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20 May 2013

Dear Councillor

I am now able to enclose, for consideration at the **ANNUAL MEETING** of the **COUNCIL** on Wednesday 22 May 2013 at 6.00 pm, the following reports that were unavailable when the agenda was printed.

5 **MINUTES** (Pages 2 - 11)

To confirm the attached Minutes of the meeting held on 6 March 2013.

7 **APPOINTMENT OF CABINET** (Pages 12 - 15)

To receive any changes to the Members of the Cabinet and related portfolios.

12 **ANNUAL REPORT OF THE STANDARDS COMMITTEE** (Pages 16 - 24)

To consider the attached joint report of the Chairman of the Standards Committee and the Monitoring Officer.

Yours sincerely

A handwritten signature in black ink, appearing to read "Nicky", written over a horizontal line. The signature is fluid and cursive.

Chief Executive

MINUTES OF PROCEEDINGS

At the meeting of the Council for the District of Dover held at the Council Offices, Whitfield on Wednesday, 6 March 2013 at 6.00 pm

Present:

Chairman: Councillor S R Nicholas

Councillors:

J S Back	B Gardner	K E Morris
B W Bano	J H Goodwin	M J Ovenden
P M Beresford	D Hannent	A S Pollitt
T A Bond	P J Hawkins	J A Rook
P M Brivio	P G Heath	M A Russell
B W Butcher	G J Hood	F J W Scales
P I Carter	S J Jones	A R Smith
S S Chandler	L A Keen	J M Smith
N J Collor	N S Kenton	R J Thompson
M D Conolly	P S Le Chevalier	R S Walkden
G Cowan	S M Le Chevalier	P Walker
J A Cronk	G Lymer	P A Watkins
M R Eddy	S C Manion	
R J Frost	K Mills	

Officers:

- Chief Executive
- Director of Finance, Housing and Community
- Director of Environment and Corporate Assets
- Director of Governance
- Director of Regeneration and Development
- Democratic Services Manager
- Team Leader – Democratic Support

529 **APOLOGIES**

Apologies for absence were received from Councillors T J Bartlett, C J Smith and J F Tranter.

530 **DECLARATIONS OF INTEREST**

Councillor L A Keen declared a Disclosable Pecuniary Interest in Minute No 536 (Council Budget 2013/14 and Medium Term Financial Plan 2013/14-2015/16) by reason of her employment as clerk to Aylesham Parish Council.

531 **MINUTES**

The Minutes of the meeting held on 30 January 2013 were approved as a correct record and signed by the Chairman.

532 ANNOUNCEMENTS

(a) Herald of Free Enterprise

The Chairman of the Council announced that the meeting was being held on the anniversary of the Herald of Free Enterprise tragedy and called upon the members of the Council to stand in silence for one minute as a mark of respect.

(b) Use of Electronic Devices during Council meetings

The Chairman asked members of the Council to switch off electronic devices during the meeting.

533 LEADER'S TIME

The Leader of the Council, Councillor P A Watkins, included the following matters in his report:

- (a) The news that Howe Barracks and Canterbury Prison were to close and that the resulting job losses had not been forecast in regional growth figures.
- (b) That the Local Development Order had been returned from the Secretary of State without change.
- (c) That four companies would be granted funds from the Regional Growth Fund – two in the Pfizer site, one already in the district and the fourth company moving to the district. A further application from a business for Regional Growth funding was expected to be considered the following week and it was hoped that this would be approved.
- (d) That the five East Kent group of authorities (Ashford Borough Council, Canterbury City Council, Dover District Council, Shepway District Council and Thanet District Council) were making a City of Culture application for the area. The combined application pooled the heritage, environmental, artistic and cultural benefits of the five districts to create a critical mass. For the Dover District this included the iconic White Cliffs, golf courses, Deal Music Festival, Dover Castle and the Dover Museum.
- (e) That he had attended a meeting of the Port Consultative Committee during which £76 million of capital projects had been discussed. This included plans to upgrade and restore Dover Marine Station. The Committee had guaranteed access to the war memorial for commemorative events during the works and the general public could visit the memorial by appointment.
- (f) That air quality had shown major improvement on historic levels.

The Leader of the Opposition, Councillor G Cowan, included the following matters in his report:

- (a) The closure of Howe Barracks, Canterbury and the impact of it on East Kent.
- (b) That there had been no confirmation from the Port on where the funding for the Terminal 2 work was to come from.

