



Council Meeting

Council Offices White Cliffs Business Park Dover

Wednesday, 19 July 2023

Summons and Agenda

Nadeem Aziz
Chief Executive



Democratic Services
White Cliffs Business Park

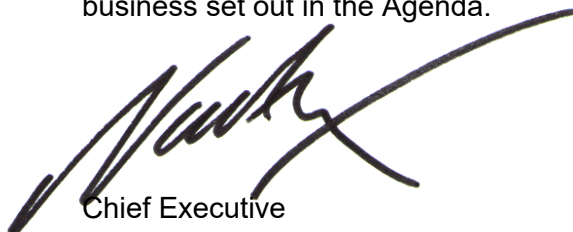
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11 July 2023

To the Members of the Council,

You are hereby summoned to attend a meeting of the **COUNCIL** to be held in the Council Chamber at these Offices on Wednesday 19 July 2023 at 6.00 pm for the transaction of the business set out in the Agenda.



Chief Executive

Members of the Council:

J S Back	M F Hibbert	D J Parks
T J Bartlett	S Hill	M P Porter
M Bates	N S Kenton	J L Pout
D G Beaney	R M Knight	O C de R Richardson
S H Beer	J P Loffman	M W Rose
E A Biggs	S M S Mamjan	C A Vinson
S B Blair	S C Manion	H M Williams
P M Brivio	K Mills	C F Woodgate
G Cowan	M W Moorhouse	L M Wright
D G Cronk	D P Murphy	C D Zosseder
D R Friend	M J Nee	

AGENDA

1 **APOLOGIES** (Page 7)

To receive any apologies for absence.

2 **MINUTES** (Page 8)

To confirm the Minutes of the meeting held on 17 May 2023 (to follow).

3 **DECLARATIONS OF INTEREST** (Page 9)

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

4 **ANNOUNCEMENTS** (Page 10)

To receive any announcements from the Chairman of the Council, the Leader of the Council, Members of the Cabinet or the Head of Paid Service.

5 **LEADER'S TIME** (Page 11)

To receive an oral report at the meeting from the Leader (and Cabinet) on the business of the Executive or on any topic or subject that it is felt should be brought to the attention of the Council.

In accordance with Council Procedure Rule 10 (Leader's Time):

- (a) The Leader (and Cabinet) shall have up to 15 minutes to make within this report any statements that they wish on any topic or subject that they feel should be drawn to the attention of the Council.
- (b) The Leader of the Main Opposition Group (or their nominee) shall be allowed up to 10 minutes to respond.
- (c) The Leader of the Council shall be allowed up to 5 minutes to exercise a right of reply (or 25% of the time given to the Opposition Group Leader(s), whichever is the greatest).

6 **SEAT ALLOCATION AND GROUP APPOINTMENTS** (Page 12)

To receive from Group Leaders any changes to seat allocations or appointments.

(Note: Any changes must be within the approved allocation of seats to political groups in accordance with the political balance rules (where applicable).)

7 **QUESTIONS FROM THE PUBLIC** (Pages 13 - 16)

To receive answers in respect of questions from the public to Members of the Executive asked in accordance with Rule 11 of the Council Procedure Rules.

- (a) Questions will be asked in the order in which notice of them was received, except that the Chairman may group together similar questions.
- (b) The period for questions by the public shall be limited so that no further questions shall be put after the elapse of 15 minutes from the commencement of the first question.
- (c) A maximum of three minutes is allowed for the each question to be read.
- (d) A questioner who has put a question in person may also put one supplementary question without notice to the member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply.
- (e) Afterwards, any other Member at the Chairman's discretion may speak for up to two minutes on a question or reply.

Questions from the Public

The questions received during the notice period are set out in the agenda papers.

8 **UPDATE TO CORPORATE COMPLAINTS POLICY** (Pages 17 - 31)

To consider the attached report of the Strategic Director (Corporate and Regulatory).

9 **QUESTIONS FROM MEMBERS** (Pages 32 - 34)

Up to 60 minutes is allowed for this part of the meeting unless extended by the Chairman of the Council or on a motion moved, duly seconded and approved by the Council. Members may ask one supplementary question in addition to their original question.

Members may ask one supplementary question in addition to their original question.

The questions received are set out in the order received in the agenda papers.

10 **MOTIONS** (Pages 35 - 36)

Motions for which notice has been given are listed on the agenda in the order in which notice was received, unless the Member giving notice states, in writing, that they propose to move it at a later meeting or withdraw it.

