

Public Document Pack



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25 November 2013

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **STANDARDS COMMITTEE** will be held in the HMS Brave Room at these Offices on Wednesday 4 December 2013 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) 872305 or by e-mail at kate.batty-smith@dover.gov.uk.

Yours sincerely

A handwritten signature in black ink, appearing to read "Kate Batty-Smith", written over a white background.

Chief Executive

Standards Committee Membership:

Councillor B W Butcher (Chairman)
Councillor M A Russell (Vice-Chairman)
Councillor P J Hawkins
Councillor L A Keen
Councillor S C Manion
Councillor K Mills
Councillor C J Smith

AGENDA

1 **APOLOGIES**

To receive any apologies for absence.

2 **APPOINTMENT OF SUBSTITUTE MEMBERS**

To note appointments of Substitute Members.

3 **DECLARATIONS OF INTEREST**

To receive any declarations of interest from Members in respect of business to be transacted on the agenda.

Where a Member has a new or registered Disclosable Pecuniary Interest (DPI) in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

Where a Member is declaring an Other Significant Interest (OSI) they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

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

To confirm the attached Minutes of the meeting of the Committee held on 25 September 2013.

5 **COMPLAINTS REPORT** (Pages 7 - 13)

To consider the attached report of the Director of Governance.

6 **LOCALISM ACT 2011 - REVIEW OF THE CODE OF CONDUCT FOR MEMBERS AND PROPOSED AMENDMENTS** (Pages 14 - 26)

To consider the attached joint report of the Director of Governance & Monitoring Officer and the Solicitor to the Council & Deputy Monitoring Officer.

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) 872305 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, 25 September 2013 at 10.00 am.

Present:

Chairman: Councillor B W Butcher

Councillors: M A Russell
L A Keen
S C Manion
K Mills
C J Smith

Also Present: Mr B P S Dowley

Officers: Director of Governance and Monitoring Officer
Solicitor to the Council and Deputy Monitoring Officer
Corporate Complaints and Resilience Officer
Democratic Support Officer

227 APOLOGIES

An apology for absence was received from Councillor P J Hawkins.

228 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that there were no substitute members appointed.

229 DECLARATIONS OF INTEREST

There were no declarations of interest.

230 MINUTES

The Minutes of the meeting of the Committee held on 13 March 2013 were approved as a correct record and signed by the Chairman.

231 COMPLAINTS REPORT

The Committee received the report of the Director of Governance on formal complaints received by the Council that had been investigated by the Corporate Services Team.

The Corporate Complaints and Resilience Officer (CCRO) advised that ten complaints had been investigated at stage two between the last meeting of the Standards Committee and the end of August. In respect of complaint number WST112, Members were advised that there had been a breakdown in communication and it was acknowledged that the Council could have done better. In respect of complaint number CTX079, it was explained that the Chief Executive's PA had asked EK Services (EKS) to draft a letter for his signature, but EKS had mistakenly sent the letter out themselves. Complaint number WST117 related to a waste e-mail alert sent to numerous recipients over the Christmas period. The e-mail had disclosed the recipients' e-mail addresses to one another. The Director of Governance advised that, due to the Council's swift action in apologising to those affected and its introduction of new procedures to prevent a recurrence, the

Information Commissioner had decided not to take any further action. The CCRO reported that six decisions had been issued by the Local Government Ombudsman (LGO) who had found no cases of maladministration.

In response to a query from Councillor C J Smith, the CCRO advised that the LGO's annual report gave comparative data for local authorities. The Director of Governance added that this information only covered complaints which had been referred to the LGO, and providing comparative data for complaints handled at local level would be more difficult since each authority had its own method of categorising and dealing with complaints.

Councillor L A Keen stated that comparative data would be useful and requested that statistics relating to the number of complaints received by EKS and East Kent Housing (EKH) be provided. Although no longer directly within the Council's control, it was still responsible for what happened in these services. It was suggested that the complaints at Appendix C of the report should be grouped together by service for easy comparison, and an additional column added to indicate which body the service belonged to.

The Solicitor to the Council advised that EKS was directly accountable to the EK Joint Arrangements Committee, but this committee met infrequently. The CCRO reminded the Committee that, at its last meeting, it had resolved that EKH complaints would be reviewed on an annual basis. It was clarified that EKS was responsible for responding at stage one of the complaints process. However, where a complaint progressed to the second stage, the CCRO would investigate, working closely with EKS. The Council received reports of complaints from EKH and could call a complaint in, referring it to the LGO if this was considered appropriate.

