the world and home to 2.2 million Palestinians (of whom almost half are

children).

ii. As of 21 st January 2024, 25,105 Palestinians have been killed in Gaza and another 62,681 wounded'. Over 1 million Palestinians have been displaced, and many of the killed and injured are children.

iii. That collective punishment is against international law under the Geneva Conventions.

iv. This escalation in violence has been felt acutely across the district by residents and in particular among health care workers and clinical staff at QEQM hospital, the main medical centre for Thanet, which has a far higher level of diversity than the general population, some of whom have lost loved ones. That residents in Thanet, as in other communities, have been further affected by the rise in antisemitic and Islamophobic incidents across the UK and elsewhere. Thanet has a significant Jewish community and heritage, and 'more than seven out of ten Jews living in the UK have family in Israel, making the horrific 7 th October attack by Hamas personal'. UK Police have also reported a 'record rise in religious hate crimes, with the Community Safety Trust, a Jewish charity describing the figures as 'shocking' and campaigners against Anti-Muslim abuse stating they are 'deeply worrying'. It further notes that it is affecting communities 'trust in authorities and their sense of identity and belonging'. The lack of criticism by Thanet District Council for the unprecedented attacks on a predominantly Muslim/brown civilian population is having a further impact on this part of our community.

v. That the Israeli government have cut off water, food, and electricity to Gaza which is a recognised war crime under International Humanitarian Law.

vi. That on the 30 th October 2023 the World Bank warned that 'oil prices could reach \$150 in 2024 due to the consequences of the war leading to further oil supply disruption' which would 'inevitably mean higher food prices'. 'The IMF estimates that a sustained 10% increase in oil prices shaves 0.15 percentage points off global economic growth and adds 0.4 points to inflation in the following year'. It further adds that 'the cost of a barrel of crude oil is now about 10% higher than it was before the Hamas attack'. Government poverty data continues to rank 'Thanet as the most deprived local authority in Kent', it also 'has the most LSOAs within the most deprived decile with 18' and has seen no change since 2015. Clearly, the impact of increased food and fuel prices now and as predicted into the coming year, will be felt by all Thanet residents but disproportionately felt by the significant number of residents that live in poverty. In addition, higher costs will also negatively affect the Councils finances. With no end in sight and tensions growing 'if the conflict spreads to major oil-producing nations in the region such as Iran, the global economy could face severe repercussions as energy costs for businesses and households spike'.

(b) believes:-

i. What is happening in Gaza is a humanitarian catastrophe with horrific escalations of violence.

ii. Loss of all civilian lives and atrocities committed against civilians in both the Hamas attacks and the continuing bombardment of the Gaza strip by Israel, is horrific and must be condemned and investigated.

iii. All forms of racism, including Anti-Palestinian racism, Antisemitism and Islamophobia have no place in Thanet or the wider world and condemns any attacks on these groups

iv. Polls show that UK citizens surveyed overwhelmingly support a humanitarian ceasefire, which has been called for by the U.N. High Commissioner for Human Rights, UNICEF, Save the Children, the head of the WHO, as well as Oxfam. While Ipsos found '7 out of 10 UK citizens are concerned about the impact of the conflict on Palestinians and Israeli civilians' and that they 'are more likely to want the UK Government to be a neutral mediator or not be involved at all than support a particular side' .

- v. All political leaders, at all levels of government, have duties under international law to prevent genocide; and that
- vi. Thousands of Thanet residents have joined protests, meetings and other events and gatherings, written to MPs, or contacted their councillors backing these calls for a ceasefire

(c) Supports:

- i. Israel's right to self-defence, in compliance with international humanitarian law, against terror attacks perpetrated by Hamas;
- ii. Condemns the slaughter, abuse and gender-based violence perpetrated on 7th October 2023, further condemns the use of civilian areas by Hamas and others for terrorist operations, urges negotiations to agree an immediate humanitarian pause as the best way to stop the fighting and to get aid in and hostages out;
- iii. Supports moves towards a permanent bilateral and sustainable ceasefire; acknowledges that achieving this will require all hostages to be released, the formation of a new Palestinian Government, Hamas to be unable to launch further attacks and no longer in charge in Gaza, and a credible pathway to a two-state solution which delivers peace, security and justice for both Israelis and Palestinians;
- iv. Expresses concern at the humanitarian crisis in Gaza and at the prospect of a military offensive in Rafah;
- v. Reaffirms the urgent need to significantly scale up the flow of aid into Gaza where too many innocent civilians have died; and calls on all parties to take immediate steps to stop the fighting and ensure unhindered humanitarian access.

(d) therefore resolves to:-

(i) call upon the UK Government and Opposition Government to:-

- i. call for an immediate bilateral ceasefire,
- ii. open humanitarian corridors into Gaza to allow aid and other vital medical resources to flow unhindered in,
- iii. provide an opportunity to seek the immediate release of all hostages and all Palestinians held in arbitrary military detention,
- iv. call for an arms embargo to be enacted by all involved in the conflict and
- v. call on both Israel and the Palestinians to resume negotiations to seek a peaceful solution that ensures justice, safety, fairness and equality for all irrespective of religion or ethnicity;

(ii) request that the Leader submits this Motion to the UK Prime Minister and Opposition Leader."

Councillors debated the motion, Councillors voted against the amended motion, the amended motion was lost.

(c) **Abuse of Councillors and Officers Motion**

As a result of timings for the Notice of Motions over-running, the Abuse of Councillors and Officer Motion would be deferred to the full council meeting of 28 March 2024.

9. **LEADERS REPORT**

The Leader, Councillor Everitt, presented his report to Council, covering the following key points:

- There had been a peaceful conclusion to the long running use of the port of Ramsgate by a group of travellers that had extended back to summer 2021.
- There had been an outstanding contribution by the Deputy Leader, Councillor Whitehead, to understand the travellers needs and mutually agreeable solutions for individuals on the port site.
- A cyber incident in February 2024 had caused the council to shut down some of the computer systems as a precaution. This effected both staff and residents. There is no evidence that information had been gained from this disruption.
- There would be a new cabinet advisory group to consider the councils IT security moving forward.
- The equalities cabinet group was soon be set up.
- Work continued on the regeneration projects in Margate and Ramsgate.
- The leader had met with the Thanet Fisherman's Association.
- It was noted that the new owners of Dreamland had no taken on the £4 million allocation of funding from the Town Deal. It was for Dreamland to explain this decision.
- The allocation of money was believed to be used on the Winter Gardens project.
- There was a new corporate plan, and a balanced budget for the councils 2024 year ahead.
- The council would be celebrating its 50th anniversary of formation in May.

Councillor Pugh, as Leader of the Conservative Group, made the following points:

- The news of a cabinet advisory group for cyber issues was welcomed.
- During the time of the cyber issues in February 2024, the planning portal had also been affected. It would be positive if there was some delays on the planning committee due to the planning portal having disruptions.
- The regeneration projects were welcomes.
- It was positive news that the equalities cabinet advisory group was to be set up soon.
- Would the council use levelling up funds for the port?
- It was agreed that the funding not taken by Dreamland should now be allocated to the Winter Gardens.
- It was disappointing that Dreamland had not taken the funding.
- Congratulations were given to the council for its 50th anniversary.

The Leader responded to Councillor Pugh's comments with the following points:

- The council shared the position that it could not commit significant levelling up funds without commitments of the port being used.

Councillor Garner, as Leader of the Green Group, made the following points:

- Gratitude was given to the housing team.
- The port had not been a good place to live. The root cause to this issues stood by the council neglecting its duty to provide a permanent site for travellers to use which had resulted in incursions.
- The consultation regarding the potential use of land off Shottendane Road was welcomed.
- The regeneration projects had been welcomed.
- It was positive with the potential work with the Thanet Fisherman Association.

- The port had raised concerns.

The Leader responded to Councillor Garner’s comments with the following points:

- Much of Councillors Garners comments were agreed with.
- Scrutiny discussions around regeneration was positive, and had added value to the process.
- The council had expressions of interest of the port, as the port is currently. The council was committed to not spending large amounts of money without understanding what the prospect were in terms of the port.

10. REPORT OF THE CHAIR OF THE OVERVIEW AND SCRUTINY PANEL

Councillor Fellows, the Chairman of the Overview and Scrutiny Panel, circulated the full report prior to the meeting and asked if councillors had any questions on the report. Councillor Fellows stated that all councillors were welcome and encouraged to attend the Overview and Scrutiny Panel, and that they had a wide range of topics discussed at meetings.

Councillors noted the report.

11. TREASURY MANAGEMENT STRATEGY & ANNUAL INVESTMENT STRATEGY 2024/25

Councillor Yates proposed, Councillor Albon seconded and Councillors agreed:

“That Council approves this report and annexes, including each of the key elements listed below.

- a. The Capital Plans, Prudential Indicators and Limits for 2024/25 to 2026/27, including the Authorised Limit Prudential Indicator;
- b. The Minimum Revenue Provision (MRP) Policy;
- c. The Treasury Management Strategy for 2024/25 to 2026/27 and the Treasury Indicators;
- d. The Investment Strategy for 2024/25 contained in the Treasury Management Strategy, including the detailed criteria;
- e. The Capital Strategy for 2024/25;
- f. The Non-Treasury Investments Report for 2024/25.”

12. 2024-28 MEDIUM TERM FINANCIAL STRATEGY

Councillor Yates proposed, Councillor Albon seconded and Councillors agreed that:

“1. The 2024/28 MTFS be agreed.”

13. COUNCIL TAX RESOLUTION REPORT

It was noted that in accordance with council procedure rule 17.6, a recorded vote would be taken on the motion or any amendments and substantive motions.

The Chair proposed, the Vice Chair seconded the recommendations in the report be set out:

“(i) That Members approve the Thanet District Council element of Council Tax charges as set out below for the listed property bands:

(ii) That Members approve the determinations at Section 1 of this report.”

The Monitoring Officer conducted a recorded vote on the motion as follows:

34 Councillors voted in favour of the motion.

Councillors; Albon, Ara, Austin, Boyd, J. Bright, K. Bright, Britcher, Crittenden, Currie, Donaldson, Duckworth, Edwards, Everitt, Farooki, Garner, Green, Huxley, Keen, Makinson, Matterface, Pat Moore, Munns, Nixey, Ovenden, Owen-Hughes, Packman, Pope, Pressland, H. Scobie, W. Scobie, Smith, Whitehead, Wing and Yates.

14 Councillors voted against the motion.

Councillors; Bambridge, Bayford, Davis, Dawson, Fellows, Kup, Manners, Paul. Moore, Nichols, Pugh, Rattigan, Rogers, Towning, Wright.

The motion was AGREED.

14. MEMBERS ALLOWANCES SCHEME 2024/25

The Chair proposed, the Vice Chair seconded the recommendations in the report be set out:

“To adopt the proposed 2024/25 Members allowances scheme as set out at annex 1 to this report and to refer the scheme to EKJIRP for them to consider.

Any recommendations from the EKJIRP altering the proposed scheme will be reported back to Council for consideration.

If no recommendations are received from the EKJIRP, Council delegates the authority to approve the final scheme to the S.151 Officer.”

Councillors voted against a recorded vote.

Councillors agreed to the recommendation.

15. COMMITTEES, PANELS AND BOARDS

The Chair proposed, the Vice Chair seconded the recommendations in the report be set out:

“That Council approves the proportionality between groups (allocation of seats) for Committees, Panels and Boards for the remainder of the 2023/24 municipal year.”

Councillor Everitt had no new nomination changes.

Councillor Pugh requested for Councillor Towning to be removed from the Licensing committee.

Councillor Davis would be removed as a reserve on Governance and Audit to full committee member.

Councillor Garner had no new nomination changes.

Councillors agreed.

16. REPRESENTATION ON RAMSGATE CHARITIES

The item on Representation on Ramsgate Charities was deferred to a future meeting of the council.

17. CALENDAR OF MEETINGS

The Chair proposed, the Vice Chair seconded the recommendations in the report be set out:

“That Council agrees the updated calendar of meetings for February 2024 to May 2027 as set out at Annex 1 to the report.”

Additionally it was noted that there were some changes to the calendar of meetings.

The following meetings were added to the calendar of meetings:

Thursday 14th March 2024 – Meeting of Cabinet

Thursday 21st March 2024 – Meeting of Joint Transportation Board

Thursday 18th April 2024 – Meeting of the Overview and Scrutiny Panel.

The meeting of Tuesday 16th April 2024, Overview and Scrutiny Panel, was removed from the calendar.

Councillors agreed.

Meeting concluded : 9.50 pm



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](#).

Response to Petition regarding removal of vehicles and unattached trailers from Lyell Court and Briece Court, Birchington

Meeting	28 March 2024
Report Author	Nicholas Hughes, Committee Services Manager
Portfolio Holder	Councillor Keen, Cabinet Member for Neighbourhoods
Status	For Information
Classification:	Unrestricted
Ward:	Birchington North Ward

Executive Summary:

The report outlines a petition that was received by the Council. The petition requests that the Council removed vehicles and unattached trailers abandoned outside Lyell Court and Briece Court in Lyell Road, Birchington.

Recommendation(s):

The report is for information only.

Corporate Implications

Financial and Value for Money

Response to petition has no financial implications.

Legal

There are no particular legal implications arising.

Part 5 of the Council's constitution provides that Ordinary petitions are those petitions signed by 50 or more petitioners but fewer than 1500. These are to be presented to a senior Officer of the Council who, after consultation with the relevant portfolio holder will respond. Then a report on that Petition noting what action has been taken will be referred to the next meeting of Cabinet or Council for their information.

Risk Management

Response to petition poses no considerable risk to the council.

Corporate

Petitions are an important way of the public engaging with the Council on matters of importance to them and responses should be timely and in accordance with the Council's agreed procedures.

Equality Act 2010 & Public Sector Equality Duty

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

This report relates to the following aim of the equality duty: -

- To advance equality of opportunity between people who share a protected characteristic and people who do not share it
- To foster good relations between people who share a protected characteristic and people who do not share it.

Corporate Priorities

This report relates to the following corporate priorities: -

- To keep our district safe and clean
- To work efficiently for you

1.0 Introduction

1.1 The Council received a petition with 56 valid signatures on 7 February 2024 relating to a request for the council and highways to remove the abandoned vehicles and unattached trailers outside Lyell Court and Briece Court in Lyell Road, Birchington.

2.0 The Current Situation

2.1 The petition contained the following petition prayer:

“Petition to Local Council and highways for the removal of vehicles and unattached trailers abandoned outside Lyell Court and Briece Court, Lyell Road, Birchington, Kent CT7 9EJ”

2.2 The Response

The formal response to the petition that was sent to the petitioner is attached at Annex 1 to the report.

3.0 Decision Making Process

- 3.1 As indicated in the legal section of this report, under the terms of the Council's petitions scheme, if a petition has over 50, but less than 1500 signatories, it will be presented to a senior Officer of the Council who, after consultation with the relevant portfolio holder, will respond. Then a report on that Petition noting what action has been taken will be referred to the next meeting of Cabinet or Council for their information.

Contact Officer: Nicholas Hughes (Committee Services Manager)

Reporting to: Ingrid Brown (Head of Legal and Democracy & Monitoring Officer)

Corporate Consultation

Finance: Chris Blundell, Director of Corporate Services

Legal: Ingrid Brown (Head of Legal and Democracy & Monitoring Officer)

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Agenda Item 5a

Annex 1

Copy of petition response from: Nicholas Hughes (Committee Services Manager) to Petitioner Mrs Knight

Dear Mrs Knight,

Thank you for your letter submitting your petition which contained the the following Petition prayer:

“Petition to Local Council and highways for the removal of vehicles and unattached trailers abandoned outside Lyell Court and Briece Court, Lyell Road, Birchington, Kent CT7 9EJ”

In accordance with the Council’s petition policy, this letter will explain the next steps for the petition. I can confirm that your petition has been accepted as valid. After referring to the Council’s petition scheme the Council’s Monitoring Officer has confirmed that your petition has 56 valid signatories.

The Council's petition scheme states that those petitions signed by 50 or more petitioners but fewer than 1500 will be presented to a senior Officer of the Council who, after consultation with the relevant portfolio holder will respond. Then a report on the petition noting what action has been taken will be referred to the next meeting of Cabinet or Council for their information. I have forwarded your petition to the Head of Neighbourhoods Penny Button and her response is outlined below.

“We have investigated a number of abandoned vehicle notifications in Lyell Road over recent years and they have all been claimed by owners. Once claimed we are unable to take any further action under our powers to remove abandoned vehicles. As you have expressed concern about the roadworthiness of these vehicles, including trailers, I have passed your concerns on to Kent Police who enforce vehicles being roadworthy.

I appreciate that you are frustrated that people are leaving their vehicles on the road for prolonged periods of time without moving them but we are limited in the action we can take once they are claimed.

I have also passed your concerns onto colleagues in the planning enforcement team as you have stated that you believe there is a business being operated [REDACTED]

This response will be presented to Council at its meeting on 28 March 2024 for their information.

If you have any queries regarding the petition or the process, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'NHughes'.

Nick Hughes
Committee Services Manager

QUESTIONS FROM THE PRESS AND PUBLIC

Council	28 March 2024
Report Author	Committee Services Manager
Portfolio Holder	Leader of the Council
Classification:	Unrestricted
Key Decision	No

Executive Summary:

The Leader and Cabinet Members will receive questions from the press and public in accordance with Council Procedure Rule 13.

Recommendation(s):

This report is for information.

Corporate Implications

Financial and Value for Money

There are no identified financial implications from this report.

Legal

There are no legal implications directly from this report.

Corporate

Council Procedure Rule 13 affords members of the public the opportunity to ask questions of Members of the Cabinet at ordinary meetings of the Council.

Equality Act 2010 & Public Sector Equality Duty

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

There are no specific equality issues arising from this report.

Corporate Priorities

This report relates to the following corporate priorities: -

- To keep our district safe and clean
- To deliver the housing we need
- To protect our environment
- To create a thriving place
- To work efficiently for you

1.0 Introduction and Background

- 1.1 Council Procedure Rule 13 enables members of the public may ask questions of members of the Cabinet at ordinary meetings of the Council.
- 1.2 Any questions received in accordance with the Council's constitution will be available to view on the Council website:
<https://www.thanet.gov.uk/info-pages/speaking-at-council-meetings/>
- 1.3 Under Council Procedure Rule 13.6, the Chair will invite the questioner to put their question to the Member named in the notice. If the questioner is not present, the question shall not be put and shall be answered in writing.
- 1.4 Under Council Procedure Rule 13.7, if the Member to whom the question is directed is present they will provide an oral answer. If that Member is not present, the question will be answered by the Leader or another Member nominated by the Leader for the purpose unless it is inappropriate for the Leader to give an oral answer or to nominate another Member to give an oral answer, in which case the question will be dealt with by a written answer.
- 1.5 The total time devoted to questions from the press and public shall not exceed 30 minutes. Any question which cannot be dealt with during that time will be replied to in writing.

Contact Officer: Nick Hughes, Committee Services Manager

Reporting to: Ingrid Brown (Head of Legal and Democracy & Monitoring Officer)

Annex List

There are no Annexes with this report.

Background Papers

There are no Background Papers with this report.

Corporate Consultation

Agenda Item 6

Finance: Chris Blundell, Acting Deputy Chief Executive & S151 Officer

Legal: Ingrid Brown (Head of Legal and Democracy & Monitoring Officer)

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QUESTIONS FROM THE MEMBERS OF THE COUNCIL

Council	28 March 2024
Report Author	Committee Services Manager
Portfolio Holder	Leader of the Council
Classification:	Unrestricted
Key Decision	No

Executive Summary:

The Leader, Cabinet Members and Chair of any Committee or Sub-Committee will receive questions from Members of the Council in accordance with Council Procedure Rule 14.

Recommendation(s):

This report is for information.

Corporate Implications

Financial and Value for Money

There are no identified financial implications from this report.

Legal

There are no legal implications directly from this report.

Risk Management

There are risks arising directly from this report. It is however important for the Council to adhere to the constitutional provisions when processing Member questions to Council in order to maintain credibility of the process.

Corporate

Council Procedure Rule 14.3 affords Members of the Council the opportunity to ask questions of Members of the Cabinet at ordinary meetings of the Council.

Equality Act 2010 & Public Sector Equality Duty

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and

(iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

There are no specific equality issues arising from this report.

Corporate Priorities

This report relates to the following corporate priorities: -

- *To keep our district safe and clean*
- *To deliver the housing we need*
- *To protect our environment*
- *To create a thriving place*
- *To work efficiently for you*

1.0 Introduction and Background

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

- a Member of the Cabinet; or
- the Chair 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.

1.2 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.

1.3 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.

1.4 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)

1.5 The total time devoted to questions from Members of the Council shall not exceed 30 minutes. Any question which cannot be dealt with during that time will be replied to in writing.

- 1.6 The questions received in accordance with the Council's constitution will be available to view on the Council's website:

<https://www.thanet.gov.uk/info-pages/speaking-at-council-meetings/>

Contact Officer: Nick Hughes, Committee Services Manager

Reporting to: Ingrid Brown (Head of Legal and Democracy & Monitoring Officer)

Annex List

There are no Annexes with this report.

Background Papers

There are no Background Papers with this report.

Corporate Consultation

Finance: Chris Blundell, Director of Corporate Resources & S151 Officer

Legal: Ingrid Brown (Head of Legal and Democracy & Monitoring Officer)

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NOTICE OF MOTION REGARDING ABUSE OF COUNCILLORS AND OFFICERS

Council:	28 March 2024
Report Author	Nick Hughes, Committee Services Manager
Portfolio Holder	Councillor Everitt, Leader of the Council and Cabinet Member for Strategy and Transformation
Status	For Decision
Classification:	Unrestricted
Ward:	All Wards

Executive Summary:

This Council will consider a notice of motion requesting that the Council challenges the normalisation of abuse against Councillors and Officers and uphold exemplary standards of public life and political debate.

Recommendation(s):

With reference to the options in section 2.0 of the report, Council is invited to consider the motion.

Corporate Implications:

Financial and Value for Money

There are no financial implications arising directly from this report.

Legal

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” (*rules of debate*)

Corporate

Council Procedure Rule 3 provides the opportunity for Councillors to give advance notice of

motions to be put to Council.

Equality Act 2010 & Public Sector Equality Duty

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

There are no specific equality issues arising from this report.

CORPORATE PRIORITIES

This report relates to the following corporate priorities: -

- To keep our district safe and clean
- To deliver the housing we need
- To protect our environment
- To create a thriving place
- To work efficiently for you

1.0 Introduction and Background

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

"The intimidation and abuse of Councillors and Officers, in person or otherwise, undermines democracy, preventing elected members from representing the communities they serve, deterring individuals from standing for elections, and undermines public life, democratic processes and working representation.

This Council notes that increasing levels of toxicity in public and political discourse is having a detrimental impact on local democracy and that prevention, support and responses to abuse and intimidation of local politicians and Officers must improve to ensure Councillors and employees feel safe and able to continue representing their residents.

We therefore commit to challenge the normalisation of abuse against Councillors and Officers and uphold exemplary standards of public life and political debate in all we do. The Local Government Association's Debate Not Hate campaign aims to raise public awareness of the role of Councillors in local communities, encourage healthy

debate and improve the response to and support those in public life facing abuse and intimidation.

To tackle these issues effectively, we agree:

- 1. That the Council signs up to the Local Government Association's Debate Not Hate campaign.*
- 2. That the Leader of the Council writes to the local Members of Parliament to ask them to support the Debate Not Hate campaign;*
- 3. That the Leader of the Council writes to the Government to ask them to work with the Local Government Association to develop and implement a plan to address abuse and intimidation of politicians;*
- 4. That we collectively and individually support Councillors and Officers facing harassment and abuse, and model positive behaviour and positive politics in our political lives;*
- 5. That we make support and relevant training available to Councillors in relation to abuse and intimidation and that Councillor safety related to this is explicitly included as part of our Member Induction Programme."*

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 If the motion is debated, at the end of the debate a vote will be taken to agree the motion or not. As only Council can agree to this motion, if the motion falls then it will not be referred to any other committee.

Contact Officer: Nick Hughes, Committee Services Manager

Reporting to: Ingrid Brown (Head of Legal and Democracy & Monitoring Officer)

Annex List

There are no annexes with this report.

Background Papers

There are no background papers with this report.

Corporate Consultation

Finance: Chris Blundell (Director of Corporate Services)

Legal: Ingrid Brown (Head of Legal and Democracy & Monitoring Officer)

NOTICE OF MOTION REGARDING FAIR TAX DECLARATION

Council:	28 March 2024
Report Author	Chris Blundell, Director of Corporate Services
Portfolio Holder	Councillor Yates, Cabinet Member for Corporate Services
Status	For Decision
Classification:	Unrestricted
Ward:	All Wards

Executive Summary:

This Council is being asked to consider a notice of motion requesting that the Council resolves to approve the Fair Tax Declaration. This would include the Council leading by example and demonstrating good practice in their tax conduct.

Recommendation(s):

1. That Full Council considers the content of this report and takes a decision either to debate the Motion referred to or not to debate the Motion referred to based on the information provided below.

Corporate Implications:

Financial and Value for Money

It should be noted that the figures stated in the motion regarding the number of public procurement awards associated with tax havens relates to nationwide procurement activity and is not specific to either Thanet District Council or local government generally.

To adopt the Motion as originally drafted by the Fair Tax Foundation would result in additional cost to the Authority, specifically to service the requirements outlined in additional due diligence activities. This would be both additional staffing and training to develop the required skills.

The broader financial considerations pertaining to the motion are set out in the body of the report.

Legal

There are no specific legal implications arising from the decision to debate or not debate this motion. However, in the event that Council were to vote to accept the motion as drafted, this would have implications for the Council as set out in the body of this report.

Members should be reminded of Procedure Rule 3.7 which 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” (*rules of debate*)

Risk

There is no risk associated with the decision to debate or not debate this report. Officers have however considered the Motion and as set out in the body of this report there are financial risks associated with members voting in favour of the motion as originally drafted.

Corporate

Council Procedure Rule 3 provides the opportunity for Councillors to give advance notice of motions to be put to Council.

Equality Act 2010 & Public Sector Equality Duty

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

There are no specific equality issues arising from this report.

CORPORATE PRIORITIES

This report relates to the following corporate priorities: -

- *To keep our district safe and clean*
- *To deliver the housing we need*

- *To protect our environment*
- *To create a thriving place*
- *To work efficiently for you*

1. Introduction and Background

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

“The Green Group is proposing this motion to highlight the positive role that tax plays in our society. Tax should not be seen as a burden, as it is characterised by some politicians and certain media. If we all pay our fair share, it is a means of funding essential public services and ensuring all our communities are properly supported.

As a responsible public body, we want to lead by example, to stand up for better standards and campaign to change public procurement rules. Between 2014 and 2019, 17.5% of public procurement contracts were won by businesses with a connection to a tax haven. We find this unacceptable - and so do the majority of the public. Polls show over 60% of people believe public bodies should be able to consider company ethics and responsible tax conduct when awarding contracts to suppliers - but at present we are not permitted to do so.

We are therefore asking Council to support the following motion:

This Council resolves to:

Approve the Councils for Fair Tax Declaration.

Lead by example and demonstrate good practice in our tax conduct, right across our activities.

Ensure IR35 is implemented robustly and contract workers pay a fair share of employment taxes.

Not use offshore vehicles for the purchase of land and property, especially where this leads to reduced payments of stamp duty.

Undertake due diligence to ensure that not-for-profit structures are not being used inappropriately by suppliers as an artificial device to reduce the payment of tax and business rates.

Demand clarity on the ultimate beneficial ownership of suppliers UK and overseas and their consolidated profit & loss position, given lack of clarity could be strong indicators of poor financial probity and weak financial standing.

Promote Fair Tax Mark certification especially for any business in which we have a significant stake and where corporation tax is due.

Support Fair Tax Week events in the area, and celebrate the tax contribution made by responsible businesses are proud to promote responsible tax conduct and pay their fair share of corporation tax.

Support calls for urgent reform of UK procurement law to enable local authorities to better penalise poor tax conduct and reward good tax conduct through their procurement policies.”

2. Outline of the Motion

2.1. Officers have reviewed the original Declaration and Motion put forward by the Green Group. By signing up to the Councils for Fair Tax Declaration, councils need to demonstrate alignment to the Fair Tax Foundation values and encourage responsible tax practice through:

2.1.1. Leading by example on their own tax conduct;

2.1.2. Demanding to know who owns and profits from businesses the Council buys from – United Kingdom (UK) and overseas – and their full financial reports; and

2.1.3. Joining calls for UK public procurement rules to change so that councils can do more to tackle tax avoidance and award points to suppliers that demonstrate responsible tax conduct.

2.2. Points 2.1.1 and 2.1.3 above do not cause any concerns. However, some of the details regarding the specific resolutions covered by 2.1.2 require further exploration.

2.3. This paper reviews each of the specific resolutions as included in the original Motion.

Lead by example and demonstrate good practice in our tax conduct, right across our activities.

2.4. The council already accounts for all VAT, Stamp Duty and other tax and levies due in accordance with good practice and legal requirements. Any external revenue generated by the proposed shared Local Authority Trading company will also be treated in such a manner.

