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16 March 2015

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 25 March 2015 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 L A Keen
Councillor S C Manion
Councillor K Mills
Councillor C J Smith
Councillor J M 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** (Page 3)

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

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

To confirm the attached minutes of the meeting of the Committee held on 17 December 2014.

5 **COMPLAINTS REPORT** (Pages 7-14)

To consider the attached report of the Director of Governance.

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.
- 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.

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

Where a Member has a new or registered 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.

Other Significant Interest (OSI)

Where a Member is declaring an 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.

Voluntary Announcement of Other Interests (VAOI)

Where a Member does not have either a DPI or OSI but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a VAOI. A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

Note to the Code:

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; 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. It should be emphasised that 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.

Minutes of the meeting of the **STANDARDS COMMITTEE** held at the Council Offices, Whitfield on Wednesday, 17 December 2014 at 10.02 am.

Present:

Chairman: Councillor B W Butcher

Councillors: M A Russell
L A Keen
J M Smith

Officers: Director of Governance
Corporate Complaints and Resilience Officer
Democratic Support Officer

Also Present: Mr B P S Dowley (Independent Person)

6 APOLOGIES

An apology for absence was received from Councillor C J Smith.

7 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that there were no substitute members appointed.

8 DECLARATIONS OF INTEREST

There were no declarations of interest.

9 MINUTES

The Minutes of the meeting of the Committee held on 25 June 2014 were approved as a correct record and signed by the Chairman.

10 COMPLAINTS REPORT

The Committee received the report of the Director of Governance on formal complaints received by the Council for the period 1 April to 30 September 2014 that had been investigated by the Corporate Services Team.

The Corporate Complaints and Resilience Officer (CCRO) advised that the report differed from previous ones in that it now covered quarterly periods. 11 complaints had been received in the last two quarters. As a correction to the report, the word 'either' should be deleted in paragraph 1.11. Five investigations or decisions had been made by the Local Government Ombudsman during this period with no findings against the Council being made.

In response to Councillor L A Keen, the CCRO explained that, due to an oversight, Appendix B of the report was not in the revised format which had been agreed by the Committee at its previous meeting, namely with complaints grouped by type (or service) rather than ward. Following further discussion, it was agreed that future reports would group ward information in Appendix A and service information in Appendix B. The CCRO undertook to circulate an amended report to Members. The Director of Governance reminded Members that departments delivering

frontline services were more likely to be the subject of complaints, but this did not necessarily mean that they were 'problem' departments.

- RESOLVED: (a) That future reports group complaints by ward and type in separate appendices.
- (b) That the complaints report be noted and the actions taken endorsed.

11 SOCIAL MEDIA POLICY FOR MEMBERS

The Director of Governance presented a report which proposed the introduction of a Social Media Policy for Members. The report had already been to the Governance Committee and was due to go to full Council on 28 January 2015.

In the light of issues raised at a recent Council meeting, Officers had developed the policy in order to have guidelines in place for the new Council in May. The policy was linked to the Members' Model Code of Conduct but there were no sanctions available for breaches of the policy, other than the Code itself. Members were reminded that the Council did not have powers to control or police what Members said or did in their private lives. The key elements of the policy were that Members were requested to set up a separate account for personal use and advised what types of use were prohibited. The Governance Committee had accepted the policy, but Councillor M R Eddy had asked that further definition of the word 'disparage' at paragraph 7.2 of the policy be provided.

It was acknowledged that there was a 'gap' between the relatively weak sanctions permitted by the Code and the sanction at the other extreme that provided for potential criminal action to be taken against a Member failing to register an interest. It was unlikely that the courts would take action against a Member who had simply failed to register an interest, and a much more serious allegation would have to be made before the Police or Crown Prosecution Service were likely to act.

Councillor B W Butcher welcomed that written guidance would now be available to Members. Councillor L A Keen was of the opinion that it cast doubt on a Member's suitability to be a Councillor if they made racist or disparaging comments, and questioned why the Council could not include something in the Code to address this. If this were not possible, then the political parties should expel Members who transgressed.

The Director of Governance explained that there were restrictions on what the Code could cover since the definition of when a Member was acting as a Councillor was extremely narrow. The Livingstone case remained the case law as to how narrowly the courts interpreted public capacity, although there had been some further debate on this recently. The key consideration when assessing any allegation was whether the Member was acting in a private or public capacity.