The CCRO encouraged staff to report any compliments received, but only where these related to Officers going above and beyond the normal level of service that would be expected.

- RESOLVED:
- (a) That the complaints report be noted and the actions taken endorsed.
 - (b) That an annual report be provided for each service (including EK Services and EK Housing) showing trends.
 - (c) That complaints and compliments statistics be included in the annual State of the District report.
 - (d) That Appendix C of the report be annotated to indicate which body the service belongs to (ie DDC, EKS, EKH).

232 REVIEW OF KENT MODEL CODE OF CONDUCT

The Solicitor to the Council apologised that, owing to other pressing priorities, it had not been possible to produce a report for the meeting. However, a review of the Kent Model Code of Conduct had been undertaken which had recommended only minor changes. A report would be brought to a future meeting of the Committee.

Members were advised that the Department for Communities and Local Government had updated its guidance on interests. The principal change was the

need for Members to declare trade union membership. The guidance would be e-mailed to Members and parish clerks.

RESOLVED: That the Department for Communities and Local Government's updated guidance on interests be noted.

The meeting ended at 10.38 am.

DOVER DISTRICT COUNCIL

REPORT OF THE DIRECTOR OF GOVERNANCE

STANDARDS COMMITTEE – 4 DECEMBER 2013

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 Corporate Services Team at stage two of the Council's complaints process since the last Standards Committee meeting of 25 September 2013. Four complaints have been investigated. There has been one finding of maladministration but this did not result in an injustice. There may be issues raised through the complaints process where the Corporate Support Section provides a written explanation of Council policy and procedures but which do not require an investigation. These are not included within this report but are included within the figures in the tables at Appendices A and C.

1.1 **Complaint No. DEV148 - Little Stour & Ashstone (Closed)**

This complaint related to a planning application for a barn. The complainant stated that he had not seen the planning notice and was therefore denied the opportunity to comment and was unhappy with the decision to grant planning permission. The matter was investigated and it was found that notices had been displayed on the entrance gate to the site on two separate occasions. The first notice related to the initial planning application and the second notice was to inform of additional information received about a hardstanding. The Corporate Complaints & Resilience Officer (CC&RO) visited the site and was of the opinion that a notice on the gate to the site could be seen from the highway. It was found during the investigation that, although site notices had been posted and the parish council had been informed, this application should have been advertised in the local press. As maladministration had been found consideration had to be given to whether or not the complainant had suffered injustice. The case officer was satisfied that the decision was correct and it is not for the complaints process to question the merits of a decision. The only way to alter a planning decision is by way of judicial review and as it is considered that the decision is correct the outcome would be no different therefore there is no evidence of injustice. The Council apologised to the complainant for the error and advised to refer the matter to the Local Government Ombudsman if they remain dissatisfied.

1.2 **Complaint No. DEV155 - Eythorne & Shepherdswell (Closed)**

This complaint related to the way in which the planning application for Lydden Circuit had been processed and questioned the Council's enforcement actions. The matter was investigated and it was found that the correct consultation and planning application procedures had been followed. With regard to enforcement action the complainant was advised that noise monitoring would be undertaken following which meetings would take place with consultants for Lydden circuit and those acting for a

local resident to discuss how noise issues can be addressed. Regarding complaints received by the Planning Department the complainant was advised that camping is allowed on the site provided it is ancillary to the use of the site as a motorsport centre. Where a regularly occurring breach of planning condition is identified rather than an occasional breach, formal enforcement action will be considered. The complainant was also advised that Counsel's opinion was being sought on the subject of holding 'drifting' motor events at the circuit and whether this is classified as motor sport.. The investigation found no evidence of maladministration.

1.3 **Complaint No. DEV156 – Eythorne & Shepherdswell (Closed)**

This complaint related to an unauthorised use of Lydden race circuit and the complainant demanded compensation. The complainant was advised that the matter would be taken up with the site owner. The owner is required to provide a list of annual events before the racing year starts and this will be checked and monitored. Where a regularly occurring breach of planning condition is identified rather than an occasional breach, formal enforcement action will be considered. The complainant was also advised that it is not for the Council to pay compensation for actions carried out by third parties.

1.4 **Complaint No. ENV029 – North Deal (Closed)**

The complainant was unhappy with the food hygiene rating that had been awarded to their premises and considered that the inspection was hurried and did not explain what action the owner was required to take. The Council apologised that the inspection did not meet the owner's expectations but advised that the paperwork that had been left at the premises outlined the key points that needed addressing to improve the rating. The investigation found no evidence of maladministration.