2.5. Finance, Legal and Procurement have no concerns with TDC passing this resolution.

Ensure IR35 is implemented robustly such that contract workers pay a fair share of employment taxes

2.6. There are robust IR35 procedures in place. Contracting managers undertake IR35 checks via the government's online checking process, delivering a verdict which is then documented as part of the assessment. Most of the decisions in this area are clear and straightforward, but HR advice is available to assist with more complex or subjective cases.

- 2.7. Human Resources, Finance, Legal and Procurement have no concerns with TDC passing this resolution

Not use offshore vehicles for the purchase of land and property, especially where this leads to reduced payments of stamp duty.

- 2.8. The council itself does not and does not intend to use any such vehicles for the acquisition of property to avoid paying stamp duty. Notably the Housing Revenue Accounts pays Stamp Duty Land Tax (SDLT) on the acquisition of properties where applicable, for example we don't pay SDLT on subsidised housing purchases.
- 2.9. However, it should be noted, the utilisation of offshore holding companies is common amongst property owners. If TDC wishes to acquire land and property, we have no control over the legal entity which owns that property who may be selling it. There could be a key piece of land for regeneration or housing for example that is required.
- 2.10. Therefore, Property, Housing and Legal are able to recommend that Full Council pass this element of the motion, subject to the understanding that it is applicable only to our own tax arrangements and not that of prospective counterparties.

Undertake due diligence to ensure that not-for-profit structures are not being used inappropriately by suppliers as an artificial device to reduce the payment of tax and business rates.

- 2.11. Financial appraisals of potential suppliers focus on an organisation's financial viability. Consideration of an ethical view is only provided for in exceptional circumstances under the instruction of central government, for example the exclusion of Russian companies from UK supply chains following the war in Ukraine.
- 2.12. The Public Contracts Regulations 2015 (PCR 2015, regulation 57) provide for contracting authorities to exclude a supplier if they are aware, it is in breach of its legal obligations relating to the payment of taxes or social security contributions, where the breach has been established by a judicial or administrative decision.
- 2.13. Issues concerning tax avoidance are significantly more complex. The PCRs do not make provision for discretionary exclusion based on concerns such as tax arrangements or beneficial ownership. Current procurement legislation only allows exclusion in very limited circumstances. Offshoring or other legal grounds to minimise tax are not legitimate grounds to exclude a company from a procurement and would therefore not be compliant with the PCR 2015. Excluding suppliers on this basis would be non-compliant and therefore expose TDC to the risk of legal challenge from any supplier TDC excluded from the procurement process on this basis.
- 2.14. Similar provisions are expected to come into force under the new Procurement Act 2023, which is expected to be effective from October 2024.

Like the current provision under PCR2015, there are limited exceptions under the new Act. Mandatory exclusion grounds to apply once the Act is in force are set out in Schedule 6 of the Act. Part 1 of that Schedule includes a number of tax offences, and Part 2 includes a relatively wide range of acts classified as 'Misconduct in

- relation to tax'. Whether TDC is able to exclude a supplier depends on the detail of each case, including timing of when the offence took place.
- 2.15. To undertake the level of due diligence that would be required to evaluate bidders and manage suppliers based on their tax arrangements would necessitate a level of skill and capacity not currently available. Therefore, even if there were a legal route available to achieve this, there would be a direct cost of undertaking which is estimated to be approximately £50,000 per annum of additional staffing resources.
 - 2.16. Furthermore, there could be unintended consequences from adopting this motion, resulting in an impact on the cost or level of service delivery to our local residents. For example, our leisure services are provided through a leisure trust, Your Leisure Kent Ltd., with one of the main reasons for doing so being the tax efficiencies that are enjoyed by such trusts. Moreover, the re-opening and development of Dreamland was in part leveraged by the support of Sands Heritage Limited (SHL), whose tax arrangements were not based in the UK. However, had we decided to not award to SHL on this basis this site may not have been brought back into use. Due to the complexities of the tax arrangements in this area a blanket veto could place restrictions on the council's operations and opportunities.
 - 2.17. In May 2022 Her Majesty's Revenue and Customs (HMRC) produced a report on Tax Compliance of HMRC Suppliers. HMRC has adopted a *"strengthened approach to tax compliance for its own procurements in circumstances where the Public Contracts Regulations allow for HMRC to take a tougher line than the cross-government position and as such permit HMRC to apply discretion in decisions to exclude a supplier from the procurement process or terminate an existing contract"*. Critically, *"exclusion is based on the grounds of tax non-compliance as determined by 'any appropriate means', which means HMRC has the advantage of being able to use any information it holds"*.
 - 2.18. TDC does not have such information available and so it is unclear how the Authority would be able to implement tougher restrictions on its supplier base than is seen as standard across Central Government. It is also important to note that such a level of due diligence, if possible, would take additional investment in resources and skills development.
 - 2.19. Background investigation on this element of the motion highlighted that, whilst it appears many councils have signed the Councils for Fair Tax Declaration, in doing so they have made adjustments to the wording of this element of the Declaration.
 - 2.20. Procurement and Legal are therefore not able to recommend that Full Council pass this element of the motion for the reasons outlined.
 - 2.21. **Demand clarity on the ultimate beneficial ownership of suppliers UK and overseas and their consolidated profit & loss position, given lack of clarity could be strong indicators of poor financial probity and weak financial standing.**
 - 2.22. For reasons set out above, additional staffing resources of approximately £50,000 per annum would be required to undertake further due diligence directly by TDC officers,

in order to establish this degree of clarity in our supply chain. Alternatively the Council may agree to lobby central government, to mandate organisations to declare such a position on this matter, should they so wish.

Promote Fair Tax Mark certification especially for any business in which we have a significant stake and where corporation tax is due.

- 2.23. For the reasons set out elsewhere in this report, it is expected the council would be able to promote itself as a Fair Tax Council and it is also expected that any future Local Authority Trading Companies that we have an ownership stake in could demonstrate Fair Tax Accreditation.
- 2.24. Officers are also content to promote fair tax accreditation with existing and potential suppliers.
- 2.25. However, because it is a paid accreditation, if we require a supplier to have accreditation it could represent a procurement risk in terms of not treating all suppliers equally and fairly. For those suppliers who may have tax efficient ways of working, which are legal, this may mean they are unable to get the accreditation. Requiring Fair Tax Mark certification may therefore expose TDC to the risk of legal challenge from any supplier TDC excluded from the procurement process on this basis.
- 2.26. We cannot endorse one form of accreditation over another, therefore the council would have to accept any comparable accreditation. It should be noted that the cost to suppliers to achieve Fair Tax Accreditation ranges from £299 - £20,000 (exc. VAT). It is probable that the Authority would see this cost included in the bid price.
- 2.27. Further to the financial cost to suppliers there is also the resource required to achieve Fair Tax Accreditation. Both could have a disproportionate impact on Small and Medium Enterprises (SMEs) and the Voluntary, Community and Social Enterprises (VCSEs) sectors.
- 2.28. Procurement and Legal are able to recommend that Full Council pass this element of the motion subject to the limitations of its scope outlined, most notably that we would not be able to restrict our procurement activity to those suppliers with such an accreditation.

Support Fair Tax Week events in the area, and celebrate the tax contribution made by responsible businesses are proud to promote responsible tax conduct and pay their fair share of corporation tax.

- 2.29. The Fair Tax Foundation's website describes Fair Tax Week as: "*A UK-wide recognition of the companies and organisations that are proud to promote responsible tax conduct and pay their fair share of corporation tax*".
- 2.30. Fair Tax Week 2024 is scheduled to take place from 9th-16th June. Legal, Procurement and Finance have no objection to this.

Support calls for urgent reform of UK procurement law to enable local authorities to better penalise poor tax conduct and reward good tax conduct through their procurement policies.

- 2.31. The new Procurement Act 2023 is expected to come into effect in October 2024, which sets out changes to procurement regulations, so it is unclear what route the Fair Tax Foundation is seeking in order to change the new legislation.
- 2.32. Procurement does not have any concerns with TDC passing this resolution.

3. Options

- 3.1. To agree the motion
- 3.2. Not to agree the motion, in which case the motion will fall.

4. Decision Making Process

- 4.1. As only Full Council can agree to this motion, if the motion falls then it will not be referred to any other committee. It was agreed at the 22 February meeting to debate the motion.
- 4.2. Council deferred the item to the next regular Full Council meeting where it could consider a full report on the financial and legal impact of the proposed motion. This is that report. At the end of the debate Full Council can then choose to adopt the motion or not.

Contact Officer: Nick Hughes, Committee Services Manager

Reporting to: Ingrid Brown (Head of Legal and Democracy & Monitoring Officer)

Annex List

No Annexes

Background Papers

There are no background papers with this report.

Corporate Consultation

Finance: Chris Blundell (Director of Corporate Services - Section 151)

Legal: Ingrid Brown (Head of Legal and Democracy & Monitoring Officer)

LEADER'S REPORT TO COUNCIL

Council	28 March 2024
Report Author	Committee Services Manager
Portfolio Holder	Leader of the Council
Classification:	Unrestricted
Key Decision	No

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

Financial and Value for Money

There are no identified financial implications from this report.

Legal

There are no legal implications directly from this report.

Corporate

The Leaders report helps to contribute to the promoting open communications corporate value.

Equality Act 2010 & Public Sector Equality Duty

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

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.

CORPORATE PRIORITIES

This report relates to the following corporate priorities: -

- *To keep our district safe and clean*
- *To deliver the housing we need*
- *To protect our environment*
- *To create a thriving place*
- *To work efficiently for you*

1.0 Introduction and Background

1.1 Council Procedure Rule 2.4 provides that:

“The Leader of the Council will make available in writing the content of his/her 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.

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.

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.

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.

No motions may be moved nor resolutions passed under this item.”

Contact Officer: Nick Hughes, Committee Services Manager

Reporting to: Ingrid Brown (Head of Legal and Democracy & Monitoring Officer)

Annex List

There are no Annexes with this report.

Background Papers

There are no Background Papers with this report.

Corporate Consultation

Finance: Matthew Sanham Head of Finance and Procurement

Legal: Ingrid Brown (Head of Legal and Democracy & Monitoring Officer)

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Annual Overview & Scrutiny Panel Report to Council for 2023/24

Council	28 March 2024
Report Author	Councillor Fellows, Chair of Overview & Scrutiny Panel
Status	For Decision
Classification:	Unrestricted
Key Decision	No
Ward:	Thanet Wide

Executive Summary:

The purpose of the report is to highlight some of the key activities that have been planned and implemented by the Overview & Scrutiny Panel for the 2023/24 municipal year period.

Recommendation(s):

Members are being asked to comment on and note the report.

Corporate Implications

Financial and Value for Money

There are no financial implications arising directly from this report, but elements of the suggested work programme may have financial and resource implications which would need to be managed within existing resources, or alternatively compensating savings found.

Legal

The role of scrutiny is set out in section 9F of the Local Government Act 2000. The council must also ensure that its overview and scrutiny functions adhere to the provisions of the statutory guidance on Overview and Scrutiny from the ministry of Housing, Communities and Local Government. .

Risk Management

There are risks arising directly from this report.

Corporate

The work programme should help to deliver effective policy decision making by scrutinising executive decisions before, and at times after, implementation.

The working parties assist with the work of scrutiny as they would carry-out an in-depth study of any issue referred to the groups under their terms of reference. An active Scrutiny programme is part of good governance.

Equality Act 2010 & Public Sector Equality Duty

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

This report relates to the following aim of the equality duty: -

1. To eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act.
2. To advance equality of opportunity between people who share a protected characteristic and people who do not share it
3. To foster good relations between people who share a protected characteristic and people who do not share it.

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.

It was important to be aware of the Council's responsibility under the Public Sector Equality Duty (PSED) and show evidence that due consideration has been given to the equalities impact that may be brought upon communities by the decisions made by Council.

CORPORATE PRIORITIES

This report relates to the following Corporate Priorities:

Priority five: To work efficiently for you

1.0 Introduction and Background

- 1.1 The Chair of the Overview and Scrutiny Panel is required to present an Annual Panel report towards the end of each municipal year to share an overview of the work undertaken by the Panel during the course of the year under review.
- 1.2 The report comments on a number of activities carried out by the Panel during the period under review. It is hoped that this report would therefore provide the basis for debate by Members on the Panel's annual activities and hopefully lead to sharing of views and ideas to enhance the Council's scrutiny function.

2.0 Cabinet Member Presentations

2.1 During the course of the year the Panel engaged cabinet members in discussions on a number of subject matters that fall under their respective portfolio areas. The purpose of these engagements through cabinet member presentations at Panel meetings was for the Panel to contribute to policy decisions on issues under active consideration of the executive as well as get an update on the current matters that the Cabinet was working on.

2.2 Topics have included:

- Leader's Presentation on the Vision for the Council
- Update on Planning Enforcement Review
- TDC Policy regarding Broken Bins and Green Bins Renewal Policy for Households
- Background to the Council's Parking Strategy Review
- Update on Commercial Property Processes.

2.3 Committee agenda papers and minutes are available on the Council's website (www.thanet.gov.uk)

3.0 Scrutiny Reviews conducted by the Panel

3.1 The Overview and Scrutiny Panel has undertaken one scrutiny review this year and its currently finalising its report for presentation to the Panel. This Scrutiny Review covered the topic of the negative impact of Tourism on the district. It is expected that the final report will be presented to the Panel at its meeting in April. Once this review has been completed, the next review will focus on grant funding.

3.2 The previous Overview and Scrutiny Panel had completed a scrutiny review on "TDC and Parish & Town Councils Collaboration" and sent it to Council before the most recent election. Cabinet considered this scrutiny review report at its meeting on 21 September 2023. The Cabinet accepted all the recommendations of the review report.

4.0 Call-Ins

4.1 There were no valid Call-ins made by the panel in the past municipal year.

5.0 Recommendations to Cabinet

5.1 OSP made seven recommendations to the Cabinet these are outlined below:

The Re-tendering of the responsive repairs contract

- That Council explore the inclusion of a performance related monitoring of the contract that would lock into the contract a performance related fee and penalty.

Jackey Bakers Recreation Ground

- That wording is added to recommendation (c) in the Panel report as follows:
“Approves a public engagement exercise to inform the master planning for Jackey Bakers, based on SECTION 1 OF the draft master plan attached at annex 1”;
- To ensure the temporary changing facilities are properly insured and secured;
- That the Council explores facilities that will be installed that will encourage safe enjoyment of Jackey Bakers by girls and young women.

Public Toilets Refurbishment and Renewal Project

- That the Western Undercliff public toilets be added to the list of toilets for consideration when further funding becomes available.

Land at Shottendane Road

- The Panel rejected the officer's recommendation that “Subject to the outcome of the consultation, submit an application for outline planning permission for the provision of Gypsy and Traveller Pitches on the land marked 1aii in annex 5.”
- The Council hold-off consultation until the Council had looked at all its holdings to identify more suitable sites and that would then be followed by a full and transparent public consultation.

5.2 Of the seven recommendations to Cabinet, four were agreed to by the Cabinet and three were rejected.

6.0 Councillor Call For Action

6.1 There were no Councillor Calls for Actions considered this municipal year.

7.0 Pre Decision Scrutiny

7.1 In a change to previous practice the Cabinet asked that the Overview and Scrutiny Panel review all key decisions prior to their consideration by the Cabinet. This has significantly increased the workload of the Panel and has required a number of additional extraordinary meetings to be called to accommodate this. The calendar of meetings that was agreed by the Full Council in February increased the number of Overview and Scrutiny Panel meetings to mirror the number of Cabinet meetings in future years.

8.0 Chair's Comments

8.1 I would like to thank members of the Scrutiny Panel for their work this past year. It's been a busy period with lots of key decisions coming forward to the panel and on to cabinet. There's been some lively scrutinising at times and I thank officers and cabinet members who came along and took part in the questioning and answering sections.

I'm sure members feel more informed because the panel is doing more pre-decision scrutiny and we look forward to continuing this work through the next year.

9.0 Options

9.1 Members are asked to comment on and note the report

Contact Officer: Charles Hungwe, Senior Democratic Services Officer, Tel: 01843 577186
Reporting to: Nick Hughes, Committee Services Manager, Tel: 01843 577208

Annex List

Annex 1: Overview & Scrutiny Panel Scrutiny Review Topics for 2023/24
Annex 2: Record of OSP Pre and Post Decision Reviews up to 2023/24

Background Papers

None

Corporate Consultation

Finance: Chris Blundell (Director of Corporate Services)

Legal: Ingrid Brown (Head of Legal and Democracy and Monitoring Officer)

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Table as at March 2023

Title Of the Scrutiny Review	Review Type	Date added to the scoring table	Membership	Is the topic related to a priority or value within the Council's Corporate Plan?	Is the topic of high public concern?	Is the topic currently under performing as per the Council's quarterly performance monitoring?	Will the topic result in recommendations that save that Council money or generate income?	Time on the list?	Implications for officer resource allocation	Total	Rank	Completion Status
Empty Properties: Why does Thanet have the highest number of empty properties in Kent and what approaches can be used to put these properties to use in a timely manner?	A	14/8/20	TBC	10	10	0	10	20	20	70	=1st	
Managing anti-social behaviour on Thanet beaches: Are beach inspectors the best way to control or manage beach behaviour?	B	14/8/20	TBC	10	20	-	10	20	10	70	=1st	

Working with Town and Parish Councils How can TDC work more closely and efficiently with Town and Parish Councils to maximise benefits and opportunities for the residents of Thanet?	B	21/4/22	TBC	20	10	0	20	0	10	60	=3rd	A working party was established on 26 May and had its first meeting on 7 July. Officers were tasked with creating a questionnaire from the main questions that were signed off by the sub group. A questionnaire for focusing separately on parish/town council representatives (Clerks and Chairs), TDC lead Members and TDC officers had been sent out and responses were still being received by the Democratic Services team. A session each was held separately with cabinet members and parish/town council chairs and clerks on 27 October and 3 November respectively. On 9 November the working party rounded off its information gathering exercise with a session with TDC officers. The working party met again on 2 February 2023 to finalise the report which was presented to the Panel meeting on 14 March 2023. The Panel adopted the report and all the recommendations and forwarded it to Cabinet for decision.
Private rented sector: How does TDC regulate private landlords and letting agencies in Thanet?	B	14/8/20	TBC	10	10	-	10	20	10	60	=3rd	
Weed killer usage: What is the best approach for managing grass and hedges	B	14/8/20	TBC	10	10	-	10	20	10	60	=3rd	

in public open spaces in the district that can be used to replace the use of weed killers?													
Camper Vehicles being parked on the street for too long: What is the impact of parked Camper vans on the Thanet roads and can this be regulated by Thanet District Council?	B	14/8/20	TBC	10	10	-	10	20	10	60	=3rd		
Promenades - safety concerns cyclists speeding and sharing the footpath: Would a dedicated cycle path (or markings) along the promenade help control bike/pedestrian placement (and cyclist speed)?	B	14/8/20	TBC	10	20	-	0	20	10	60	=3rd		
Statues and Blue Plaques: What would be the best approach for managing the discussion on and review of suitability of statues and plaques in the district?	B	14/8/20	S Piper	10	20	-	0	20	10	60	=3rd	Panel received three update reports via the Memorials Working Group Chair. Panel agreed on 20 April to keep this activity in abeyance until after new legislation national monuments and heritage was enacted. Now that the national guidance is available, the working party activities have been revived. The working party will meet towards the end of September and conclude their work before reporting back to the Panel on 25 October. The meeting was postponed as officers were working on the draft policy. A new date for the meeting will be arranged once the draft document is ready for sharing with the sub group.	
Water user group regulation: What role does TDC have in ensuring the safety of swimmers and other water users from the behaviour of boat and jet ski users in Thanet bays?	C	14/8/20	TBC	10	20	-	0	20	0	50	=9th		

Rough Sleepers: what are we doing about this as a long term plan of addressing the issue (post COVID-19)?	C	14/8/20	TBC	10	10	0	10	20	0	50	=9th	
Shellfish collection enforcement: How is the collection of shellfish from Thanet beaches regulated and how can enforcement be best managed?	C	14/8/20	TBC	10	10	-	0	20	0	40	=11th	

A:1 Day – 4 weeks Review: **limited officer resource allocations required** for a successful review

B:More than 4 weeks and up to 3 months – **significant officer resource allocations required** for a successful review

C:More than 3 months: **very significant officer resource allocation required** for a successful review

Completed Reviews

Title Of the Scrutiny Review	Review Type	Date added to the scoring table	Membership	Is the topic related to a priority or value within the Council's Corporate Plan?	Is the topic of high public concern?	Is the topic currently under-performing as per the Council's quarterly performance monitoring?	Will the topic result in recommendations that save that Council money or generate income?	Time on the list?	Implications for officer resource allocation	Total	Rank	Completion Status
Coastal waste clearance: How does Thanet ensure that its coastal promenades and beaches are kept clear of rubbish and in the best condition for both residents and visitors?	B	14/8/20	Fellows Keen Austin Rattigan Tomlinson	10	20	20	10	20	10	70	1st	Review complete. Recommendations forwarded to Cabinet by the Panel on 19 April 2022. Cabinet to consider the recommendations on 16 June 2022. review completed.
Replacement bins for litter/dog waste: What is the council's reasoning behind complete removal of damaged bins and not replacing them?	A	14/8/20	As above	10	20	-	10	20	20	60	2nd	This topic is being covered together with the coastal waste items above. Review complete. Recommendations forwarded to Cabinet by the Panel on 19 April 2022. Cabinet to consider the recommendations on 16 June 2022. review completed.
Selective Licensing - Is selective licensing the best way forward for the improvement of the privately rented sector	C	14/8/20	All members of the panel	10	10	-	20	0	0	40	=5th	officer report considered. review completed.

Thanet and if so, could it be replicated in other areas of the district?												
Planning enforcement in the district is slow: Why is the planning enforcement process seemingly so slow in Thanet and how can it be made more efficient?	C	14/8/20	All members of the panel	10	10	-	20	0	0	40	=5th	officer report considered. Further scrutiny proposals being considered. A Planning Enforcement Review Working Party was set up on 20 April 2021 and will have its first meeting on 25 June. Working party recommendations were adopted by the Panel on 20 July 2021. review completed. However a report will be brought to osp on 21 July 2022 to report on the results of the protocol review.
Modern Slavery: - hand car washes. Is there any intervention the council can do to address the issue of modern slavery?	C	14/8/20	All members of the panel	10	10	-	0	20	0	20	11th	Kent Police made a presentation on 18 January 2022 and the Panel decided to take no further action on this topic. review completed.

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OSP Pre and Post Decision Reviews for 2022/23

Date of scrutiny meeting	Item	Pre-decision	Post Decision	Cabinet Presentation	Work Planning
26/05/22	Adoption of the following strategy: Resident Involvement	<input checked="" type="checkbox"/>			
26/05/22	Resident Involvement Expenses and Incentive Policy	<input checked="" type="checkbox"/>			
26/05/22	Food Service Plan 2022/2024	<input checked="" type="checkbox"/>			
26/05/22	Establish the Overview and Scrutiny Panel Work Programme for 2022/23				<input checked="" type="checkbox"/>
26/05/22	Forward Plan				<input checked="" type="checkbox"/>
21/07/22	Planning Enforcement Protocol Review - Update Report	<input checked="" type="checkbox"/>			
21/07/22	Tenant and Leaseholder Services KPI Q4		<input checked="" type="checkbox"/>		
21/07/22	Review OSP Work Programme 2022/23				<input checked="" type="checkbox"/>
21/07/22	Forward Plan				<input checked="" type="checkbox"/>
30/08/22	Approval of Net Zero Strategy and Action Plan for public consultation	<input checked="" type="checkbox"/>			
30/08/22	Councillor Call For Action - Housing Rentals and	<input checked="" type="checkbox"/>			

	Evictions for Low Income Households				
30/08/22	Review OSP Work Programme 2022/23				<input checked="" type="checkbox"/>
30/08/22	Forward Plan				<input checked="" type="checkbox"/>
25/10/22	Cabinet Member Presentation by the Deputy Leader - Levelling Up Funds and Regeneration Projects in Thanet			<input checked="" type="checkbox"/>	
25/10/22	TLS KPI Q1 2022/23 - Housing Performance Report		<input checked="" type="checkbox"/>		
25/10/22	Review of OSP Work Programme for 2022/23				<input checked="" type="checkbox"/>
25/10/22	Forward Plan & Exempt Cabinet Report List				<input checked="" type="checkbox"/>
24/11/22	Cabinet Member Presentation by the Leader of the Council - An Update on the Manston Processing Centre and its effects on the local area			<input checked="" type="checkbox"/>	
24/11/22	Decarbonisation of the Council's Housing Stock	<input checked="" type="checkbox"/>			
24/11/22	Quarter 1 Budget Monitoring Report 2022/23		<input checked="" type="checkbox"/>		
24/11/22	Housing Estate; Strategy, Policy and Standards	<input checked="" type="checkbox"/>			
24/11/22	Housing Services Standards; Repairs and Lettings	<input checked="" type="checkbox"/>			
24/11/22	Review of OSP Work Programme for 2022/23				<input checked="" type="checkbox"/>

24/11/22	Forward Plan				<input checked="" type="checkbox"/>
17/01/23	Cabinet Member Presentation - The Efficacy of using the CAGs Approach in policy development and decision making			<input checked="" type="checkbox"/>	
17/01/23	Fees and Charges for 2023/24	<input checked="" type="checkbox"/>			
17/01/23	HRA Budget for 2023/24	<input checked="" type="checkbox"/>			
17/01/23	Council Budget for 2023/24	<input checked="" type="checkbox"/>			
17/01/23	Review of OSP Work Programme for 2022/23				<input checked="" type="checkbox"/>
17/01/23	Forward Plan & Exempt Cabinet Report List				<input checked="" type="checkbox"/>
16/02/23	Corporate Performance report		<input checked="" type="checkbox"/>		
16/02/23	Tenant & Leaseholder Services Performance report		<input checked="" type="checkbox"/>		
16/02/23	TDC Net Zero Strategy Presentation		<input checked="" type="checkbox"/>		
16/02/23	HRA tower blocks refurbishment and retrofit programme	<input checked="" type="checkbox"/>			
16/02/23	Review of OSP Work Programme for 2022/23				<input checked="" type="checkbox"/>
16/02/23	Forward Plan & Exempt Cabinet Report List				<input checked="" type="checkbox"/>
14/03/23	Southern Water Presentation	<input checked="" type="checkbox"/>			
14/03/23	TDC and Parish & Town Councils Collaboration	<input checked="" type="checkbox"/>			

	Working Party Report				
14/03/23	Review of OSP Work Programme for 2022/23				<input checked="" type="checkbox"/>
14/03/23	Forward Plan & Exempt Cabinet Report List				<input checked="" type="checkbox"/>

STANDARDS COMMITTEE CHAIR'S ANNUAL REPORT

Council	28 March 2024
Report Author	Peter Tucker (Co-opted Independent Member)
Status	For Decision
Classification:	Unrestricted
Key Decision	No
Ward:	Thanet Wide

Executive Summary:

The Chair's annual report summarises and comments on the work of the Standards Committee for the period 1 March 2023 - 19 March 2024, when the report was published.

Recommendation(s):

That members note the report.

Corporate Implications

Financial and Value for Money

There are no financial or value for money implications 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 Councillor's' Code of Conduct . The Code of Conduct is adopted under section 27(2) of the Localism Act 2011 and is based on the 7 principles of Public life under section 28(1) of the Localism Act.

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

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.

There are no particular equalities considerations arising from this report.

CORPORATE PRIORITIES

This report relates to the following corporate priorities: -

- **Priority five:** *To work efficiently for you*

1.0 Introduction

- 1.1 This was my 3rd Annual Report as Chair of the Standards Committee.
- 1.2 With the advent of a General Election can I please remind members on their use of social media.
- 1.3 There was an ever growing number of media platforms in the public domain and with this in mind the Social Media Policy and its use is currently under review.

2.0 Constitutional Review Working Party (CRWP)

Committee agenda papers and minutes are available on the Council's website (www.thanet.gov.uk). Attendance details for 2023/24 are as follows:

Members	9th November 2023	27 February 2024
Peter Tucker	Present	Present
Councillor Austin	Present	Present
Councillor Britcher	Present	Present
Councillor Everitt	Present	Apologies, sent representative
Councillor W. Scobie	Present	Present
Councillor Scott	Absent	Absent
Michael Clarke	Absent	Apologies
Peter Lorenzo	Present	Present
Carolyn Ruston	Present	Apologies

- 2.1 CRWP met on 9 November 2023 and 27 February 2024. We discussed the following: Key decision definitions, the council’s policy framework, amendments to the council’s procedure regarding the frequency of questions, contract procedure rules, councillor / officer protocol and revisions to the constitutional change process.

3.0 Standards Committee

- 3.1 The Standards Committee meetings scheduled for 31 May 2023, 12 September 2023 and 9 November 2023 were cancelled due to lack of business. The Standards Committee met on 20 November 2023 and 7 March 2024. The Standards Committee meetings discussed the Key Decision Definitions, Review of the Council’s Policy Framework, Amendments Council Procedure Rules Regarding Frequency of Questions, Contract Procedure Rules, Councillor / Officer Protocol and Revised Constitution Change Process.

