



Democratic Services
White Cliffs Business Park
Dover
Kent CT16 3PJ

Telephone: (01304) 821199
Fax: (01304) 872300
DX: 6312
Minicom: (01304) 820115
Website: www.dover.gov.uk
e-mail: democraticservices@do-
ver.gov.uk

26 August 2010

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **STANDARDS** Committee will be held at these Offices on Wednesday 8 September 2010 at 10.00 am when the following business will be transacted.

Members of the public who require further information are asked to contact Kate Batty-Smith on (01304) 872303 or by e-mail at kate.batty-smith@do-
ver.gov.uk.

Yours sincerely

Chief Executive

Standards Committee Membership:

Independent (Co-opted) Members:

Mr A M Hayes (Chairman)
Mr G J Fowler (Vice-Chairman)
Mr K C Atkinson
Mr B P S Dowley
Mr W G Ferrier

District Council Members:

Councillor B W Butcher
Councillor L A Keen
Councillor S M Le Chevalier
Councillor D R Lloyd-Jones
Councillor K Mills
Councillor I H Ward

Town and Parish Council
Representatives:

Mr B A C Curtis (Parish Council Representative)
Mr W Elliott (Town Council Representative)
Mrs S Jones (Town Council Representative)

Town and Parish Council
Substitute Representatives:

Dr T Clifford-Amos (Town Council Representative)
Mr I Martin (Parish Council Representative)

DECLARATIONS OF INTEREST

Members are required to disclose the existence and nature of a personal interest at the commencement of the item of business to which the interest relates or when the interest becomes apparent. An explanation in general terms of the interest should also be given to the meeting. If the interest is also a prejudicial interest, the Member should then withdraw from the room or chamber.

AGENDA

1. **APOLOGIES**

2. **APPOINTMENT OF SUBSTITUTE MEMBERS**

To note appointments of Substitute Members.

3. **MINUTES** (Pages 4-6)

To confirm the attached Minutes of the meeting of the Committee held on 9 June 2010.

4. **COMPLAINTS REPORT** (Pages 7-14)

To consider the attached report of the Director of Governance.

5. **EXTENSION TO TERMS OF OFFICE OF INDEPENDENT MEMBERS**

To note the following extensions to the terms of office of the Independent Members of the Standards Committee, as resolved by Council on 28 July 2010:

Mr B P S Dowley – second term to expire on 31 October 2011

Mr A M Hayes – second term to expire on 31 October 2012

Mr G J Fowler – second term to expire on 31 October 2013

Mr K C Atkinson – second term to expire on 31 March 2014

Mr W G Ferrier – first term to expire on 31 October 2014

The terms of office of Independent Members have been extended to four years, with a phased expiry. This change has been implemented in order to maintain continuity and ensure that there is never more than one vacancy at any time on the Standards Committee. With five Independent Committee Members, this will mean one year in four where two Members will need to be appointed.

6. **FUTURE OF THE STANDARDS REGIME**

To receive an update on the future of the Standards regime.

7. **STANDARDS COMMITTEE WORK PROGRAMME 2010** (Pages 15-18)

To receive an update on the Work Programme (attached), and to agree which Independent Members will attend Parish Council meetings at Northbourne and Aylesham to talk about the work of the Committee (schedule attached).

8. **MINUTES OF STANDARDS INITIAL ASSESSMENT AND CONSIDERATION SUB-COMMITTEE**

To receive the Minutes of the meeting of the Standards Initial Assessment and Consideration Sub-Committee held on 23 July 2010.

9. **MINUTES OF STANDARDS DISPENSATION SUB-COMMITTEE** (Pages 19-21)

To receive the Minutes of the meeting of the Standards Dispensation Sub-Committee held on 9 July 2010.

10. **EXCLUSION OF THE PRESS AND PUBLIC** (Page 22)

The recommendation is attached.

MATTER WHICH THE MANAGEMENT TEAM SUGGESTS SHOULD BE CONSIDERED IN PRIVATE AS THE REPORT CONTAINS EXEMPT INFORMATION AS DEFINED WITHIN PART 1 OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AS INDICATED AND IN RESPECT OF WHICH THE PROPER OFFICER CONSIDERS THAT THE PUBLIC INTEREST IN MAINTAINING THE EXEMPTION OUTWEIGHS THE PUBLIC INTEREST IN DISCLOSING THE INFORMATION

11. **MINUTES OF STANDARDS COMMITTEE: INITIAL ASSESSMENT AND CONSIDERATION SUB-COMMITTEE** (Paragraph 7C – Information presented to a Standards Committee, or to a Sub-Committee of a Standards Committee, set up to consider any matter under Regulations 13 or 16-20 of the Standards Committee (England) Regulations 2008, or referred under Section 51(1)(c) of the Local Government Act 2000))

To receive the Minutes of the meetings of the Standards Initial Assessment Sub-Committee held on 29 March 2010, 3 June, 23 July and 20 August 2010.