Mr Dowley mentioned that the Kent Independent Persons' Group had twice raised its concerns with the Department for Communities and Local Government which had responded that there was no intention to change the Code. In comparison with some other Kent authorities, Dover District Council had a good record of Member compliance.

- RESOLVED: (a) That the Social Media Policy for Members be noted.

- (b) That it be recommended to Council that the Social Media Policy for Members be approved and incorporated into the Council's Constitution.

The meeting ended at 10.36 am.

DOVER DISTRICT COUNCIL

REPORT OF THE DIRECTOR OF GOVERNANCE

STANDARDS COMMITTEE – 25 MARCH 2015

**COMPLAINTS REPORT FOR THE QUARTER 1 OCTOBER 2014 TO
31 DECEMBER 2014**

Recommendation

That the report be noted and the actions taken be endorsed.

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 for the quarter 1 October 2014 to 31 December 2014. Two complaints have been investigated but no findings of maladministration. 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. HND057 – Outside District (Closed)**

The complainant was unhappy about the way in which their brother's homeless case was dealt with. The matter was investigated by the Corporate Complaints & Resilience Officer (CCRO). No maladministration was found but the CCRO explained the bidding process and why certain properties had been unsuitable due to the specific needs of the applicant. One property would be coming available and it was felt that this would be suitable and an offer would soon be made. The family were happy with the explanation and outcome.

1.2 **Complaint No. DEV179 – Whitfield (Closed)**

A complaint was received that emails, in which questions has been raised about a development, had not been responded to. The CCRO replied apologising for the fact that the complainant had not received a response and replying to the questions relating to drainage on the development site.

2. **COMPLAINT DECISIONS ISSUED BY THE LOCAL GOVERNMENT
OMBUDSMAN FOR THE QUARTER 1 OCTOBER 2014 TO 31 DECEMBER 2014**

2.1 **VAL005** - This complaint related to the bidding process for properties for sale by the Council on the open market. The complainant questioned the manner in which bids were processed and no reason was given as to why the complainant's higher bid was not accepted. The CCRO investigated and found that officers dealing with the sale believed that once an offer had been confirmed under a "gentleman's agreement" this should be honoured and was the correct thing to do. However, Councils are considered to be Trustees and are not vested with such freedom and have an overriding duty to obtain the best price they can for their beneficiaries. Therefore the

second offer which was higher should have been considered rather than dismissed. However the matter was referred back to Cabinet who asked that all parties submit sealed bids for full and final offers. This process was accepted as correct practice and remedied the error. The complainants considered that it was not dealt with in a fair and transparent manner and referred their complaint to the Local Government Ombudsman. The Ombudsman was of the opinion that the Cabinet decision to request best and final offers remedied any injustice suffered and the complainant's offer had not been high enough to secure the property. The decision was classed as "Not upheld: no maladministration".

3. **COMPLAINT STATISTICS**

Appendix A shows the number of complaints received per Ward for the current financial year compared to 2013/14. Appendix B details the compliments received by Section for the quarter 1 October 2014 to 31 December 2014. Appendix C details the complaints received by the District Council and EK Services per from 1 April to 31 December 2014. Appendix D lists the Lessons Learnt from complaints from 1 October to 31 December 2014.

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 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	
	1.4.13 to 31.3.14	1.4.14 to 31.12.14
	DDC	DDC
Aylesham	3	-
Buckland	5	4
Capel-le-Ferne	2	1
Castle	7	4
Eastry	7	1
Eythorne & Shepherdswell	11	8
Little Stour & Ashstone	6	3
Lydden & Temple Ewell	5	2
Maxton, Elms Vale & Priory	9	4
Middle Deal & Sholden	13	4
Mill Hill	6	4
North Deal	8	13
Outside District or N/A	7	6
Ringwould	6	2
River	1	2
Sandwich	10	5
St Margaret's-at-Cliffe	3	4
St Radigunds	2	3
Tower Hamlets	3	4
Town & Pier	5	4
Unknown	11	11
Walmer	6	10
Whitfield	2	3
Total	138	102