2. **COMPLAINT DECISIONS ISSUED BY THE LOCAL GOVERNMENT OMBUDSMAN SINCE STANDARDS COMMITTEE MEETING OF 25 SEPTEMBER 2013**

2.1 **HND036** - The complainant considered that the Council had acted wrongly in the way it had assessed their application for housing. The Ombudsman investigated and found that the Council had properly reviewed its assessment of the application in accordance with its allocations scheme and submitted all medical evidence provided by the applicant to the independent medical adviser.

2.2 **DEV141** – The complainant complained to the LGO that the Council failed to respond properly to their reports of breaches of planning conditions by a nearby business and take appropriate action. The Ombudsman found that the Council did not provide any update on progress to the complainant and did not provide a formal response to the complaint. However the Council provided an update on the alleged planning breaches, evidence that action had been taken to ensure most of the planning conditions are now met and provided reasons where further action is not expedient. The Ombudsman closed the investigation as any fault by the Council did not cause an injustice to the complainant requiring a remedy.

3. **COMPLAINT STATISTICS**

Appendix A shows the number of complaints received per Ward for the current financial year compared to 2012/13. Appendix B details the compliments received per Ward and Section from 16 August to 20 November 2013. Appendix C details the complaints received by the District Council and EK Services per Ward and Section

from 16 August to 20 November 2013. Appendix D lists the Lessons Learnt from complaints from 16 August to 20 November 2013.

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.

Comment from the Solicitor to the Council:

The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make.

Attachments

Appendix A – Ward Statistics

Appendix B – Breakdown of compliments by Section

Appendix C – Breakdown of complaints by Ward and Section

Appendix D – Actions Taken/Procedural Changes as a result of complaints received

DAVID RANDALL

Director of Governance

The officer to whom reference should be made concerning inspection of the background papers is the Corporate Complaints & Resilience 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	
	1.4.12 to 31.3.13	1.4.13 to 20.11.13
	DDC	DDC
Aylesham	11	1
Buckland	7	4
Capel-le-Ferne	2	2
Castle	11	6
Eastry	8	5
Eythorne & Shepherdswell	6	9
Little Stour & Ashstone	3	3
Lydden & Temple Ewell	1	5
Maxton, Elms Vale & Priory	9	6
Middle Deal & Sholden	2	9
Mill Hill	4	5
North Deal	11	2
Outside District or N/A	14	4
Ringwould	2	5
River	5	-
Sandwich	6	7
St Margaret's-at-Cliffe	2	3
St Radigunds	5	2
Tower Hamlets	10	-
Town & Pier	1	3
Unknown	6	7
Walmer	13	3
Whitfield	2	1
Total	141	92

**Details of Compliments Received Per Section
From 16 August – 20 November 2013**

Section	Compliment
Building Control	Thank you for such an efficient service.
Building Control	Thank you for quick turn around "fab service".
Building Control	Thank you for help on the telephone "It makes such a change to call someone and the phone is answered by a person AND it is answered straight away by a person who can help you!".
Community Team	Letter of thanks from resident of Elvington for assistance in resolving parking issues
Housing Options	Letter of appreciation for work by Housing Options Officer ".. even though I have been a nuisance and demanded everything you have still been there for me!."
Leadership Support	Compliments for design work for promotion of community launch
Legal Services	Thank you for dedication and hard work in dealing with a particularly difficult housing case.