Committee agenda papers and minutes are available on the Council’s website (www.thanet.gov.uk). Attendance details for 2023/24 are as follows:

Members	31st May 2023	12th September 2023	9 November 2023	20th November 2023	7th March 2024
Peter Tucker	Cancelled	Cancelled	Cancelled	Present	Present
Councillor Austin	Cancelled	Cancelled	Cancelled	Present	Apologies
Councillor Bayford	Cancelled	Cancelled	Cancelled	Present	Present
Councillor Crittenden	Cancelled	Cancelled	Cancelled	Present	Present
Councillor d’Abbro	Cancelled	Cancelled	Cancelled	Absent	Apologies
Councillor Duckworth	Cancelled	Cancelled	Cancelled	Absent	Present
Councillor Fellows	Cancelled	Cancelled	Cancelled	Present	Present
Councillor Ovenden	Cancelled	Cancelled	Cancelled	Present	Present
Parish Councillor Quittenden	Cancelled	Cancelled	Cancelled	Absent	Present
Michael Clarke	Cancelled	Cancelled	Cancelled	Apologies	Present
Peter Lorenzo	Cancelled	Cancelled	Cancelled	Present	Present
Carolyn Ruston	Cancelled	Cancelled	Cancelled	Absent	Present

4.0 Complaints about Member Behaviour Considered by a Standards Sub Committee of Thanet District Council 2023/24

- 4.1 The Council received 24 complaints raised under the Members’ Code of Conduct between 1st March 2023 and 19th March 2024.
- 4.2 Of the 24 complaints received in this period, two were considered to be corporate complaints not concerning councillors and were therefore referred to the corporate complaints system. Nine were considered not to meet the jurisdiction test. Six complaints are not yet concluded. Seven cases were therefore progressed for consideration by a sub-committee.

- 4.3 Of those assessed by sub-committees, one complaint was referred to the police for investigation and an independent investigator appointed by the council. One complaint had been referred to an independent investigator appointed by the council. Additionally, two resulted in a decision of no further action due to the complaint being unfounded.
- 4.4 Of the remaining 4 complaints, all were considered to be suitable for the informal resolution process. The sub-committee made various recommendations back to the complainants and subject members. No complaints were referred for further investigation.
- 4.5 The sub-committee dealt with a number of complaints from both councillors and members of the public about allegations relating to disclosures of interests, particularly relating to posts on social media sites.

5.0 Thanks

- 5.1. I thank the monitoring officers, staff in Democratic Services and the other independent persons for their support and help over the last year.

Annex List

Annex 1: List of Complaints 2023-2024

Background Papers

None

Corporate Consultation

Finance: Chris Blundell (Director of Corporate Services)

Legal: Ingrid Brown (Head of Legal and Democracy and Monitoring Officer)

COMPLAINT NO:	DATE	PROGRESS	COMPLAINANT	AGAINST	ALLEGATION
TDCSC290/23	12/05/23	Not standards Closed.	Member of the public	-	-
TDCSC291/23	16/05/23	Did not meet the jurisdiction test. Closed.	Member of the public	TDC Councillor	-
TDCSC292/23	19/06/23	Did not meet the jurisdiction test. Closed.	Member of the public	TDC Councillor	-
TDCSC293/23	09/07/23	Did not meet the jurisdiction test. Closed.	TDC Councillor	TDC Councillor	-
TDCSC294/23	07/08/23	Matter referred to police for investigation. Independent investigator appointed by TDC. Closed.	Member of the public	TDC Councillor	Allegation of non-disclosure
TDCSC295/23	16/08/23	Informal Dispute Resolution procedure instigated. Closed.	Other Council officer or authority employee	TDC Councillor	Allegation of bullying
TDCSC296/23	17/08/23	Informal Dispute Resolution	Member of the public	TDC Councillor	Allegation of

COMPLAINT NO:	DATE	PROGRESS	COMPLAINANT	AGAINST	ALLEGATION
		procedure instigated. Closed.			derogatory remarks made against the complainant
TDCSC297/23	17/08/23	Informal Dispute Resolution procedure instigated. Closed.	Other Council officer or authority employee	TDC Councillor	Allegation of subject failing to declare gifts and hospitality
TDCSC298/23	04/10/23	Informal Dispute Resolution procedure instigated. Closed	Member of the public	TDC Councillor	Allegation of breaches of code of conduct through a press release
TDCSC299/23	05/10/23	No further action. Closed	Member of the Public	TDC Councillor	Allegation of a call from the subject making threatening remarks to the complainant
TDCSC300/23	16/11/23	Did not meet the jurisdiction test. Closed.	Member of the public	TDC Councillor	-
TDCSC301/23	04/12/23	Did not meet the jurisdiction test. Closed.	Member of the public	TDC Councillor	-
TDCSC302/23	16/12/23	No further action. Closed	Member of the public	TDC Councillor	Allegation of breaching the code of conduct, and

COMPLAINT NO:	DATE	PROGRESS	COMPLAINANT	AGAINST	ALLEGATION
					obstructed legal enforcement.
TDCSC303/24	1/02/24	Independent investigator appointed by TDC. Outstanding	TDC Councillor	TDC Councillor	Allegations of breached the Nolan Principle of Honesty. Inappropriate conduct on social media platforms.
TDCSC304/24	24/02/24	Did not meet the jurisdiction test. Closed.	Member of the public	TDC Councillor	-
TDCSC305/24	15/02/24	Did not meet the jurisdiction test. Closed.	Member of the public	TDC Councillor	-
TDCSC306/24	01/03/24	Did not meet the jurisdiction test. Closed.	Member of the public	TDC Councillor	-
TDCSC307/24	01/03/24	Outstanding	Member of the public	TDC Councillor	-
TDCSC308/24	02/03/24	Did not meet the jurisdiction test. Closed.	Member of the public	TDC Councillor	-

COMPLAINT NO:	DATE	PROGRESS	COMPLAINANT	AGAINST	ALLEGATION
TDCSC309/24	04/03/24	Outstanding	Member of the public	TDC Councillor	-
TDCSC310/24	07/03/24	Outstanding	TDC Councillor	TDC Councillor	-
TDCSC311/24	08/03/24	Outstanding	TDC Councillor	TDC Councillor	-
TDCSC312/24	08/04/24	Outstanding	Member of the public	TDC Councillor	-
TDCSC313/24	18/03/24	Not standards Closed.	Member of the public	-	-

THE GOVERNANCE AND AUDIT COMMITTEE AND ANNUAL REPORT FOR 2023/24

Council	28 March 2024
Report Author	Chair of the Governance & Audit Committee
Portfolio Holder	Cabinet member for Finance
Status	For Information
Classification:	Unrestricted
Key Decision	No
Ward:	Thanet wide

Executive Summary:

The annual report summarises the achievements of the Governance and Audit Committee against its terms of reference for the 2023-24 financial year and details the impact that it has made on the overall system of internal control in operation for that period.

Recommendation(s):

That members note the report.

Corporate Implications

Financial and Value for Money

The committee plays a key role in overseeing the authority's financial administration, including the approval of the Council's annual statement of accounts and considering the adequacy of its control environment and approach to risk management.

Legal

The Council is meeting best practice by having in place a Governance and Audit Committee, as this is not a mandatory or statutory function. In adopting the CIPFA guidance for the terms of reference for the Committee the Council is meeting the standards set out for the public sector.

Corporate

Under its Local Code of Corporate Governance the Council is committed to comply with requirements for the independent review of the financial and operational reporting processes, through the external audit and inspection processes, and satisfactory arrangements for internal audit. The functions of the Governance and Audit Committee

contribute to the overall internal control environment for the Council and feed into the Annual Governance Statement process

Equality Act 2010 & Public Sector Equality Duty

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

There no equity and equalities issues arising directly from this report 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.

CORPORATE PRIORITIES

This report relates to the following corporate priorities: -

- To create a thriving place

1.0 Introduction and Background

1.1 The purpose of the Council's Governance and Audit Committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent review of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and to oversee the financial reporting process.

1.2 To comply with best practice the Committee considers annually how it has met its terms of reference and how it has impacted on the internal control environment. The purpose of this report is to consider the self-assessment that has been undertaken and summarise any improvement opportunities for the forthcoming year.

2.0 Background

2.1 The annual report attached at Annex 1 summarises the work of the Committee for the year and concludes that it has received clear, concise and relevant information, training on topics specific to the business of the Committee, and has done all that it can to meet the aims and objectives for the Committee in the best way that it can.

Contact Officer: Ingrid Brown, Head of Legal and Democracy & Monitoring Officer
Reporting to: Colin Carmichael, Interim Chief Executive

Annex List

Annex 1: Governance & Audit Committee Annual Report 2023/24

Background Papers

None

Corporate Consultation

Finance: Chris Blundell, Director of Corporate Services

Legal: Ingrid Brown, Head of Legal and Democracy & Monitoring Officer

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Governance and Audit Committee

ANNUAL REPORT 2023/24

Foreword by Councillor Will Scobie, Chair of the Governance & Audit Committee

This report presents a comprehensive overview of the activities conducted by the Governance and Audit Committee throughout the municipal year 2023/24.

I am pleased that the Committee has continued to fulfill its obligations, which includes furnishing independent assurance regarding the adequacy of the council's risk management framework and the corresponding control environment. Additionally, the Committee diligently scrutinises and challenges the Authority's financial performance.

As outlined within this report, the Committee has remained actively engaged with both internal and external audit functions. I extend my gratitude to all Councillors who served on the Committee during the period of 2023/24, as well as Councillor Yates as the Cabinet Member for attending our meetings. Furthermore, appreciation is due to the Council officers who have provided invaluable support in my capacity as Chair and in the Committee's endeavours.

Of particular note is the effort undertaken by the Committee in addressing outstanding recommendations from the internal auditor, thereby ensuring the Council's continued trajectory towards improvement. Concerns regarding the prevalence of audits returning Limited Assurance, No Assurance, or partial assurance were raised and subsequently addressed by the Leader and the Chief Executive, indicating a commitment to long-term enhancements. Furthermore, the Committee highlighted concerns regarding cybersecurity risks, corroborated by both the Limited Assurance audit report received in March 2024 and the cyber incident that occurred in January 2024. It is critical that this remains a priority area for the Council and I am grateful to the Leader for setting up a Cabinet Advisory Group to specifically look at this issue.

On a different note, I do wish to bring to the attention of the Full Council a concern regarding the composition of the Governance and Audit Committee. While I acknowledge and appreciate the dedication displayed by members throughout the preceding year, it is important that the Committee's work remains a priority. The composition of the Committee following the May 2023 elections revealed a discrepancy in experience levels, with only three returning Councillors out of thirty-two from the preceding term as members and twelve newly elected Councillors out of twenty-four as members. Given the immediate tasks confronting the Committee, such as the approval of accounts and addressing various internal audit findings, this presented a challenge. I implore Group Leaders to ensure a balanced representation of experienced and new members on the Governance and Audit Committee in future appointments.

1. Introduction and Background

- 1.0 The Council established a Governance and Audit Committee in March 2006. Whilst there is no statutory obligation to have an Audit Committee, they are widely recognised as a core component of effective governance. In recent years there has been a significant amount of regulation and guidance issues in governance arrangements for private and public sector bodies, the common feature of governance arrangements being the existence of an Audit Committee.
- 1.1 The purpose of the Council's Governance and Audit Committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent review of the authority's financial and non financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and to oversee the financial reporting process.
- 1.2 There are many benefits to be gained from an effective Audit Committee. In fulfilling its role the Committee will:
- reduce the risks of illegal or improper acts;
 - reinforce the importance and independence of internal and external Audit;
 - increase confidence in the objectivity and fairness of financial reporting.

Stricter internal control and the establishment of a Governance and Audit Committee can never eliminate the risks of serious fraud, misconduct or misrepresentation of the financial position. However, it will:

- give additional assurance through a process of independent and objective review; and
- raise awareness of the need for internal control and the implementation of audit recommendations.

2. Membership

- 2.1 The Governance and Audit Committee comprises 15 Councillors on the Committee with 9 in reserve. Committee agenda papers and minutes are available on the Council's website (www.thanet.gov.uk). Attendance details for 2023/24 are as follows:

	Councillors	26 th Jul. 2023	27 th Sep. 2023	29 th Nov. 2023	6 th Mar. 2024
COMMITTEES	Cllr W. Scobie (C)	IA	IA	IA	IA
	Cllr K. Bright (VC)	IA	IA	IA	A
	Cllr Barlow	IA	IA	A	NA
	Cllr Braidwood	IA	A	A	Ab
	Cllr Britcher	S	S	S	A
	Cllr d'Abbro	IA	IA	IA	A
	Cllr Davis	NA	S	S	IA
	Cllr Donaldson	IA	IA	IA	IA
	Cllr Farooki	A	IA	IA	IA
	Cllr Garner	IA	IA	IA	IA
	Cllr Manners	IA	A	IA	IA
	Cllr Munns	IA	IA	IA	IA
	Cllr Nichols	IA	IA	Ab	Ab
	Cllr Packman	A	IA	IA	A

Agenda Item 12

Annex 1

E R S	Cllr Pope	IA	IA	IA	IA
	Cllr Towing	IA	IA	IA	IA
R E S E R V E S	Cllr Austin	NA	NA	NA	NA
	Cllr Crittenden	NA	NA	NA	NA
	Cllr Kup	NA	NA	NA	NA
	Cllr Matterface	S	NA	NA	S
	Cllr Pugh	NA	NA	NA	NA
	Cllr H. Scobie	NA	NA	NA	S
	Cllr Wing	NA	NA	NA	NA
	Cllr Wright	NA	NA	NA	NA
	Cllr Worrow	NA	NA	NA	NA

Key

C/VC	Chair/Vice Chair	NA	Not Applicable	S	Present as Substitute
A	Apologies	IA	In Attendance	Ab	Absent

3. Programme of reports 2023/24

- 3.1. Detailed below is the programme of reports considered by the Governance and Audit Committee during 2023/24, and how they relate to the Committee's terms of reference.

Function/Issue	Responsible Officer / Body	26 th Jul. 2023	27 th Sep. 2023	29 th Nov. 2023	6 th Mar. 2024
Audit activity					
External Auditor's Audit Findings Report	GT	✓			
Statement of Accounts	GT	✓			
Quarterly Internal Audit Update Report	EKAP	✓	✓	✓	✓
Internal Audit Annual Report	EKAP	✓			
Indicative External Audit Plan	GT		✓	✓	
External Audit Plan 2021/22	GT			✓	
Audit Progress Report and Sector Update	GT		✓		
Audit Findings Report	GT		✓		
External Auditor's Annual Audit Report on Value for Money	GT			✓	
Audit Committee Assurance Statement	GT			✓	
Draft Internal Audit Plan 2024/25	EKAP				✓
Regulatory framework					
Corporate Risk Management - Quarterly Update	DCS	✓	✓	✓	✓
Contract Standing Order Waivers	DCS	✓		✓	
Annual Governance Statement	HLD	✓			
Updated RIPA Policy	HLD	✓			
Annual Treasury Management Review	DCS	✓			
Treasury Management and Annual Investment Strategy	DCS		✓	✓	✓
Treasury Management Strategy Statement, Minimum Revenue Provision Policy Statement and Annual Investment Strategy for 2024/25	DCS			✓	
Thanet Lottery Update	DCS			✓	

Key

- HLD Head of Law and Democracy and Monitoring Officer
 EKAP East Kent Audit Partnership
 GT Grant Thornton
 DCS Director of Corporate Services

4. Review of the Governance and Audit Committee's effectiveness

- 4.1. The Governance and Audit Committee should ensure it has effective communication with the authority, to include the Executive, the Head of Internal Audit, the External Auditor and other stakeholders. Consequently it is considered to be best practice for the Committee to be self aware and to submit an annual report to Council.
- 4.2. The annual report summarises the work of the Committee for the year and concludes that it has received clear, concise and relevant information, training events on topics specific to the business of the Committee, and has done all that it can to meet the aims and objectives for the Committee in the best way that it can.

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- 5.1. The work of internal audit provides independent and objective assurance on the adequacy and effectiveness of those systems on which the Authority relies for its internal control. There has been an increased number of internal audits with limited or no assurance opinions in the last couple of years; the Council's management team recognises the significance of this issues and has put measures in place
- 5.2. The work of external audit provides an opinion as to whether the council's statements of accounts represent a 'true and fair' view of the authority's financial position and transactions, as well as providing an opinion on the council's arrangements in place to secure value for money.
- 5.3. There have been substantial delays to the completion of the 2021/22 audit and also the publication of the 2022/23 draft accounts. This has limited the committee's ability to approve the council's statement of accounts in accordance with regulations.
- 5.4. Whilst the committee has received regular updates from the s151 officer about the progress that has been made, and acknowledges that these matters are systemic across the local government sector, the committee has voiced its concern and frustrations at the pace of progress.
- 5.5. The Committee reviews the Council's Governance Framework as appropriate and Local Code of Corporate Governance annually.
- 5.6. The Committee reviews the Risk Management Strategy on a regular basis and considers the effectiveness of the risk management process both through the work of internal audit and through receiving quarterly risk management reports.
- 5.7. The Committee considers the effectiveness of the internal audit arrangements by reviewing the quality of reports, actions and follow-ups through the quarterly reports submitted during the year to the Committee.
- 5.8. The Committee is able to request service managers and, where necessary, the relevant portfolio holder to attend the Committee to give an update on progress against agreed actions to reduce risk and/or improve governance.
- 5.9. The Chair and Officers have considered the effectiveness of the Committee. The self-assessment evidence demonstrating achievement of the Committee's terms of reference is attached at Appendix 1.
- 5.10. The Annual Governance Statement was approved by this Committee on 26th July 2023, the link to the Annual Governance Statement is attached at <https://democracy.thanet.gov.uk/documents/s80690/GA%20Annual%20Report%202022-23.docx%20-%20Google%20Docs.pdf>;
- 5.11. The Governance and Audit committee's action plan for 2024/25 is attached at Appendix 2

6. Future Challenges

- 6.1. The Governance and Audit Committee looks forward to and expects to see an

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improvement in the number of internal audits that receive a substantial or reasonable assurance opinion in the forthcoming year.

- 6.2. The committee also looks forward to significant progress being made with the conclusion of audits relating to prior financial years and the publication of the draft 2022/23 and 2023/24 accounts.
- 6.3. The Governance and Audit Committee will continue with its existing duties whilst continually striving to achieve best practice where this is feasible and affordable. An Action Plan for further work and improvements for the committee to consider over the forthcoming year is set out at Annex 2. During 2024/25 the Committee will need to:
- Continue to provide to those charged with governance independent assurance on the adequacy of the risk management framework, the internal control environment and the integrity of the financial reporting and annual governance processes
 - Consider the outcome of the external assessment of the council's internal audit function
 - Consider and make comments on Grant Thornton's proposed approach to address the current backlog of external audits in local government and specifically the plan for Thanet DC.
 - Undertake a review of the committee members' skills and knowledge and assess the value that the committee adds to the organisation.

7.0 Appendices

Appendix 1 **Governance and Audit Committee Self-Assessment of Good Practice**

Appendix 2 **Governance and Audit Committee Action Plan 2024/25**

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Governance and Audit Committee Self-Assessment of Good Practice - Appendix 1

Good practice questions	Yes	Partly	No	Comments/Action
Audit Committee purposes and governance				
Does the council have a dedicated Audit Committee?	✓			
Does the Audit Committee report directly to full council?	✓			Annual Report of Governance and Audit Committee that goes to Full Council
Do the terms of reference clearly set out the purpose of the committee in accordance with CIPFA's Position Statement?	✓			
Is the role and purpose of the audit committee understood and accepted across the authority?	✓			Set out in the constitution and understood by councillors and officers
Does the audit committee provide support to the authority in meeting the requirements of good governance? Is an annual calendar of meetings/reports prepared to ensure all duties noted in the terms of reference are fulfilled?	✓			Meeting dates are arranged with deadline dates in mind to ensure they are met. Council protocol to issue agenda at least 5 clear working days prior to the meeting. The committee provides support to the authority in meeting the requirements of good governance, via its comprehensive programme of work and by councillors full engagement in this.
Are the arrangements to hold the committee to account for its performance operating satisfactorily?	✓			This responsibility is discharged via the Annual Report of Governance and Audit Committee that goes to Full Council
Functions of the committee				
Do the committee's terms of reference explicitly address all the core areas identified in CIPFA's Position Statement?				
<ul style="list-style-type: none"> Good governance 	✓			The committee has actively engaged with GT in its review of culture and governance at the authority.
<ul style="list-style-type: none"> Assurance framework 	✓			G&A approves the annual Statement of Accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statement or from the audit that need to be brought to the attention of the Council; To consider the external auditor's report on issues from the audit of the accounts and recommend approval to those charged with governance. The committee has actively engaged with the external auditors, GT.
<ul style="list-style-type: none"> Internal audit 	✓			The committee considers the annual report and opinion of the East Kent Audit Partnership, and a summary of audit (actual and proposed)

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				<p>and the level of assurance it can give over the Council's governance arrangements.</p> <p>The committee also approves (but not directs) internal audit's strategy, plan and monitors performance. On a quarterly basis the committee considers summaries of specific internal audit reports.</p>
<ul style="list-style-type: none"> External audit 	✓			<p>The committee receives regular reports from external audit and received particular updates this year about the review of culture and governance, leading to the statutory recommendations</p>
<ul style="list-style-type: none"> Financial reporting 		✓		<p>There have been delays to the completion of the 2021/22 audit of the statement of accounts and also delays to the publication of the draft 2022/23 accounts.</p> <p>This has limited the ability of the Committee to discharge this function.</p>
<ul style="list-style-type: none"> Risk management 	✓			<p>The committee regularly considers reports on the Council's approach to risk management including reporting of the council's most significant corporate risks.</p>
<ul style="list-style-type: none"> Value for money or best value 	✓			<p>The Committee considers the council's arrangements for securing value of money, through its oversight of the work of internal and external audit.</p>
<ul style="list-style-type: none"> Counter-fraud and corruption 	✓			<p>The committee is responsible for approving the council's policies on Anti-Bribery, Whistleblowing, Anti-fraud and Corruption and the External Funding Protocol</p>

<p>Is an annual evaluation undertaken to assess whether the committee is fulfilling its terms of reference and that adequate consideration has been given to all core areas?</p>	✓			<p>The annual report sets out the work undertaken in accordance with the committee terms of reference. This includes all core areas.</p>
<p>Has the audit committee considered the wider areas identified in CIPFA's Position Statement and whether it would be appropriate for the committee to undertake them?</p>		✓		<p>The committee undertakes some of the activities wider activities set out in the CIPFA Position statement (e.g. oversight of Treasury Management), however the statement needs to be revised in 2024/25</p>
<p>Where coverage of core areas has been found to be limited, are plans in place to address this?</p>			n/a	<p>Core areas sufficiently covered</p>

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Has the committee maintained its non-advisory role by not taking on any decision-making powers that are not in line with its core purpose?	✓			
Membership and support				
Has an effective audit committee structure and composition of the committee been selected? This should include: <ul style="list-style-type: none"> • Separation from the executive • An appropriate mix of knowledge and skills among the membership • A size of committee that is not unwieldy • Where independent members are used, that have been appointed using an appropriate process 	✓			
	✓			
	✓			
	n/a	n/a	n/a	
Does the chair of the committee have appropriate knowledge and skills	✓			The committee is chaired by an experienced and capable councillor, who has professional expertise in the area of cyber security risk management.
Are arrangements in place to support the committee with briefings and training?	✓			Governance, Audit and Financial training was provided within the formal induction programme for councillors following May 2023 elections. Training on Treasury Management was provided to committee councillors by the Council's external advisors and took place prior to the committee's September 2023. Training on Risk Management was also provided ahead of the committee's March 2023 meeting.
Has the membership of the committee been assessed against the core knowledge and		✓		

skills framework and be found to be satisfactory?				
Does the committee have good working relations with key people and organisations, including external audit, internal audit and the chief finance officer?	✓			The committee has very good working relationships with key officers, and with internal and external Audit.
Is adequate secretariat and administrative support to the committee provided?	✓			Provided by Democratic Services

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Effectiveness of the committee				
Has the committee obtained feedback on its performance from those interacting with the committee or relying on its work?			✓	Added to the action plan
Has the committee evaluated whether and how it is adding value to the organisation?		✓		Partly through the Annual Report
Does the committee have an action plan to improve any areas of weakness?	✓			See actions recommended below.

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Governance and Audit Committee Action Plan 2023/24 - Appendix 2

Following the completion of an annual assessment of the performance of the Governance and Audit Committee for the period May 2023 to April 2024, the issues below were identified and action will be undertaken during the period May 2024 to April 2025 to address these.

Ref	Action	Proposed Action	Proposed completion date	Responsible officer / body
24-25/01	Outcome of the work on the Independent Monitoring Officer	<p>The final recommendation outstanding for implementation from the work of the IMO is in relation to the council's approach to project management.</p> <p>This committee will receive the progress report from Internal Audit's follow up the berth 4-5 project.</p> <p>Subsequently a planned internal audit of Project Management will be undertaken in 2024-25.</p>	March 2025	DCS
24-25/02	Follow up of Outstanding Audit Recommendations	<p>A new process is to be introduced where twice a year the committee will receive an update report that sets out the progress on implementing any audit recommendations that remained outstanding after the follow up audit.</p> <p>The first of these reports will be presented to the committee at its July 2024 meeting.</p>	July 2024	DCS
24-25/03	Audit backlog	<p>To clear the backlog of historical accounts and 'reset' the system, the Department for Levelling Up, Housing and Communities (DLUHC) proposes putting a date in law (the "backstop date") – 30 September 2024 – by which point local bodies would publish audited accounts for all outstanding years up to and including 2022/23.</p> <p>At its July 2024 meeting the committee will receive a report from the external auditors, Grant Thornton, explaining how they intend to address the current backlog of external audits in local government and specifically the plan for Thanet DC.</p>	July 2024	DCS
24-25/04	Update the local Code of Corporate Governance	To be reviewed by this committee and published as a standalone document on the Council's website	June / July 2024	HoL

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24-25/ 05	Move to make the Local Code of Corporate Governance web rather than paper-based	Create a dedicated web page on the internet site - work underway, see above	June / July 2024	HoL / HoS&T
24-25/ 06	Core Knowledge and Skills Framework	The membership of the committee will be assessed against the core knowledge and skills framework.	September 2024	HoL & DCS
24-25/ 07	Councillor training	Any skills or knowledge gaps identified through the above framework will be addressed through a programme of member training throughout the year.	March 2025	HoL & DCS
24-25/ 08	Performance Feedback	A new process will be introduced to obtain feedback on the committee's performance from those interacting with the committee or relying on its work.	March 2025	HoL & DCS
24-25/ 09	Performance Evaluation	Processes will be strengthened to evaluate the extent to which the committee adds value to the organisation.	March 2025	HoL & DCS
24-25/ 10	CIPFA Position Statement on Audit Committees	The committee will consider this position statement in the context of its responsibilities and terms of reference	July 2024	DCL

Key:

HoL Head of Legal & Monitoring Officer
DCS Director of Corporate Services & S151 Officer
HoS&S Head of Strategy and Transformation

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Budget Monitoring Report No.3, 2023-24

Council	28 March 2024
Report Author	Chris Blundell, Director of Corporate Services - Section 151
Portfolio Holder	Cllr Rob Yates, Portfolio Holder for Finance
Status	For Decision
Classification:	Unrestricted
Key Decision	No
Ward:	All Wards

Executive Summary:

This report presents budget additions and amendments for Council approval, which have been recommended by Cabinet following the receipt of the 2023-24 budget monitoring report for Quarter three by Cabinet on 29 February 2024.

Recommendation(s):

1. That Council approve the supplementary budgets for:
 - i. The £275k requirement for the removal of waste at the Dane Park Depot is funded from the risk reserve as set out in section 2.2 of this report
2. That Council approves the supplementary capital budgets, numbered i to ii inclusive, as set out in section 3 to this report.

Corporate Implications

Financial and Value for Money

The financial implications have been reflected within the body of the report.

Legal

The Council is required by law to set a balanced budget for each financial year. During the year there is an ongoing responsibility to monitor spending and ensure that finances continue to be sound. Section 151 of the 1972 Local Government Act requires a suitably qualified named officer to monitor and control the Council's finances in order to provide a balanced budget. This report demonstrates the Council's compliance in respect of this duty.

Corporate

Corporate priorities can only be delivered with robust finances and this report gives Members the opportunity to review the Council's current position.

Equality Act 2010 & Public Sector Equality Duty

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

There are no direct equality implications arising from this report, however the delivery and implementation of and budgetary changes will consider this as part of the budget setting process and be reported to members in due course.

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.

Corporate Priorities

This report relates to the following corporate priorities: -

- Growth
- Environment
- Communities

1. Introduction

- 1.1. The Council's constitution requires that supplementary budgets must be approved by Council. In other words, only Council can agree to the overall size of the budget for the year to be increased.
- 1.2. The Quarter 3 Budget Monitoring report was received by Cabinet on 29 February 2023, within which Cabinet agreed for a number of additions to the budgets to be recommended to Council for approval. The link to this budget monitoring report is included for reference under annex to this report.
- 1.3. The following sections set out the details of these budget amendments for Council approval.