Access to Meetings and Information

- Members of the public are welcome to attend meetings of the Council, its Committees and Sub-Committees. You may remain present throughout them except during the consideration of exempt or confidential information.
- All meetings are held at the Council Offices, Whitfield unless otherwise indicated on the front page of the agenda. There is disabled access via the Council Chamber entrance and a disabled toilet is available in the foyer. In addition, there is a PA system and hearing loop within the Council Chamber.
- Agenda papers are published five clear working days before the meeting. Alternatively, a limited supply of agendas will be available at the meeting, free of charge, and all agendas, reports and minutes can be viewed and downloaded from our website www.dover.gov.uk. Minutes are normally published within five working days of each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting. Basic translations of specific reports and the Minutes are available on request in 12 different languages.
- If you require any further information about the contents of this agenda or your right to gain access to information held by the Council please contact Kate Batty-Smith, Democratic Support Officer, telephone: (01304) 872303 or email: kate.batty-smith@dover.gov.uk for details.

Large print copies of this agenda can be supplied on request.

Minutes of the meeting of the **STANDARDS** Committee held at the Council Offices, Whitfield on Wednesday 9 June 2010 at 10.00 am.

Present:

Chairman: Mr A M Hayes

Councillors: B W Butcher
L A Keen
S M Le Chevalier
D R Lloyd-Jones
K Mills
I H Ward

Independent Members: Mr G J Fowler
Mr K C Atkinson
Mr B P S Dowley

Town and Parish Council
Representatives: Mr B A C Curtis
Mr W Elliott
Mr I Martin

Officers: Head of Governance and Monitoring Officer
Democratic Support Officer
Democratic Support Officer

An apology for absence was received from Dr T Clifford-Amos.

56 APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN

RESOLVED: That the appointment of Mr A M Hayes and Mr G J Fowler as Chairman and Vice-Chairman respectively of the Standards Committee for the Council year 2010/2011, made by Council at its Annual Meeting held on 19 May 2010, be noted.

57 MINUTES

The Minutes of the meeting of the Committee held on 17 March 2010 were approved as a correct record and signed by the Chairman.

58 APPOINTMENT OF STANDARDS COMMITTEE SUB-COMMITTEES 2010/11

The Democratic Support Officer presented a report regarding the appointment of the Standards Committee's Sub-Committees for 2010/2011. The Committee was advised of two corrections to the report, namely that recommendation (a) should refer to paragraph 5 rather than paragraph 4, and that references to 'Sandwich Town Councillor' in paragraph 5 should read 'Dover Town Councillor'. The proposal provided for Members of the Standards Committee to be called upon to serve on any of the Sub-Committees as necessary.

RESOLVED: (a) That four Sub-Committees of the Standards Committee be appointed on the basis set out in paragraph 5 of the report.

- (b) That Mr A M Hayes be confirmed as Chairman of the Hearing Sub-Committee and the Dispensation Sub-Committee; Mr G J Fowler be confirmed as Chairman of the Initial Assessment and Consideration Sub-Committee and Mr B P S Dowley be confirmed as Chairman of the Review Sub-Committee.
- (c) That the Democratic Support Officer be authorised to select substitute members from the full membership of the Standards Committee to serve on any Sub-Committee where it is not possible to obtain a quorum for a Sub-Committee.

59 UPDATE ON THE STANDARDS COMMITTEE WORK PROGRAMME 2010

The Monitoring Officer advised the Committee of progress made on the Work Programme since its adoption at the Committee's last meeting. In terms of raising public awareness, it was encouraging that there had been articles in the local press referring to specific complaints and the complaints process. However, it was evident that more work needed to be done on explaining the role of the Monitoring Officer and the local filter process. The Monitoring Officer reported that a number of applications had been received for the independent member vacancy, and interviews were scheduled for 18 June.

Following the training invitation issued to all Town and Parish Councils, a session on the Code of Conduct had been held for a Parish Council the preceding evening. Another Parish Council had expressed an interest in Standards Committee Members attending its meeting on 1 July, and this would be followed up. A Parish Council had also requested a dispensation from the Standards Committee for the reason that 50% of its members entitled to participate in a forthcoming decision were prohibited from doing so as a result of prejudicial interests held. The Monitoring Officer commented that this request indicated that good practice was being followed by many of the District's Towns and Parishes. Looking ahead, the Council would be running an event for prospective Councillors in November during which Code of Conduct issues would be covered.

Mr Fowler raised concerns about the minority of Parish Councillors who did not return their Registration of Members' Personal Interests form within the prescribed 28 days, and suggested that the Committee consider how this could be addressed. Committee Members endorsed Mr Fowler's concerns, commenting that, given the range of activities undertaken by Parish Councillors, it was unacceptable that some Councillors had been acting in breach of the Code of Conduct for so long.

- RESOLVED:
- (a) That the progress made to date on certain activities outlined in the Standards Committee Work Programme for 2010 be noted.
 - (b) That, in the event of a Town or Parish Councillor's failure to return the Registration of Members' Personal Interests form within 28 days of taking office, a letter be sent to the Chairman of the relevant Council advising that action could be taken by the Standards Committee through the local filter process if the form was not returned immediately.