Complaints by Ward & Section from 16 August 2013 to 20 November 2013

Title	Complaint Type	Ward
Recovery Action	Council Tax - EK Services	Castle
Telephone service	Customer Services - EK Services	Castle
Drain cover	Property Services - DDC	Castle
Smell nuisance	Environmental Health - DDC	Eastry
Land allocation	Development Control - DDC	Eastry
Merits of decision	Development Control - DDC	Eythorne & Shepherdswell
Merits of decision	Development Control - DDC	Eythorne & Shepherdswell
Enforcement decision	Development Control - DDC	Eythorne & Shepherdswell
Merits of decision	Development Control - DDC	Eythorne & Shepherdswell
Merits of decision	Development Control - DDC	Eythorne & Shepherdswell
Merits of decision	Development Control - DDC	Eythorne & Shepherdswell
Grant	Private Sector Housing - DDC	Eythorne & Shepherdswell
Merits of decision	Development Control - DDC	Little Stour & Ashstone
Consultation	Development Control - DDC	Lydden & Temple Ewell
Enforcement decision	Development Control - DDC	Maxton, Elms Vale & Priory
Wheelie bins	Waste services - DDC	Maxton, Elms Vale & Priory
Pest Control	Environmental Health - DDC	Maxton, Elms Vale & Priory
Recovery Action	Council Tax - EK Services	Middle Deal & Sholden
Planning Committee	Democratic Services - DDC	Middle Deal & Sholden
Parking Order	Parking Services - DDC	Middle Deal & Sholden
Recovery Action	Council Tax - EK Services	Mill Hill
Staff attitude	Customer Services - EK Services	Mill Hill
Staff action	Parking Services - DDC	Mill Hill
Claim processing decision	Benefits - EK Services	North Deal
Staff action	Development Control - DDC	Ringwould
Overpayment	Benefits - EK Services	Sandwich
Recovery Action	Council Tax - EK Services	Sandwich
Recovery Action	Council Tax - EK Services	Sandwich
Claim processing	Benefits - EK Services	St Margaret's-at-Cliffe
Recovery Action	Council Tax - EK Services	St Margaret's-at-Cliffe
Missed collections	Waste services - DDC	St Radigunds
Administration	Waste services - DDC	Town & Pier
Service by contractor	Waste services - DDC	Town & Pier
Recovery Action	Council Tax - EK Services	Unknown
Discount	Council Tax - EK Services	Unknown
Recovery Action	Council Tax - EK Services	Unknown
Staff contact	Development Control - DDC	Unknown
Merits of decision	Development Control - DDC	Whitfield
Request for service	Parking Services - DDC	Walmer
Sale of property	Valuation - DDC	Walmer

**Actions Taken and/or Procedural Changes as a result of
Complaints received between
16 August and 20 November 2013**

Section	Complaint	Actions Taken/Procedural Changes
Housing Benefits - EK Services	Complainant was not aware of the overpayment made to tenant and letters had been acknowledged or responded to.	EKS have changed some working procedures so that appeals can be highlighted to the Corporate Income Team quickly to minimise the risk of additional reminders being issued whilst an appeal is pending
Council Tax – EK Services	Unhappy at having to pay council tax on an empty rental property	Explanation of changes in legislation given to complainant
Customer Services – EK Services	Unhappy with staff attitude felt they were condescending	Staff training in handling customer enquiries
Development Control - DDC	Complainant unhappy that it was not possible to speak to the case officer who was a consultant .	When using external contractors develop a process for them to be contacted by anyone wishing to discuss the application.
Development Control - DDC	Allegation that representations made on the Land Allocations Pre-submission Local Plan in respect of land near Station Road Walmer were not adequately considered by the Council.	Acknowledge that even when correct procedures are followed there will be dissatisfied customers.
Environmental Protection - DDC	Unhappy with service and time taken by contractor	Complainants should be referred to the contractors as soon as possible when complaining about their service
Parking Services - DDC	Complainant unhappy with length of time taken to process a new residents parking order area.	A different member of staff to liaise with the complainant during the administration process for the order.

Subject:	LOCALISM ACT 2011 – REVIEW OF THE CODE OF CONDUCT FOR MEMBERS AND PROPOSED AMENDMENTS
Meeting and Date:	Standards Committee – 4 December 2013 Council – 29 January 2014
Report of:	David Randall, Director of Governance & Monitoring Officer and Harvey Rudd, Solicitor to the Council & Deputy Monitoring Officer
Classification:	Unrestricted

Purpose of the report:	For the Council to review the Council of Conduct for Members which was adopted in June 2012.
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Recommendation:	<ol style="list-style-type: none"> 1. That the Council revises the Code of Conduct for Members as indicated at Appendix 1 and incorporates the proposed amendments bringing them into effect of 1 February 2014. 2. That the Council commends the revised Code of Conduct to the town and parish councils within the district incorporating the additional change explained at paragraph 3..4 of this report. 3. That the Council adopts the practice of inviting members to make voluntary declarations of interest as explained at paragraph 4 of this report.
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1. Summary

This report makes recommendations for minor revisions to the Code of Conduct for Members adopted by the Council in June 2012.

2. Introduction and Background

2.1 In accordance with the requirements of the Localism Act 2011 the Council adopted a locally drawn Code of Conduct for members in June 2012. As members will recall the previous statutory standards regime ceased to operate at midnight on 30 June 2012. In adopting the Code the Council asked the Monitoring Officer to keep the Code and its associated arrangements under review and report further to the Council or the Standards Committee as he considers necessary. The Monitoring Officer was authorised to make amendments to the Arrangements for receiving, administering and dealing with complaints. Therefore, the arrangements are not the subject of this report.