2. General Fund Revenue Supplementary Budget Requests

- 2.1. This section of the report provides additional information and context associated with any recommendations which request additional budget provision to be approved with the General Fund revenue budget.
- 2.2. There is a £275k requirement for the removal of green waste at the Dane Park Depot to be funded from the risk reserve.

3. General Fund Capital Programme Additions

It is proposed that the following changes to the capital programme (already reflected within the opening balances of the Annex previously provided to Cabinet) be approved.

(i) Sea Wall Remedial Work: Addition of a new £142k grant funded project for sea wall remedial work following strong winds and a tidal surge.

(ii) Jackey Bakers Pavilion: Addition of a new £370k project funded from reserves for the demolition of the current pavilion and provision of a portacabin style facility. More details are given in the Jackey Bakers Recreation Ground report presented to Cabinet on 14 December 2023.

Contact Officer: *Matthew Sanham*

Reporting to: *Chris Blundell, Director of Finance and acting Section 151 Officer*

Annex List

[Budget Monitoring Report No.3. 2023/24](#)
[Annex 1 General Fund Capital Programme](#)

Background Papers

Budget monitoring papers held in Financial Services

Corporate Consultation

Finance: *N/A*

Legal: **Ingrid Brown (Head of Legal and Democracy & Monitoring Officer)**

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Budget Monitoring Report No.3, 2023/24

Extraordinary Cabinet	29 February 2024
Report Author	Chris Blundell, Director of Corporate Services - Section 151
Portfolio Holder	Cllr Rob Yates, Portfolio Holder for Corporate Services
Status	For Decision
Classification:	Unrestricted
Key Decision	No
Ward:	All Wards

Executive Summary:

This report provides the 2023/24 third budget monitor for General Fund revenue and capital forecasts against budget, as well as the Housing Revenue Account.

At the end of quarter 3 there was a forecast **£1.334m** overspend on General Fund revenue service budgets.

The HRA is currently forecasting a surplus against the budget of **£1.478m**.

Recommendation(s):

- 1) That Cabinet notes the following:
 - i) The General Fund revenue budget 2023/24 forecast position.
 - ii) The General Fund Capital Programme 2023/24 forecast position.
 - iii) The Housing Revenue Account position.
- 2) That Cabinet recommends to Council for approval the supplementary budgets for:
 - i) The £275k requirement for the removal of waste at the Dane Park Depot is funded from the risk reserve as set out in section 3.2 of this report and previously reported to Cabinet in January.
- 3) That Cabinet agrees to the capital programme budget adjustments, numbered (i) and (ii), as set out in section 6.4 and Annex 1 to this report.
- 4) That Cabinet recommends to Council for approval the supplementary capital budgets, numbered (i) and (ii), as set out in section 6.5 and Annex 1 to this report.
- 5) That Cabinet recommends to Council for approval the supplementary budget for the new HRA scheme for Newington, as set out in section 8.5 to this report.

Corporate Implications

Financial and Value for Money

The financial implications have been reflected within the body of the report. There remain some residual impacts from the Covid pandemic upon the Council's finances, however this has moved to epidemic now and therefore is largely considered to be treated as business as usual.

Legal

The Council is required by law to set a balanced budget for each financial year. During the year there is an ongoing responsibility to monitor spending and ensure that finances continue to be sound.

Section 151 of the 1972 Local Government Act requires a suitably qualified named officer to monitor and control the Council's finances in order to provide a balanced budget. This report demonstrates the Council's compliance in respect of this duty.

Corporate

Corporate priorities can only be delivered with robust finances and this report gives Members the opportunity to review the Council's current position.

Equality Act 2010 & Public Sector Equality Duty

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

There are no direct equality implications arising from this report, however the delivery and implementation of and budgetary changes will consider this as part of the budget setting process and be reported to members in due course.

It is important to be aware of the Council's responsibility under the Public Sector Equality Duty (PSED) and show evidence that due consideration has been given to the equalities impact that may be brought upon communities by the decisions made by Council.

Corporate Priorities

This report relates to the following corporate priorities: -

- *To keep our district safe and clean*
- *To deliver the housing we need*
- *To protect our environment*
- *To create a thriving place*
- *To work efficiently for you*

1. General Fund – Revenue Forecast 2023/24

- 1.1 The 2023/24 General Fund net revenue budget of £20.755m was agreed at the Council meeting on 23 February 2023.
- 1.2 At the end of quarter 3 there was a forecast **£1.334m** overspend on General Fund revenue service budgets, largely due to the continued pressure arising within the Homelessness service alongside significant income shortfalls in a number of other services.
- 1.3 The council continues to face challenges as a result of the lasting effects of the pandemic and now the cost of living crisis, most notably through the aforementioned shortfall in service income and the ongoing impact on utilities. Managers continue to estimate the financial impact of this crisis and future monitoring will allow for greater certainty of where we will be over the coming months.
- 1.4 Table 1 below summarises at directorate level the **£1.334m** projected overspend on General Fund revenue services based on actuals to the end of quarter 3 and forecasts from budget holders for the remainder of the year. Paragraphs 2.1 - 2.4 explain variances between the budget and forecasts.

Table 1 - General Fund - Forecast against Budget 2023/24

Function	2023/24 Budget £'000	2023/24 Forecast £'000	2023/24 Variance £'000	Paragraph
Chief Executive	2,101	2,101	0	n/a
Place	4,121	4,881	+760	See paragraph 2.1
Environment	6,285	7,359	+1,074	See paragraph 2.2
Corporate Services and s151 Officer	3,597	3,597	+0	See paragraph 2.3
Corporate Budgets	4,651	4,151	-500	See paragraph 2.4
Total Net Expenditure	20,755	22,089	+1,334	

Note: + overspends or underachievement of income, - underspends or surplus income

2. General Fund detail by Directorate/Department:

One of the key tools for implementing the budget strategy was the use of budget prioritisation meetings, to consider services' current resource allocations and also assessing any budget proposals. Heads of Service and Directors were asked to formulate proposals against the draft priorities contained in the emerging Corporate Plan, so that the Council would be able to deliver immediate improvements against those priorities once the Plan was approved next February.

As part of this process current year pressures were also reviewed, providing an opportunity to manage some of the issues identified below. Examples include the review of Fees and Charges where in some instances we have smoothed the impact of ongoing pressures, Homelessness; where additional funds have been included to develop our own provision and Street Cleansing, where additional resources have been made available.

Director of Place

2.1 An overspend of +£760k is currently forecast:

(i) **Housing Needs +£650k**

Homelessness has continually grown as a challenge for many local authorities, Thanet included. There are additional pressures on Housing as the gap between supply and demand increases. The council has reviewed and is delivering its homelessness strategy action plan, is regularly monitoring the levels of homelessness and has commissioned new services to address the increasing need for support. This work will continue.

The service overspent by +£1.083m in 2022/23 and as a result of this forecast overspend, an additional +£800k was added into the 2023/24 budget to recognise and fund the rising costs of homelessness.

It was anticipated that if the number of cases fell the increased budget provision would be sufficient to fund the service, however the average number of homelessness cases have actually increased between 2022/23 to 2023/24 to date.

As a result of this increase, the subsequent overspend for 2023/24 is now forecast at +£650k.

The housing options team have identified further actions over the remainder of 2023/24 in order to reduce this forecast position and have produced a detailed action plan, which includes:

- A further push to provide incentives to landlords in order for them to provide accommodation that directly reduces the number who require temporary accommodation. It should be noted however that there are a reduced number of landlords in the sector that may be available to provide these incentives too.
- Considering the potential for other options to encourage private sector landlords to make property available for homeless households.
- Regular review of all households in TA to identify those with potential move-on options.
- A further push to ensure maximum recovery of temporary accommodation charges and housing benefit is achieved.
- Acquiring additional in-house TA provision, utilising the approved capital budget for new TA.

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- The on-going delivery of the council's commitment to deliver 400 new affordable rented homes over 4 years.

On 31 October, officers attended an emergency homelessness summit, convened by the District Council Network along with another 157 other councils, all facing pressures on their homelessness services. The issue is of national significance. Following the summit the council was a joint signatory to an open letter to the government seeking urgent support. Key asks included:

- Increases in local housing allowances and discretionary housing payments budget,
- Additional resources for homelessness prevention services, and
- Long term investment in more social housing.

The government has given additional financial support to local authorities in previous years and although nothing further has been formally announced to date, should additional support be provided, the overspend forecast would reduce as a result.

(ii) **Housing Benefits +£0**

Due to the volatility around Housing Benefit, including increasing pressures associated with supported accommodation, a +£500k shortfall is forecast, it is anticipated that this will be met using the Equalisation reserve as previously agreed, this reserve is used to manage the peaks and troughs associated with the volatilities of our benefits services.

(iii) **Building Control +£110k**

Income for the service received to date is below budget, the year-end forecast is for the income to be below budget +£110k. The income target for the service has been reduced over a number of years in recognition of the challenges in this area, however despite this reduction a residual +£110k deficit still remains. A further review of this service budget needs to be undertaken as part of balancing the projected 23/24 position.

Director of Environment

2.2 An overspend of **+£1,074k** is currently forecast:

(i) **Parking and Enforcement £0k**

Parking fee income relating to on-street parking has returned to pre-covid levels and early forecasts show a potential for a -£405k surplus, however, income from parking fines associated with on-street is forecast to be +£300k below budget.

The projected surplus from on-street parking combined with savings against the current salary budget of -£190k will result in a net surplus of -£295k.

Overall this position will be managed through a corresponding +£295k contribution to the earmarked reserve associated with this activity, resulting in a net zero impact on the council's General Fund balances.

Parking and enforcement activity associated with TDC owned off-street car parks is currently forecast to break even against the budget.

(ii) **Domestic Waste Collection +£445k**

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Funding for two additional permanent collection rounds were incorporated into the 2022/23 budget. However, due to higher than historical rates of sickness absence there has been significant reliance on agency staff and overtime payments, both in waste collection and beach cleaning. There is also an overspend on street cleaning, with additional agency spending due to new Government regulations regarding the disposal of POPs (persistent organic pollutants). Combined, these will result in a +£445k overspend.

(iii) **Maritime and Technical Services +£369k**

Income is projected +£369k lower than budget expectations within Port operations. This is due to restricted opportunities, in part stemming from the global shortage of components to manufacture vehicles that had previously generated income through car importation and vehicle storage on site.

(iv) **Bulky/Clinical Waste +£60k**

A significant increase to the income target based on 22/23 projected outturn, combined with a change to the pricing structure to individual items to facilitate online bookings, has resulted in a projected shortfall this year of +£40k in bulky waste. The clinical waste target of +£20k is a legacy budget that is unachievable as this service is not charged to customers.

(v) **Crematorium Income +£200k**

The varying impact of covid on mortality rates has made it more difficult to forecast income for the service. Compared to the same period last year income is £140k higher, but still 150k short of the budget. The opening of a new Crematorium in Herne Bay is likely to be having an impact in this financial year as their rates are currently lower than TDC, although it is understood that from April they will be increasing. At this stage it is prudent to assume a +£200k shortfall and an amount has been factored into the 24/25 budget build to help manage the impact of this.

Director of Corporate Services and s151 Officer

2.3 This area is forecasting no variance at this time

2.4 Other and Corporate is currently forecast to under spend by **-£500k**:

- (i) Included within corporate budgets are such items as:
- East Kent Shared Services and their central charge,
 - HRA recharges i.e. service costs that are recharged to the HRA but which are held centrally for monitoring purposes,
 - Capital charges including recharges for staff time,
 - External funding and
 - The 2022-23 assumed collection fund deficit that hits 2023-24.
- (ii) There are additional costs associated with the unprecedented increases in Electricity and Gas prices that can't be contained within existing budgets. There is possible mitigation through some corporate budgets but this will be carefully monitored over the course of the year to make sure.
- (iii) Income generated as a result of the Council's investment activities is being positively impacted by the current increased interest rates, although the counter side to this is

increased borrowing costs, we are currently projecting a net gain of -£500k on these activities.

3. Supplementary Budget Requests

- 3.1 This section of the report provides additional information and context associated with any recommendations which request additional budget provision to be approved with the General Fund revenue budget.
- 3.2 There is a £275k requirement for the removal of green waste at the Dane Park Depot to be funded from the risk reserve.

4 Corporate Income

- 4.1 The net budget requirement is the term used to explain the total amount the council spends on services after taking account of income streams that are specific to particular service activities such as specific grants or fees and charges (e.g. homelessness grants or car park income). For 2023/24 the net budget requirement was set at £20.755m and was funded from the following corporate (i.e. non service specific) income streams.

	£000	£000
2023-24 NET GENERAL FUND REVENUE BUDGET		20,755
Funded by		
Government Grants	-1,317	
Retained Business Rates & Section 31 Grants	-8,060	
Business Rates Collection Fund Deficit	199	
Council Tax	-11,690	
Council Tax Collection Fund Deficit	113	
Total Funding		-20,755

4.2 Business Rates

The retained business rates system is a highly complex system, but in simple terms the Council included £8.060m in this year's budget from business rates related income.

Since the retained business rates system was introduced local authorities have been allowed to retain a proportion of the additional business rates that are generated in their district. TDC also participates in a Kent wide pool that allows Kent authorities to retain a greater proportion of income than operating independently under the national scheme.

However this strand of income is most uncertain and is highly volatile; both in terms of in-year allocations and also for future reform. As such, the budget strategy for the number of years was to only include approximately half of possible growth in the base budget. For 2023/24 the full amount of anticipated growth has been assumed and therefore £1.358m of possible retained growth is included in the base budget.

4.3 Council Tax

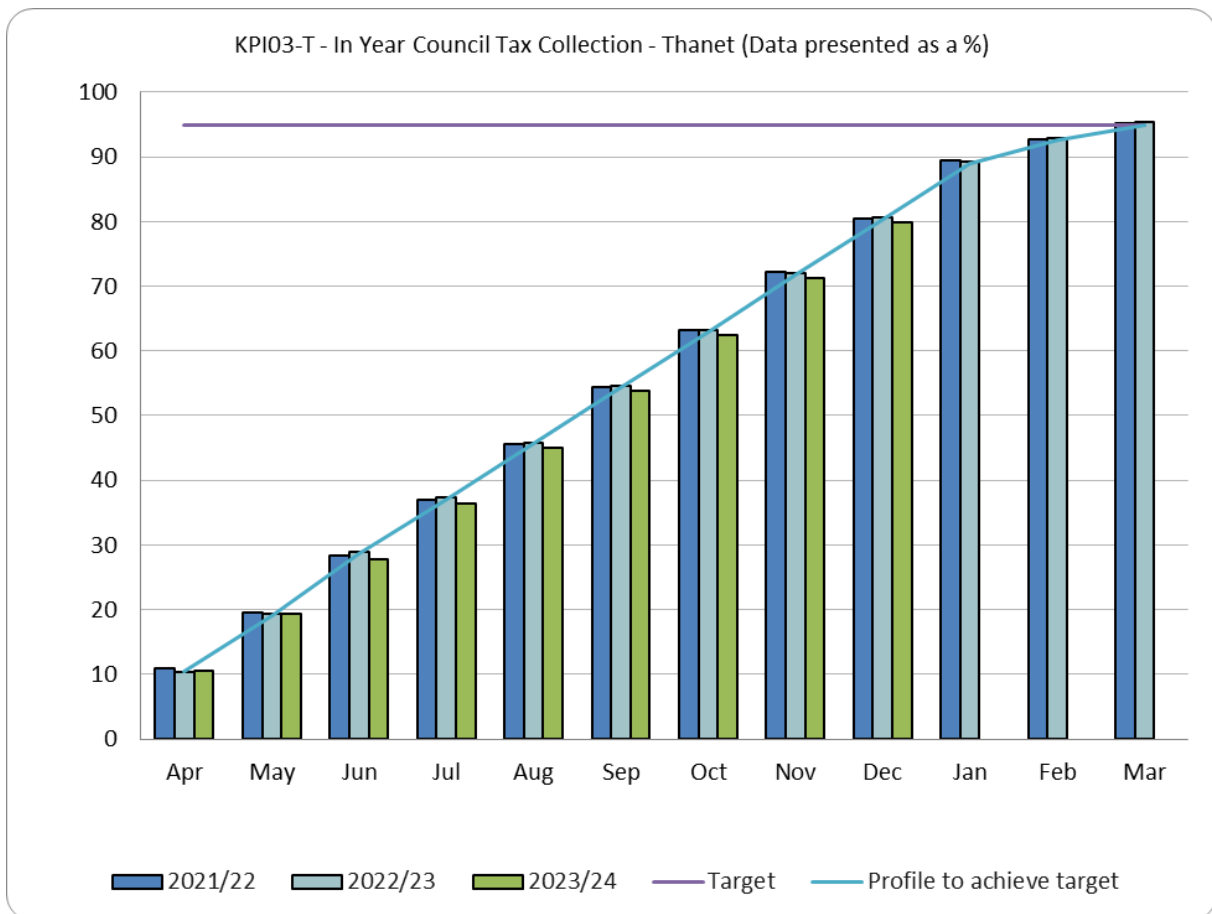
The council has budgeted for an income of £11.690m from council tax this year. In budgetary terms, this budgeted income is secure for the financial year, because due to the statutory arrangements for the accounting of council tax income, any surplus or deficit on the actual collection of council tax from residents is accounted for through the collection fund. Subsequently, any surplus or deficit that is accumulated in the

collection fund is credited or charged to the General Fund revenue budget as part year budget setting process for future years.

In terms of actual collection of council tax within this financial year, the headline is that collection is largely on profile, with actual collections hitting 79.83% against a target of 80.36% at the end of December 2023.

The annual target for collection of council tax is 94.91% by the end of March 2024, however it should be noted that the vast majority of any council tax that hasn't been paid by the end of the financial year will still be collected and recovered in following years.

The chart below shows actual and projected council tax collection rates for December 23.



5. Addressing Budget Variance

- 5.1 Current forecasts show a potential overspend of just over +£1.334m against General Fund Revenue service budgets. It should be noted that the final qtr of the financial year could still move considerably, with it being likely that some of our planned spend will in fact slip into 2024/25, this has the potential to contribute towards the forecast overspend.
- 5.2 The most concerning forecast budget overspends are those of a demand-led nature, where our spending or income levels are dedicated by external demand for our services (e.g. number of homeless families, or number of building control applications) and as such the potential opportunities to manage down spending pressures through conventional budgetary control measures are limited.

5.3 All budgets will continue to be regularly monitored to ensure that the council's expenditure remains where possible, within the agreed budget. This will include monitoring income and controllable spend in order to manage down the potential impact. Each of the services projecting an overspend as above are striving to minimise or eliminate the overspend before the end of the year, but failure to do so will require consideration of the use of reserves.

6. General Fund Capital Programme – Forecast 2023/24

6.1 The council's 2023/24 revised General Fund capital programme of £27.176m (£27.124m as per annex 1 + £0.052m flexible use of capital receipts) is expected to be underspent by -£12.010m.

6.2 **Annex 1** provides a breakdown of the forecast underspend at scheme level and also shows that £6.104m (22.50%) has been committed against this year's budget as at 31 December 2023.

6.3 The projected underspend includes the following relatively large projects:

(i) Housing Assistance Policy

£5.429m 2023/24 capital budget, £3.123m forecast spend, £2.306m forecast underspend:

The majority of forecast expenditure is on providing Disabled Facilities Grants to local residents. Final spend is dependent upon local need and timing of providing grant assistance. It is anticipated that any underspend at year-end will be available to be carried forward into the next financial year.

(ii) Public Toilet Refurbishment & Renewal

£0.749m 2023/24 capital budget, £0.083m forecast spend, £0.666m forecast underspend:

Expenditure on this programme was previously predicated on the achievement of capital receipts from the disposal of closed public conveniences. However alternative funding has now been identified which will allow for investment in these facilities to be planned as per the 14 December 2023 Cabinet report.

(iii) Office Accommodation

£3m 2023/24 capital budget, £0 forecast spend, £3m forecast underspend:

Accommodation requirements are still under review given scope for flexible working as highlighted by Covid. The financing of the Office Accommodation project is dependent on the proceeds of asset sales from existing office accommodation.

(iv) Broadstairs Flood & Coast Protection

£0.880m 2023/24 capital budget, £0.044m forecast spend, £0.836m forecast underspend:

This project is now forecast to start in Spring to avoid disturbing wintering birds.

(v) Westbrook to St Mildred's Sea Wall Work

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Annex 1

£0.450m 2023/24 capital budget, £0 forecast spend, £0.450m forecast underspend:

Environment Agency funding is yet to be confirmed for this project.

(vi) **Homelessness Accommodation (phase 2)**

£1m 2023/24 capital budget, £0 forecast spend, £1m forecast underspend.

It is unlikely there will be any capital spend on a suitable site in 2023/24.

(vii) **Infrastructure**

£1.320m 2023/24 capital budget, £0.250 forecast spend, £1.070m forecast underspend.

It is anticipated this will be a multi-year project although the budget hasn't been phased to give more flexibility.

6.4 It is proposed that the following changes to this year's capital programme be approved by Cabinet, as per recommendation 3 to this report:

(i) **Ramsgate East Pier Building Structural Improvements:** Transfer £30k additional budget to this project from the **Property Enhancement Programme**.

(ii) **Community Parks:** Remove the residual budget of £28k as this project has now finished.

6.5 It is proposed that the following changes to this year's capital programme be recommended to Council for approval, as per recommendation 4 to this report.

(i) **Sea Wall Remedial Work:** Addition of a new £142k grant funded project for sea wall remedial work following strong winds and a tidal surge.

(ii) **Jackey Bakers Pavilion:** Addition of a new £370k project funded from reserves for the demolition of the current pavilion and provision of a portacabin style facility. More details are given in the Jackey Bakers Recreation Ground report presented to Cabinet on 14 December 2023.

6.6 **Capital Receipts**

As at 31 December 2023 there was a forecast surplus of £0.570m in capital receipts to fund the 2023/24 GF capital programme. This excludes the Office Accommodation project and £0.179m of the Public Toilet Refurbishment & Renewal project, which are currently both assumed to be self-financing from receipts from the sale of associated assets.

7. Housing Revenue Account (HRA)

7.1 The HRA is currently forecasting a surplus against the budget of £1.478m. This would result in a year-end net deficit of £28k in 2023/24, this would be funded by a drawdown from HRA balances.

7.2 Income

7.2.1 Dwelling rents are forecasting a surplus of £30k. This is as a result of a slow down in Right-to-Buys (RTB) in the first half of 2023/24 and a lower level of voids.

7.2.1 Forecast non-tenant garage rental income is expected to be £30k more than the original forecast budget due to an increase in rental charges and a reduction in the number of voids.

7.2.3 The HRA has built in other income budgets totalling £260k, these consist of Household Support Fund grant £185k and higher rechargeable repairs income £75k.

7.3 Repairs and Maintenance/Contribution to capital

An additional £300k revenue contribution to capital is required to fund the increased forecast costs of the capital disabled adaptations. The £300k additional contribution will be taken from the forecast underspend on repairs and maintenance and as such an adjustment between these lines has been reflected in the budget.

An additional £75k has been added to the repairs and maintenance budget to reflect the expenditure funded by the additional income for rechargeable repairs.

7.3 Supervision and Management

An additional budget of £185k has been added to reflect the expected expenditure of Household Support Fund grant.

7.4 HRA Investment Income

Interest rates have risen since the setting of the budget and although now settling the base rate is still 5.25%. The HRA interest earned is based on an average of HRA cash balances held over the course of the year multiplied by the average investment rate and so it's difficult to accurately predict actual interest to be earned until year end. A prudent assumption of £480k additional interest earned over budget has been forecast for Q3.

7.5 HRA Debt Interest Charges

Due to the Council's healthy cash flow position, the Council has been able to undertake internal borrowing in the short term rather than seeking loans from PWLB that would attract debt interest charges. As cashflow should be sufficient for the remainder of 2023/24, the HRA shouldn't have to take out new loans and a saving of £938k should be realised. Should loans be required to be taken out due to an unexpected reduction in cash flow, this forecast saving would adversely change.

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Table 2 - HRA – Forecast against Budget 2023/24

	2023/24 Budget	Move- ment	2023/24 Revised Budget	2023/24 Forecast	2023/24 Variance
	£'000	£'000	£'000	£'000	£'000
Income:					
Dwelling Rents	(14,922)		(14,922)	(14,952)	(30)
Non-dwelling Rents	(277)		(277)	(307)	(30)
Charges for services and facilities	(579)		(579)	(579)	-
Contributions towards expenditure	(520)	(260)	(780)	(780)	-
TOTAL INCOME	(16,298)	(260)	(16,558)	(16,618)	(60)
Expenditure					
Repairs & Maintenance	5,255	(225)	5,030	5,030	-
Supervision & Management	5,901	185	6,086	6,086	-
Depreciation & Impairments	4,310		4,310	4,310	-
Allowance for bad or doubtful debts	260		260	260	-
Contribution to Capital	370	300	670	670	-
Non-service specific expenditure	246		246	246	-
Debt Management Costs	9		9	9	-
TOTAL EXPENDITURE	16,351	260	16,611	16,611	-
Other Adjustments:					
Share of Members and Democratic Core	148		148	148	-
HRA Investment Income	(770)		(770)	(1,250)	(480)
Debt Interest Charges	1,487		1,487	549	(938)
Government Grants and Contributions	0		0	0	-
Adjustments, accounting /funding basis	588		588	588	-
Deficit/ (Surplus) for HRA Services	1,506	-	1,506	28	(1,478)

8. Housing Revenue Account Capital Programme – Forecast 2023/24

8.1 Annex 2 shows the revised 2023/24 Capital Programme.

8.2 At the end of December 2023 £9.056m had been spent or committed, this represents 26.33% of the revised budget.

8.3 The current end of year forecast spend position across the capital programme is £17.4m, this represents a forecast % spend against budget of 50.17%. End of year forecasted spend against major works and disabled adaptations, budgets managed by Tenant and Leasehold Services are forecast to spend 85.1% of budget. Due to the nature, availability and timing of purchase and replenishment schemes, only 39.18% of the budget is forecast to be spent, although more has been allocated to sites which will complete in 2024/25.

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- 8.3 Planned refurbishments consist mainly of major refurbishment of void properties is forecast to overspend and so £200k has been reallocated from the heating budget in order to mitigate this forecast overspend.
- 8.4 As mentioned in 7.3 above, disabled adaptations are forecast to overspend as a result of clearing the waiting list and a major extension. Therefore an additional revenue contribution and budget increase of £300k is required to mitigate the forecast overspend.
- 8.5 A new scheme is required for Newington Community Centre, the proposed works to the existing building are primarily Mechanical, Electrical and Plumbing items, which will significantly upgrade the energy efficiency of the building and lead to much lower operational costs for the centre in the long term. These improvements will also support the council's transition to net zero across its asset portfolio.

Other items included in these works are the renovation of the w/cs in the centre, creating accessible facilities for the community. Two small one-to-one offices will also be created to facilitate wellbeing sessions in the centre, and a new accessible entrance. These minor layout alterations will have large impacts on the operation of the centre overall and allow multiple uses of the space simultaneously, as opposed to one activity requiring the entire space.

These works are anticipated to be £300k, requiring the addition of a new scheme into the HRA Capital Programme.

- 8.6 A number of programmes are forecast to underspend and a narrative has been added to **Annex 2** to explain the forecast position.