- (c) To welcome the news of new businesses on the former Pfizer site but to remind Members that there was still a long way to go before the level of employment on the site returned to former levels.
- (d) To state his opposition to the Spare Room Supplement (referred to as the 'bedroom tax') and its impact on the most vulnerable in society.
- (e) To highlight the impact of funding cuts arising from the Chancellor's budget on local government, and in particular Dover District Council.

The Leader of the Council responded to points raised by the Leader of the Opposition Group in his report as followed:

- (a) That the Council had already adopted the measures identified by the Department for Communities and Local Government in the '50 ways to save' document.
- (b) To highlight the record of the current Council administration since 2003.
- (c) That the Council's budget would help create new jobs.

534 SEAT ALLOCATION AND GROUP APPOINTMENTS

There were no seat allocation or group appointments announced.

535 QUESTIONS FROM MEMBERS

In accordance with Rule 12 of the Council Procedure Rules, Members of the Cabinet responded to the following questions:

- (1) Councillor L A Keen asked the Portfolio Holder for Community, Housing and Youth, Councillor S S Chandler:

"Given the underspend in the region of £40,000 in the KCC Youth Service Commissioning budget for the DCC area of £136,000, how would the Portfolio Holder for Community, Housing and Youth rate the effectiveness of the current commissioned youth service provision in Eythorne and Elvington?"

In response, it was stated that the Dover Locality Board would review the new youth service provision arrangements and a report would be made to a future meeting in respect of any underspend.

- (2) Councillor B W Bano asked the Leader of the Council, Councillor P A Watkins:

"Following the recent National Dignity in Care Day: what steps is the Shadow Health and Well Being Board taking to promote the privacy and dignity agenda across the Health and Social Care sector in the District?"

In response it was stated that the Health and Wellbeing Board was comprised of a number of partner organisations who would already be promoting dignity and privacy in health and social care and if the Board could assist in promoting and reinforcing the message then it would do so.

- (3) Councillor A S Pollitt asked the Portfolio Holder for Corporate Resources and Performance, Councillor M D Conolly:

"Does the Portfolio Holder for Corporate Resources and Performance have concerns over staff and departmental pressures if the government goes ahead with plans to change voter registration?"

In response it was stated advised that although the full resource implications would not be known until the secondary legislation arising from The Electoral Registration and Administration Act 2013 was in place, the Government had advised that it would meet the costs associated with the implementation of the new system under the new burdens doctrine.

- (4) Councillor A S Pollitt asked the Leader of the Council, Councillor P A Watkins:

"What steps are being taken to carry out an audit of projects delivered by the authority in the past decade as publicly requested by the current MP for Dover and Deal?"

In reply it was stated that the Member of Parliament for Dover had made no such request.

- (5) Councillor S J Jones asked the Portfolio Holder for Corporate Resources and Performance, Councillor M D Conolly:

"In determining this year's budget can the Portfolio Holder for Corporate Resources and Performance inform Council what extra measures, if any, have been put in place to help small businesses to develop, rather than stagnate or disappear?"

In response it was stated that the Council continued to support small businesses in a number of ways despite the continued pressure on the authority's resource base. This included:

- Focusing resources on regeneration projects and the Sandwich Enterprise Zone as success in this area would feed through to small businesses.
- By being an active partner in the East Kent 'Grow for It' campaign launched on 27 February 2013.
- Supporting the continued development of a skilled local workforce through local training initiatives.
- Promoting the district and attracting spending to it through the support of major events such as the Olympic Torch event and the Open Golf.
- Simplifying the Council's procurement processes to enable local and small businesses to compete more easily for Council contracts.

- (6) Councillor P Walker asked the Portfolio Holder for Health, Wellbeing and Public Protection, Councillor P G Heath:

"Given the recent developments about the use of horsemeat in foodstuffs, has DCC ensured that its own house is in order with regard to any issues

within its own remit, for example Environmental Health, Foodstuffs businesses and food preparation premises?"

In reply it was stated that the Council had received no requests from the food safety agency in respect of this matter.

- (7) Councillor M R Eddy asked the Leader of the Council, Councillor P A Watkins:

"Following a resolution of the full council made in 25 July 2012, Cabinet agreed on 10 September to set up a "Partnership Board" to draw up and implement a local Community Covenant which would assist serving families and veterans and their families.