60 ANNUAL REPORT OF THE STANDARDS COMMITTEE

The Monitoring Officer presented the Standards Committee's Annual Report, which had been submitted to Council for consideration at its Annual Meeting held on 19 May 2010.

RESOLVED: That the Annual Report of the Standards Committee be noted.

61 MINUTES OF STANDARDS (HEARING) SUB-COMMITTEE

The Monitoring Officer explained that there was a need for the Standards Committee, as the parent committee, to receive and note the Minutes of the meetings of its Sub-Committees.

RESOLVED: That the Minutes of the Standards (Hearing) Sub-Committee meeting held on 4 January 2010 be received.

62 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED: That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the remainder of the business on the grounds that the item to be considered involves the likely disclosure of exempt information as defined in paragraph 7A of Part I of Schedule 12A of the Act.

63 MINUTES OF STANDARDS (INITIAL ASSESSMENT AND CONSIDERATION), (INITIAL ASSESSMENT) AND (REVIEW) SUB-COMMITTEES

The Committee was advised that a number of the cases referred to in the Initial Assessment Sub-Committee Minutes had been referred to Standards for England, which had conducted interviews and subsequently asked for supplementary information. A progress report to the Monitoring Officer was anticipated shortly.

Concerns were expressed at the trivial nature of some of the complaints considered by the Sub-Committees, and the potential cost of investigations. In response to questions, the Monitoring Officer agreed that the more trivial cases could probably be prevented by training, but advised that he could only insist upon training being taken where the Initial Assessment Sub-Committee had directed him to take 'other action'. Work with the Town and Parish Councils would continue to be taken forward.

RESOLVED: (a) That the Minutes of the Standards (Initial Assessment) Sub-Committee meetings held on 13 August 2008, 23 October 2008, 19 November 2008, 16 February 2009, 30 April 2009, 25 September 2009, 2 December 2009, 8 December 2009, 3 February 2010 and 15 February 2010 be received.

(b) That the Minutes of the Standards (Review) Sub-Committee meeting held on 5 February 2009 be received.

The meeting ended at 10.45 am.

REPORT OF THE DIRECTOR OF GOVERNANCE

STANDARDS COMMITTEE – 8 SEPTEMBER 2010

COMPLAINTS REPORT**Recommendation**

<i>That the report be noted and the actions taken be endorsed.</i>
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Contact Officer: Sue Carr, extension 2322.

1. UPDATE OF COMPLAINTS RECEIVED BY THE DISTRICT COUNCIL

Reported below is an update of formal complaints investigated by the Council's Professional Standards Unit since the last Standards Committee meeting of 17 March 2010. There are a number of matters raised through the complaints process where the Professional Standards Unit provides a written explanation of Council policy and procedures but which do not require an investigation. These have not been included within this report but are included within the figures in the table at Appendix A.

1.1 Complaint No. DEV057 – North Deal (Closed)

This complaint related to a planning application. The complainant claimed that consultees' objections were ignored, the date for objections expired after the date of the Planning Committee meeting, another set of plans had been received but not shown to Committee and the original plans showed an internal brick wall whereas the new plans showed no wall and this was contrary to gambling licence laws. The matter was investigated by the Professional Standards Officer (PSO) who explained that due to nationally imposed performance targets it is not unusual for planning committee reports to be put before Members before the expiry of the consultation period. In this instance Planning Committee was held on 30 July 2009 and the expiry of the consultee period was 31 July 2009. Committee resolved to grant delegated authority to the Development Control Manager to issue a decision subject to receipt of a detailed plan and no contrary representations raising fresh issues being received during the period for comment. Both provisos had been satisfied when the decision was issued on 3 August 2009. Plans were received on 25 June 2009 and 3 August 2009 but neither showed a brick wall. The PSO advised the complainant that development control regulations only consider the character and appearance of listed buildings and the management is subject to licensing legislation. The whole of the property is an Adult Gaming Centre licensed under the Gambling Act 2005. The PSO found no maladministration.

1.2 Complaint No. DEV053 – Middle Deal & Sholden (Closed)

The complainant criticised the manner in which a planning application was processed and complained that a garage was demolished without planning permission. The matter was investigated by the PSO who advised the complainant that although the garage had been demolished without consent the Council had dealt with this by way of a retrospective planning application. The PSO stated that the complainant's

objections regarding the development had been taken into consideration when the application was considered and therefore could find no evidence of maladministration.