Contact Officer: Matthew Sanham, Head of Finance and Procurement
Reporting to: Chris Blundell, Director of Corporate Services - Section 151

Annex List

Annex 1 GF Capital Programme
Annex 2 HRA Capital Programme
Annex 3 GF Revenue Budget Summary

Background Papers

Budget monitoring papers held in Financial Services

Corporate Consultation

Finance: N/A

Legal: Ingrid Brown (Head of Legal and Democracy & Monitoring Officer)

ANNEX 1 - General Fund Capital Programme Report No

3

Capital Programme 2023/24	Revised Capital Budget 2023/24 to Cabinet 16 November 2023 £	Additions / Removals £	Revised Capital Budget 2023/24 to Cabinet [date] 2024 £	Estimated Outturn 2023/24 £	Estimated Variance Overspend / (Underspend) against Revised Budget 2023/24 £	Committed Spend to 31 December 2023 £	Comments
Deputy Chief Executive (incl East Kent Services)							
Housing Assistance Policy (Disabled Facilities Grants & Better Care Fund)	4,949,604		4,949,604	2,883,000	-2,066,604	1,777,021	
Margate Housing Intervention - Loan Scheme	40,000		40,000	0	-40,000	0	
Housing Assistance Policy (additional support for home owners and private sector landlords)	478,912		478,912	240,000	-238,912	0	
Homelessness Accommodation	31,005		31,005	31,005	0	1,283	
Homelessness Accommodation (phase 2)	1,000,000		1,000,000	0	-1,000,000	0	
End User Computing - Refresh of Devices	438,734		438,734	438,734	0	43,580	
Financial Management System	174,489		174,489	174,489	0	0	
IT Infrastructure	302,325		302,325	302,325	0	183,407	
Total	7,415,069	0	7,415,069	4,069,553	-3,345,516	2,005,291	
Corporate Governance							
Public Toilet Refurbishment & Renewal	749,308		749,308	82,726	-666,582	82,726	Project name expanded from Public Toilet Refurbishment to Public Toilet Refurbishment & Renewal as per the 14 Dec 2023 Cabinet report
Office Accommodation	3,000,000		3,000,000	0	-3,000,000	0	
High Street Heritage Action Zone Grant - Ramsgate	117,900		117,900	117,900	0	25,377	
51-57 High Street, Margate - Refurbishment	45,161		45,161	45,161	0	0	
Margate Town Deal	3,188,000		3,188,000	3,188,000	0	231,256	
Ramsgate Future High Street Fund	802,899		802,899	802,899	0	691,014	
Margate Levelling Up Fund	1,272,577		1,272,577	1,272,577	0	0	
Ramsgate Levelling Up Fund	1,424,551		1,424,551	1,424,551	0	1,197,180	
Property Enhancement Programme	305,575	-30,000	275,575	196,000	-79,575	138,441	£30k budget transfer to Ramsgate East Pier Building Structural Improvements
Total	10,905,970	-30,000	10,875,970	7,129,814	-3,746,156	2,365,994	
Operational Services							
Replacement of Lead Lights at Port	37,567		37,567	0	-37,567	0	
Westbrook Promenade Infrastructure Improvements	52,763		52,763	52,763	0	5,144	
School Gate Safety Enforcement Partnership	222,500		222,500	0	-222,500	0	
CCTV (previously CCTV & Street Lighting)	45,680		45,680	45,680	0	44,709	
Ramsgate Harbour Sluice Gate	105,000		105,000	0	-105,000	0	
Thanet District LED Lighting	386,888		386,888	96,722	-290,166	54,509	
Ellington Park	18,057		18,057	18,057	0	9,783	
Pontoon Decking Improvements	4,303		4,303	0	-4,303	0	
Ramsgate Port & Harbour - Additional Self Storage Containers	55,000		55,000	55,000	0	54,690	
Upgrade of Amenity Blocks	73,730		73,730	10,000	-63,730	2,549	
Broadstairs Flood & Coast Protection	880,000		880,000	44,000	-836,000	4,188	
Ramsgate Dock Office on Eastern Crosswall	30,000		30,000	0	-30,000	0	
Ramsgate Port - Berth 4/5 Replacement	251,249		251,249	251,249	0	161,116	
Vehicle & Equipment Replacement Programme	2,155,362		2,155,362	2,155,362	0	1,114,826	
Boat Wash Separator	46,953		46,953	0	-46,953	0	
Crematorium Cloisters	100,000		100,000	0	-100,000	0	

ANNEX 1 - General Fund Capital Programme Report No

3

Capital Programme 2023/24	Revised Capital Budget 2023/24 to Cabinet 16 November 2023 £	Additions / Removals £	Revised Capital Budget 2023/24 to Cabinet [date] 2024 £	Estimated Outturn 2023/24 £	Estimated Variance Overspend / (Underspend) against Revised Budget 2023/24 £	Committed Spend to 31 December 2023 £	Comments
Ramsgate Flood & Coast Protection	1,425		1,425	1,425	0	0	
Ramsgate Port & Harbour Utilities Supply Upgrade	540		540	0	-540	0	
Westbrook to St Mildred's Sea Wall Work	450,000		450,000	0	-450,000	0	
Viking Bay to Dumpton Gap Sea Wall Work	398,668		398,668	398,668	0	90	
Replace Crematorium Chapel Roof	2,548		2,548	2,548	0	0	
Royal Harbour Multi-Storey Lift Replacement	330,427		330,427	30,000	-300,427	4,719	
Replacement Mobile Elevating Work Platform (MEWP) for Ramsgate Port & Harbour	28,000		28,000	28,000	0	28,000	
Ramsgate Harbour - Toilet Cabin at Outer West Marina	41,640		41,640	41,640	0	41,090	
Ramsgate Port - Transformer	60,000		60,000	0	-60,000	0	
Crematorium Memorial Gardens	60,000		60,000	0	-60,000	0	
Ramsgate Harbour - Marina Access Gates CCTV	21,000		21,000	21,000	0	19,550	
Port Control Signal Light Repeaters for Ramsgate West Pier	16,500		16,500	0	-16,500	0	
Infrastructure	1,320,000		1,320,000	250,000	-1,070,000	24,888	
Viking Bay Boardwalk	41,000		41,000	41,000	0	41,000	
Sea Wall Remedial Work	0	142,000	142,000	142,000	0	0	£142k grant funded budget for sea wall remedial work following strong winds and tidal surge
Ramsgate East Pier Building Structural Improvements	282,500	30,000	312,500	15,000	-297,500	11,734	£30k budget transfer from Property Enhancement Programme
Ramsgate East and West Pier Hand Railings and Access Gates	170,000		170,000	0	-170,000	0	
Customs Cutter Berth Refurbishment	70,000		70,000	5,000	-65,000	0	
Ramsgate Harbour - Replacement of Oil Disposal Point	40,000		40,000	0	-40,000	0	
Vehicle CCTV Cameras, Trackers and Software Upgrade	261,032		261,032	0	-261,032	0	
Smart Metering Upgrade	110,000		110,000	110,000	0	110,000	
Replacement Dock Master's Office	21,000		21,000	0	-21,000	0	
Jackey Bakers Pavilion	0	370,000	370,000	0	-370,000	0	£370k budget funded from reserves for the demolition of the current pavilion and provision of a portacabin style facility
Community Parks	27,758	-27,758	0	0	0	0	Project finished
Total	8,219,088	514,242	8,733,330	3,815,114	-4,918,216	1,732,586	
Total Programme	26,540,127	484,242	27,024,369	15,014,481	-12,009,888	6,103,871	
Capital Salaries	100,000		100,000	100,000	0	0	
Grand Total	26,640,127	484,242	27,124,369	15,114,481	-12,009,888	6,103,871	

Funded By	Revised Capital Budget 2023/24 to Cabinet 16 November 2023 £	Additions / Removals £	Revised Capital Budget 2023/24 to Cabinet [date] 2024 £
Revenue and Reserves	1,145,818	10,991	1,156,809
Capital Receipts	4,653,465	- 91,000	4,562,465
Prudential Borrowing	6,504,963	450,000	6,954,963
External Funding	14,335,881	114,251	14,450,132

ANNEX 1 - General Fund Capital Programme Report No.

3

Capital Programme 2023/24	Revised Capital Budget 2023/24 to Cabinet 16 November 2023 £	Additions / Removals £	Revised Capital Budget 2023/24 to Cabinet [date] 2024 £	Estimated Outturn 2023/24 £	Estimated Variance Overspend / (Underspend) against Revised Budget 2023/24 £	Committed Spend to 31 December 2023 £	Comments
Total	26,640,127	484,242	27,124,369				

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Refresh of Contract Standing Orders

Standards Committee	28 March 2024
Previously considered by:	Constitutional Review Working Party and Standards Committee
Report Author	Chris Blundell, Director of Corporate Services - Section 151
Portfolio Holder	Cllr Rob Yates, Portfolio Holder for Corporate Services
Status	For Decision
Classification:	Unrestricted
Key Decision	No
Ward:	All Wards

Executive Summary:

The refresh of CSO's has already been presented to both the Constitutional Review Working Party and Standards Committee for consideration, both of which supported the report as presented. The purpose of this report is to propose revisions to Contract Standing Orders (CSO's) to Council for adoption.

Recommendation(s):

- 1) Council is asked to approve the revised content of CSO's.

Corporate Implications

Financial and Value for Money

There are no financial implications arising directly from this report and the proposed changes will help improve the efficient and effective use of resources.

Legal

Contract Standing Orders are made in accordance with the requirements of Section 135 of the Local Government Act 1972. Local authorities have some discretion as to the form of their Contract Standing Orders and the proposed revisions are within the scope of that discretion.

Corporate

Corporate priorities can only be delivered with robust finances and this report gives Members the opportunity to review the Council's current position.

Equality Act 2010 & Public Sector Equality Duty

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

There are no direct equality implications arising from this report, however the delivery and implementation of and budgetary changes will consider this as part of the budget setting process and be reported to members in due course.

It is important to be aware of the Council's responsibility under the Public Sector Equality Duty (PSED) and show evidence that due consideration has been given to the equalities impact that may be brought upon communities by the decisions made by Council.

There are no particular equalities considerations arising.

Corporate Priorities

This report relates to the following corporate priorities: -

- *To create a thriving place*
- *To work efficiently for you*

1. Introduction and background

- 1.1 Section 135 of the Local Government Act 1972 requires Local Authorities "to make standing orders with respect to the making by them or on their behalf of contracts for the supply of goods or materials or for the execution of works".
- 1.2 Contract Standing Orders form part and are included within the Council's Constitution and set out the minimum obligations and minimum requirements to be followed by officers when making purchases.
- 1.3 The format and general content for Contract Standing Orders originates from their review in 2018. In general the formatting has largely been maintained and continues to provide a level of standardisation across the Kent authorities. Standardisation had especially beneficial across East Kent as this provided consistency of rules for shared service providers (i.e. East Kent Services) and also provides ease of approach when undertaking joint or collaborative procurements with other local authorities.
- 1.4 A requirement of the existing Contract Standing Orders (CSO's) is that they are reviewed and updated as necessary with any such recommendations made by the Procurement Manager being considered by the Constitutional Review Working Party

and recommended to the Standards Committee. Following which, they are to be presented to Full Council for adoption.

2.0 Reasons necessitating review and changes undertaken

- 2.1 The Council's Contract Standing Orders have been reviewed in the light of changes to current levels of projected spend across the organisation on what are seen to be key Regeneration and Housing projects over the Medium Term along with a high inflation environment over a number of years. Whilst there are a number of subtle amendments, the main changes of significance are to formally implement changes to the PCR2015 spend thresholds, CCR2016 thresholds, as notified by Cabinet Office which came into force 1st January 2024, an increase to the values of the thresholds for below thresholds contracts and an update to organisational changes in job titles.

An increase in quotation threshold was considered following recommendation contained in the outcome report of independent review of Financial Management Governance (June 2021). The recommendation was made that the lower limit (threshold) of £10k for quotations in relation to procurement appears to be too low and that this could be increased to improve autonomy and timeliness of operational decisions. Whilst this recommendation was looked to be progressed, the Council's Corporate Restructure took precedence. A further independent review was undertaken of the Procurement process following the Corporate restructure completion, in consultation with the Procurement Team and Officers across the organisation who are involved in undertaking Procurements, and the recommendations included a desire for CSO thresholds to be increased.

List of CSO Refresh amendments below:

- Reference to EU Rules has been updated to Public Procurement Rules throughout the document.
- Reference to OJEU has been updated to Find a Tender Service (FTS) throughout the document, to reflect the current service for higher-value, public contract opportunities (tenders) within the UK.
- **Under CSO 4 General Principles applying to All Contracts**
 - **CSO 4.2** Contract value increased to £50,000.00
 - **CSO 4.3** Contract value increased to £50,000.00
 - **CSO 4.7** Contract value increased to £50,000.00
 - **CSO 4.8** Value removed and wording updated.
- **Under CSO 5 Responsibilities of Chief Executive, Deputy Chief Executive, Corporate Directors, Directors and Responsible Officers** - Update to Role titles
 - **CSO 5.1** Update to Role titles
 - **CSO 5.2** Update to Role title
 - **CSO 5.3** Update to Role title
 - **CSO 5.4.1** Update to Role title
 - **CSO 5.4.7** Contract value increase to £140,000.00
 - **CSO 5.4.8** Updated values from Euros to GDP
 - **CSO 5.5** Update to Role titles
- **Under CSO 6 Thresholds and Procedures**
 - **CSO 6.3** Contract value increased to £50,000.00
 - **CSO 6.5.1** - Value updated to reflect PCR2015 Reg.109
 - **CSO 6.6** Table of financial thresholds amended to reflect changes to PCR2025 Regulations and CCR2016 thresholds implemented from 1 January 2024, and amendments to the thresholds/procedures for below thresholds contracts.

- **Under CSO 7 Financial Thresholds and Processes Applying to Approval and Execution of Contracts**
 - CSO 7.1 Update to Role title
 - CSO 7.2 Update to Role title
 - CSO 7.3 Contract value increased to £50,000.00
 - CSO 7.5 Contract value increased to £140,000.00
 - CSO 7.6 Contract value increased to £50,000.00
- **Under CSO 10 Submission and Opening of Tenders**
 - CSO 10.1 Contract value increased to £140,000.00
 - CSO 10.4 Contract value increased to £140,000.00
- **Under CSO 12 Waivers**
 - CSO 12.1 Contract value increased to £25,000.00
 - CSO 12.1.2 - Update to regulation being used.
 - CSO 12.1.6 Update to Role title
 - CSO 12.3.2 Update to Role title

- **Under CSO 13 Extensions and other Variations to Existing Contracts**
 - CSO 13.5 Update to wording

3.0 Roles & Responsibilities

- 3.1 Part of the Procurement Managers role is to acknowledge and understand best practice, building on existing working practices and to encourage a culture of continuous improvement ensuring a robust, effective and accountable delivery within all procurement activity.
- 3.2 This approach is continuing to be taken ready for the implementation of the Procurement Act 2023 anticipated to take effect from 1 October 2024, which will be implemented along with a training programme for all Officers across the Council who are in position of making purchasing decisions. Procurement would seek to ensure the benefits of existing local knowledge and service delivery/expertise applied to tendering processes is complimented by consistent, proportionate controls, processes and procedures across procurement activity as a whole.
- 3.3 The CSOs have been reviewed to ensure that Officers work in partnership with the Procurement Team which in essence maintains Services as the delivery experts, whilst Procurement (& Legal) ensure that all procurement activity is effective, legal and not open to challenge, reducing and mitigating any potential risk to officers and the authority. With recent reviews undertaken of the Procurement process and CSOs further amendments are anticipated to be put forward for review and decision later this year, however, have not been included at this time due to a full rewrite of CSOs being required for the new Procurement Act 2023 anticipated to come in October 2024 and these changes are better placed to be incorporated at that time.

4.0 Recommendations of the Standards Committee

- 4.1 The Standards Committee made the following recommendation:

“Standards support the revised content of Thanet District Councils contract standing orders as outlined in the report provided.”

5.0 Options

- 5.1 Council can accept the recommendations of the Standards Committee and endorse the proposed changes and content of CSO's.
- 5.2 Council do not endorse the proposed changes and content of CSO's and provide further instruction in this regard to the Procurement Manager.

6.0 Planned Changes in Procurement Legislation

- 6.1 The new Procurement Act 2023 is anticipated to come into force in October 2024. This will require a number of changes to be incorporated into CSOs to reflect the requirements that are captured under the new Procurement Act 2023 going forward and those requirements that will still sit under PCR2015. It is anticipated that a full review and rewrite of CSOs will be required due to the number of changes being made, transparency and contract management requirements to be met. At this time full guidance on the implementation is limited and therefore is unable to be incorporated within this refresh of CSOs. Regular training is continuing to be undertaken by Procurement and Legal on information available.

Contact Officer: Matthew Sanham, Head of Finance and Procurement
Reporting to: Chris Blundell, Director of Corporate Services - Section 151

Annex List

Annex 1 Contract Standing Orders

Background Papers

Corporate Consultation

Finance: N/A

Legal: Ingrid Brown (Head of Legal and Democracy & Monitoring Officer)

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Thanet District Council Contract Standing Orders

October 2018

Amended February 2024

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Contract Standing Orders

1 Introduction – Purpose of the Contract Standing Orders

- 1.1 Purchasing decisions and processes are important because the money involved is public money. The purpose of these Contract Standing Orders (CSOs) is to provide a structure within which purchasing decisions are made and implemented and which ensure that the Council:
 - 1.1.1 Furthers its corporate objectives
 - 1.1.2 Uses its resources efficiently
 - 1.1.3 Purchases fit for purpose goods, services and works
 - 1.1.4 Safeguards its reputation from any implication of dishonesty or corruption
 - 1.1.5 Improves the economic, social and environmental wellbeing of the district
- 1.2 Purchasing by the Council, from planning to delivery, shall incorporate (where appropriate) principles of sustainability, efficiency, whole life costing and cost savings.
- 1.3 These Contract Standing Orders are made in accordance with the requirements of Section 135 of the Local Government Act 1972.
- 1.4 These Contract Standing Orders do not provide guidelines on what is the best way to purchase works, supplies (goods), services and the granting of service or works concessions. They set out **minimum** requirements to be followed. Further information and guidelines are set out in the Council's Purchasing Guide that accompanies this document.
- 1.5 It is a disciplinary offence to fail to comply with these Contract Standing Orders. All employees have a duty to report breaches of Contract Standing Orders to the Section 151 Officer or the Council's Monitoring Officer.
- 1.6 Any Officer or Member who suspects any misconduct or corruption in relation to the purchase by or on behalf of the Council must refer to the Council's Whistleblowing Code and following the guidance contained. The Whistleblowing Code can be found on the Council's intranet @ <https://tom.thanet.gov.uk/corporate/policies/whistleblowing-policy> or a copy is available from the Council's Monitoring Officer

2 Regulatory Framework in Context

- 2.1 All purchasing shall be conducted in accordance with Regulatory Provisions which are:
 - 2.1.1 The relevant Public Procurement Rules and EC Treaty Principles which are defined in the Council's Purchasing Guide.
 - 2.1.2 Relevant UK legislation.
 - 2.1.3 The Council's Constitution including these Contract Standing Orders, the Council's Financial Regulations and Scheme of Delegation.

- 2.2 In the event of conflict between the above, the Public Procurement Rules will take precedence, followed by UK legislation, then the Council's Constitution as stated at 2.1.3

3 General Principles – Application and Compliance with Contract Standing Orders

- 3.1 These Contract Standing Orders apply to the purchase by or on behalf of the Council of works, supplies (goods), services and the granting of service or works concessions.
- 3.2 These Contract Standing Orders apply to all contracts including all purchase orders, concessions and contractual arrangements entered into by or on behalf of the Council, but there are exemptions from part of the stated CSOs for specific types of contracts and purchasing methods which are listed in 3.3.
- 3.3 Contract Standing Orders 1.1 - 1.4 apply, all other Contract Standing Orders do not apply to the following contracts:
- 3.3.1 which are employment contracts,
 - 3.3.2 for acquisition or rental of land, existing buildings or other immovable property, or which concern interests in or rights over any of them;
 - 3.3.3 for arbitration or conciliation
 - 3.3.4 for the retention of legal counsel and the appointment of expert witnesses in legal proceedings.
 - 3.3.5 Service level agreements setting out the conditions which the Council applies to its funding of particular voluntary sector bodies provided these arrangements comply with the guidance on grant agreements set out in the Council's Purchasing Guide.

4 General Principles applying to All Contracts

- 4.1 All purchases however small shall be evidenced in writing and (with the exception of purchases transacted on a Government Procurement Card) shall include the Council's Standard Clauses* (Ref CSO 16)
- 4.2 All contracts of a value of £50,000 or more shall be made using one of the following as applicable to nature and size of contract*:
- 4.2.1 the Council's Official Purchase Order conditions accompanied by the Council's Standard Clauses* (Ref CSO 16)
 - 4.2.2 the Council's Standard Clauses* (Ref CSO 16) available on intranet @ <https://sites.google.com/thanet.gov.uk/tom/financial-services/procurement-flexibility/quotation-and-tender-templates-toolkit>
 - 4.2.3 the Council's General Conditions of Contract* available on intranet @ <https://sites.google.com/thanet.gov.uk/tom/financial-services/procurement-flexibility/quotation-and-tender-templates-toolkit>

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- 4.2.4 a standard form of contract (e.g. NEC, JCT etc) using the latest edition as published accompanied by the Council's Standard Clauses* (Ref CSO 16) or
- 4.2.5 the Suppliers Terms & Conditions (in exceptional circumstances only) accompanied by the Council's Standard Clauses* (Ref CSO 16)

Advice and agreement must be sought from Legal Services prior to issue and award in respect of 4.2.4 and prior to award in respect of 4.2.5. **N.B.** In respect of 4.2.2 – 4.2.5 an Official Purchase Order must be raised relating to contract spend and budgetary commitment, as required under the Council's Financial Procedure Rules.

**Contract clauses are maintained by Legal Services and are subject to amendment from time to time. Officers must therefore check via the intranet that they are using the latest version/s.*

- 4.3 As a minimum, all contracts of a value of £50,000 or more shall include clauses which set out:
 - 4.3.1 The works, supplies (goods), services, material, matters or things to be carried out or supplied
 - 4.3.2 Specify the price to be paid, the estimated price or the basis on which the price is to be calculated
 - 4.3.3 The time within which the contract is to be performed
 - 4.3.4 Quality requirements and/or standards which must be met
 - 4.3.5 Requirements on the contractor to hold and maintain appropriate insurance
 - 4.3.6 Adequate contract management and audit provisions
 - 4.3.7 What happens in the event that the contractor fails to comply with its contractual obligations (in whole or in part)
 - 4.3.8 Inclusion of the Council's Standard Clauses (Ref CSO 16) placing a duty on the contractor to comply with all relevant legislative requirements and discharge of obligations under said legislation.
- 4.4 Additional termination clauses are required for contracts over the relevant Public Procurement threshold in accordance with the Public Contracts Regulations 2015 (Reg 73) enabling termination for the following events:
 - 4.4.1 the contract has been subject to a substantial modification (change) which would have required a new procurement process.
 - 4.4.2 the contractor has been, at the time of the contract award, in a situation which amounts to a mandatory exclusion and should have been excluded from participating in the procurement process.
- 4.5 Contracts shall not include non-commercial terms unless these are necessary to achieve best value for the Council or are included in accordance with the Public Services (Social Value) Act 2012. In this context, "non-commercial" means requirements unrelated to the actual performance of the contract.

- 4.6 All contracts shall include relevant specifications and/or briefs/technical requirements which are prepared taking into account the need for effectiveness of delivery, quality, sustainability, whole life costings, cost saving and efficiency (as appropriate).
- 4.7 All contracts of a value of £50,000 or more which are assessed as involving a substantial risk to the Council must be subject to a written risk assessment, which should be kept on the contract file. Responsible Officers should use the assessment methodology set out in Attachment 1 of the Council's Purchasing Guide and take the follow-up actions set out there.
- 4.8 The Procurement Section shall be made aware at procurement@thanet.gov.uk of all proposed variations when value is 20% or more of the initial contract value by submission of a Contract Variation form available from Procurement.

Where officers require:

- 4.8.1 legal advice on a procurement; or
- 4.8.2 terms of contract; or
- 4.8.3 award/sealing of the procured contract,

they should send to Legal Services a completed 'Contract Instructions' form which can be found on the intranet @ <https://sites.google.com/thanet.gov.uk/tom/corporate/legal>

5 Responsibilities of Chief Executive, Directors, Heads of Service and Responsible Officers

- 5.1 The Chief Executive, each Director and each Head of Service shall have overall responsibility for the purchasing undertaken by his or her Directorate.
- 5.2 Each Head of Service shall be responsible for the purchasing undertaken by his or her service and shall
- 5.2.1 be accountable to the Council for the performance of his/her duties in relation to purchasing
- 5.2.2 comply with the Council's decision making processes including, where appropriate, implementing and operating a Scheme of Delegation
- 5.2.3 attend training in relation to these Contract Standing Orders and ensure that any Responsible Officer to whom he or she appoints under CSO does the same
- 5.2.4 take immediate action in the event of breach of these Contract Standing Orders, which will include as a minimum promptly informing their line manager (unless that person is suspected of being involved) and the Monitoring Officer and the Section 151 Officer of such breach.
- 5.3 A Responsible Officer is an officer with responsibility for conducting purchasing processes for the purchase of works, supplies (goods) or services as authorised by their Head of Service on behalf of the Council.
- 5.4 A Responsible Officer's duties in respect of purchasing are to ensure:

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- 5.4.1 act within the scope of their responsibility and authority, as authorised by their Head of Service
 - 5.4.2 compliance with all Regulatory Provisions (see CSO 2.1)
 - 5.4.3 that all relevant officers are reminded of the relevant statutory provisions and the Council's requirements relating to declarations of interest and confidentiality undertakings affecting any purchasing process in order for them to comply with these requirements
 - 5.4.4 that there is an appropriate analysis of the requirement, timescales, procedure and documentation to be used
 - 5.4.5 the purchasing process, from planning to delivery incorporates (where appropriate) principles of best value, sustainability, efficiency, whole life costing and cost savings
 - 5.4.6 that all contracts of a value of £5,000 or more are included on the Council's Contract Register, maintained by the Procurement Section to meet transparency obligations of quarterly publication
 - 5.4.7 that proper records are maintained of all contract award procedures, waivers, exemptions, extensions and other variations and contract management activities, regardless of contract value, with separate files for each purchase of a value of £140,000 or more
 - 5.4.8 that proper records to justify decisions taken in all stages of the procurement process, as required under the Public Contracts Regulations 2015 (Reg 83/84), are maintained for every contract or framework agreement with a value of or exceeding £884,720.00 for supply (goods) or services contracts and £8,847,200.00 for works contracts. A Contract Report for this purpose is available on the intranet @ <https://tom.thanet.gov.uk/directorates/corporate-resources/financial-procurement-services/procurement/quotation-and-tender-templates-toolkit>
 - 5.4.9 that value for money is achieved
 - 5.4.10 that adequate and appropriate security (such as a bond or guarantee) is taken to protect in the event of non-performance as deemed necessary to the nature of the contract
- 5.5 In considering how best to procure works, supplies and services, the Chief Executive, Directors, Heads of Service and/or Responsible Officers (as appropriate in the context), shall take into account wider contractual delivery opportunities and purchasing methods including the use of Purchasing Schemes and e-procurement/purchasing methods, and in-house and/or commercial opportunities that may be available to the council, for which Legal guidance must be sought.
- 5.6 The Responsible Officer, if procuring services under the Public Contracts Regulations 2015, has obligations under the "Public Services (Social Value) Act 2012" namely "a duty to consider" at the pre-procurement planning stage, the following considerations:
- 5.6.1 how what is proposed to be procured might improve the economic, social and environmental well-being of the "relevant" local area.

- 5.6.2 how in conducting a procurement process it might act with a view to securing that improvement and whether to undertake a consultation with stakeholders on these matters.

6 Financial Thresholds and Procedures

- 6.1 The table below sets out the general rules applying to the choice of purchasing procedure for contracts at the stated threshold values. The table now separates out, concession contracts (services/works) previously falling within the scope of the Public Contract Regulations, however these arrangements are now subject to their own Regulations contained within The Concession Contracts Regulations 2016 (CCR 2016).
- 6.2 There is a general presumption in favour of competition. Wherever possible, Contract Notices should be advertised by way of a public notice. The Council must consider the potential effect of a contract on interstate trade (at a European level). If a contract may be of interest to contractors from other member states then this may result in a need to advertise in a manner which ensures that potential contractors from other member states are aware of the opportunity, even for small value contracts or contracts under the Public Procurement Threshold levels outlined below.
- 6.3 Sourcing of all Contracts of £50,000 or over must be undertaken in conjunction with the Procurement Section using the Council's e-tendering system *******(unless agreed in advance as identified in table 6.6).
- 6.4 The public notice referred to at 6.2 must take the form of a notice or advertisement on an easily accessible website or other electronic media and/or in the press, trade journals or Find a Tender Service ("FTS") (as appropriate). The Responsible Officer may choose to place one or more public notices in different media.
- 6.5 In accordance with Part 4 of the Public Contracts Regulations 2015 and guidance issued by the Cabinet Office and, The Local Government (Transparency Requirements) Regulations 2015
- 6.5.1 All contract opportunities with a value (inclusive of VAT) estimated to be £30,000.00 and above must be published on 'Contracts Finder' where the Council has advertised such opportunity in the form of a notice or advertisement as set out in 6.3 above.
- 6.5.2 All contract opportunities for which a Contract Notice was sent to the FTS for publication must also be published on 'Contracts Finder'.
- 6.5.3 Contracts awarded of £25,000 and above must be published on Contracts Finder. This includes awards made following a call-off/s from a Framework Agreement **and contracts that may not have been openly advertised.**
- 6.5.4 Under the Local Government Transparency Code 2015, contracts of £5000 and over and spend of £500 and above must be published quarterly. Local authorities must also publish details of **every transaction undertaken using a Government Procurement Card** regardless of

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value.