As a member of that Partnership Board is the Leader of this Council able to update the council on how the Partnership's Board's work programme is progressing, including the dates of any meetings held and how he intends to keep the council informed of further progress."

In response it was stated that following the agreement of the Cabinet to develop a local Armed Forces Community Covenant, a multi-agency civilian/military partnership board had to draft a Covenant and a date was in the process of being agreed to formally sign and launch it. In addition, further work was being undertaken to develop a work programme to identify local needs.

- (8) Councillor M R Eddy asked the Portfolio Holder for Access and Property Management, Councillor N J Collor:

"A recently published survey of Deal businesses identifies high car parking charges as the foremost problem faced by businesses in the town. Does the Portfolio Holder for Access and Property Management have any intentions of listening to Deal's hard-pressed business community?"

In response it was stated that the Council had not seen a copy of the survey of Deal businesses referred to in the question. However, the effective management of car parking had a key role to play in supporting the local business community.

536 COUNCIL BUDGET 2013/14 AND MEDIUM TERM FINANCIAL PLAN 2013/14 - 2015/16

The Council considered the report of the Director of Finance, Housing and Community.

It was moved by Councillor M D Conolly, duly seconded that

- (a) That the draft General Fund Revenue Budget, the Capital and Special Projects Programmes, the Housing Revenue Account budget, the Council Tax Resolution and the content of the MTFP be approved (including the amendment of the General Fund Revenue Budget to reflect the withdrawal of charges for the purchase of grave space for a child under 12 years of age).

- (b) That it be noted that it is the view of the Director of Finance, Housing and Community that the budget has been prepared in an appropriate and prudent manner and that, based upon the information available, the budgets are robust and the estimated General Fund and Housing Revenue Account balances and reserves are considered adequate for the Council's current spending plans.
- (c) That, in setting the Budget for 2013/14, the grants to other organisations as determined by Cabinet and set out at Annex 11 of the report be released.
- (d) That the various recommendations at the end of the sections within the Budget and MTFP, and summarised at Annex 15 to Appendix 1 of the report, be approved, as follows:
 - (i) Confirm the adoption of the Council Tax Reduction Scheme and, in doing so, the determination to remove second homes and empty properties discounts made at the meeting of 30 January 2013, the effect of which will be as follows:
 - (A) Approval of the policy that empty homes discount is reduced to 0% for Class C empty properties from 1 April 2013.
 - (B) Approval of the removal of the second home discount so that Council Tax will be payable in full on these properties from 1 April 2013.
 - (ii) Approve the General Fund Revenue Budget for 2013/14 and the projected outturn for 2012/13.
 - (iii) Continue the practice of delegated authority to the Director of Finance, Housing and Community to approve revenue budget carry forwards within the guidelines set out, and create and draw down Growth Point reserves in order to apply them to regeneration projects and support.
 - (iv) Approve the policies and protocols regarding the General Fund balances and earmarked reserves, and transfers between reserves as set out in Annex 6.
 - (v) Approve the 2012/13 projected outturn and the 2013/14 Housing Revenue Account budget at Annex 7 of the report.
 - (vi) Approve the 2012/13 and 2013/14 transfers to the Housing Initiatives Reserve.
 - (vii) Approve the basis upon which the capital and special projects programmes have been compiled.
 - (viii) Delegate the decisions to apply capital receipts, revenue funds and other capital resources to finance the capital and special projects programmes to the Director of Finance, Housing and Community, in consultation with the relevant Portfolio Holder.
 - (ix) Approve that capital resources required to finance new projects are secured before new projects commence.

- (x) Delegate the authorisation of projects up to £50,000 that are included in the capital and special revenue programmes to the Director of Finance, Housing and Community in consultation with the Portfolio Holder for Corporate Resources and Performance.
- (xi) Delegate the authorisation of projects funded from the Capital Contingency to the Director of Finance, Housing and Community, in consultation with the Portfolio Holder for Corporate Resources and Performance.
- (xii) Approve that retained poolable housing capital receipts are used to fund capital allowances on Regeneration and Decent Homes agendas.
- (xiii) Approve the Treasury Management Strategy, including the Prudential Indicators and Minimum Revenue Provision statement.
- (xiv) Approve the Council Tax Resolution as set out at Annex 10A.
- (xv) Note that, if the formal Council Tax Resolution at Annex 10A is approved, the total Band D Council Tax will be as set out at Annex 15 of the report.