2.2 A working Group of the Association of Kent Secretaries was charged with keeping the Model Code of conduct under review. This working Group reported to the Association of Kent Secretaries in the summer of 2013. The recommendations for revision to the Code are shown on the Code reproduced at Appendix 1.

3. **The Proposed Revisions.**

- 3.1 It will be noted the proposed revisions to the Code of Conduct are relatively modest. The principal reason for this is that across the County there has been a significant decline in the number of complaints against elected members and that in operating the new Code few problems have been encountered.
- 3.2 The only changes proposed to the Code relate to the definitions of “Associated Person” and “Member”.
- 3.3 In the case of “Associated Person” the existing text of the Code is deficient in that the definition should clearly include a body and not just individuals – please see paragraph 1(a). Further, paragraphs 1(b) and (c) need to be related to the subject members and not just to other people.
- 3.4 The Code of conduct for Town and Parish Councils is not reproduced here. It follows the District Code with the substitution of ‘Town Council’ of “Parish Council” for “District Council” where appropriate. One additional change to the Town and Parish Code is recommended which does not feature in the recommended changes to the District Code. The change relates to paragraph 7 of the Code which deals with gifts and hospitality. Under the 2012 Parish Code notification of gifts and hospitality was to be made to the Monitoring Officer. It is now proposed that the town or parish clerk should receive these notifications. Accordingly, in paragraph 7 of the Town and Parish Code the word “Clerk” is to be substituted for the words “Monitoring Officer” wherever they appear.

4. **Other Interests**

- 4.1 A feature of The Kent Model Code is that the interests required to be disclosed whether as Disclosable Pecuniary Interests or Other Significant Interests, are either financial in nature or related to a regulatory function. On several occasions members themselves have felt the need to make disclosures which whilst not required by the Code of Conduct they feel, are necessary in the interests of transparency. This practice has been reinforced by the republication by the Department of Communities and Local Government in September 2013 of a guide for councillors “Openness and transparency on personal interests”. The guide suggests that apart from the duty to register and disclose interests under a formal Code, there is a separate duty to make declarations in conformity with the seven principles of public life which appear as Annex 1 to the Kent Code.
- 4.2 Hitherto it has not been the practice of the Council to make any provision within agendas for the declaration of interests other than those which are required by the Code. This can readily be addressed by inviting members on each agenda to declare as follows:-

“Declarations of Interest: - To declare any interests which fall under the following categories,

- a) Disclosable Pecuniary Interests (DPI)
- b) Other Significant Interests (OSI)
- c) Voluntary Announcements of Other Interests”

There would then be an explanation of (c) in the following terms.

“: **Voluntary Announcements of Other Interests** not required to be disclosed as DPI’s or OSI’s, i.e. announcements made for transparency reasons alone, such as:

- Membership of outside bodies that have made representations on agenda items, or
- Where a Member knows a person involved, but does not have a close association with that person, or
- Where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position.

[Note: an effect on the financial position of a Member, relative, close associate, employer, etc; OR an application made by a Member, relative, close associate, employer, etc, would both probably constitute either an OSI or in some cases a DPI].”

The above follows a practice already adopted by Ashford Borough Council.