- 6.5.5 Provision is to be made to require contractors to pay the National Living Wage, see Standard Clause (Ref CSO16 [16.1.3]) being a legal requirement

6.6 Table setting out financial thresholds and procedures:

Total value £	Type of contract	Procedure to be used
1,000 to 24,999.99	Works, supplies and services	Local CSO rules apply - At least one quote in advance – Consideration to be given to suitably qualified Thanet Supplier/s, if available.
25,000 to 49,999.99	Works, supplies and services	Local CSO rules apply - At least three quotes in advance – Consideration to be given to suitably qualified Thanet Supplier/s, if available.
50,000 to 139,999.99	Works, supplies and services	Local CSO rules apply - At least three written quotes in advance using the Council's Invitation to Quote documents, sourced and receipted electronically using the Council's e-procurement system (**or an alternative electronic method agreed with Procurement in advance) – Consideration to be given to suitably qualified Thanet Supplier/s, if available.
140,000 to 179,085.99** Works, supplies and services	Works, Supplies and Services	Local CSO rules apply - At least three written tenders in advance using the Council's Invitation to Tender documents, sourced and receipted electronically using the Council's e-procurement system and advertisement by public notice
179,086.00** plus ** PCR2015 Threshold for Supplies and Services	Supplies and Services	PCR2015 & CSO apply – full competitive process using the Council's Invitation to Tender documents, sourced and receipted electronically using the Council's e-procurement system following advertisement in the FTS for supplies and Part A* services For Light Touch * services reduced requirements apply under the Public Procurement Rules and the threshold is £663,540** including VAT. but there is a presumption in favour of advertising and a competitive process.
179,086 to 4,477,173.99 **	Works	Local CSO's rules apply - At least three written tenders in advance using the Council's Invitation to Tender documents, sourced and receipted electronically using the Council's e-procurement system and advertisement by public notice

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4,477,174 plus ** ** PCR2015 Threshold for Works	Works	PCR2015 & CSO apply – full competitive process using the Council’s Invitation to Tender documents, sourced and receipted electronically using the Council’s e-procurement system following FTS advertisement
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Service/Works Concession Contracts: The following spend thresholds are specific to Service and Works Concession Contracts - Officers should seek both Procurement and Legal guidance on Concession Contract arrangements.

Total Value £	Type of Contract	Procedure to be used
1,000 to 24,999.99	Services and works concessions	Local CSO rules apply - At least one quote in advance – Consideration to be given to suitably qualified Thanet Supplier/s, if available.
25,000 to 49,999.99	Services and works concessions	Local CSO rules apply - At least three quotes in advance – Consideration to be given to suitably qualified Thanet Supplier/s, if available.
50,000 to 139,999.99	Services and works concessions	Local CSO rules apply – At least three written quotes in advance, sourced and receipted electronically using the Council’s e-procurement system – Consideration to be given to suitably qualified Thanet Supplier/s, if available
140,000 to 4,477,173.99*	Services and works concessions	Local CSO rules apply – At least three written tenders in advance, sourced and receipted electronically using the Council’s e-procurement system and advertisement by public notice
4,477,174 Plus ** Plus ** CCR 2016 Threshold for Concessions	Services and works concessions	Concession Contracts Regulations 2016 (CCR2016) apply – full competitive process using the Council’s e-procurement system following FTS advertisement - seek guidance from Legal Services /Procurement

* For the purposes of the Public Procurement Rules services are divided into two types “A” & “Light Touch” and the Public Procurement Rules apply to a different degree. Responsible Officers should act cautiously and seek advice when considering the procedure to be used and application of the Public Procurement Rules to services contracts.

** or relevant threshold in force at the time under the Public Procurement Rules.

Please note that the thresholds are fixed every two years and converted from Euro's to £ Sterling subject to the exchange rates applicable at that time and published in the relevant regulations.

6.7 Where contracts are of a type and value that mean the Public Procurement Rules apply to them then there are five main types of Public Procurement procedures available. These are the open, restricted, competitive procedure with negotiation, competitive dialogue and innovation partnership procedures. Care must be taken to ensure that the correct and most appropriate procedure is used and assistance on the choice and use of Public Procurement procedure should be sought from Legal Services and process progressed via the Procurement Section.

7 Financial Thresholds and Processes Applying to Approval and Execution of Contracts

7.1 For contracts over the relevant Public Procurement threshold (in force at the time), the choice of purchasing procedure to be used and the decision to proceed to advertisement must be authorised in writing by the relevant Head of Service in consultation with the Head of Legal and Democratic Services (Deputy Monitoring Officer) & the Strategic Procurement Manager in advance.

7.2 Before the procurement process starts, the Head of Service must also consider:

7.2.1 how any service to be procured may improve the social environmental and economic wellbeing of the District of Thanet, how the improvement can be secured and whether consultation is needed. Examples of added social value are contained with the Purchasing Guide, which can be found on the intranet @ <https://docs.google.com/document/d/154SLYUkdLLcXFoJcUtOjahvwi6jDaQg3ze0yG79dntA/preview>;

7.2.2 ensure the Council has due regard to equality obligations under the Equality Act 2010; and

7.2.3 ensure the Council has due regard to data protection and obligations under the General Data Protection Regulation (GDPR).

7.3 For all contracts of £50,000 and above, the responsible officer must ensure the Council's Procurement Initiation Form, which can be found on the intranet @ <https://tom.thanet.gov.uk/directorates/corporate-resources/financial-procurement-services/procurement/quotation-and-tender-templates-toolkit>; is fully completed and authorised and submitted to the Procurement Section sufficiently in advance, for the procurement process to be scheduled within the procurement programme.

7.4 When a decision is made to award a contract then the Responsible Officer must, in addition to complying with his/her general obligations under these Contract Standing Orders ensure, in particular, that:

7.4.1 the appropriate approvals have been obtained to authorise that decision; and

- 7.4.2 where appropriate, a standstill period complying with the Public Procurement Rules is incorporated into the final award process.
- 7.5 Any contracts valued at £140,000 or above including any order made under a framework arrangement shall be executed as a deed under the Council's common seal. Officers with appropriate delegated authority may sign all other contracts.
- 7.6 Any contract with a value of £50,000 or more, entered into on behalf of the Council in discharging an Executive function shall be made in writing. Such contracts shall either be signed by one authorised officer of the Council or be made under the common seal of the Council attested by an authorised signatory of Legal Services.
- 7.7 Electronic signatures may be used in accordance with the Electronic Signature Regulations 2002 (or any amended regulations in force at the time) provided the sufficiency of security arrangements has been approved by the Senior ICT Manager.

8 Calculating the Contract Value

- 8.1 The starting point for calculating the contract value for the purposes of these Contract Standing Orders is that the contract value shall be the genuine pre-estimate of the value of the entire contract excluding Value Added Tax. This includes all payments to be made, or potentially to be made, under the entirety of the contract and for the whole of the predicted contract period **(including proposed extensions and options)**.
- 8.2 There shall be no artificial splitting of a contract to avoid the application of the provisions of the Public Procurement Rules and/or these Contract Standing Orders.
- 8.3 The Public Procurement Rules can cover contracts, which are below the stated Public Procurement threshold, where they constitute repeat purchases and/or purchases of a similar type (goods/services or works) in a specified period. Responsible Officers should therefore seek advice from the Strategic Procurement Manager on the application of the Public Procurement Rules where they envisage that they may require repeat purchases and/or purchases of a similar type.

9 Principles Underlying Tendering Processes and Tender Evaluation

- 9.1 All tendering procedures (including obtaining quotes), from planning to contract award and signature, shall be undertaken in a manner so as to ensure:
- 9.1.1 Sufficient time is given to plan and run the process
 - 9.1.2 Equal opportunity and equal treatment
 - 9.1.3 Openness and transparency
 - 9.1.4 Probity

- 9.1.5 Outcomes that deliver sustainability, efficiency and cost savings (where appropriate).

10 Submission and Opening of Tenders

- 10.1 An Invitation to Tender shall be issued electronically by the Council for all contracts of £140,000 or more, via the Council's eProcurement system and tenders shall be submitted in accordance with the requirements of Invitation to Tender Document.
- 10.2 Any tenders received shall be kept secure electronically unopened within a sealed mailbox on the e-tendering system until the time and date specified for the opening.
- 10.3 No tenders received after the time and date specified for its opening shall be accepted or considered by the Council unless agreed in writing by the Monitoring Officer and only in exceptional circumstances.
- 10.4 Tenders shall be opened electronically by an officer of the Procurement Section on the Council's eProcurement system providing a full audit trail of all activity undertaken. Where Tenders are expected to have a value of £140,000 or more, invitations to the opening of these tenders will be sent to the appropriate Portfolio Holder or another Cabinet Member and the appropriate Shadow Portfolio Holder or another Shadow Cabinet Member, a Procurement Officer, one Responsible Officer and a Democratic Services Officer to undertake the completion of the Record of Receipt of Tender Document of all tenders received including names and addresses and the date and time of opening. In circumstances where both Portfolio/Cabinet member and/or, both Shadow Portfolio/Cabinet members are unable to attend, opening of tenders can and should be undertaken in presence of officers and at least one substitute Member to ensure procurement programme is maintained.

11 Evaluation of Quotations and Tenders

- 11.1 All quotes and tenders shall be evaluated in accordance with evaluation criteria notified in advance to those submitting quotes/tenders by no fewer than 2 officers
- 11.2 Tenders subject to the Public Procurement Rules shall be evaluated in accordance with the Public Procurement Rules in the presence and under the guidance of procurement officer/s.

12 Waivers

- 12.1 The requirement for the Council to conduct a competitive purchasing process for contracts of £25,000 or more may be waived in the following circumstances:
- 12.1.1 For contracts which are not subject to the Public Procurement Rules, the work, supply or service is required as a matter of urgency and a delay would be likely to lead to financial loss, personal injury or damage to property; or
- 12.1.2 the circumstances set out in the Public Contract Regulations 2015 Regulation 32 apply (whether or not the contract is of a type which is subject to the application of Part 2 of the Regs.); or

- 12.1.3 where the supply is for parts for existing machinery, or where the terms of supply of equipment require that maintenance be undertaken by a specified provider; or
 - 12.1.4 where the work is of a specialist nature, the skill of the contractor is of primary importance, and the supply market has been tested and found to be limited; or
 - 12.1.5 where the supply is for maintenance to existing IT equipment or software, including enhancements to current software, which can only be performed by the licensed developer or owner of the system; or
 - 12.1.6 at the discretion of the relevant Director who may proceed in a manner most expedient to the efficient management of the service/Council with reasons recorded in writing.
- 12.2 A Responsible Officer who seeks a waiver of Contract Standing Orders shall do so **only in advance and only in exceptional circumstances**. Further guidance on what may constitute exceptional circumstances permitting waiver of these Contract Standing Orders is set out in the Council's Purchasing Guide.
- 12.3 All waivers from these Contract Standing Orders must be:
- 12.3.1 Fully documented
 - 12.3.2 Subject to a written report in an approved format, available on the intranet, to be submitted **in advance** to the relevant Director for endorsement which shall include reasons for the waiver which demonstrate that the waiver is genuinely required
 - 12.3.3 Subject to comment and/or endorsement as to existence of exceptional circumstances by the Strategic Procurement Manager
 - 12.3.4 Subject to **approval in advance** by the Section 151 Officer or his/her authorised representative, who shall record that they have considered the reasons for the waiver and that they are satisfied that the circumstances justifying the waiver are genuinely exceptional.
- 12.4 All decisions on waivers must take into account:
- 12.4.1 Probity
 - 12.4.2 Best value/value for money principles.
- 12.5 For contracts subject to the Public Procurement Rules, any waiver from the requirement for competition must meet without exception the conditions set out in the Public Procurement Rules, in addition to the general requirements above.
- 12.6 Once a waiver is approved in respect of a specific contract value, the waiver shall cover contract spend up to the next spend threshold negating the need for a further waiver application on occasion when there may be a slight increase in contract spend.

13 Extensions and other Variations to Existing Contracts

- 13.1 An extension to the duration of an existing contract can only be granted if specifically provided for by that contract and for the period (or periods) specified.

- 13.2 Extensions and other variations to existing contracts such as the inclusion of additional works or services must be:
 - 13.2.1 Made in accordance with any statutory restrictions and any specific terms of the contract;
 - 13.2.2 Made in accordance with the principles set out in the Council's Purchasing Guide;
 - 13.2.3 Discussed and notified to the Procurement Section
 - 13.2.4 In a written format approved by Legal Services.
- 13.3 Any extension or other variation must take into account:
 - 13.3.1 Probity
 - 13.3.2 Best value and value for money principles.
- 13.4 For contracts subject to Part 2 Public Contract Regulations 2015, , any extension or other variation must meet the conditions set out in these Regulations in addition to the more general requirements set out above. Responsible Officers should proceed cautiously and seek advice where any extension or other variations are proposed to contracts subject to Part 2 rules.
- 13.5 For all contracts which are not subject to Part 2 Public Contract Regulations 2015, no variation (nor the cumulative effect of more than one variation) of a contract may artificially modify the subject matter of a contract beyond its original specification nor increase its value by more than 20% of the initial contract value.
- 13.6 Subject to the nature of changes which may be required to the contracts and framework agreements, certain variations may be lawfully sought. Responsible Officers should contact Legal Services or Procurement to obtain advice on the lawfulness of the changes required.

14 Purchasing Schemes

- 14.1 A Responsible Officer may use Purchasing Schemes subject to the following conditions and the Council's Purchasing Guide.
- 14.2 Responsible Officers must check and validate in advance that
 - 14.2.1 The Council is legally entitled to use the Purchasing Scheme
 - 14.2.2 The purchases to be made do properly fall within the coverage of the Purchasing Scheme and are made according to any terms of said Scheme
 - 14.2.3 The establishment and operation of each Purchasing Scheme is in compliance with the Public Procurement Rules (where they apply) and meets the Council's own requirements.
- 14.3 A "Purchasing Scheme" may include:
 - 14.3.1 Contractor prequalification lists/select lists
 - 14.3.2 Framework arrangements (including those set up by the Crown Commercial Services and other Purchasing agencies i.e. ESPO, TPPL)

- 14.3.3 Purchasing arrangements set up by central purchasing bodies and commercial organisations
- 14.3.4 Consortium purchasing
- 14.3.5 Collaborative working arrangements
- 14.3.6 E-procurement/purchasing schemes and methods
- 14.3.7 Other similar arrangements such as the Government eMarketplace
- 14.4 Where a Purchasing Scheme is used then there shall be a whole or partial exemption from the obligations under these Contract Standing Orders in respect of the choice and conduct of procedures to the extent permitted and indicated in the Council's Purchasing Guide.

15 Review and Changes to these Contract Standing Orders

These Contract Standing Orders shall be reviewed and updated on a regular basis. Save in the case of revisions to the Public Procurement Thresholds in Contract Standing Order 6.6, amended Contract Standing Orders shall be recommended by the Constitutional Review Working Party to Council. The Strategic Procurement Manager will make revisions to the Public Procurement Thresholds as applicable and is permitted to undertake such non-material amendments as a result of business restructuring as required from time to time.

16 Standard Clauses

- 16.1 Each contract (with exception of purchases transacted on Government Procurement Cards) shall include standard clauses, including those indicated "where applicable" dependant on the nature of the contract as follows:
 - 16.1.1 Anti-Corruption and Bribery
 - 16.1.2 Prevention of Assignment
 - 16.1.3 Compliance with Statutes: Health and Safety, Equal Opportunities and National Minimum/Living Wage
 - 16.1.4 Freedom of Information
 - 16.1.5 Prompt Payment of Invoices
 - 16.1.6 Conflict of Interest
 - 16.1.7 Child Protection and Safeguarding Generally
 - 16.1.8 Performance Data Sharing
 - 16.1.9 Data Protection
 - 16.1.10 TUPE and Employment Matters (where applicable)
 - 16.1.11 Termination (Reg 73 PCR 2015) (above EU threshold procurements only)
 - 16.1.12 Electronic Invoicing

16.1.13 Insurances

16.1.14 Liquidated Damages (where applicable)

These Standard Clauses are available on the intranet @ <https://sites.google.com/thanet.gov.uk/tom/financial-services/procurement-flexibility/quotation-and-tender-templates-toolkit>. Standard Clauses are maintained by Legal Services and are subject to amendment from time to time.

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Councillor/Officer Protocol

Full Council	28 March 2024
Report Author	Ingrid Brown, Head of Legal Services
Portfolio Holder	Councillor Rob Yates
Status	For Decision
Classification:	Unrestricted

Executive Summary:

This report asks Full Council to consider the revised Councillor/Officer protocol at Appendix 1. The revised protocol accords with the recommendations made in the report of the Independent Monitoring Officer in 2021. The protocol was considered by the Constitutional Review Working Party on the 27 February 2024 and by the Standards Committee on the 7 March 2024. Amendments proposed during both meetings have been incorporated into the revised protocol which is attached at Annex 1.

Recommendation(s):

It is recommended that Councillors carefully consider the detail of the revised Councillor/Officer protocol and approve its incorporation into the Constitution in place of the protocol at Annex 2.

Corporate Implications

Financial and Value for Money

This report has no financial implications.

Legal

The Local Government Act 2000 requires the Council to periodically review and update its written Constitution.

Risk Management

There are no risks associated with this report.

Corporate

It is important for the Council to regularly review elements of its constitution to ensure that it remains up to date.

Equality Act 2010 & Public Sector Equality Duty

There are no equalities implication arising from this report.

Corporate Priorities

This report relates to the following corporate priorities: -

- To work efficiently for you

1.0 Introduction and Background

- 1.1 Effective Local Government relies on mutual trust and respect between Councillors and Officers and a clear understanding of each other's role and responsibilities.
- 1.2 The Council has an existing Member/Officer protocol and a copy of the same is at appended to this report at Annex 2. Whilst this covers many of the areas essential to an effective Member/Officer protocol, the updated protocol is more extensive and provides some additional information in respect of the sharing of information and the relationship between Councillors and Officers in a number of different contexts.

2.0 The Current Situation

- 2.1 The Current Member/Officer protocol sets out clearly many of the expectations of Councillors and Officers and also defines their respective roles. As indicated above, the revised protocol seeks to go further and as well as defining roles and responsibilities of Officers and Councillors, the protocol addresses information sharing between Officers and Councillors in different contexts.
- 2.2 The revised protocol covers the following:
 - i, The role of Councillors and Officers
 - ii, The guiding principles of the working relationship between Councillors and Officers
 - iii, The responsibility for decision taken under delegated powers
 - iv, The specific role of statutory Officers
 - v, A Councillor's role when supporting a resident with legal proceedings against the Council.
 - vi, Expectations for conduct between Councillors
 - vii, Responsibility for Officer's reports
 - viii, Officer advice to political groups and other meetings
 - ix, Local ward issues
 - x, Correspondence on behalf of the Council
 - xi, Dealing with the press and Media
 - xii, Councillors access to information
 - xiii, What to do when the protocol is not followed
- 2.3 As indicated above the revised protocol was considered by members of the Constitutional Review Working Party and also by the Standards Committee. Amendments that were helpfully proposed during these meetings have been accepted and incorporated into the protocol.

3.0 Options

- 3.1 Full Council is being asked to consider the detail of the revised Councillor/Officer protocol and to approve its incorporation into part 5 of the Council's constitution. Full Council could chose not to approve this revised protocol or could chose to make amendments to the protocol as drafted. Members should be aware however that this has been carefully considered by the Constitutional Review Working Party and also by Standards Committee. The preferred option member to approve the new and revised Councillor -Officer protocol as it appears at Annex 1.

4.0 Next Steps

- 4.1 In the event that the revised protocol is approved by Full Council, the constitution will be amended to incorporate this new and approved amended version. Councillors and Officers should take time to properly familiarise themselves with the revised protocol.

Contact Officer: Ingrid Brown- Head of Legal and Democracy
Reporting to: Chris Blundell

Annex List

Annex 1: Councillor/Officer Protocol- Proposed
Annex 2: Councillor/Officer Protocol- Current

Background Papers

There are no background papers

Corporate Consultation

Finance: Chris Blundell (Director of Corporate Services - Section 151)

Legal: Ingrid Brown (Head of Legal and Democracy and Monitoring Officer)

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Protocol on Councillor/Officer Relations

1. INTRODUCTION

- 1.1 A positive, trusting and respectful working relationship between Councillors and Officers is essential to the efficient and effective working of the Council. Mutual respect and an understanding of respective roles are essential. Together Councillors and Officers bring the critical skills, knowledge and experience to run an effective public sector organisation able to deliver the Council's corporate and strategic objectives and meet its statutory obligations.
- 1.2 Councillors and Officers have distinct roles and responsibilities. Councillors provide a democratic mandate to the Council and Officers contribute the professional expertise needed to deliver the policy framework agreed by Councillors.
- 1.3 This protocol seeks to define what should be considered a proper working relationship between Councillors and Officers in Thanet and provide a framework within which confidence in the machinery of local government can be maintained. It reflects the principles underlying the Code of Conduct which applies to Councillors and the employment terms and conditions of Officers. The shared objective is to enhance the integrity, real and perceived, of Local Government.
- 1.4 This protocol is part of the Council's ethical framework and should be read in conjunction with the Council's Constitution, the Code of Conduct for Councillors, disciplinary codes which regulate the conduct of Officers and other relevant codes and guidance.
- 1.5 This protocol is intended to guide Councillors and Officers and explain what they can expect of each other. It cannot cover every matter which will arise but it sets standards and an approach which should be used as a guide to dealing with issues as they arise. It also explains what to do when things go wrong.
- 1.6 A Councillor in need of advice about the application of this Protocol should contact the Monitoring Officer, whereas an Officer in need of advice about the application of this Protocol should contact their line manager in the first instance. Councillors and Officers must follow this Protocol at all times.
- 1.7 This Protocol applies to both elected Councillors and Co-opted Councillors. The Code applies at all times when Councillors act in their capacity as Councillors (or claim to act or give the impression of acting in their capacity as a Councillor).
- 1.8 Officers and staff mean all persons employed by the Council: whether full or part time, fixed term contract, agency or consultant.

2. THE ROLES OF COUNCILLORS AND OFFICERS

- 2.1 Councillors and Officers are indispensable to one another and a mutual understanding of their respective roles is essential for good local government.

COUNCILLORS

- 2.2 Councillors are democratically accountable to residents of their Wards and serve only so long as their term of office lasts. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.
- 2.3 Councillors have responsibility to determine the policy of the Council, monitor its performance, represent the Council externally and act as advocates on behalf of their constituents.
- 2.4 Councillors give political leadership and direction and seek to further their agreed policies and objectives.
- 2.5 Councillors have five main areas of responsibility:
- To determine Council policy and provide community leadership;
 - To monitor and review council performance in implementing policies and delivering services
 - To represent the council externally; and
 - To act as advocates for their constituents
 - To contribute to planning and regulation- Councillors may be appointed to sit on committees including planning and licensing. In these roles Councillors are required to act independently and should not be subject to any group or party whip.

OFFICERS

- 2.6 Officers are employed by and are accountable to the Council as a whole. Officers work to the instructions of their senior Officers, not individual Councillors or Political Groups.
- 2.7 Officers are responsible for the day to day managerial and operational decisions within their Council. This includes providing services to the local community, directing and overseeing the work of more junior Officers.
- 2.7 Officers advise, inform and support all Councillors and implement the agreed policies of the Council.
- 2.8 Officers manage and provide the Council's services within the framework of responsibilities delegated to them. This includes effective management of employees and operational issues.
- 2.9 Officers have a duty to keep Councillors of all political groups informed about developments of significance in relation to council activities.

3. THE RELATIONSHIP BETWEEN COUNCILLORS AND OFFICERS

- 3.1 Councillors and Officers are indispensable to the working of the Council however, their roles and responsibilities are distinct. Councillor/Officer relationships should be conducted in a positive and constructive way.
- 3.2 In giving advice to Councillors, and in preparing and presenting reports, it is the responsibility of the Officer to express his/her own professional views and recommendations. An Officer may report the views of individual Councillors on an issue, but the recommendations should be the Officer's own. If a Councillor wishes to express a contrary view, they should not pressurise the Officer to make a recommendation contrary to the Officer's professional view, nor criticise an Officer for discharging his or her responsibilities.
- 3.4 Councillors and Officers should always be open about any personal relationship. Personal familiarity between Councillors and Officers can create the suspicion of improper conduct, however unfounded, and can undermine public confidence in the Council. Whilst it is clearly important that there should be a close working relationship between some Officers and Councillors including Cabinet Councillors and chairs of Committees, such relationships should never be allowed to be so close, or appear so close, as to bring into question the Officer's ability to deal impartially with other Councillors. In circumstances where the relationship between a Councillor and an Officer could reasonably be seen to unduly influence the work of either, they should inform the Monitoring Officer.
- 3.5 Councillors and Officers should respect each other's non-working time.
- 3.6 Councillors and Officers must not bully any person.
- 3.7 Councillors should remember that Officers within their Departments are accountable to their Head of Service or Director. Councillors are free to approach any Council Department to provide them with information, explanation or advice. In making such an approach, the request should in most circumstances be made to the Director or Head of Service concerned. There will be occasions when it is appropriate to contact a more junior Officer. This will be appropriate for example when the junior Officer is the only Officer with the relevant expertise or up to date information to address the issue. In such cases and in relation to any written requests for information, it may be appropriate to copy in the relevant Head of Service or Director.

Actions taken under delegated authority:

- 3.8 Councillors who are Cabinet Members and some Officers may have authority delegated to them to make decisions or to act on the Council's behalf. In such cases the individual concerned must consider whether they have full and sufficient information before taking a decision, and may need to consult others: a Councillor should ensure that they have the advice of the relevant Chief Officer/s, and Officers may need to consult the relevant Cabinet Councillor on the proposed decision. When a decision is taken under delegated powers the person to whom that authority has been delegated is personally responsible and accountable for their actions.
- 3.9 In some cases authority delegated to an Officer is on the basis that it is to be exercised in consultation with the relevant Cabinet Member. Whilst, the Officer must have due regard to the comments of the Cabinet Member concerned, he/she cannot be instructed on the decision by the Councillor and

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will remain accountable for the action taken. However, if there is a significant disagreement between the Officer and the Cabinet Member that cannot be resolved through discussion, the matter will normally be referred to the appropriate Councillor-level body for decision.

3.10 Chief Officers have delegated responsibility for the general management of their department and the day-to-day delivery of services. They also have powers and duties specifically delegated to them as well as a general delegated authority for executive functions which are not identified in the Council's constitution as being reserved for Councillor-level decisions. Within this framework decisions are frequently delegated below Chief Officer level. While Officers will be sensitive to political guidance on how they exercise their delegated authority and will always consider requests and comments by Councillors, all delegated action must be in accordance with overall Council policies and procedures or Cabinet/Committee decisions but not individual Councillor instructions. Where Cabinet Councillors have authority to take decisions individually under delegated powers, they must be taken formally, based on Officer reports and recorded and published in accordance with Access to Information Procedures.

3.11 A Councillor who gives an undertaking or commitment to a third party in excess of their powers or authority may be personally liable in law for any costs or damages incurred by the third party if they act on that undertaking or commitment and it is not subsequently confirmed by the Council. An Officer who similarly wrongly advises or misleads a third party may be subject to the Council's disciplinary procedures.

Statutory Officers:

3.12 The Head of Paid Service, the Monitoring Officer and the Chief Finance (Section 151) Officer and other Statutory Officers have specific responsibilities placed on them by law. These responsibilities go beyond their obligations as employees of the Council. Where an Officer is discharging their responsibilities under Statutory Officer duties a Councillor or Councillors shall not:

- improperly interfere with or obstruct the Officer in exercising those responsibilities
- victimise any Officer who is discharging or has discharged their responsibilities of the Statutory Officer

General Principles of Good Conduct:

3.13 Councillors and Officers should adhere to the following:

Councillors should:

- respect the impartiality of Officers
- act within policies, practices, processes and conventions established by the Council.
- work constructively with Officers acknowledging their separate and distinct roles and responsibilities
- treat Officers fairly with respect, dignity and courtesy

- recognise that Officers are generally managing very high work loads and competing demands
- comply at all times with the Councillors' Code of Conduct, the law, the Constitution, and such other policies, procedures, protocols and conventions agreed by the Council
- act with integrity and respect appropriate confidentiality
- have regard to the seniority of Officers in determining what are reasonable requests, consider the relationship between Councillor and Officer and the potential vulnerability of Officers, particularly at junior levels.
- recognise that Officers work to the instructions of their Senior Officers and not to individual Councillors or political groups
- not subject Officers to intimidation, harassment, or put them under any undue pressure.
- not undermine the role of Officers in carrying out their duties
- not ask Officers to exceed their authority where that authority is given to them in law, by the Council or their managers
- not use their position or relationship with Officers to advance their personal interest or those of others or to influence decisions improperly
- not authorise, initiate or certify any financial transactions or to enter into any contract, agreement or undertaking on behalf of the Council or in their role as a Councillor without proper and lawful authority
- not request an Officer to exercise discretion which involves acting outside the Council's policies and procedures.