If a Motion set out in the agenda is not moved by the Member who gave notice thereof it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

The Motions received are set out in the agenda papers.

11 **URGENT BUSINESS TIME** (Page 37)

To consider any other items deemed by the Chairman of the Council to be urgent in accordance with the Local Government Act 1972.

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 step free access via the Council Chamber entrance and an accessible toilet is available in the foyer. In addition, there is a PA system and hearing loop within the Council Chamber.
- In order to facilitate the broadcast of meetings there have been cameras set up in the Council Chamber that communicate with Microsoft Teams Live. This enables meetings held in the Council Chamber to be broadcast for public viewing through the Council's website.
- The meetings in which these cameras will be used include meetings of: (a) Council; (b) Cabinet; (c) Dover Joint Transportation Advisory Board; (d) General Purposes Committee; (e) Electoral Matters Committee; (f) Governance Committee; (g) Planning Committee; (h) General Purposes Committee and (i) Overview and Scrutiny Committee. Only agenda items open to the press and public to view will be

broadcast.

- These recordings will be retained for 30 days from the date of the meeting. The recordings will be uploaded to YouTube as soon as practicable after the day of the meeting. In normal circumstances this would be within 2 working days of the meeting. However, there may be circumstances where it will take longer. The recordings can be viewed on the Council's YouTube Channel - [Council meetings - YouTube \(@doverdc\)](#)
- The broadcasts and recordings are the copyright of the Council and may not be copied, displayed or published to the public, adapted or dealt with in any other way restricted by the Copyright, Designs and Patents Act 1988.
- The Council will not make available copies of the recordings either in whole or in part other than in compliance with a legal requirement arising under The Freedom of Information Act 2000, UK GDPR, The Data Protection Act 2018 or some other enactment, rule of law or direction of a court or tribunal which is binding on it.
- 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 will be published on our website as soon as practicably possible after each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting.
- Members of the Committee may receive confidential information relating to personal data as part of an item of an exempt or confidential business on the agenda. It is each Member's responsibility to ensure that this information is handled securely and confidentially as required under data protection legislation. This information must only be retained for as long as necessary and when no longer required disposed of via a shredder or the Council's secure disposal arrangements.

For further information about how this information should be processed, please view the Council's Data Protection Policy and Appropriate Policy Document at www.dover.gov.uk/Corporate-Information/PDF/Data-Protection-Policy.pdf

- 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 Democratic Services, democraticservices@dover.gov.uk, telephone: (01304) 872304 or email: democraticservices@dover.gov.uk for details.

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

APOLOGIES

To receive any apologies for absence.

MINUTES

To confirm the Minutes of the meeting held on 17 May 2023 (to follow).

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.

ANNOUNCEMENTS

To receive any announcements from the Chairman of the Council, the Leader of the Council, Members of the Cabinet or the Head of Paid Service.

LEADER'S TIME

To receive an oral report at the meeting from the Leader (and Cabinet) on the business of the Executive or on any topic or subject that it is felt should be brought to the attention of the Council.

In accordance with Council Procedure Rule 10 (Leader's Time):

- (a) The Leader (and Cabinet) shall have up to 15 minutes to make within this report any statements that they wish on any topic or subject that they feel should be drawn to the attention of the Council.
- (b) The Leader of the Main Opposition Group (or their nominee) shall be allowed up to 10 minutes to respond.
- (c) The Leader of the Council shall be allowed up to 5 minutes to exercise a right of reply (or 25% of the time given to the Opposition Group Leader(s), whichever is the greatest).

AGENDA ITEM 6: SEAT ALLOCATION AND GROUP APPOINTMENTS

To receive from Group Leaders any changes to seat allocations or appointments.

(Note: Any changes must be within the approved allocation of seats to political groups in accordance with the political balance rules (where applicable).)

COUNCIL

Questions Raised on Notice by Members of the Public

- (a) Questions will be asked in the order in which notice of them was received, except that the Chairman may group together similar questions.
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- (c) A maximum of three minutes is allowed for the each question to be read.
- (d) A questioner who has put a question in person may also put one supplementary question without notice to the member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Chairman's ruling on the admissibility of the supplementary question is final.
- (e) Afterwards, any other Member at the Chairman's discretion may speak for up to two minutes on a question or reply.