1.3 **Complaint No. PSR029 – Walmer (Closed)**

This complaint related to a charge made for works carried out once tenants had vacated. The tenants stated that they had previously been told that their property was in good condition and as they had been asked to move out quickly the property had not been inspected prior to them vacating. They also complained that letters of complaint to the Property Services Section had not been dealt with professionally. The matter was investigated by the PSO who apologised for the length of time taken for the Council to respond to the issues raised with the Department and any distress caused. The PSO explained that the Council tries to visit before tenants vacate but due to the availability of staff this is not always possible. Had it been possible to arrange a visit prior to them vacating it was believed that the matter could have been resolved at an earlier stage. The PSO advised that a recommendation would be made that the Property Services Section works more closely with Housing Services to provide a joined-up approach when dealing with these types of matters. Also, if clients remain unhappy with the service, they should be provided with details of the complaints process much sooner rather than enter into protracted communication. In order to resolve the complaint an offer was made and accepted for the cost of the work to be reduced by half to £584.00.

1.4 **Complaint No. BDG011 – Whitfield (Closed)**

This complaint related to the inspection regime carried out by the Building Control Officers, the delay in a letter from Building Control enquiring about completion and an allegation of inefficiency and lack of enforcement action by the Building Control Department. The matter was investigated by the PSO who found that relations had broken down between the house owner and agent and subsequently house owner and builder. The PSO advised that the Building Control Regulations do not provide a clerk of works service. The Building Control Manager had resolved the outstanding works by acting effectively as a mediator and enforcement action would only be taken if mediation had failed. The PSO found no evidence of maladministration.

1.5 **Complaint No. REV005 – Outside District (Closed)**

This matter related to recovery action for arrears of rent, unpaid council tax and works carried out to a vacated property. The PSO advised the complainant that as the charges related to the financial years 2006/7 and 2007/8 such a matter would normally be outside the scope of the complaints process as they occurred more than 12 months ago. The PSO did however make enquiries on the complainant's behalf. The complainant claimed that they had returned the key to the property in September 2007 but there was no record of any contact from the tenant at that time, the last contact was by telephone in October 2007. The Council had to subsequently gain a Possession Order as the tenant left without returning the keys or providing a forwarding address. Agreement was reached regarding payment of the debts.

1.6 **Complaint No. HSV054 – Castle (Closed)**

A complaint was received regarding a recharge for clearance of a council flat following vacation by the tenant. The tenant claimed that they were advised that it cost £23.00 for a bulky waste collection but they received a recharge for a further £63.00. The cost of the bulky waste collection is £23.00 for 15mins but due to the

amount of items an additional charge of £23.00 was made. As the bulky waste collection does not include taking up carpets another company was contacted by the Council who charged £40 to take up and remove the carpets from the property. As it is the responsibility of the tenant to remove all items from the property including carpets the PSO found no evidence of maladministration.

1.7 **Complaint No. DEV059 – Eastry (Closed)**

This complaint related to works involving a party wall. The complainant believed that where any construction works involve a party wall the Council should check that the neighbours have been consulted and have consented to the work. The PSO advised the complainant that there is no role for the Council contained within the Party Wall Act 1996 and Council Officers are not required to request proof that neighbouring properties have been duly consulted. The complainant was advised to seek legal advice as a matter of urgency as it is a civil matter between neighbours and can only be enforced by affected parties. The PSO found no evidence that wrong advice had been provided to the complainant and therefore no maladministration.

1.8 **Complaint No. DEV064 – Little Stour & Ashstone (Closed)**

The complainant alleged that ownership of a hedge had not been verified by the Planning Department during the course of processing a planning application and yet a condition had been imposed regarding its height and retention. The incorrect statement made by the applicants was that the Land Registry records showed that the hedge was jointly owned whereas the title deeds were silent on this matter. The PSO was of the view that ownership was immaterial as it appeared that each party maintained their own side of the hedge and due to the condition imposed by the planning permission each party has a say in its future maintenance. During the investigation it became clear that the complainant was unhappy with the Council granting planning permission. The PSO advised that the objections raised by the complainant had been taken into consideration by the planning officer therefore the application had been processed correctly and there was no finding of maladministration.

1.9 **Complaint No. DEV062 – Ringwoud (Closed)**

The complainant had made third party representations in respect of a planning application but did not appreciate that they would be seen by the applicant and claimed that the Council was in breach of the Data Protection Act. The PSO investigated and advised that any letters from the public commenting on an application are regarded as being within the public domain. The Council must advise members of public that their comments will be treated as being in the public domain and this is done within the site notices displayed by the Council. The PSO found no evidence of maladministration.

1.10 **Complaint No. CUS015 – Maxton, Elms Vale & Priory(Closed)**

The complainant alleged that he was advised by customer service staff that he did not need the planning officer's advice service as the application was satisfactory, however the application was refused. The PSO spoke to the member of staff concerned who was of the opinion that the complainant had not requested planning advice merely wanted to submit the application and he advised that the paperwork had been completed correctly. The PSO advised the complainant that any planning advice would not guarantee planning approval, apologised to the complainant for any

misunderstanding and arrangements were made for a meeting with the Senior Planning Officer to discuss resubmission of the application.