10. **Appendices**

Appendix 1 – Kent Model Code of Conduct for Principal Councils

11. **Background Papers**

Localism Act 2011

Contact Officer: David Randall, Director of Governance & Monitoring Officer

Dover District Council Kent Code of Conduct for Members

Preamble

- (A) The Code of Conduct that follows is adopted under section 27(2) of the Localism Act 2011.
- (B) The Code is based on the Seven Principles of Public Life under section 28(1) of the Localism Act 2011, which are set out in Annex 1.
- (C) This Preamble and Annex 1 do not form part of the Code, but you should have regard to them as they will help you to comply with the Code.
- (D) If you need guidance on any matter under the Code, you should seek it from the Monitoring Officer or your own legal adviser – but it is entirely your responsibility to comply with the provisions of this Code.
- (E) In accordance with section 34 of the Localism Act 2011, where you have a Disclosable Pecuniary Interest it is a criminal offence if, without reasonable excuse, you:
 - (a) Fail to notify the authority's Monitoring Officer of the interest before the end of 28 days beginning with the day on which you became a member
 - (b) Fail to disclose the interest at meetings where the interest is not entered in the authority's register
 - (c) Fail to notify the authority's Monitoring Officer of the interest before the end of 28 days beginning with the date of disclosure at a meeting, if the interest is not entered in the authority's register and is not the subject of a pending notification
 - (d) Take part in discussion or votes, or further discussions or votes, at meetings on matters in which you have the interest which are being considered at the meeting.
 - (e) Fail to notify the authority's Monitoring Officer of the interest before the end of 28 days beginning with the date when you become aware that you have such an interest in a matter to be dealt with, or being dealt with, by you acting alone in the course of discharging a function of the authority.
 - (f) Take any step in relation to a matter being dealt with by you acting alone in the course of discharging a function of the Authority, except a step for the purpose of enabling the matter to be dealt with otherwise than by you.
 - (g) knowingly or recklessly provide false or misleading information in any of the above disclosures or notifications.
- (F) Any written allegation received by the Authority that you have failed to comply with the Code will be dealt with under the arrangements adopted by the Authority for such purposes. If it is found that you have failed to comply with the Code, the Authority may have regard to this failure in deciding whether to take action and, if so, what action to take in relation to you.

THE CODE

1. Interpretation

In this Code:

"Associated Person" means (either in the singular or in the plural):

- (a) a family member or any other person or body 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
- (b) any person or body who employs or has appointed you or such persons, any firm in which you or they are a partner, or any company of which you or they are directors; or
- (c) any person or body in whom you or such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) 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
- (e) any body in respect of which you are in a position of general control or management:
 - (i) exercising functions of a public nature; or
 - (ii) directed to charitable purposes; or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union).

"Authority" means Dover District Council.

"Authority Function" means any one or more of the following interests that relate to the functions of the Authority:

- (a) housing - where you are a tenant of the Authority provided that those functions do not relate particularly to your tenancy or lease; or
- (b) school meals or school transport and travelling expenses - where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which your child attends;
- (c) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992 - where you are in receipt of, or are entitled to the receipt of, such pay;
- (d) an allowance, payment or indemnity given to members of the Authority;
- (e) any ceremonial honour given to members of the Authority;
- (f) setting council tax or a precept under the Local Government Finance Act 1992.

"Code" means this Code of Conduct.

"Co-opted Member" means a person who is not an elected member of the Authority but who is a member of:

- (a) any committee or sub-committee of the Authority, or
- (b) and represents the Authority on, any joint committee or joint sub-committee of the Authority; and
- (c) who is entitled to vote on any question that falls to be decided at any Meeting.

"Disclosable Pecuniary Interest" means those interests of a description specified in regulations made by the Secretary of State (as amended from time to time) as set out in Annex 2 and where either it is:

- (a) your interest or
- (b) an interest of your spouse or civil partner, a person with whom you are living as husband and wife, or a person with whom you are living as if you were civil partners and provided you are aware that the other person has the interest.

"Interests" means Disclosable Pecuniary Interests and Other Significant Interests.

"Meeting" means any meeting of:

- (a) the Authority;
- (b) the executive of the Authority;
- (c) any of the Authority's or its executive's committees, sub-committees, joint committees and/or joint sub-committees.

"Member" means a person who is a member of the Authority and includes a Co-opted Member.

"Other Significant Interest" means an interest (other than a Disclosable Pecuniary Interest or an interest in an Authority Function) in any business of the Authority which:

- (a) may reasonably be regarded as affecting the financial position of yourself and/or an Associated Person to a greater extent than the majority of:
 - (i) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
 - (ii) (in other cases) other council tax payers, ratepayers or inhabitants of the Authority's area; or
- (b) relates to the determination of your application (whether made by you alone or jointly or on your behalf) for any approval, consent, licence, permission or registration or that of an Associated Person;

and where, in either case, a member of the public with knowledge of the relevant facts would reasonably regard the interest as being so significant that it is likely to prejudice your judgment of the public interest.

"Register of Members' Interests" means the Authority's register of Disclosable Pecuniary Interests established and maintained by the Monitoring Officer under section 29 of the Localism Act 2011.

"Sensitive Interest" means information, the details of which, if disclosed, could lead to you or a person connected with you being subject to violence or intimidation.