It was moved by Councillor P Walker and duly seconded that the Motion be amended as followed:

"That the green waste subscription fee be reduced to £30 in order to encourage uptake of the service and recycling levels and to reduce the impact on hard pressed families."

The Director of Finance, Housing and Community advised the Council that the proposed amendment would need to identify the budget from where the costs were to be met in view of the fact that £30 would not cover the cost of delivering the service. Furthermore, it would be impossible to quantify the associated costs due to the need to establish the likely take-up of the service being run at a discounted rate.

On being put to the meeting the original Motion was CARRIED and

- RESOLVED:
- (a) That the draft General Fund Revenue Budget, the Capital and Special Projects Programmes, the Housing Revenue Account budget, the Council Tax Resolution and the content of the MTFP be approved (including the amendment of the General Fund Revenue Budget to reflect the withdrawal of charges for the purchase of grave space for a child under 12 years of age).
 - (b) That it be noted that it is the view of the Director of Finance, Housing and Community that the budget has been prepared in an appropriate and prudent manner and that, based upon the information available, the budgets are robust and the estimated General Fund and Housing Revenue Account

balances and reserves are considered adequate for the Council's current spending plans.

- (c) That, in setting the Budget for 2013/14, the grants to other organisations as determined by Cabinet and set out at Annex 11 of the report be released.
- (d) That the various recommendations at the end of the sections within the Budget and MTFP, and summarised at Annex 15 to Appendix 1 of the report, be approved, as follows:
 - (i) Confirm the adoption of the Council Tax Reduction Scheme and, in doing so, the determination to remove second homes and empty properties discounts made at the meeting of 30 January 2013, the effect of which will be as follows:
 - (A) Approval of the policy that empty homes discount is reduced to 0% for Class C empty properties from 1 April 2013.
 - (B) Approval of the removal of the second home discount so that Council Tax will be payable in full on these properties from 1 April 2013.
 - (ii) Approve the General Fund Revenue Budget for 2013/14 and the projected outturn for 2012/13.
 - (iii) Continue the practice of delegated authority to the Director of Finance, Housing and Community to approve revenue budget carry forwards within the guidelines set out, and create and draw down Growth Point reserves in order to apply them to regeneration projects and support.
 - (iv) Approve the policies and protocols regarding the General Fund balances and earmarked reserves, and transfers between reserves as set out in Annex 6.
 - (v) Approve the 2012/13 projected outturn and the 2013/14 Housing Revenue Account budget at Annex 7 of the report.
 - (vi) Approve the 2012/13 and 2013/14 transfers to the Housing Initiatives Reserve.
 - (vii) Approve the basis upon which the capital and special projects programmes have been compiled.

- (viii) Delegate the decisions to apply capital receipts, revenue funds and other capital resources to finance the capital and special projects programmes to the Director of Finance, Housing and Community, in consultation with the relevant Portfolio Holder.
- (ix) Approve that capital resources required to finance new projects are secured before new projects commence.
- (x) Delegate the authorisation of projects up to £50,000 that are included in the capital and special revenue programmes to the Director of Finance, Housing and Community in consultation with the Portfolio Holder for Corporate Resources and Performance.
- (xi) Delegate the authorisation of projects funded from the Capital Contingency to the Director of Finance, Housing and Community, in consultation with the Portfolio Holder for Corporate Resources and Performance.
- (xii) Approve that retained poolable housing capital receipts are used to fund capital allowances on Regeneration and Decent Homes agendas.
- (xiii) Approve the Treasury Management Strategy, including the Prudential Indicators and Minimum Revenue Provision statement.
- (xiv) Approve the Council Tax Resolution as set out at Annex 10A.
- (xv) Note that, if the formal Council Tax Resolution at Annex 10A is approved, the total Band D Council Tax will be as set out at Annex 15 of the report.

(Councillor L A Keen withdrew from the meeting for the consideration of this item of business by reason of her Disclosable Pecuniary Interest in the matter.)

537 PAY POLICY 2013

The Director of Governance presented the report on the Council's Pay Policy.

It was moved by Councillor S M Le Chevalier, duly seconded and

RESOLVED: That the Pay Policy Statement set out at Appendix 1 of the report be approved prior to its publication on the Council's website.