Officers should:

- implement decisions of the Council and its subordinate bodies which are lawful, which have been properly approved in accordance with the requirements of law and the Council's Constitution and are duly recorded.
- work in partnership with Councillors in an impartial and professional manner
- treat Councillors fairly and with respect and dignity
- respond to requests from Councillors for advice or assistance in a timely fashion
- assist and advise all parts of the Council. Officers must always act to the best of their abilities in the best interests of the authority as expressed in the Council's formal decisions
- respond to enquiries and complaints in accordance with the Council's Standard's protocol
- be alert to issues which are, or which are likely to be, contentious or politically sensitive and be aware of the implications for Councillors, the Media or other sections of the public
- act with honesty, respect, dignity and courtesy at all times
- provide support, learning and development opportunities for Councillors to help them in performing their various roles
- comply at all times with the Officer Code of Conduct and such other policies of procedures approved by the Council
- not seek to use their relationship with Councillors to advance their personal interests or to influence decisions improperly

4. COUNCILLORS AND LEGAL ACTION BY OR AGAINST THE COUNCIL

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- 4.1 There is a range of circumstances where the Council as a corporate body may be involved in legal proceedings. This could be against residents or other individuals, organisations and companies, and across the whole range of service areas including housing, planning, highways, etc. Councillors have a clear role in representing residents and general public interests. In this representative capacity, Councillors will inevitably become involved in issues where the Council is considering, or is in the process of taking legal action, or where the Council is the defendant to legal actions brought by third parties.
- 4.2 Conflicts of interest will almost certainly occur when a Councillor is enquiring on behalf of an individual or body involved in legal action by or against the Council. In such cases, Councillors will be required to balance their representative role with their wider responsibilities in representing the corporate interests of the authority. For this reason, Councillors must be circumspect in any dealing with persons taking action against the Council, or against whom any legal action is being taken. Particularly, Councillors must be extremely cautious about having any dealings with professional representatives, advisers or witnesses in the case. Not only could such intervention prejudice the Council's position but the Councillors could find himself/ herself accused of an offence of Misconduct of Public Office or, Perverting the Course of Justice or an attempt or conspiracy to do so.
- 4.3 It is therefore particularly important that Councillors should be sure not only to avoid any actual impropriety, but at all times avoid any occasion for suspicion or any appearance of improper conduct.
- 4.4 In that regard, Councillors must not:
- attempt in any way to exercise improper influence over the legal process in which the Council is involved;
 - attempt to exert improper influence on Council Officers involved in the legal process or witnesses in the case;
 - attempt to engage the community to exert improper influence on Council Officers involved in the legal process or witnesses in the case.
- 4.5 Whilst Councillors have every right to information on how any such matter is being dealt with and a duty to represent their constituents, Councillors must also realise that the response on behalf of the Council must be limited to comments on process, so as not to prejudice the proceedings.
- 4.6 In respect of any ongoing or contemplated proceedings, all enquiries must be addressed to either the relevant Director or Head of Service. Councillors must not make direct contact with any other Officers involved in the proceedings to discuss or make any enquiries regarding the proceedings.
- 4.7 If a Councillor believes that the Council's actions or intentions are wrong, they should inform the relevant Director or Head of Service. It will then be for the Director to determine what action to take. If the Councillor remains unhappy with the action taken, then they should refer the matter to the Council's Monitoring Officer or to the Chief Executive.

5. COUNCILLOR TO COUNCILLOR EXPECTATIONS

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5.1 Whilst this Protocol is primarily aimed at the interaction between Councillors and Officers, the same principles apply to interactions between Councillors. Therefore Councillors should be entitled to expect from each other:

- respect, dignity and courtesy;
- not to be subjected to bullying or personalised attacks;
- maintenance of confidentiality;
- commitment to high standards of debate; and
- compliance with the Council's Constitution including the Code of Conduct for Members.

6. REPORTS

6.1 Officers' reports should contain clear, evidence-based advice as to why a course of action is being recommended. From time to time corporate advice is given to Officers on report writing and they should take care to follow it. The report should lay out all relevant factors for the decision maker, and examine all alternatives in an even handed way. Officers should take care to include even unpopular options if they feel they are relevant. All reports must contain the relevant reference to equalities considerations so that the decision maker can ensure that these are given the necessary regard when considering the decision.

6.2 The relevant Director will always be fully responsible (and retains ultimate responsibility) for the contents of any report submitted in their name. Any issues arising between a Councillor and a Director in this area should be referred to the Monitoring Officer or Chief Executive for resolution.

6.3 Councillors have the right to criticise reports or the actions taken by Officers, but they should always seek to avoid personal attacks on Officers; and ensure that criticism is constructive and well-founded.

6.4 Councillors have the ability to agree or reject proposals placed before them by Officers, irrespective of the advice or recommendations made by Officers so long as they generally act in good faith and exercise reasonableness in decision-making. This requires them to take into account relevant and dismiss irrelevant matters; and not to come to a conclusion that no reasonable authority would come to. Officers must be able to report to Councillors as they see fit and without any political pressure.

7. OFFICER ADVICE TO POLITICAL GROUPS AND OTHER MEETINGS

7.1. Officers serve the Council as a whole and not exclusively any Political Group, combination of Groups or individual Councillor. Officers must treat Political Groups and individual Councillors in a fair and even-handed manner.

7.2 Political Group meetings perform an important part in the preliminaries to Council decision-making. However, they are not formal decision-making bodies of the Council and are not empowered to make decisions on behalf of

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the Council. Conclusions reached at such meetings do not rank as Council decisions.

- 7.3 The presence of an Officer confers no formal status on such meetings in terms of Council business and must not be interpreted as doing so.
- 7.4 The principles of this section apply to informal meetings of Cabinet and Officer advice to Other Meetings.
- 7.5 There is statutory recognition of Political Groups. It is common practice for such Groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant formal Council body. Officers may on occasion be called upon to support and contribute to such deliberations by Political Groups but must at all times maintain a stance which is politically impartial. The support provided by Officers may range from a briefing meeting with a Chair or Cabinet Portfolio Holder before a meeting, to a presentation to a Political Group meeting.
- 7.6 Any advice given to a Political Group or Councillor will be treated with the strictest of confidence by the Officers concerned and not be accessible to any other Political Group(s). Factual information upon which any advice is based will be available to all Political Groups.
- 7.7 When Officer attendance is requested for Political Group meetings the request must be made through the Chief Executive or appropriate Senior Officer (Head of Service or above) and can only be made in relation to Council business not Party policies or business. At the meeting Officers will:-
- provide relevant information and advice on Council business only and not on matters which are purely of a party political nature and must at all times do so in a way which is politically impartial;
 - normally leave during the deliberations of the Political Group on the issue in order to avoid any appearance of impropriety or misunderstanding;
 - respect the confidentiality of any Political Group discussion at which they are present; Councillors must not do anything which compromises or is likely to compromise Officers' impartiality. This must not prevent an Officer providing feedback to other Senior Officers as appropriate.
- 7.8 The duration of an Officer's attendance at a Political Group meeting will be at the discretion of the Group, but an Officer may leave at any time if they feel it is no longer appropriate to be there.
- 7.9 An Officer accepting an invitation to the meeting of one Political Group must not decline an invitation to advise another Group about the same matter. They must give substantially the same advice to each.
- 7.10 An Officer must be given the opportunity of verifying comments and advice attributed to them in any written record of a Political Group meeting.
- 7.11 Councillors must not refer in public or at meetings of the Council to advice or information given by Officers to a Political Group meeting unless this has been previously agreed by the relevant Officer or Head of Service.

- 7.12 Officers are available to attend meetings called under the arrangements set out in the Constitution and as specified in this Protocol. Other meetings such as area/community forums, public meetings, local meetings, consultations arranged by Councillors are not official business meetings of the Council. Officers will not attend such other meetings unless authorised/agreed by the relevant Senior Officer.

8. LOCAL WARD ISSUES

- 8.1 To enable them to carry out their Ward role effectively, Councillors need to be informed about significant matters affecting their Ward. Senior Officers should ensure that Ward Councillors are kept informed of such matters thus allowing Councillors to contribute to the decision-making process and develop their representative role.
- 8.2 This requirement is particularly important in the following circumstances :
- during the early stages of policy development, wherever practicable;
 - in relation to major or sensitive operational matters;
 - whenever any form of public consultation exercise is undertaken;
 - during an Overview and Scrutiny process.
- 8.3 When a public meeting is organised by Officers to consider a local issue, all Councillors representing the affected Wards should be invited to attend the meeting. Similarly, when Officers undertake any form of consultation on a local issue, the Ward Councillors should be notified at, or wherever possible, before, the start of the exercise.
- 8.4 If Ward Councillors intend to arrange a public meeting on a matter concerning some aspect of the Council's work, they can invite a relevant Officer to attend if they so wish. Provided that the meeting has not been arranged on a party political basis an Officer may attend but is not obliged to do so and the meeting may be held in Council-owned premises.
- 8.5 Officers will not be able to attend such meetings in the run up to Council elections, the pre-election period.
- 8.6 Officers should not attend Ward or Constituency Political Party meetings.
- 8.7 In seeking to deal with residents' queries or concerns, Councillors must not seek to place Officers under undue pressure to deal with their query in a way which circumvents the usual Council procedures. Officers may not be able to carry out the work required by Councillors in the requested timescale and may need to seek instructions from their managers. Corporate Customer response times apply.
- 8.8 If any of the Members of Parliament (MPs) are involved in a local issue, Officers may invite the MP, in addition to the Ward Councillors. If Officers consider this is not appropriate for any reason they may meet the MP separately.

8. CORRESPONDENCE INCLUDING EMAILS

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- 9.1 Official correspondence written on behalf of the Council must normally be in the name of the relevant Officer rather than in the name of a Councillor. It may be appropriate in some circumstances, for example representations to a Government Minister, for letters to appear in the name of the appropriate Councillor, for example, the Leader. Letters that, for example, set up meetings, create obligations or give instructions on behalf of the Council should never be sent out in the name of a Councillor.
- 9.2 The Chair may correspond in their own name.
- 9.3 Correspondence which creates legally enforceable obligations or gives instructions on behalf of the Council must never be sent in the name of a Councillor.
- 9.4 Correspondence to individual Councillors from Officers should not be sent or copied to complainants or other third parties if they are marked "confidential". In confidential correspondence the relevant Officer should seek to make clear what is to be treated as being shared with the Councillor in confidence only and why that is so.
- 9.5 Correspondence between an individual Councillor and an Officer should not normally be copied (by the Officer) to any other Councillor. Where exceptionally it is necessary to copy the correspondence to another Councillor, this should be made clear to the original Councillor. In other words, a system of "silent copies" should not be employed. Acknowledging that the "BCC" system of e-mailing is used, it should be made clear at the foot of any e-mails if another councillor has received an email by adding "CC councillor X."

10. PRESS AND MEDIA

- 10.1 The council must comply with the provisions of the Local Government Act 1986 regarding publicity. All media relations work will comply with the national Code of Recommended Practice for Local Government Publicity. The Code is statutory guidance and the council must have regard to it and follow its provisions when making any decision on publicity. The Code provides that all Local Authority Publicity should be based around the following seven principles to ensure that all communications activity:
 - Is lawful
 - is cost effective
 - is objective
 - is even-handed
 - is appropriate
 - has regard to equality and diversity
 - is issued with care during periods of heightened sensitivity.
- 10.2 Staff and Councillors must comply with revised rules in respect of publicity during any pre-election period. The LGA's guidance on publicity during this period useful and can be found here:

<https://www.local.gov.uk/publications/short-guide-publicity-during-pre-election-period>

- 10.3 The Council's communications staff will provide support and guidance to Councillors in their dealings with the press and other media. However, press and communications staff cannot be called upon to assist in party political communications.
- 10.4 Councillors have freedom to contact and discuss issues with the media but must have regard to their conduct relating to potential breaches of confidentiality and the need to represent the Council's best interests. It is also important that Councillors stress to reporters, when giving a personal view on an issue, that their views may not reflect Council policy. Councillors who issue press releases or make statements to the press or the general public or part of it without firstly seeking Officer guidance may be personally liable if there are subsequently claims made for defamation, or if another party acts on incorrect information

11. COUNCILLORS' ACCESS TO INFORMATION

- 11.1 Councillors have a statutory right to see documents relating to business to be transacted at a public meeting of the Council, Cabinet, committee or sub-committee. This includes background papers, and applies whether or not the Councillor is a member of that body. But this does not apply to drafts of reports, or to documents which disclose information relating to employees, occupiers of Council property, applicants for grants and other services, the care of children, contract and industrial relations negotiations, advice from counsel, criminal investigations and other exempt and confidential information.
- 11.2 Councillors have a common law right to see Council-held documents where they can demonstrate a need to know. This means it must be reasonably necessary for the Councillor concerned to see the document in order to carry out his or her duties as a Councillor. Mere curiosity or desire is not sufficient - the Councillor has to demonstrate a need to know. The 'need to know' must be decided by a Chief Officer (or Senior Officer with authority to act on their behalf) following advice from the Monitoring Officer. Councillors who wish to request confidential information should normally do so through the appropriate Chief Officer or Senior Manager.

12. Breaches of the Protocol

- 12.1 Councillors or Officers with questions about the implementation or interpretation of this Protocol should seek guidance from the Monitoring Officer.
- 12.2 If Councillors believe that an Officer has breached this Protocol or have concerns about the conduct, behaviour, or performance/capability of an Officer they should raise the matter directly with that Officer's manager or Director; where the Officer concerned is a Director the matter should be raised with the Chief Executive; and when the Officer is the Chief Executive, with the Monitoring Officer.

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- 12.3 In all cases, the Officers with whom the concerns have been raised will report back to the Councillor concerned, giving as much information as they can as to the conclusions they have reached.
- 12.4 This procedure is only appropriate where issues arise in the Councillor's capacity as a Member of the Council, rather than as a service user or individual affected by the Council's decision. In such cases their concerns should be dealt with in accordance with the Council's complaints procedure.
- 12.5 If Officers are concerned about the conduct of a Councillor, they should raise the matter with their Manager or Director as appropriate. The Manager will discuss the matter with their Director, who will seek to resolve it to the Officer's satisfaction, in consultation with the Monitoring Officer, where appropriate. The aim of these discussions is to resolve the matter by conciliation, rather than by more formal means. Nevertheless, it must be recognised that Officers, like any members of the public, may make an allegation of a breach of the Code of Conduct for Councillors and can also use the procedures set out in the Council's Bullying and Harassment policy.
- 12.6 Where the concerns are about potential unlawful conduct of an Officer or Councillor, the Whistleblowing Policy or other Council policies may be relevant. For further advice, please contact the Monitoring Officer.

Protocol on Member/Officer Relations

Introduction

Mutual trust and respect between Members and Staff is at the heart of the Council's good governance. Both are essential if the partnership necessary for the effective and efficient running of the Council is to succeed.

1.0 Definitions

1.1 Unless the context indicates otherwise, references in this Protocol to the following terms shall have the following meanings:

- Member includes a non-elected i.e. co-opted member as well as elected members of the Council.
- Member body includes the Council, the Cabinet, Scrutiny and Regulatory Committees, and all other committees, sub-committees and panels described in the Constitution.
- Cabinet Member refers to the leader and other members of the Cabinet under the Council's constitutional arrangements.
- Officer means all persons employed by the Council.
- Chief Officer means the Chief Executive and the corporate directors.
- Designated Finance Officer means the Deputy Chief Executive exercising the duties prescribed by law for the financial administration of the Council.
- Member Liaison Officer means an officer who may be appointed by the Chief Executive to deal with members and their enquiries on specific matters.
- Monitoring Officer means the Corporate Director Governance and is the officer with statutory responsibility for ensuring that the Council acts within the law and in accordance with its Constitution.
- Political Group means any formally recognised group of elected members on the Council who are either members of the same political party or independent members.

2.0 Scope

2.1 This Protocol is designed to:

- Promote trust, openness, fairness and honesty by establishing clear ground rules;
- Define roles so as to clarify responsibilities;

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- Avoid conflict;
 - Prevent duplication or omission;
 - Secure compliance with the law, codes of conduct and the Council's own practising procedures; and
 - To lay down procedures for dealing with concerns by Members or Officers.
- 2.2 The Protocol represents the central element of the Council's corporate governance and provides the framework for dealing with a wide range of circumstances applying to relations between Members of the Council and its Officers.
- 2.3 This Protocol covers the main issues which may arise in Member/Officer relations but this is not intended to be comprehensive. Members and Officers should seek advice from the Chief Executive or the Monitoring Officer on any matter not covered by this Protocol or on issues of uncertainty.
- 3.0 **Purpose**
- 3.1 Together Members and Officers combine the essential skills, experience and knowledge to manage an effective public sector organisation. Members provide a democratic mandate to the Council whereas Officers contribute the professional expertise and experience to deliver the policy framework agreed by Members.
- 3.2 Whilst collaborative working is the accepted norm for Member and Officer relations at the Council it is important to recognise and take account of their different roles. This is important for day to day interaction between Members and Officers and for the public perception of the Council by ensuring transparency between the political role of Members and the professional impartial role of Officers.
- 3.3 This Protocol is intended as a written guide on the basic elements of the relationships between Members and Officers to fulfil the purposes set out above and as a means of demonstrating to the public at large that local government is serious about protecting and enhancing its integrity and reputation. This Protocol has been adopted by the Council in order to achieve these objectives and seeks to maintain and enhance the reputation and integrity of local government in general and this Council in particular.
- 4.0 **Status**
- 4.1 This Protocol establishes a set of principles to assist members and officers to work together.
- 4.2 Members and Officers must at all times observe this Protocol.
- 4.3 This Protocol is part of the Council's Constitutional documents and its importance is recognised by its adoption by Full Council at its meeting on the 25th day of February 2016 with the support of all political groups represented on the Council.
- 5.0 **Principles**

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- 5.1 As in all effective partnerships Member/Officer relations are based on the following principles:
- Mutual trust and respect of the different roles of Members and Officers;
 - A common purpose; providing the best possible service to the residents and other stakeholders of Thanet District Council; and
 - A commitment to non-adversarial resolution of disputes.
- 5.2 At the Council mutual respect between Members and Officers is an essential part of the way we work. Conflict and challenge are inevitable and necessary parts of the democratic process in a local authority. Demonstrating mutual respect in instances where Members disagree with specific Council policies or actions demands the highest standards of personal conduct.
- 5.3 Mutual respect is based upon an understanding of the distinct contributions Members and Officers make in respect with the boundaries between those roles. A key principle for Officers is their political impartiality; they serve the whole Council and not particular groups or Members. This is particularly important for Chief Officers and other senior officers who are prevented by law from political activities beyond party membership.
- 5.4 Further some Chief Officers hold posts with mandatory statutory responsibilities notably the Chief Executive, the designated Finance Officer and the Monitoring Officer. Further information about this is provided in Article 12 of Part 2 of the Constitution. Members must respect these duties and recognise that these Officers may be required to give advice or make decisions which Members may not agree with or support.
- 5.5 Members and Officers must always respect the roles and duties of each other. They must show respect in all their dealings by observing reasonable standards of courtesy, and by not seeking to take an early advantage by virtue of their position.
- 5.6 Whilst Members and Officers are indispensable to one another, their responsibilities are distinct. Members are accountable to the electorate. Officers are accountable to the Council as a whole. Their job is to give advice to Members (individually and collectively) and to carry out the Council's work under the direction of the Council.
- 5.7 To carry out their duties effectively, Members must have broad access to Council information. The following principles apply here:
- Members' enquiries will be dealt with promptly and effectively and within corporate timescales;
 - Members access to information will be compliant with their statutory and common law rights (see the access to information procedure in Part 4 of the Constitution);
 - Officers will not without good reason, withhold information from a Member who is entitled to receive it;

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- Where confidential, personal or otherwise sensitive personal information is provided to a Member that Member will not disclose it to any other person, without authorisation.

5.8 The Council has adopted a code of conduct for Members which is set out in Part 5 of the Constitution and an employee code of conduct which is also set out in Part 5. The Members' code follows the general principles governing Members' conduct enshrined in law. These are:

- Selflessness – serving only the public interest;
- Integrity – not allowing these to be questioned;
- Objectivity – taking decisions on merit;
- Accountability – to the public, being open to scrutiny;
- Openness – giving reasons for decisions;
- Honesty – acting in a proper manner
- Leadership – acting in a way which has public confidence.

5.9 The same principles underpin this Protocol and also underpin the code of conduct for officers.

5.10 Until such time as a new national code appears Officers are bound by the Council's own employee code of conduct and in some cases by the codes of their professional association.

6.0 Roles

A quick guide to Member and Officer roles:-

Members	Officers
Democratically elected and accountable to the electorate	Employees accountable to the Council
Community leader for their ward and the district as a whole	Serve the whole Council
Add a political dimension And may take a role as Cabinet member	Impartial
Set policy and strategy	Ensure operation delivery and provide advice
Bound by a statutory code of conduct	Bound by their contract of employment
Involved in Chief Officer appointments only	Day to day management of staff

6.1 **The role of Members**

- 6.1.1 Members have a number of different roles and need to be alert to the potential for conflicts of interest which may arise between them. Where such conflicts are likely and Members may wish to seek the advice of senior colleagues, the Chief Executive, and/or the Monitoring Officer.
- 6.1.2 Collectively Members are the ultimate policy-makers, determine the core values of the Council and approve the Council's policy framework, strategic plans and budgets.
- 6.1.3 Members represent the community, act as community leaders and promote the social, economic and environmental wellbeing of the community often in partnership with other agencies.
- 6.1.4 Every elected member represents the interests of their ward and individual constituents. They represent the Council in the ward, respond to the concerns of constituents, meet with partner agencies and often serve on local bodies.
- 6.1.5 Members are responsible for the decisions taken by Member bodies upon which they sit.
- 6.1.6 Some members may be appointed to represent the Council on local, regional or national bodies.
- 6.1.7 As politicians, elected members will make statements that are representative of the political groups to which they belong.
- 6.1.8 The role of opposition members in offering alternative policies and holding the administration group to account will inevitably involve those members in challenging decisions and care should be taken to ensure that such challenge is directed at the Cabinet Member concerned and not at officers who are charged with implementation.

6.2 **The role of Officers**

- 6.2.1 Officers are responsible for giving advice to Members to enable them to fulfil their roles, in doing so Officers will take into account all available relevant factors.
- 6.2.2 Under the direction and control of the Council (including, as appropriate, the Cabinet, committees and sub-committees), Officers manage and provide the Council services within the framework of responsibilities delegated to them. This includes the effective management of employees and operational issues.
- 6.2.3 Officers have a duty to implement lawful decisions of the Member bodies which have been properly approved in accordance with the requirement of the law and the Council's Constitution and duly minuted.
- 6.2.4 Officers have a contractual and legal duty to be impartial as well as to place their skill and judgement at the disposal of the Council; they must not allow their professional judgment and advice to be influenced by their personal view.

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- 6.2.5 Officers must assist and advise all parts of the Council. They must always act to the best of their abilities and in the best interests of the Council.
- 6.2.6 Officers must be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for Members, the media or other sections of the public and advise accordingly.
- 6.2.7 Officers have the right not to support Members in any role other than that of an elected councillor, and not to engage in actions incompatible with its Protocol. In particular there is a statutory limitation on Officers' involvement in political activities from those Officers employed in politically restricted posts.

7.0 **Conduct**

7.1 **Attitude and Behaviour**

- 7.1.1 The conduct of Members and Officers should be such as to instil mutual confidence and trust.
- 7.1.2 The key elements are recognition of, and a respect for, each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other both publicly and privately.
- 7.1.3 Members should be aware that Officers are constrained in the response they may make to public comments from Members. Members should not criticise Officers personally in public or through the press nor seek to undermine their position by abuse, rudeness or ridicule. This in no way reduces the right of Members to criticise, in a constructive manner, the report or actions of a department or section of the Council where they believe such criticism is well-founded.
- 7.1.4 Discussions and correspondence between Members and Officers should at all times be well-mannered and professional.
- 7.1.5 Informal and collaborative two-way contact between Members and Officers is encouraged, but over familiarity can damage the relationship as might a family or business connection.
- 7.1.6 Members and Officers should inform the Chief Executive or Monitoring Officer of any personal relationship between each other which might be seen as unduly influencing their work in their respective roles.
- 7.1.7 It is not enough to avoid actual impropriety. Members and Officers should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship has been disclosed those concerned should avoid a situation where conflict could be perceived. Specifically a Member should not sit on a body or participate in any decision which directly affects the Officer on a personal basis.
- 7.1.8 Members of staff should not discuss with a Member inappropriate personal matters concerning themselves or another individual employee. This does not prevent them

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raising on a personal basis and in their own time a Council service related matter with their ward Member.

7.1.9 Members and Officers should respect each other's free (i.e. non-Council) time.

7.2 Conduct of scrutiny reviews

7.2.1 The Chair Overview and Scrutiny Panel should maintain regular contact with the Officers providing the principal support to the overview and scrutiny function staff in consultation with the Chair. It should be the responsibility of the latter to ensure that those who need to know of matters being considered or for possible future consideration are so informed.

7.2.2 The Overview and Scrutiny Panel or its Chair acting on its behalf may require Officers to attend scrutiny meetings. Members should not normally expect junior officers to give evidence but Corporate Directors of services will be expected to comply with the (scrutiny procedure rules). All requests should be made to Chief Officers in the first instance.

7.2.3 When making requests for Officer attendance, scrutiny members shall have regard to the workload of Officers.

7.2.4 It is recognised that Officers appearing before the Overview and Scrutiny Panel may often be those who have advised the Cabinet or another part of the Council on the matter under investigation. In these circumstances an Officer may have a conflict of interest although not a personal interest. Both Members and Officers need to consider the severity of the conflict. If deemed appropriate research and advice may be sought elsewhere.

7.2.5 Subject to the provisions of 7.2.4 Officers should be prepared to justify advice given to a Member body even when the advice is not accepted.

7.2.6 Officers must also be prepared to justify decisions they have taken under delegated powers.

7.2.7 In giving evidence Officers must not be asked to give political views.

7.2.8 Officers should respect Members in the way they respond to Member's questions.

7.2.9 Members should not question Officers in a way that could be interpreted as harassment neither should they ask about matters of a disciplinary nature.

7.2.10 Scrutiny proceedings must not be used to question the capability or competence of Officers. Chair and Members need to make a distinction between reviewing the policies and performance of the Council in its services and appraising the personal performance of Officers. The matter is not an overview and scrutiny function.

7.2.11 In exercising the right to call in a decision of the Cabinet scrutiny Members must seek Officer advice if they consider the decision is contrary to the Council's approved budget or policy framework or is unlawful.

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8.0 Decision making and matters specific to Cabinet business

8.1 Roles

- 8.1.1 Cabinet Members will take decisions in accordance with the Constitution and will not otherwise direct staff. Corporate Directors will be responsible for instructing staff to implement the Cabinet's decisions.
- 8.1.2 Cabinet members are responsible for providing leadership and direction on policy matters. Day-to-day managerial and operational decisions on the delivery of services should remain the responsibility of the Chief Executive and other officers.
- 8.1.3 Cabinet members will routinely be consulted as part of the process of drawing up proposals for consideration on an agenda for a forthcoming meeting, but it must be recognised that in some situations an officer will be under a professional duty to submit a report. Similarly, a Corporate Director or senior officer will always be fully responsible for the contents of any report submitted in their name. This means that any such report will be amended only where the amendment reflects the professional judgement of the author of the report. This is to be distinguished from a situation where there is a value judgement to be made. Any issues arising between a Cabinet member and a Corporate Director in this area should be referred to the Chief Executive for resolution in conjunction with the Leader of the Council.
- 8.1.4 In addition to individual Members of the Cabinet, the Chief Executive, Corporate Directors (including the Section 151 Officer) and the Monitoring Officer have the right to submit papers to the Cabinet as a whole or to individual Cabinet Members for consideration.
- 8.1.5 Before any formal decisions are taken by the Cabinet, the Section 151 Officer and the Monitoring Officer and the Corporate Director(s) of the service involved must be consulted. This is to ensure that budget holders are aware of the proposed decision, that the decision's legal implications can be considered, that the opportunity to offer advice has been identified, and that officers are subsequently able properly to authorise the various financial and legal transactions and requirements needed to implement decisions.
- 8.1.6 The Chief Executive, Corporate Directors and Cabinet Members shall agree mutually convenient methods of regular contact including regular meetings between Cabinet Members and the Corporate Directors of their respective portfolio areas, and/or any other appropriate method which complies with law and the Constitution. Before taking any formal decisions, the Cabinet will seek appropriate professional advice including, without exception, the Chief Executive, the Monitoring Officer and Section 151 Officer (or their deputies in their absence), and will not direct Officers in the framing of recommendations.
- 8.1.7 When formal advice is given by the Chief Executive, Monitoring Officer and/or the Section 151 Officer in the furtherance of their statutory duties, Members should be expected to follow it. However, it is recognised that circumstances may arise where they may wish to ignore such advice. Members may make decisions contrary to the advice of officers generally, and Statutory Officers in particular, but should note the following:

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- (a) Decisions so made may be in breach of the Council's legal duties, particularly the Public Sector Equality Duty;
- (b) Decisions may have unforeseen, negative consequences on the local community, which officers may not have had an opportunity to consider in advance of a decision being made contrary to their advice;
- (c) Even where a decision made by Members contrary to officer advice is not contrary to legislation, it could still render the Council subject to successful legal action, further to a judicial review, action for breach of contract or action for negligence, or all three;
- (d) Such successful action could make the Council liable for damages (whose quantum may not, at the point of decision, be apparent) and against which the Council may not be insured;
- (e) Such successful action would result in reputational damage to the Council and a broken relationship of trust with any person adversely affected by the decision.

8.1.8 Where, notwithstanding the above, Members wish to make a decision contrary to advice, all correspondence relating to the decision must be transacted in writing, including the officer advice itself and the reasons given by Members for acting against it.

8.2 Decisions by individual members

8.2.1 An individual Cabinet Member who is minded to write or commission a report or to make a decision about a matter within their portfolio must ensure that those other Members and Officers who need to know of the matter are informed. There is a particular requirement to involve other Cabinet Members on cross-cutting issues.