Scope

2. You must comply with this Code whenever you act in your capacity as a Member or Co-opted Member of the Authority.

General obligations

3. (1) You must, when using or authorising the use by others of the resources of the Authority:
- (a) act in accordance with the Authority's reasonable requirements; and
 - (b) ensure that such resources are not used improperly for political purposes (including party political purposes).
- (2) You must not:
- (a) bully any person;
 - (b) intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness, or involved in the administration of any investigation or proceedings, in relation to an allegation that a Member (including yourself) has failed to comply with this Code;
 - (c) do anything that compromises, or is likely to compromise, the impartiality or integrity of those who work for, or on behalf of, the Authority;
 - (d) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - (i) you have the written consent of a person authorised to give it; or
 - (ii) you are required by law to do so; or
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is:
 - reasonable and in the public interest; and
 - made in good faith and in compliance with the reasonable requirements of the Authority;
 - (e) prevent another person from gaining access to information to which that person is entitled by law;
 - (f) conduct yourself in a manner which could reasonably be regarded as bringing your office or the Authority into disrepute;
 - (g) use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.

Registering Disclosable Pecuniary Interests

4. (1) You must, before the end of 28 days beginning with the day you become a Member or Co-opted Member of the Authority, or before the end of 28 days beginning with the day on which this Code takes effect (whichever is the later), notify the Monitoring Officer of any Disclosable Pecuniary Interest.
- (2) In addition, you must, before the end of 28 days beginning with the day you become aware of any new Disclosable Pecuniary Interest or change to any interest already registered, register details of that new interest or change, by providing written notification to the Monitoring Officer.
- (3) Where you have a Disclosable Pecuniary Interest in any matter to be dealt with, or being dealt with, by you acting alone in the course of discharging a function of the Authority (including making a decision in relation to the matter),

then if the interest is not registered in the Register of Members' Interests and is not the subject of a pending notification, you must notify the Monitoring Officer before the end of 28 days beginning with the day you become aware of the existence of the interest.

Declaring Interests

5. (1) Whether or not a Disclosable Pecuniary Interest has been entered onto the Register of Members' Interests or is the subject of a pending notification, you must comply with the disclosure procedures set out below.
- (2) Where you are present at a Meeting and have a Disclosable Pecuniary Interest or Other Significant Interest in any matter to be considered, or being considered, at the Meeting, you must:
 - (a) disclose the Interest; and
 - (b) explain the nature of that Interest at the commencement of that consideration or when the Interest becomes apparent (subject to paragraph 6, below); and unless you have been granted a dispensation or are acting under paragraph 5(4):
 - (c) not participate in any discussion of, or vote taken on, the matter at the Meeting; and
 - (d) withdraw from the Meeting room in accordance with the Authority's Procedure Rules whenever it becomes apparent that the business is being considered; and
 - (e) not seek improperly to influence a decision about that business.
- (3) Where you have a Disclosable Pecuniary Interest or Other Significant Interest in any business of the Authority where you are acting alone in the course of discharging a function of the Authority (including making an executive decision), you must:
 - (a) notify the Monitoring Officer of the interest and its nature as soon as it becomes apparent; and
 - (b) not take any steps, or any further steps, in relation to the matter except for the purpose of enabling the matter to be dealt with otherwise than by you; and
 - (c) not seek improperly to influence a decision about the matter.
- (4) Where you have an Other Significant Interest in any business of the Authority, you may attend a Meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the Meeting for the same purpose. Having made your representations, given evidence or answered questions you must:
 - (a) not participate in any discussion of, or vote taken on, the matter at the Meeting; and
 - (b) withdraw from the Meeting room in accordance with the Authority's Procedure Rules.

Sensitive Interests

6. (1) Where you consider that the information relating to any of your Disclosable Pecuniary Interests is a Sensitive Interest, and the Monitoring Officer agrees,

the Monitoring Officer will not include details of the Sensitive Interest on any copies of the Register of Members' Interests which are made available for inspection or any published version of the Register, but may include a statement that you have an interest, the details of which are withheld under this paragraph.

- (2) You must, before the end of 28 days beginning with the day you become aware of any change of circumstances which means that information excluded under paragraph 6(1) is no longer a Sensitive Interest, notify the Monitoring Officer asking that the information be included in the Register of Members' Interests.
- (3) The rules relating to disclosure of Interests in paragraphs 5(2) and (3) will apply, save that you will not be required to disclose the nature of the Sensitive Interest, but merely the fact that you hold an interest in the matter under discussion.