Question(s)

In accordance with Rule 11 of the Council Procedure Rules, notice was given by a member of the public to ask the following question:

(1) Peterlsaac will ask the Leader of the Council, Councillor K Mills:

“Council meetings are not a court of Law and here say is admissible for a person raising concerns.

Example 1) last meeting the Chairman raised Ukraine in the meeting stating that 100,000 had been killed this was permissible and accepted here say – although unfounded, incorrect and lacking in further substance.

Example 2) A concern such as a burglary person phones the police “I heard something, there might be a burglary.” --- This is here-say that Police have a duty investigate.

Example 3) Children in Dover protesting about being touched inappropriately in school an issue that would absolutely need to be investigated.

Joint Enterprise Law, once knowing the concern, the public body have a reason to think that an offence might occur and a duty under Law to at least report to the appropriate authority such as Police for investigation and DDC Legislate through Nuisance Bylaws.

The lawful Duty of DDC to ensure the safety of our Children in schools etc, if the relevant H&S, Schooling and care authorities have failed to verify that foreigners put into our schools are actually children, then DDC are bound by Duty to ensure Age verification is carried out, methods such as dental and medical checks establish age, especially where the character of the foreigner

cannot be proven to be compatible with our lawful society, ensuring our children are not injuriously effected and are comfortable with this situation.

References: *DDC Ability to Enact Public Nuisance Bylaw* - Ref: *Attorney General v PYA Quarries (1957) 2QB 169* - My complaint letter 7th March 2023 to DDC General meeting.

With Joint Enterprise Law the Public body would be liable upon conviction, guilty of or complicit with the same crime of molesting a minor if it were to occur after they were informed of the concern, because they failed to uphold their lawful Duty of Care about something they knew might happen.

DDC are under duty, to ensure any relevant Public body are carrying out their duties properly whilst SERVING the English People of this district and legislate bylaws when Public Bodies fail, if the need arises.

Question:

Do Dover District Council, councillors and officers understand the seriousness of their duties and trust to ensure other Public bodies for which Dover English Tax payers pay tax. The DDC SERVE the English people of Dover and introduce Bylaws where Public bodies are failing in responsibility.”

(2) Christine Oliver will ask the Leader of the Council, Councillor K Mills:

“Will DDC leaders support the Climate & Ecology Bill, introduced in the House of Commons on 10 May? It is a vital, new, cross-party proposal—drafted by world-leading scientists—to ensure that the UK plays its full role in tackling biodiversity loss and climate change.

There is a gap between what is currently being delivered—and what the Government needs to do to act in line with the latest science. The Climate and Ecology Bill, or CE Bill, would:

- 1) Provide a clear, joined-up plan—the crises in climate and nature are deeply intertwined, requiring a plan that considers both together. Reduce UK emissions in line with the Paris Agreement—ensuring that UK emissions are reduced rapidly, for the best chance of limiting warming to 1.5°C.
- 2) Halt and reverse the decline in nature—setting nature measurably on the path to recovery by 2030, as agreed at COP15.
- 3) Ensure that the UK takes responsibility for our overseas footprint—both emissions and ecological.
- 4) Involve the public—giving people a say in finding a fair way forward through a ‘climate and nature assembly’.”

(3) Sarah Waite-Gleave will ask the Leader of the Council, Councillor K Mills:

“Will the new DDC leadership heed the call of Dover district’s many climate concerned citizens, to replace the closeted Climate Change PAG with a more publicly accountable working group involving representatives from all parties represented on the district’s town councils, and community and civil society representatives, in order to take the urgently needed large-scale actions on the conjoined cost-of-living, climate and nature crises, so that, in partnership, the net zero target for the whole district may be brought forward from 2050 to 2035?”

(4) Nigel Collor will ask the Portfolio Holder for Transport, Licensing and Environmental Services, Councillor J L Pout:

“Yet again the Spring Bank Holiday brought the predictable traffic chaos that occurs far too often to Dover Town Centre. This time the French PAF computer system was to blame and every time his predecessors have made representation to various bodies and been advised that lessons have been learned.

As he will appreciate, Dover TAP and Operation Brock were both activated but they only control the flow of freight traffic and not tourist traffic that is the main issue every time.

This situation obviously has a serious effect on businesses in the town and indeed emergency vehicles as well as carers trying to get to their clients.

Will the Portfolio Holder advise what action he took after this latest episode and what discussions is he having as the ‘Big July Get Away’ rapidly approaches?”