8.2.2 Executive Members when making decisions must state the reasons for those decisions in the written record.

8.3 Decisions made by officers under delegated powers

8.3.1 Officers taking decisions under their delegated powers must exercise their judgement and consult with the relevant Cabinet Member (s) in advance when the matter to which the decisions relate are likely to be sensitive or contentious, where the Officer considers that the decision may have wider policy implications, or where the Cabinet Member (s) has/have previously informed the Officer that particular decisions or classes of decisions may have such implications.

8.3.2 Officers are responsible for implementing Member decisions and in the case of Cabinet decisions Chief Officers will be responsible for instructing staff to implement decisions.

8.3.3 Apart from the formal decision making process, Officers work to the instruction of their managers and not individual members. Officers will try to comply with all

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reasonable requests from Members but Members cannot instruct Officers to do any piece of work or take any course of action.

- 8.3.4 Officers must observe the requirements set out in the officer delegations in Part 3 of the Constitution when taking decisions and ensure that decisions falling outside it are referred to the appropriate Member body for decision unless action is to be taken under standing order?
- 8.3.5 When taking decisions under their delegated powers Officers should be aware of decisions which are likely to be sensitive or contentious. In such cases Officers should inform the relevant Cabinet Member(s) and where appropriate ward Members of their intentions in advance.
- 8.3.6 Officers should also keep Cabinet Members informed in advance of any decisions which they take that have wider policy implications.
- 8.3.7 While Officers will support, advise and respond to Members' requests they must not be asked to exceed the bounds of authority they have been given by their manager.

8.4 **Decisions affecting Council staff**

- 8.4.1 The role of Members in employment matters are limited to:
- Determining significant human resources policies and conditions of employment;
 - The appointment and discipline of Chief Officers;
 - Hearing and determining appeals.
- 8.4.2 Members shall not act outside these roles.
- 8.4.3 Officers are responsible for the appointment and discipline of all other Officers.
- 8.4.4 In participating in the appointment of Chief Officers, Members should:
- Respect the confidentiality of the process and in particular the identity of the candidates.
 - Remember that the sole criterion is merit;
 - Never canvass support for a particular candidate;
 - Not take part where one of the candidates is a close relative or friend;
 - Not be influenced by personal preferences; and
 - Not favour a candidate by giving them information not available to the other candidates.
- 8.4.5 Officers will not seek any Members' support in any employment matter.

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8.4.6 When discussing or making decisions about industrial relations matters, Members must remember that they represent the Council as an employer and are not a representative of the employees. If a Member considers that they cannot undertake this task from this perspective they should withdraw from this role.

9.0 **Support for Members**

9.1 **Members' enquiries and access to Officers**

9.1.1 Members enquiries may be made by any means including verbally, email or in writing.

9.1.2 Members should normally direct their requests and concerns in relation to policy, spending and other major issues to the relevant Corporate or Service Director in the first instance. Failure to do so would have the effect of depriving Members of formal, informed and accountable advice they have a right to expect from senior officers and which they have a duty to consider.

9.1.3 Approaches by Members to other Officers are proper when they are seeking clarification of a response from that Officer or where the nature of the enquiry is routine and requires a detailed knowledge of the issues.

9.1.4 Members' enquiries will be dealt with promptly and effectively. A substantive response to a Member enquiry should be sent within ten working days of receipt.

9.1.5 Officers receiving Member enquiries should ensure that if they are absent or unavailable for more than one working day that their email is checked by a colleague. Out of office email replies should always give an alternative contact.

9.1.6 If it is not possible to respond within ten working days, Officers must explain in writing:

- The reason for the delay;
- What action is being taken to pursue the enquiry; and
- A deadline by which a substantive response will be sent.

9.1.7 Members' enquiries which are in fact constituent complaints will be handled under the Council's complaint procedure.

9.1.8 The Chief Executive and corporate directors are responsible for ensuring that Member enquiries are dealt with promptly and accurately by the department.

9.1.9 In seeking to deal with constituent's queries or concerns Members should not seek to jump the queue but should respect the Council's procedures. Officers have many pressures on their time. They may not be able to carry out the work required by Members in the requested timescale and may need to seek instructions from their manager. Where an enquiry imposes a disproportionate burden on Officers' workloads, this should be explained and discussed with the Member concerned and Chief Officers to agree an alternative deadline or response.

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- 9.1.10 This Members' enquiry procedure supplements but does not replace Members' statutory and common-law rights to information.
- 9.1.11 Co-opted and independent Members' rights to access to information will be limited to those areas that fall within the remit of the body to which they are appointed and their statutory rights.
- 9.1.12 An Officer should not copy correspondence which they have had with a Member to any other Member unless:
- That Member agrees; or
 - The other Member is entitled to the information under the Freedom of Information Act 2000 or the Data Protection Act 1998; or
 - The correspondence from the Member includes a circulation list with other Members' names on it when the response can be copied to the persons on the list; or
 - A response has been given to a question raised at a meeting of a Member body when the response can be copied to other Members.
 - The above does not prevent an Officer copying correspondence to other Officers unless there are confidentiality issues.

A member may copy correspondence which they have had with an Officer to other Members and third parties unless it contains confidential personal or otherwise sensitive information. For the avoidance of doubt correspondence containing such information should state that it is confidential.

9.2 Briefings for political groups

- 9.2.1 Chief Officers may be asked to contribute to deliberations of matters concerning Council business by political groups.
- 9.2.2 Chief Officers have the right to refuse such requests and will normally not attend a meeting of a political group where some of those attending are not Members of the Council.
- 9.2.3 Officer support will not extend beyond providing the factual information or professional advice in relation to matters of Council business. Chief Officers must not be involved in advising on matters of party business and therefore should not be expected to be present at meetings or parts of meetings where such matters are to be discussed.
- 9.2.4 Political group meetings are not empowered to make decisions on behalf of the Council, and conclusions reached at such meetings do not rank as formal decisions. The presence of a Chief Officer confers no formal status on such meetings in terms of Council business and must not be interpreted as doing so.

- 9.2.5 Where Chief Officers provide factual information and advice for a political group in relation to a matter of Council business this is not a substitute for providing all the necessary information and advice when the matter in question is formally considered by the relevant part of the Council.
- 9.2.6 It must not be assumed that a Chief Officer is supportive of a particular policy or view considered at a political group meeting simply because they have attended or provided information to the meeting.
- 9.2.7 Chief Officers will respect the confidentiality of any political group discussions at which they are present and unless requested to do so by that political group will not relay the contents of such discussions to another party group or to any other Member. This shall not prevent a Chief Officer providing feedback to other Chief Officers.
- 9.2.8 In their dealings with political groups Chief Officers must treat each group in a fair and even-handed manner.
- 9.2.9 Members must not do anything which compromises or is likely to compromise Chief Officers' impartiality.
- 9.2.10 A Chief Officer accepting an invitation to the meeting at one political group shall not decline an invitation to advise another group about the same matter. They must give consistent advice to each.
- 9.2.11 Only a Chief Officer or their nominee shall be entitled to attend a political group meeting.
- 9.2.12 A Chief Officer should be given the opportunity of verifying comments and advice attributed to them in any written record of a political group meeting.
- 9.2.13 No Member will refer in public or at meetings of the Council to advice or information given by Chief Officers to a political group meeting.
- 9.2.14 At political group meetings where some of those present are not members of the Council care must be taken not to divulge confidential information relating to Council business. Persons who are not Members are not bound by the Members' Code of Conduct. They do not have the same rights to Council information as Members.

9.3 Access to information

- 9.3.1 To carry out their duties effectively, Members must have broad access to Council information. This is a complex area which is subject to a wide range of legislation as well as the common law and the detailed rules are set out in the access to information procedure rules in Part 4 of the Constitution. The remainder of this section deals with some specific points.
- 9.3.2 Members' access to information will be compliant with their statutory and common law rights.

The common law right of Members is based on the principle that any Member has a prima facie right to inspect Council documents as far as their access to the

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documents is reasonably necessary to enable them to perform their duties as a Member of a Council. This principle is commonly referred to as the “need to know” principle.

The exercise of this common law right depends therefore upon the Members’ ability to demonstrate that they have the necessary “need to know”. In this respect a Member has no right to a “roving commission” to go and examine documents of the Council. Mere curiosity is not sufficient. The crucial question is the determination of the “need to know”. This question must initially be determined by the particular Chief Officer whose department holds the document in question (with advice from the Monitoring Officer).

In some circumstances (e.g. a committee member wishing to inspect documents relating to the functions of that committee) a Member’s “need to know” will normally be presumed. In other circumstances (e.g. a Member wishing to inspect documents which contain personal information about third parties) a Member will normally be expected to justify the request in specific terms.

- 9.3.3 Officers will not without good reason withhold information from a Member who is entitled to receive it.
- 9.3.4 Any disputes relating to access to information will be referred to the Monitoring Officer for determination.
- 9.3.5 Where confidential personal or otherwise sensitive information is provided to a Member they will not disclose it to any other person without authorisation.

9.4 **Use of Council resources**

- 9.4.1 The Council provides all Members with services such as photocopying and computer equipment to assist them in discharging their role as Members. These are paid for from the public purse. They should not be used for private purposes or in connection with party political or campaigning activities.
- 9.4.2 Members should ensure that they understand and comply with the Council’s own rules about the use of such resources particularly:
 - Where facilities are provided in Members’ homes at the Council’ expense and regarding ICT; and
 - Regarding ICT use and security.
- 9.4.3 Members should not put pressure on Officers to provide resources or support which Officers are not permitted to give. Examples are:
 - Business which is solely to do with a political party;
 - Work in connection with a ward or constituency party political meeting;
 - Electioneering;

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- Work associated with an event attended by a Member in a capacity other than as a Member of the Council;
- Private personal correspondence;
- Work in connection with another body or organisation where a Member's involvement is other than as a Member of the Council; and
- Support the Member in their capacity as a councillor for another local authority.

10.0 Public relations

10.1 Relations with the media

10.1.1 The Media and Communication Team is responsible for:

- Making official press/media statements relating to the function and business of the Council, consulting with the relevant Cabinet Member, Committee Chair or Officer as appropriate; and
- Dealing with day-to-day media enquiries.

In making a press or media statement regard must be had to the law on Local Authority publicity and the relevant code of practice.

10.1.2 Cabinet Members and Committee Chair may also make statements to the press/media on Council matters and they represent the Council in media interviews. If a Cabinet Member or Committee Chair wants to speak to the press or media in a personal capacity or as a representative of their political group they should make this clear at the outset.

10.1.3 If other Members wish to speak to the media they will do this in a personal capacity or as a representative of their political group.

10.1.4 Chief Officers (or their nominees) may deal with any request for information or questions asked by the press/media and may represent the Council in media interviews.

10.1.5 Any Member or Officer who speaks to the press or media on an issue should:

- Consult with the Communications Team for the Council in advance of speaking to the press or to the media;
- Be sure of what they want to say or not say;
- Consider the likely consequences for the Council of their statement;
- Never give a commitment in relation to matters which may be subject to claims from third parties and/or are likely to be an insurance matter;

- Consider whether to consult other relevant members; and
- Take particular care in what is said in the run-up to local or national elections to avoid giving the impression of electioneering unless they have been contacted as an election candidate or political party activist.

10.1.6 Press releases or statements made by Officers must promote or give information on Council policy or services. They will be factual and consistent with Council policy. They cannot be used to promote a party group.

10.1.7 Before responding to enquiries from the media, Officers shall ensure they are authorised to do so.

10.1.8 Likewise Officers will inform the Council's communication and media section of issues likely to be of media interest when they have been contacted by the media since that unit is often the media's first point of contact.

10.2 **Correspondence**

10.2.1 Correspondence between an individual Member and an Officer should not be copied to another Member unless the author expressly intends and states that this is the case or consents. Where correspondence is copied this should always be made explicit and there should be no "blind" copies.

10.2.2 Official letters written on behalf of the Council should normally be in the name of the relevant Officer.

10.2.3 The Leader may initiate correspondence in their own name.

10.2.4 Letters which create legally enforceable obligations or which give instructions on behalf of the Council should never be sent in the name of a Member.

10.2.5 When writing in an individual capacity as a ward Member, a Member must make clear that fact.

10.2.6 Correspondence between Members and staff should reflect mutual trust and respect which is essential to the relationship.

11.0 What to do when things go wrong

11.1 **Procedure for Officers**

From time to time the relationship between Members and Officers may become strained or break down. Whilst it will always be preferable to resolve matters informally, through conciliation by an appropriate senior manager or Members, Officers will have recourse to the Council's Grievance Procedure or to the Council's Monitoring Officer, as appropriate to the circumstances. In the event of the basis for a grievance or complaint being found, the matter will be referred to the Chief Executive, who, having advised the Leader of the Council and the appropriate group leader, will refer it to the Standards Committee for consideration and determination.

11.2 Procedure for Members

In the event that a Member is dissatisfied with the conduct, behaviour or performance of an Officer, the matter should be raised with the appropriate Service Director. Where the Officer concerned is a Service Director or a Corporate Director of Service the matter should be raised with the Chief Executive. Where the employee concerned is the Chief Executive, the matter should be raised with the Deputy Chief Executive. If the matter cannot be resolved informally, it may be necessary to invoke the Council's Disciplinary Procedure and, where appropriate, act in accordance with a report of a "designated independent person" (see Prescribed Standing Order 10).

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REVISED CONSTITUTIONAL CHANGE PROCESS

Full Council	28 March 2024
Previously considered by:	Constitutional Review Working Party Standards Committee
Report Author	Committee Service Manager
Portfolio Holder	Councillor Yates, Portfolio Holder for Corporate Services
Status	For Recommendation
Classification:	Unrestricted

Executive Summary:

This report asks Full Council to consider the recommendations from the Standards Committee recommending that the Council's current constitutional change process is changed from a three stage process (CRWP>Standards>Council) to a two stage process (CRWP>Council)

Recommendation(s):

Members are asked to agree the recommendations from the Standards Committee regarding the Council's constitutional change process, namely:

1. the Council's constitutional change process changes from a three stage process (CRWP>Standards>Council) to a two stage process (CRWP>Council)
2. That the CRWP membership be expanded in line with other Committees
3. That the CRWP have an annual meeting to consider the future years work programme.
4. That the CRWP changes its name to Constitutional Review Committee.
5. Democratic Services to schedule (4) regular meetings in line with the appropriate council meeting

Corporate Implications

Financial and Value for Money

There are no financial implications to the report.

Legal

The Local Government Act 2000 requires the Council to periodically review and update its written Constitution.

Risk Management

There are no risks associated with this report.

Corporate

It is important for the Council to regularly review elements of its constitution to ensure that it remains up to date.

Equality Act 2010 & Public Sector Equality Duty

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

This report relates to the following aim of the equality duty: -

- To eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act.
- To advance equality of opportunity between people who share a protected characteristic and people who do not share it
- To foster good relations between people who share a protected characteristic and people who do not share it.

CORPORATE PRIORITIES

This report relates to the following corporate priorities: -

- To work efficiently for you

1.0 Introduction and Background

1.1 Whilst not detailed within the Council's constitution, the process of amending the Council's constitution has been driven by custom and practise for many years. The process being:

1. Proposed changes being subject to consideration via a report at the Constitutional Review Working Party and the CRWP making recommendations to the Standards Committee.
2. The Standards Committee then considers any recommendations from CRWP via a report and then in turn makes recommendations to the Full Council.
3. Full Council considers the recommendations from the Standards Committee and then if they are approved they are then implemented from the date of the meeting.

- 1.2 The report seeks to amend this somewhat lengthy three stage process to a two stage process.

2.0 The Current Situation

- 2.1 The current process is outlined above in paragraph 1.1. The current process is lengthy and on average takes a great deal of planning to factor in CRWP meetings around Standards Meetings that then lead into Full Council meetings. This can often lead to lead in times for reports that can be as much as two months. There are a large number of changes to the Council’s constitution that are due to be considered over the coming year as a result of the review asked for by the Independent Monitoring Officer and a refined process will aid us moving forward.
- 2.2 When compared with other Kent Council’s only Swale and partially Tunbridge Wells (major rewrites only) have a three stage process like TDC’s. The vast majority of them only have a two stage process - that being consideration of changes at some form of constitutional change group and then referral on to Full Council.

Council	Number of stages
Thanet	3
Dover	2
Maidstone	2
Swale	3
Ashford	2
Canterbury	TBC
Dartford	TBC
Gravesham	1/2
Sevenoaks	2
F&H DC	2
Tonbridge	2
Tunbridge Wells	2/3

- 2.3 The proposal put before Councillors is that potential constitutional changes are considered by the Constitutional Review Working Party which would then make recommendations straight to Full Council, who would approve them.
- 2.4 This change would allow for a streamlined process allowing Democratic Services to organise CRWP meetings nearer to Full Council meetings, thereby freeing up officer and Member time by not having additional meetings or overly lengthy lead in times.

- 2.5 It is also important to remember that the CRWP is a fully constituted Committee of Council, in the same way as the Standards Committee, or even Planning or Licensing are. It holds the same weight as the Standards Committee and should not be seen as a sub-group of the Standards Committee or as a lesser Committee.
- 2.6 If Standards were removed from the current three stage process any of the members of that committee, indeed any member of the Council may attend a meeting of the CRWP to speak under Council Procedure 20.1 to put forward their point of view.

3.0 Recommendations from the Standards Committee

- 3.1 The Standards Committee considered the following recommendations from the CRWP:
1. the Council's constitutional change process changes from a three stage process (CRWP>Standards>Council) to a two stage process (CRWP>Council)
 2. That the CRWP membership be expanded in line with other Committees
 3. That the CRWP have an annual meeting to consider the future years work programme.
 4. That the CRWP changes its name to Constitutional Review Committee.
- 3.2 After considering them they agreed with the recommendations from the CRWP and added another recommendation of their own. These being outlined below:
1. the Council's constitutional change process changes from a three stage process (CRWP>Standards>Council) to a two stage process (CRWP>Council)
 2. That the CRWP membership be expanded in line with other Committees
 3. That the CRWP have an annual meeting to consider the future years work programme.
 4. That the CRWP changes its name to Constitutional Review Committee.
 5. Democratic Services to schedule (4) regular meetings in line with the appropriate council meeting
- 3.3 Officers have no objections to any of the recommendations from the Standards Committee and believe that an annual meeting setting out the work programme is a strong idea. Officers will arrange for an annual meeting of the CRWP irrespective of whether the recommendation is agreed and will once a decision on whether the Council stays with a three stage process or moves to a two stage process, schedule in CRWP meetings.
- 3.3 Strengthening the membership of the CRWP compliments the proposals to move to a two stage process and together with changing the name of the committee would give the CRWP a higher profile and increased standing. These changes, if agreed, can easily be made as part of the Committees, Panels and Boards report that is agreed by the Annual Council.

4.0 Options

- 4.1 Members could agree one of the following options:

- a) To accept the recommendations from the Standards Committee.
- b) To amend the recommendations from the Standards Committee.
- c) To keep the current constitutional change process as it is.

Contact Officer: Nick Hughes, Committee Services Manager

Reporting to: Ingrid Brown, Head of Legal and Democracy & Monitoring Officer

Annex List

None

Background Papers

None

Corporate Consultation

Finance: Matthew Sanham (Head of Finance and Procurement)

Legal: Ingrid Brown (Head of Legal and Democracy & Monitoring Officer)

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CHANGES TO COMMITTEES

Council	28 March 2024
Report Author	Nick Hughes, Committee Services Manager
Status	For Information
Classification:	Unrestricted
Ward:	All Wards

Executive Summary:

Democratic Services have been informed of a number of changes that political groups wish to make to their nominations to committees for the remainder of the 2023/24 municipal year. The report also allows other political groups an opportunity to amend their nominations to committees for the remainder of the 2023/24 municipal year.

Recommendation(s):

To note the nominations to Committees for the remainder of the 2023/24 municipal year.

Corporate Implications

Financial and Value for Money

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.

Legal

The composition and allocation of membership of committees has been based on the relevant legislative requirements.

Risk Management

There are no risks associated with this report.

Corporate

There are no direct Corporate Implications

Equality Act 2010 & Public Sector Equality Duty

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity

between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

This report relates to the following aim of the equality duty: -

- To eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act.
- To advance equality of opportunity between people who share a protected characteristic and people who do not share it
- To foster good relations between people who share a protected characteristic and people who do not share it.

Corporate Priorities

This report relates to the following corporate priorities: -

Priority five: To work efficiently for you.

1.0 Introduction and Background

1.1 The Conservative group wishes to make a change to their nominations to committees for the remainder of the 2023/24 municipal year.

2.0 Nominations to serve on Committees

2.1 The Leader of the Council has informed Democratic Services that he wishes to add Cllr Joanne Bright to the list of Governance and Audit Substitutes.

2.2 Cllr Garner has informed Democratic Services that he will replace Cllr Austin as the Green representative on the Standards Committee.

2.2 This report also allows other political groups an opportunity to amend their nominations to committees for the remainder of the 2023/24 municipal year as well if they choose to do so.

2.3 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.

Contact Officer: Nicholas Hughes (Committee Services Manager)

Reporting to: Ingrid Brown (Head of Legal and Democracy & Monitoring Officer)

Annex List

None

Background Papers

None

Corporate Consultation

Finance: Chris Blundell, Director of Corporate Services

Legal: Ingrid Brown- Head of Legal and Democracy and Monitoring Officer

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Amendment to the Calendar of Meetings 2024-27

Annual Council	28 March 2024
Report Author	Committee Service Manager
Portfolio Holder	Councillor Yates, Cabinet Member for Corporate Services
Status	For Decision
Classification:	Unrestricted
Key Decision	Yes
Ward:	Thanet Wide

Executive Summary:

The Chair of the Overview and Scrutiny Panel has requested that the meeting of the Panel on the 18 April be moved to the 16 April, as a number of Councillors cannot attend the meeting.

Recommendation(s):

That Council agrees to move the date of the Overview and Scrutiny Panel meeting from the 18 April to 16 April.

Corporate Implications

Financial and Value for Money

There are no financial implications arising directly from this report.

Legal

There are no particular legal implications arising directly from this report. The functions that are the subject of this report are for Council to decide. It is usual for the calendar of meetings to be decided at the annual meeting of Full Council but there is nothing to prevent the Calendar being determined at the proposed time as recommended in this report.

Corporate

In order to enable the efficient administration of council business and delivery of council services, there needs to be planned activities that cover the period of a municipal/financial year. Planned schedule of meetings advises both officers and Members on when to carry out given council activities and to that end enhances the decision making process..

Equality Act 2010 & Public Sector Equality Duty

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

This report relates to the following aim of the equality duty: -
(Delete as appropriate)

- To eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act.
- To advance equality of opportunity between people who share a protected characteristic and people who do not share it
- To foster good relations between people who share a protected characteristic and people who do not share it.

There are no equity and equality issues arising directly from this report 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.

CORPORATE PRIORITIES

This report relates to the following corporate priorities: -

- To work efficiently for you.

1.0 Introduction and Background

1.1 Full Council is the correct body to agree the calendar of meetings. The Chair of a Committee may call extraordinary meetings of a committee, but they do not have the power to move a regular meeting of their committee, as a result any request to move an ordinary committee needs to come before Full Council to make a decision.

2.0 The Current Situation

2.1 The Chair of the Overview and Scrutiny Panel has requested that the meeting of the Panel on the 18 April be moved to the 16 April, as a number of Councillors cannot attend the meeting. This report allows Council the opportunity to approve this request.

3.0 Options

3.1 That Council agrees to move the meeting of the Overview and Scrutiny Panel from 18 April to 16 April.

3.2 That Full Council makes no changes to the calendar.

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

Annex List

None

Background Papers

None

Corporate Consultation

Finance: Chris Blundell (Director of Corporate Services - Section 151)

Legal: Ingrid Brown (Head of Legal and Democracy & Monitoring Officer)

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APPOINTMENT OF THE INTERIM CHIEF EXECUTIVE AND HEAD OF PAID SERVICE

Council	28 March 2024
Previously considered by: General Purposes Committee	14 March 2024
Report Author:	Sonia Godfrey, Head of Human Resources
Portfolio Holder:	Councillor Rick Everitt, Leader of Council
Status:	For Recommendation
Classification:	Unrestricted
Key Decision:	No
Ward:	Thanet Wide

Executive Summary:

This report is for Council to extend the appointment of Colin Carmichael as Interim Chief Executive, Head of the Paid Service, and Returning Officer for a further year, until 31 July 2025.

Recommendation(s):

Full Council is being asked to:

1. Consider the recommendations from the General Purposes Committee and agree to extend the appointment of Colin Carmichael as Interim Chief Executive, Head of Paid Service and Returning Officer for a further year, until 31 July 2025;
2. Note that the Appointment Panel has the responsibility of determining the timing and process of the appointment of a permanent Chief Executive.

Corporate implications

Financial and Value for Money

The cost of extending the Interim Chief Executive's contract for a further year can be met from existing approved budgets.

Legal

Section 4 of the Local Government and Housing Act 1989 4 requires that the Council designate one of its officers as Head of the Paid Service (usually the Chief Executive) who is

responsible for preparing reports on the way the local authority's staff is organised, on the authority's staffing needs and on the coordination of the way in which the authority's functions are discharged.

In addition, Section 35 of the Representation of the People Act 1983 requires the Council to appoint an officer of the Council to be the Returning Officer for the election of councillors. The Council has traditionally appointed the Chief Executive as Returning Officer which is an independent statutory role.

Part 3 of the Council's Constitution provides that the appointment of the Head of Paid Service is a matter which is reserved to full council. It further provides that the Appointments Sub-Committee is responsible for interviewing and making recommendations to full Council for the permanent appointment of the Chief Executive as Head of Paid Service; subject to no objections being submitted by the Executive.

Risk Management

The role of a Head of Paid Service is a statutory appointment and by implication means that the Council must appoint to that role in order to be legally compliant to the Act. This role is also critical for the Council in terms of stability moving forward. Without the extension of this role there may be a risk of having another period without a Chief Executive in post and the need to cover once again with an Acting up role until a permanent appointment is made.

Corporate

The Council must appoint a Head of Paid Service and ensure there is no break in the continuity between one arrangement and the next. The proposal is an interim arrangement to ensure certainty and provide the Council with an experienced interim Chief Executive, who will also be the Head of Paid Service, until a permanent replacement can be appointed.

Equality Act 2010 & Public Sector Equality Duty

Councillors are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

This report relates to the following aim of the equality duty: -

- To eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act.
- To advance equality of opportunity between people who share a protected characteristic and people who do not share it

- To foster good relations between people who share a protected characteristic and people who do not share it.

There are no equality implications that arise directly from this report. The Council has given the necessary regard to its Equality duty and the issues of diversity and inclusion to be promoted amongst the local community to ensure that the appointment recommendation secures service delivery that is consistent with its equality duty.

Corporate Priorities

This report relates to the following corporate priorities: -

Priority four: To create a thriving place

Priority five: To work efficiently for you

1.0 Introduction and Background

- 1.1 Under the Constitution, the appointment of the Council's Head of the Paid Service (HOPS) is reserved to Council. In Thanet, that is carried out by way of a recommendation from the General Purposes Committee.

2.0 The Current Situation

- 2.1 The position of HOPS is statutory and as such the Council must appoint a person to that position. The role, in summary, is to manage and take all the appropriate decisions related to the Council's officer structure, except those which are reserved to Councillors.
- 2.2 As a result, the post is almost always held by the most senior officer in a Council, in Thanet's case the Chief Executive.
- 2.3 The current interim Chief Executive and HOPS is Colin Carmichael. His initial interim appointment was approved by Full Council in July 2022 and expired on 19 July 2023. His appointment was further extended by Full Council last July, until 31 July 2024. Colin is also the Returning Officer. The contractual position is that either Colin or the Council can give one month's notice of termination.
- 2.4. The Leader has discussed the position with Colin, and by mutual agreement, the proposal to Council following recommendation by the General Purpose Committee is to extend his appointment for a further year, expiring on 31 July 2025.
- 2.5 It is anticipated that discussions will take place in the next months and into 2025 relating to the appointment of a permanent Chief Executive and HOPS. The appointment of the Council's Chief Executive (on a permanent basis) is delegated to the Appointment Panel, which comprises Councillors Everitt, Whitehead, and Pugh. It is proposed that the Panel is asked to consider that possibility during the coming year

as it deems appropriate. If no such discussions take place, Council will be asked to reconsider the position in July next year.

3.0 Consideration by the General Purposes Committee

3.1 The General Purposes Committee considered this report at its meeting of the 24 March 2024 and made the following recommendations:

1. For Full Council to extend the appointment of Colin Carmichael as Interim Chief Executive, Head of Paid Service and Returning Officer for a further year, until 31 July 2025;
2. To note that the Appointment Panel has the responsibility of determining the timing and process of the appointment of a permanent Chief Executive.

4.0 Next Steps

4.1 Full Council is the appropriate body to consider the recommendations from the General Purposes Committee regarding the appointment of Colin Carmichael as Interim Chief Executive, Head of the Paid Service, and Returning Officer.

Contact Officer: Sonia Godfrey, Head of Human Resources

Reporting to: Chris Blundell, Director of Corporate Resources and S151 Officer

Corporate Consultation

Finance: Chris Blundell, Director of Corporate Services

Legal: Ingrid Brown Head of Legal and Democracy and Monitoring Officer