Gifts and Hospitality

7. (1) You must, before the end of 28 days beginning with the day of receipt/acceptance, notify the Monitoring Officer of any gift, benefit or hospitality with an estimated value of £100 or more, or a series of gifts, benefits and hospitality from the same or an associated source, with an estimated cumulative value of £100 or more, which are received and accepted by you (in any one calendar year) in the conduct of the business of the Authority, the business of the office to which you have been elected or appointed or when you are acting as representative of the Authority. You must also register the source of the gift, benefit or hospitality.
- (2) Where any gift, benefit or hospitality you have received or accepted relates to any matter to be considered, or being considered at a Meeting, you must disclose at the commencement of the Meeting or when the interest becomes apparent, the existence and nature of the gift, benefit or hospitality, the person or body who gave it to you and how the business under consideration relates to that person or body. You may participate in the discussion of the matter and in any vote taken on the matter, unless you have an Other Significant Interest, in which case the procedure in paragraph 5 above will apply.
- (3) You must continue to disclose the existence and nature of the gift, benefit or hospitality at a relevant Meeting, for 3 years from the date you first registered the gift, benefit or hospitality.
- (4) The duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the Authority for this purpose.

Dispensations

8. (1) The [Standards] Committee, or any sub-committee of the [Standards] Committee, or the Monitoring Officer (where authorised) may, on a written request made to the Monitoring Officer (as appointed Proper Officer for the receipt of applications for dispensation) by a Member with an Interest, grant a dispensation relieving the Member from either or both of the restrictions on participating in discussions and in voting (referred to in paragraph 5 above).

- (2) A dispensation may be granted only if, after having had regard to all relevant circumstances, the [Standards] Committee, its sub-committee, or the Monitoring Officer (where authorised) considers that:
 - (a) without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business; or
 - (b) without the dispensation, the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business; or
 - (c) granting the dispensation is in the interests of persons living in the Authority's area; or
 - (d) without the dispensation each member of the Authority's executive would be prohibited from participating in any particular business to be transacted by the Authority's executive; or
 - (e) it is otherwise appropriate to grant a dispensation.
- (3) A dispensation must specify the period for which it has effect, and the period specified may not exceed four years.
- (4) Paragraph 5 above does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this paragraph 8.

THE SEVEN PRINCIPLES OF PUBLIC LIFE

In accordance with the Localism Act 2011, and in order to help maintain public confidence in this Authority, you are committed to behaving in a manner that is consistent with the following principles. However, it should be noted that these Principles do not create statutory obligations for Members and do not form part of the Code. It follows from this that the Authority cannot accept allegations that they have been breached.

SELFLESSNESS: You should act solely in terms of the public interest and never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.

INTEGRITY: You should exercise independent judgment and not compromise your position by placing yourself under obligations to outside individuals or organisations who might seek to influence you in the performance of your official duties. You should behave in accordance with all legal obligations, alongside any requirements contained within this Authority's policies, protocols and procedures, including on the use of the Authority's resources. You should value your colleagues and staff and engage with them in an appropriate manner and one that underpins the mutual respect that is essential to good local government. You should treat people with respect, including the organisations and public you engage with and those you work alongside.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, you should make choices on merit. You should deal with representations or enquiries from residents, members of the communities and visitors fairly, appropriately and impartially. You should champion the needs of the whole community and especially your constituents, including those who did not vote for you.

ACCOUNTABILITY: You are accountable to the public for your decisions and actions and should fully co-operate with whatever scrutiny is appropriate to your office.

OPENNESS: You should be as open and as transparent as possible about all the decisions and actions that you take to enable residents to understand the reasoning behind those decisions and to be informed when holding you and other Members to account. You should give reasons for your decisions and restrict information only when the wider public interest or the law clearly demands it. You should listen to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.

HONESTY: You have a duty to declare interests relating to your public duties and to take steps to resolve any conflicts arising in a way that protects the public interest. You should not allow other pressures, including the financial interests of yourself or others connected to you, to deter you from pursuing constituents' casework, the interests of the Authority's area or the good governance of the Authority in a proper manner.

LEADERSHIP: Through leadership and example you should promote and support high standards of conduct when serving in your public post. You should provide leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this Authority.

ANNEX 2**Disclosable Pecuniary Interests, as prescribed by regulations, are as follows:**

The descriptions on Disclosable Pecuniary Interests are subject to the following definitions:

"the Act" means the Localism Act 2011

"body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest

"director" includes a member of the committee of management of an industrial and provident society

"land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income

"M" means a member of the relevant authority

"member" includes a co-opted member

"relevant authority" means the authority of which M is a member

"relevant period" means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1), or section 31(7), as the case may be, of the Act

"relevant person" means M or any other person referred to in section 30(3)(b) of the Act (the Member's spouse, civil partner, or somebody with whom they are living as a husband or wife, or as if they were civil partners).

"securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society

Interest	Description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority: (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.

Interest	Description
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge): (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where: (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.