538 MOTION

Councillor P Walker gave notice under Rule 13 of the Council Procedure Rules of his intention to move the following Motion:

"Following the recent severe weather, while this Council welcomes the additional resources which have been made available to repair potholes, this Council requests KCC to ensure that its other highways repairs and maintenance obligations are not jeopardised."

The Motion was moved by Councillor P Walker and duly seconded.

It was moved by Councillor N J Collor and duly seconded that the motion be amended as followed:

"Following the recent severe weather this Council welcomes the additional resources that have been made available to repair pot holes. We also congratulate Kent County Council in ensuring that its other highways repairs and maintenance obligations have not been jeopardised."

The Amendment FELL by reason of being a direct negative.

It was moved by Councillor P A Watkins and duly seconded that the motion be amended as followed:

"Following the recent severe weather, while this Council welcomes the additional resources which have been made available to repair potholes, this Council requests KCC continue to ensure that its other highways repairs and maintenance obligations are not jeopardised."

Councillor P Walker and his seconder, Councillor G J Hood, agreed to accept the amendment, whereupon with the consent of Council it was put to the meeting as the substantive Motion and APPROVED and ADOPTED.

RESOLVED: Following the recent severe weather, while this Council welcomes the additional resources which have been made available to repair potholes, this Council requests KCC continue to ensure that its other highways repairs and maintenance obligations are not jeopardised.

539 ARRANGEMENTS MADE BY THE LEADER OF THE COUNCIL FOR THE DISCHARGE OF EXECUTIVE FUNCTIONS UNDER SECTION 14(2) LOCAL GOVERNMENT ACT 2000 (AS AMENDED)

It was moved by Councillor P A Watkins, duly seconded and

RESOLVED: That the arrangements made by the Leader of the Council for the Discharge of Executive Functions under Section 14(2) Local Government Act 2000 (as amended) be noted.

540 URGENT BUSINESS TIME

There were no items of urgent business.

The meeting ended at 8.20 pm

B. Description of Portfolios

Each member of the executive has a portfolio and the following parts set out a description of each portfolio together with its overall scope and responsibilities.

Portfolio – Leader of the Council

The Leader of the Council provides strategic and political leadership to the authority, and leads in its relations with government, other public bodies, partner organisations and the media and is responsible for encouraging and promoting the prosperity of the District by developing local entrepreneurship, inward investment and community regeneration. This portfolio also has responsibility for Strategic Housing.

The Council has adopted the 'strong leader' model and executive authority rests with the Leader of the Council where it has not been delegated to the executive collectively, or other committee, body or person. The Leader has presently delegated functions to members of the executive to the extent necessary to permit collective decision making by the executive.

Main Areas of Responsibility

- Leadership
- Policy Co-ordination and Development
- Partnership Development
- Communications
- Community Strategy
- Corporate Plan
- Strategic Budget Co-ordination
- Museums
- Economic Development
- Regeneration
- Special Projects
- Strategic Housing

Portfolio – Deputy Leader

The Deputy Leader supports the Leader, including if for any reason the Leader is unable to act or the office of the Leader is vacant, acting in the Leaders place.

Main Area of Responsibility

- Political Management Processes

(Note: Under the current executive structure the Portfolio of the Deputy Leader is held in conjunction with another Portfolio.)

Portfolio 1 – Community, Housing and Youth

The Portfolio Holder for Community, Housing and Youth is responsible for ensuring that the future housing needs of the District are met, and that current housing stock is of a decent standard. The Portfolio Holder is also responsible for overseeing the Council's relationship with tenants and private sector landlords. The Portfolio Holder is responsible for promoting a culture of pride and community spirit in the District, and for encouraging good standards of public behaviour, acting to ensure that

enforcement action is taken against anti-social behaviour. This portfolio also has responsibility for encouraging, sporting and leisure activities, as well as acting as a champion for vulnerable, disadvantaged, disabled and elderly people within the District.

Main Areas of Responsibility

- Local Authority Housing
- Landlord and Tenants
- Crime Reduction
- Anti-Social Behaviour
- Children and Young People
- Community Safety and Engagement
- Voluntary Sector
- CCTV
- Events Management

Portfolio 2 – Access and Property Management

The Portfolio Holder for Access and Property Management is responsible for monitoring the provision of transport services, managing the Council's assets and property, and for overseeing licensing for taxis, public entertainment and other areas subject to legislation. The Portfolio Holder is also responsible for parking and highways (where the latter falls within the remit of the Council), and for ensuring that good quality services are accessible to all people within the District.