1.11 **Complaint No. DEV066 – North Deal (Closed)**

The complainant advised that an extension of the consultation period for a planning application had been granted by the Development Control Section but the application was approved prior to the expiry of the extension. The PSO found that the extension had been granted but the case officer had not seen the request. The PSO apologised for this human error and confirmed that in future, to avoid such an oversight, requests be emailed to the officer concerned rather than paperwork being left on their desk.

1.12 **Complaint No. HSV056 – Town & Pier (Pending)**

The complainant has alleged that Housing Services have not dealt with complaints of nuisance caused by a tenant in the above flat. The PSO is currently investigating this complaint.

1.13 **Complaint No. PSR032 – Mill Hill (Pending)**

This complaint relates to allegation of discrimination regarding the Council's Allocation Policy and that the Council refuse to carry out works to the tenant's property. The matter is currently being investigated by the PSO.

2. **COMPLAINT DECISIONS ISSUED BY THE LOCAL GOVERNMENT OMBUDSMAN SINCE THE STANDARDS COMMITTEE MEETING OF 17 MARCH 2010**

2.1 **BDG006** - This complaint related to the issue of a Building Control Certificate in 2004. The Ombudsman considered whether the complaint should be investigated but considered it was not within his jurisdiction given the lapse in time. He stated that he felt the Council had acted reasonably in responding to issues raised by the complainant. He also stated that a building control certificate is not a guarantee only that reasonable steps have been taken to ensure that building regulations have been complied with. The Ombudsman's decision was classed as "Ombudsman's discretion".

2.2 **PSR002** - This complaint related to a recharge for installation of a seat in a shower once the tenant had vacated. The tenancy had arisen due to a mutual exchange and the tenant claimed that they were unaware that there should have been a shower seat. The Ombudsman found that legally the Council were entitled to recover the cost of replacement and the decision was classed as "no or insufficient evidence of maladministration". In order to try and reach a settlement at an earlier stage the PSO had offered to reduce the amount outstanding. It was agreed with the Ombudsman that this offer was still open provided the recharge was paid within one month. This was accepted by the complainant and the matter has been closed.

2.3 **BDG009** – This complaint related to allegations that Building Control had failed to carry out proper inspections and the works subsequently proved to be defective. The Ombudsman stated that the Council has no statutory duty to carry out inspection on new building work and the Courts have decided that councils should not be held negligent or responsible for economic loss if building inspections are not carried out and faults in the structure are not noticed. It is not for the Ombudsman to impose a remedy on a council where the Courts have decided that there should be no liability

in law. The Ombudsman's decision was classed as "no or insufficient evidence of maladministration".

- 2.4 **PSH006** – This complaint related to the recovery of part payment of a House Renovation Grant. The complainant had originally agreed to repay a sum of money to the Council but subsequently asked if the amount owing could be waived. The Council refused but offered to place a charge on the property which the complainant refused. The Ombudsman could find no fault with the way in which the Council dealt with the matter and his finding was classed as "no or insufficient evidence of maladministration". Agreement has been reached with the complainant regarding a charge against the property.
- 2.5 **BEN010** – This complaint related to the recovery of overpaid housing benefit. An unsuccessful appeal had been made to the Tribunal Service by the complainant but due to this right of appeal the Ombudsman stated that he had no jurisdiction to investigate. The complainant claimed that the Council failed to investigate whether the benefit claim had been made fraudulently by their tenant but the Ombudsman advised that as the Council had properly considered whether to pursue a fraud investigation the Ombudsman could not judge the merits of the decision. The Ombudsman's decision was classed as "no or insufficient evidence of maladministration".
- 2.6 **DEV056** – This complaint related to an allegation that the Development Control Section failed to deal properly with a planning application. The Ombudsman was of the view that the report to Planning Committee set out the relevant issues in full and that there was no reason to believe that Members had been misled. In the absence of any evidence of fault in the way the application was considered the Council's decision to grant permission was not one the Ombudsman could question. The decision was classed as "no or insufficient evidence of maladministration".
- 2.7 **BDG010** – This complaint related to the issue of a building control completion certificate and that the Council failed to notice that an electrical certificate was out of date. As the property had recently been purchased by the complainant it was the Ombudsman's view that the building control certificate should not have been relied on for this purpose and the property should have been surveyed prior to acquisition by the complainant. The Ombudsman found no fault with the way in which the matter was dealt with by the Council and the decision was classed as "Ombudsman's discretion".
- 2.8 **HND023** – This complaint related to the processing of a homeless application. The Ombudsman found fault with the way in which the application was dealt with. The Ombudsman was of the view that the complainant should have been requested to complete a homeless application sooner and that a face-to-face meeting should have taken place before the Council issued its decision that the complainant was not priority need. To resolve the complaint the Ombudsman requested that the Council apologise to the complainant for its poor handling of the case and pay £100.00 compensation. The Ombudsman requested that the Council carry out a review of its working practices. The Housing Needs Manager is to arrange a meeting with staff to discuss procedures and the PSO will be asked to attend. The decision was classed as "local settlement".