**Details of Compliments Received Per Section
From 1 October – 31 December 2014**

Section	Compliment
Building Control	"Wonderfully speedy response".
Building Control	Thank you for help and persistence with work to neighbouring property.
Building Control	Thank you for an efficient service.
Community Team	Well produced DDC Newsletter
Community Team	Appreciation for DDC's support to the FAST project
Community Team	Thank you for support and advice for "You Decide" Grant Scheme
Property Services	Efficient service and accurate record keeping relating to burial plots
Property Services	Officer dealing with disabled bay was very understanding, speedy and extremely polite
Property Services	Excellent service for provision of bench, inscription well done, installation neat, secure and exactly in the place requested.
Property Services	Kindness in providing bench in time for annual commemoration
Property Services	Thank you for arranging a school visit to Deal Chapel
Waste Services	Thank you for the two new road sweeping operatives – they are very hard working

Complaint Type	Reason for Complaint
Housing Needs - DDC	Rehousing
Housing Needs - DDC	Staff attitude
Licensing - DDC	Licence processing
Licensing - DDC	Response to correspondence
Parking Services - DDC	Enforcement
Parking Services - DDC	Enforcement
Parking Services - DDC	Permit
Private Sector Housing - DDC	Grant
Private Sector Housing - DDC	Staff action
Property Services - DDC	Provision of beach huts
Property Services - DDC	Provision of beach huts
Property Services - DDC	Provision of beach huts
Property Services - DDC	Provision of beach huts
Property Services - DDC	Provision of beach huts
Property Services - DDC	Provision of beach huts
Property Services - DDC	Condition of car park
Property Services - DDC	Disabled parking bay
Property Services - DDC	Ground maintenance
Property Services - DDC	Lighting
Property Services - DDC	Photographs of children
Property Services - DDC	Cleaning contract
Valuation - DDC	Use of land
Waste services - DDC	Service provision by contractor
Waste services - DDC	Service provision by contractor
Waste services - DDC	Missed collection
Waste services - DDC	Missed collection
Waste services - DDC	Missed collection
Waste services - DDC	Missed collection
Waste services - DDC	Missed collection
Waste services - DDC	Missed collection
Waste services - DDC	Missed collection
Waste services - DDC	Missed collection
Waste services - DDC	Provision of bins
Waste services - DDC	Provision of bins / purple sacks
Waste services - DDC	Recycling not taken
Waste services - DDC	Recycling not taken
Waste services - DDC	Recycling not taken
Waste services - DDC	Staff behaviour
Waste services - DDC	Street cleaning
Waste services - DDC	Street cleaning

**Actions Taken and/or Procedural Changes as a result of
Complaints received between
1 October and 31 December 2014**

Section	Complaint	Actions Taken/Procedural Changes
Housing Benefits - EK Services	Benefits stopped for two weeks while seeking further information thus causing hardship.	Where possible contact should be by telephone as more expedient.
Community Engagement - DDC	Residents not informed of early start on site by contractors.	In future consideration must be given to neighbouring properties when organising an event.
Council Tax – EK Services	Unhappy with decision in respect of council tax free period.	Full information to be provided with initial decisions.
Development Control - DDC	Complainant led to believe that planning enforcement action would be taken against the developer.	As the properties had all been sold and the developer no longer the owner of the site, the home owners are responsible for any unfinished works. The Council can only take enforcement action against the owner. Full advice should be given at an early stage.
Development Control / Environmental Protection - DDC	Problems with noise from neighbouring factory took too long to resolve.	Where complaints impact on several departments such cases will now be monitored by the Head of Regulatory Services.
NNDR – EKS	Delay in processing application for small business rate relief.	Procedures have been put in place to ensure that all enquiries made to third parties are followed up in a reasonable timescale.
Parking Services - DDC	Reports of parking on double yellow lines not being dealt with.	Arrangements made for patrols to visit at different times.
Property Services – DDC	Unhappy with cleaning contract at block of flats.	Management of contract and reporting procedures revised.

Section	Complaint	Actions Taken/Procedural Changes
Property Services – DDC	Unhappy with decision and positioning of new beach huts	Planning procedures implemented correctly but DDC as land owner needed to engage better with community about the proposals rather than relying on the Planning process. A change programme underway in Property Services has, as one of its ultimate goals a communications plan as a requisite part of similar future projects.
Property Services - DDC	Complaint regarding the bidding process for the sale of Council property	Officers should seek legal advice if unsure of legislation and procedures. Office procedures now adopted by the Department
Waste Services - DDC	Complainant considered that the way there were spoken to was insulting	Arrange customer care training for staff
Waste Services - DDC	Request for change of collection point agreed by DDC but not applied by the contractor	When a request for a change of collection point is agreed Waste Services will carry out a further check to ensure that the contractor is complying with the agreed arrangement