Main Areas of Responsibility

- Transport
- Licensing Policy – all Acts
- Asset Management
- Parking
- Valuation
- Property Management
- Events Management – Landlord responsibilities and highways

Portfolio 3 – Environment, Waste and Planning

The Portfolio Holder for Environment, Waste and Planning is responsible for seeking improvement to the natural and built environment of the District and for conserving its heritage. The Portfolio Holder is also responsible for ensuring that waste and pollution is minimised and that waste produced is recycled or reused as much as possible.

Main Areas of Responsibility

- Natural and Built Environment
- Waste
- Corporate Enforcement – overarching
- Planning
- Coastal Protection
- Pollution disasters

Portfolio 4 – Corporate Resources and Performance

The Portfolio Holder for Corporate Resources and Performance is responsible for ensuring the effective management and use of the Council's finances, revenue income, non-staff resources and other assets, as well as coordinating the delivery of the Capital Programme. The Portfolio Holder is also responsible for ensuring that the Council performs to a high standard in accordance with good governance and equality-related principles and that these areas are monitored effectively and ensuring that the Council maintains good relations with its staff, and for supporting the Council's culture of customer care in its delivery of services. The Portfolio Holder is also responsible for ensuring the effective use of information technology.

Main Areas of Responsibility

- Finance
- Revenue
- Capital Programme and Prudential Borrowing Code
- Performance Management and Monitoring
- Corporate Governance
- Corporate Support Services – Audit, Legal and Democratic Services
- Equalities and Diversity
- Human Resources
- Relations with Trade Unions
- Customer Services and Revenues & Benefits
- ICT and E-Government

Portfolio 5 – Skills, Training and External Relations

The Portfolio Holder for Skills, Training and External Relations has a wide-ranging brief related to the Council's partnership arrangements and relations with external bodies. The Portfolio Holder is also responsible for improving the accessibility and acquisition of skills and training by all age groups in the District.

Main Areas of Responsibility

- Tourism
- Arts and Culture
- External Relations
- Lifelong Learning
- Relations with Skills and Training-related bodies

Portfolio 6 – Health Well-Being and Public Protection

The Portfolio Holder for Public Health and Protection is responsible for safeguarding the health of the District, including the environmental health function of the Council. The Portfolio Holder is responsible for partnership working with a range of bodies involved in the provision of (or with an interest in) health services in Kent, and is charged with directing the Council's response to the public health directive of the Local Government and Public Involvement in Health Act 2007.

Main Areas of Responsibility

- Relations with Health-related bodies
- Leisure and Sport

- Air, Water and Land Quality
- Nuisance (noise, dust, etc)
- Accumulations
- Dog and Pest Control
- Food Safety
- Health and Safety
- Infectious Disease Control
- Port Health
- Smoke Free Enforcement
- Public conveniences



Annual Report 2012/13

Report of the Standards Committee

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Foreword by the Chairman

I am most grateful to have taken over the chairmanship of the Standards Committee from Andrew Hayes who was an excellent chairman for so many years.

This time last year there was a good deal of uncertainty surrounding the new ethical governance arrangements proposed under the Localism Act 2011. I am therefore delighted that this authority has a mandatory Code of Conduct and a Standards Committee which continues to play an important role in upholding high standards of member conduct in the District.

Ten months after its adoption, it is still a little premature to come to any firm conclusions regarding the new Code of Conduct and associated arrangements. The new regime certainly has some shortcomings and I know that the Monitoring Officer and his Deputy are working in close cooperation with colleagues in Kent Secretaries to address these. But there is already some evidence that the more pragmatic and informal nature of the regime is working well in terms of reducing the burden on Council resources.

I am pleased to commend this Annual Report of the Standards Committee to the Council.

Councillor Bernard Butcher
Chairman of the Standards Committee

Comment by the Monitoring Officer

This report summarises the achievements of the Standards Committee of Dover District against its Terms of Reference for the period 1 July 2012 to 31 March 2013, the former Committee having been disbanded with effect from 1 July 2012 when the previous Standards framework ceased to exist as a result of the Localism Act 2011.