3. **COMPLAINTS CURRENTLY BEING INVESTIGATED BY THE LOCAL GOVERNMENT OMBUDSMAN**

Date information requested by LGO	Ward	Complaint
11/8/09	Eythorne & Shepherdswell	Temporary appointment of Parish Councillors
5/5/10	Mill Hill	Processing of homeless application
11/5/10	Ringwould	Planning enforcement action
28/7/10	Little Stour & Ashstone	Recovery of cost for rechargeable work
23/8/10	Sandwich	Action regarding anti-social behaviour
28/8/10	Little Stour & Ashstone	Recovery of council tax

4. **COMPARISON FIGURES WITH NEIGHBOURING AUTHORITIES**

At the Standards Committee meeting of 17 March 2010 Members requested details of the number of complaints received and investigated by neighbouring Authorities.

Thanet District Council has a three stage complaints process, stage 1 answered by the department, stage 2 by a director and stage 3 by the chief executive. Thanet District Council received a total of 542 complaints for 2009/10 36 of which were investigated at the second stage and 11 at stage three. This compares with 95 logged by Dover District Council 42 of which required the involvement of the PSO. The number of complaints received at Thanet is significantly higher but it could be that they log requests for service. The PSO is making further enquiries.

Canterbury District Council has advised that they have a two stage complaints process the first being a response by the officer concerned and the line manager responds at the second stage. However complaints are not logged centrally, only those which involve the Local Government Ombudsman, and therefore figures cannot be provided.

Shepway District Council has advised that they have a two stage procedure which is; response from department and then head of service. As yet figures have not been received.

Up-dated information will be provided to Members at the next Standards Committee meeting.

5. **COMPLAINT STATISTICS**

Set out below is a table comparing the number of complaints logged by the Professional Standards Unit, the number of complaints referred to the second stage of the complaints procedure and the number of investigations carried out by the Local Government Ombudsman for the financial years 2008/9 and 2009/10. Appendix A shows the number of complaints received per ward.

Financial Year	Complaints logged by PSU	Complaints investigated by PSU	Investigations carried out by the LGO
2008/9	107	29	17
2009/10	116	42	15

Set out below is a table showing the number of enquiries dealt with by the Ombudsman's Advice Team in Coventry for the years 2008/9 and 2009/10. Not all enquiries result in an investigation.

Financial Year	Benefits	Housing	Planning & Building Control	Public Finance	Transport & Highways	Other	Education	Total
2008/9	4	8	13	4	2	3	1	35
2009/10	2	7	9	2	0	5	0	25

Background Papers

File C23/5 – Complaints.

Resource Implications

None.

Impact on Corporate Objectives

An effective complaints system supports the delivery of the Council's corporate objectives set out within the Corporate Plan 2008-2020.

Attachments

Appendix A – Ward Statistics

DAVID RANDALL

Director of Governance

The officer to whom reference should be made concerning inspection of the background papers is the Professional Standards Officer, White Cliffs Business Park, Dover, Kent CT16 3PJ. Telephone: (01304) 872322.

Number of Complaints Received Per Ward and processed through the Complaints System

Ward	No of Complaints				
	1.4.2008 31.3.09	to	1.4.09 to 31.3.10	1.4.10 24.8.10	to
Aylesham	3		4		
Buckland	11		4		1
Capel-le-Ferne			1		0
Castle	8		8		
Eastry	5		5		1
Eythorne & Shepherdswell	10		7		
Little Stour & Ashstone	2		2		3
Lydden & Temple Ewell	4				2
Maxton, Elms Vale & Priory	2		6		3
Middle Deal & Sholden	5		6		3
Mill Hill	7		9		2
North Deal	5		8		4
Outside District or N/A	2		9		3
Ringwould	4		2		2
River	2		5		1
Sandwich	6		7		3
St Margaret's-at-Cliffe	3		6		
St Radigunds	8		7		3
Tower Hamlets	11		7		2
Town & Pier	4		2		3
Walmer	4		7		2
Whitfield	4		4		
District					
Total	110		116		38

Dover District Standards Committee

Work Programme 2010

Activity	Action	When	Who	Progress (as at 24/08/10)
Publicising the process for making complaints	<ul style="list-style-type: none"> • Develop and maintain website page • Seek publicity on local radio for Independent Members • Article in Snapshot (DDC in-house magazine) • Develop leaflet for distribution (via PO) 	May 2010 and Annually	Standards Committee/ Professional Standards Officer/ Democratic Services Officer	Website pages now developed. Await outcome of Government's White Paper on future of Standards regime before progressing other actions
Independent Members	<ul style="list-style-type: none"> • Fill current vacancy by interviews 	January 2010	Chief Executive/ Monitoring Officer/Chair of Standards Committee	Independent Member recruited and appointment confirmed by Council on 28 July 2010.
Standards Committee Visibility	<ul style="list-style-type: none"> • Develop and maintain website page • Seek publicity on local radio for Independent Members • Articles in Snapshot (DDC in-house magazine) • Develop leaflet for distribution (via PO) 	May 2010 and Annually	Standards Committee/ Democratic Services Officer	Website pages now developed. Await outcome of Government's White Paper on future of Standards regime before progressing other actions.
	<ul style="list-style-type: none"> • Annual Report to Council 	April 2010	Chairman of Standards Committee	Annual Report presented to Council on 19 May 2010