The new Standards framework – including the Kent Model Code of Conduct - has been in place since 1 July 2012 following its adoption by Council on 26 June 2012. Further minor amendments to the Code were adopted by Council in October 2012. The Deputy Monitoring Officer and I worked very closely with other Kent councils to develop this Code which is now used by a majority of authorities in the county.

The retention of the Standards Committee, albeit in a different form, is welcome. And whilst I was sorry to see the removal of independent members from the Committee, I am pleased that there continues to be independent involvement through the Independent Person and his Deputy. Bernard Dowley was appointed as the Independent Person and Andrew Hayes as the Deputy Independent Person from June 2012 for a term of 5 years and 1 day, and they have taken to their new roles with professionalism and enthusiasm.

It is evident that the new Code requires additional fine-tuning, particularly in respect of the absence of a facility to declare non-pecuniary interests in accordance with Nolan Principles. However, the new arrangements are proving less costly and more flexible in terms of the informal action that I as Monitoring Officer can take.

Mr David Randall

Director of Governance and Monitoring Officer

The Role of the Standards Committee

ROLE AND RESPONSIBILITIES

2.1 The primary responsibility of the Standards Committee is to promote and maintain high standards of conduct amongst the 45 members of Dover District Council and (up to) 317 members of Town and Parish Councils in the District.

2.2 The main functions of the Standards Committee are as follows:

- To promote and maintain high standards of conduct by District Councillors, Town and Parish Councillors and Co-Opted Members.
- To advise the District Council on the adoption of or revisions to its Code of Conduct.
- To monitor the effectiveness of the Code of Conduct and to review and manage the arrangements for dealing with Code of Conduct complaints.
- To maintain oversight of the District Council's arrangements for dealing with Code of Conduct complaints.
- To monitor complaints handling and Ombudsman investigations and to make payments or provide other benefits in cases of maladministration.
- To advise, train or arrange to train District Members, Co-opted Members and Town and Parish Councillors on matters relating to the Code of Conduct.
- To act as an advisory body in respect of any ethical governance matter and to advise on local ethical governance protocols and procedures.
- To appoint a sub-committee to deal with Code of Conduct complaints, following investigation.
- To grant dispensations to Members pursuant to S33(2) of the Localism Act 2011 and paragraph 8 of the adopted Code of Conduct in appropriate circumstances.
- To deal with any alleged breaches by Members of local protocols adopted by the Council including the Protocol for Good Practice in Planning Procedure and the Protocol for Officers and Members for Dealing with Conflicts of Interest of Councillors in Professional Practice.

CODES AND PROTOCOLS

2.3 In addition to the above, the work of the Standards Committee also impinges upon the following codes and protocols of Dover District Council:

- Members' Kent Model Code of Conduct
- Members' Protocol for Good Practice in Planning Procedures

- Protocol for Relationships between Members and Officers of a Local Authority
- Protocol for Officers and Members for Dealing with Conflicts of Interest of Councillors in Professional Practice

MEMBERSHIP OF THE COMMITTEE

2.4 The Standards Committee is a group appointed by the Council to help maintain and promote high ethical standards in both the District Council and Town and Parish Councils in the District. Since July 2012, the Committee has comprised seven District Councillors, the independent and parish members having been removed as a result of the Localism Act 2011.

2.5 The membership of the Standards Committee from 25 July 2012 to 31 March 2013 was as follows:

Councillor B W Butcher	Councillor J A Cronk
Councillor P J Hawkins	Councillor S C Manion
Councillor K Mills	Councillor C J Smith
Councillor P Russell	

The Standards Committee can only draw substitute District Councillors from the pool of named substitutes appointed by Council.

OFFICERS WHO SUPPORT THE STANDARDS COMMITTEE

2.6 The Standards Committee receives support from the Monitoring Officer (Director of Governance), the Solicitor to the Council (who is also the Deputy Monitoring Officer) and the Professional Standards Officer. In addition, Democratic Services Officers support the Standards Committee and the activities of the Monitoring Officer as necessary.

2.7 The Monitoring Officer is a statutory appointment whose responsibility is to ensure the lawfulness and fairness of Council decision-making. The Monitoring Officer serves as the guardian of the Council's Constitution and ethical standards. As part of this the Monitoring Officer works closely with the Standards Committee to assist it in the role of promoting and maintaining high standards of conduct amongst members of the District Council and Town and Parish Councils in the district.