Activity	Action	When	Who	Progress (as at 24/08/10)
Communication of Ethical Information to Members	<ul style="list-style-type: none"> Contact all Town and Parish Councils offering attendance at their meetings by Standards Committee members to explain the role and purpose of the Committee and enhance relationships 	Maximum of 12 Town and Parish Councils visited during 2010	Standards Committee/ Democratic Services Officer	Following the training offer made to all councils, two councils received training in July. A further five will receive training in September and October.
	<ul style="list-style-type: none"> Print information about Standards Committee and Local Filter on the Declaration of Interest forms 	March 2010	Standards Committee /Democratic Services Officer	
Communication of Ethical Information to the Public	<ul style="list-style-type: none"> Hearing Panel Chairpersons receive media training 	June 2010	Potential Hearing Chairpersons	The Monitoring Officer (to a lesser extent), the Professional Standards Officer and the Democratic Support Officer (to a much greater extent) deal with enquiries from the public and provide advice. The other actions are still to be pursued (pending outcome of Government's White Paper on future of Standards regime).
	<ul style="list-style-type: none"> Publicity protocol – determine what information is released at various stages of dealing with a complaint 	June 2010	Standards Committee/ Solicitor to the Council	
Training	<ul style="list-style-type: none"> Use complaints outcomes to inform Training Plan for forthcoming year <ul style="list-style-type: none"> - Develop Annual Training Plan - Provide an Annual Training Session for Town and Parish Clerks - Develop training material that focuses on key issues identified through complaints process 	March 2010 and ongoing	Standards Committee/ Monitoring Officer/ Solicitor to the Council/Democratic Services Officer	Training material is gradually being developed which will be used as part of prospective councillor training in preparation for District/Parish Elections 2011. Not yet commenced.

Activity	Action	When	Who	Progress (as at 24/08/10)
	<ul style="list-style-type: none"> Skills audit – measure the level of knowledge and understanding of constitutional and ethical issues by District and Town and Parish Councillors (follow up) 	June 2010	Standards Committee/ Monitoring Officer/ Democratic Services Officer	
Monitoring Officer/Standards Committee Relationship	<ul style="list-style-type: none"> Pre-meeting between Monitoring Officer/Chairman to agree agenda 	Quarterly	Monitoring Officer/ Chairman/Democratic Services Officer	Timetabled before each meeting.
	<ul style="list-style-type: none"> Chairman of Standards Committee will meet not less than annually with the Chief Executive, Chairman and Party Leaders of the District Council 	Annually	Chairman of Standards Committee/ Chief Executive/Party Leaders/Chairman of Council	Not yet progressed. Future meetings to be diarised.

Parish Council	Date	Standards member attending	Officer attending
Great Mongeham	1 July	Andrew Hayes	Rebecca Brough
Sandwich	19 July	Andrew Hayes	Dave Randall/Kate Batty-Smith
Sholden	27 September at 6.00 pm	Bernard Dowley	Dave Randall
Northbourne	7 October		Dave Randall
St Margaret's	11 October at 7.00 pm	Graham Fowler	Dave Randall
Aylesham	12 October at 7.00 pm		Dave Randall
Tilmanstone	18 October at 7.00 pm	Andrew Hayes	Dave Randall

Minutes of the meeting of the **INITIAL ASSESSMENT AND CONSIDERATION SUB-COMMITTEE** held at the Council Offices, Whitfield on Friday 23 July 2010 at 2.46 pm.

Present:

Chairman: Mr A M Hayes

Members: Councillor B W Butcher
Mr B A C Curtis (Wingham Parish Council)

Officers: Monitoring Officer
Democratic Support Officer

4 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED: That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the current items of business on the grounds that the items to be considered involve the likely disclosure of exempt information as defined in paragraph 7C of Part I of Schedule 12A of the Act.

5 CONSIDERATION OF THE REPORT OF THE MONITORING OFFICER IN RESPECT IF A REFERRAL FROM THE STANDARDS COMMITTEE: INITIAL ASSESSMENT AND CONSIDERATION SUB-COMMITTEE UNDER SECTION 57A(2)(a) OF THE LOCAL GOVERNMENT ACT 2000 – CASE NO SC023a

The Sub-Committee considered the report of the Governance Investigator, conducted on behalf of the Monitoring Officer, into case SC023a.

RESOLVED: That the matter should be considered at a hearing of the Standards Committee conducted under regulation 18 of the Standards Committee (England) Regulations 2008.

The meeting ended at 3.20 pm.

Minutes of the meeting of the **STANDARDS COMMITTEE: DISPENSATION SUB-COMMITTEE** held at the Council Offices, Whitfield on Friday 9 July 2010 at 4.00 pm.

Present:

Members: Mr K C Atkinson (Independent Member)
Councillor B W Butcher (Dover District Council)
Mr B A C Curtis (Wingham Parish Council)
Councillor L A Keen (Dover District Council)

Also Present: Mr B Knight (Great Mongeham Parish Council)

Officer: Democratic Support Officer

Apologies for absence were received from Mr A M Hayes and Councillor S M Le Chevalier.

1 ELECTION OF A CHAIRMAN

It was proposed by Councillor B W Butcher, duly seconded and

RESOLVED: That Mr K C Atkinson be appointed Chairman for the duration of the meeting.

2 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted in accordance with Rule 4 of the Council's Procedure Rules, Councillor B W Butcher had been appointed substitute member for Councillor S M Le Chevalier.

3 APPLICATION FOR CODE OF CONDUCT DISPENSATION – SCD001 (COUNCILLOR S C MANION)

The Democratic Support Officer presented the report of the Monitoring Officer to the Sub-Committee.

RESOLVED: (a) That a dispensation be granted under the provisions of Section 17(1)(a)(i) of the Standards Committee (Further Provisions) (England) Regulations 2009 to permit Councillor Stephen Charles Manion, a member of Great Mongeham Parish Council, to participate and vote at a single meeting in respect of the grant application from the Great Mongeham Society.

(b) That a record of the decision be kept with Councillor S C Manion's register of interests established and maintained under Section 81(1) of the Local Government Act 2000.

4 APPLICATION FOR CODE OF CONDUCT DISPENSATION – SCD002 (COUNCILLOR B KNIGHT)

The Democratic Support Officer presented the report of the Monitoring Officer to the Sub-Committee.

Councillor B Knight spoke to the Sub-Committee in support of the application for dispensation.

- RESOVLED: (a) That a dispensation be granted under the provisions of Section 17(1)(a)(i) of the Standards Committee (Further Provisions) (England) Regulations 2009 to permit Councillor Brian Knight, a member of Great Mongeham Parish Council, to participate and vote at a single meeting in respect of the grant application from the Great Mongeham Society.
- (b) That a record of the decision be kept with Councillor B Knight's register of interests established and maintained under Section 81(1) of the Local Government Act 2000.

5 APPLICATION FOR CODE OF CONDUCT DISPENSATION – SCD003 (COUNCILLOR T MADGWICK)

The Democratic Support Officer presented the report of the Monitoring Officer to the Sub-Committee.

- RESOVLED: (a) That a dispensation be granted under the provisions of Section 17(1)(a)(i) of the Standards Committee (Further Provisions) (England) Regulations 2009 to permit Councillor Terence Madgwick, a member of Great Mongeham Parish Council, to participate and vote at a single meeting in respect of the grant application from the Great Mongeham Society.
- (b) That a record of the decision be kept with Councillor T Madgwick's register of interests established and maintained under Section 81(1) of the Local Government Act 2000.

6 APPLICATION FOR CODE OF CONDUCT DISPENSATION – SCD004 (COUNCILLOR P SWALES)

The Democratic Support Officer presented the report of the Monitoring Officer to the Sub-Committee.

- RESOVLED: (a) That a dispensation be granted under the provisions of Section 17(1)(a)(i) of the Standards Committee (Further Provisions) (England) Regulations 2009 to permit Councillor Penelope Elizabeth Swales, a member of Great Mongeham Parish Council, to participate and vote at a single meeting in respect of the grant application from the Great Mongeham Society.
- (b) That a record of the decision be kept with Councillor P E Swales' register of interests established and maintained under Section 81(1) of the Local Government Act 2000.

7 APPLICATION FOR CODE OF CONDUCT DISPENSATION – SCD005
(COUNCILLOR P HAMBROOK)

The Democratic Support Officer presented the report of the Monitoring Officer to the Sub-Committee.

- RESOVLED: (a) That a dispensation be granted under the provisions of Section 17(1)(a)(i) of the Standards Committee (Further Provisions) (England) Regulations 2009 to permit Councillor Peter Hambrook, a member of Great Mongeham Parish Council, to participate and vote at a single meeting in respect of the grant application from the Great Mongeham Society.
- (b) That a record of the decision be kept with Councillor P Hambrook's register of interests established and maintained under Section 81(1) of the Local Government Act 2000.

The meeting ended at 4.19 pm.

EXCLUSION OF THE PRESS AND PUBLIC**Recommendation**

That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the remainder of the business on the grounds that the item to be considered involves the likely disclosure of exempt information as defined in the paragraph of Part I of Schedule 12A of the Act set out below:

<u>Item Report</u>	<u>Paragraph Exempt</u>	<u>Reason</u>
Minutes of Standards Committee: Initial Assessment and Consideration Sub-Committee	7C	Information presented to a Standards Committee, or to a Sub-Committee of a Standards Committee, set up to consider any matter under Regulations 13 or 16-20 of the Standards Committee (England) Regulations 2008, or referred under Section 51(1)(c) of the Local Government Act 2000)