NEW STANDARDS ARRANGEMENTS

2.8 The Localism Act 2011 received Royal Assent in November 2011 and replaced the Standards arrangements then operating in England and Wales with effect from 1 July 2012.

2.9 Having worked closely with other authorities in Kent, this Council adopted the Kent Model Code of Conduct on 26 June 2012 which prescribes the conduct that is expected of members and co-opted members of the authority when acting in that capacity. Provisions relating to registration and disclosure of pecuniary interests are included in the Code, with failure to register a pecuniary interest within 28 days of election or becoming aware of the interest becoming a criminal offence. The new Code is also consistent with the Nolan principles of public life, i.e. selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Under the new regulations, the Monitoring Officer is required to establish and maintain a

register of interests of members and co-opted members of the local authority and parishes in the authority's area. Notwithstanding that the Act removed the requirement for statutory standards committees, this authority has retained a Standards Committee, although there are no longer town or parish council representatives or independent members on the Committee.

- 2.10 Following the abolition of Standards for England on 31 March 2012, this authority has assumed responsibility for dealing with and investigating all complaints relating to breaches of the code, including those made against parish councillors in this district. Specific responsibility for assessing alleged breaches of the Code rests with the Monitoring Officer, in consultation with the Independent Person (appointed by Council on 25 June 2012). The Monitoring Officer is able to consider whether the complaint can be resolved informally at any stage. However, if the Monitoring Officer, in consultation with the Independent Person, considers that the complaint merits investigation, he will appoint an investigation officer to undertake the investigation. Once the investigation has concluded, the Monitoring Officer may consider that informal resolution is appropriate. Alternatively, he may convene a meeting of the Hearing Panel (comprising members of the Standards Committee) to determine the outcome of the complaint. The range of sanctions that can be applied is limited, and the Hearing Panel has no powers to suspend or disqualify or to withdraw the allowances of the member who is the subject of the complaint.

2012/13 ACTIVITIES

(a) Corporate Complaints

- 2.11 The Standards Committee has a responsibility to oversee the Council's Corporate Complaints Procedures. The period 1 April 2012 to 31 March 2013 has seen 142 corporate complaints received by the Council compared to 134 complaints received during the same period the previous year.
- 2.12 There were 15 complaints considered by the Local Government Ombudsman during the 2011/12 municipal year compared to 18 complaints investigated by the Local Government Ombudsman in 2010/11. Data relating to the municipal year 2012/13 will be available from the Local Government Ombudsman in due course.

(b) Training

- 2.13 Training sessions on the new Code of Conduct were held for district, town and parish councillors on 25 July 2012 at the Council offices and on 30 July 2012 at Deal Town Hall.

(c) Dispensations

- 2.14 Section 33 of the Localism Act 2011 gives powers to the Monitoring Officer to grant dispensation to members with a Disclosable Pecuniary Interest to participate in discussions and to vote. During the municipal year 2012/13 there were 45 requests for dispensation relating to the setting of Council Tax and the approval of the Council Budget and Members' Allowances.

(d) **Consultation**

- 2.15 The Standards Committee considered no consultations during the municipal year 2012/13.

2013/14 ACTIVITIES

(a) **Objectives**

- 2.16 The key objective for the Standards Committee in 2013/14 will be to review the operation of the Kent Model Code of Conduct and suggest areas for enhancement and further training.

Local Assessment of Complaints

- 3.1 The Localism Act 2011 represented a sea-change in the way that complaints are assessed by the Council, replacing the two sub-committees (Initial Assessment and Review) with a decision by the Monitoring Officer, taken in consultation with the Independent Person during a consideration meeting which is held in private.
- 3.2 The following information contains no details of the names of elected or co-opted members about whom complaints have been made, and is intended for use as a summary of activities only.

Complaints against Elected or Co-opted Members

- 3.3 The municipal year 2012/13 represents the first year of the new Kent Model Code of Conduct and saw the Monitoring Officer receive 33 complaints, the majority of which were received within a 2-month period. For comparison, the Dover District Council Standards Committee considered 32 complaints in the whole of 2011/12, 20 complaints in 2010/11 and 36 complaints in 2009/10.
- 3.4 The 33 complaints received in 2012/13 relate to members at 6 authorities.