(5) Graham Wanstall will ask the Leader of the Council, Councillor K Mills:

“There have been various examples over recent years of residents experiencing problems parking in their own roads. DDC policy is to only allow parking zones which prevents some individual roads solving their problems if residents in nearby roads cause the problems. This situation is not due to restrictive law but DDC policy.

As Leader will you initiate a review of this policy with a view to allowing flexibility thus solving problems for individual roads which having only zones does not resolve?”

(6) David White (Deal Society) will ask the Leader of the Council, Councillor K Mills:

“The Deal Society note the potential sale of the South Street car park as part of the proposed redevelopment of The Regent.

We would like there to be discussion as to the benefits of such a sale versus the loss of public amenity, that being the car parking spaces, public toilets and bus waiting room.

We would not want such a loss of that amenity to occur through private discussions - we feel that councillors should have the chance to debate that issue in public and without the constraints of that discussion being related to a specific planning application.

We therefore ask that such a discussion takes place as soon as possible.”

(7) Charis Muir will ask the Leader of the Council, Councillor K Mills:

“There are a number of sites within the district where land is unlawfully occupied by travellers in breach of either planning regulations or Enforcement Notices. Given that in their local plan DDC have now identified sufficient land for travellers it is disappointing to note that such sites continue to be occupied unlawfully. Could you please tell me what action you and your Cabinet are now going to take to enforce the removal of the travellers from such sites?”

Subject:	UPDATE TO CORPORATE COMPLAINTS POLICY
Meeting and Date:	Cabinet – 3 July 2023 Council – 19 July 2023
Report of:	Louise May, Strategic Director (Corporate and Regulatory)
Portfolio Holder:	Councillor Susan Beer, Portfolio Holder for Finance, Governance, Climate Change and Environment
Decision Type:	Non-Key Decision
Classification:	Unrestricted

Purpose of the report: To update the Council’s Corporate Complaints Policy.

Recommendation:

- Cabinet: That Cabinet adopts the amended Complaints Policy in respect of Executive functions and recommends to Council that the Complaints Policy be adopted for Council functions.
- Council: That Council adopts the amended Complaints Policy in respect of Council functions.
-

1. Summary

- 1.1 The Cabinet and Council adopted a revised Complaints Policy in July 2022. As part of this it was highlighted that future amendments would be required to remove references to the third stage in the complaints process then in force for housing complaints due to changes contained within The Building Safety Act 2022 that had not yet come into force. Those provisions have subsequently come into effect and an amendment to the policy is required to remove references to it.
- 1.2 This also presents an opportunity to make an additional change to bring the policy into line with the Housing Ombudsman’s recommended practice for written acknowledgements of housing complaints.

2. Introduction and Background

3. There are three amendments proposed to the Council’s Complaints Policy.
4. The first amendment relates to the ‘designated person’ third stage of housing complaints. This was not unexpected as the Government had announced its intention to change the legislation at the time the Complaints Policy was last updated.
5. The removal of the third stage moves the processes for dealing with housing complaints into line with the rest of the Council’s complaints process which is for a robust two stage complaints process in line with recommended best practice.
6. The intention of the ‘designated person’ stage was to provide complainants with the option of having an impartial review of their complaint conducted by someone other than the Council’s complaints process. However, this stage was not compulsory and many complainants opted to complain to the Housing Ombudsman directly after the completion of the second stage review. This stage has now been repealed by The Building Safety Act 2022 and the policy has been updated accordingly to remove

references to it. All complaints will now undergo a two-stage process in line with recommendations from both Ombudsmen. After the completion of the second stage the complainant, if still not satisfied, will have the option of complaining to the relevant Ombudsman.

7. The second amendment relates to guidance issued by the Housing Ombudsman which the Council had not previously included within its Complaints Policy but commonly happens as a matter of practice. The Housing Ombudsman guidance includes a provision that Stage 1 complaints should always receive a written response (either by letter or email). The Council's current policy permits for first stage complaints to be resolved verbally where the complaint was of a nature where that would be appropriate.
8. It is proposed that an amendment be made to the Complaints Policy as follows:

“As a Stage 1 complaint is a formal complaint it should be responded to in writing, even if it is to confirm what has been advised/agreed verbally to the complainant as part of the investigative process. A written response for this purpose can be considered to be an email or a letter.”
9. This amendment would apply to all complaints received, not just housing complaints.
10. Finally, a small change has been made to set a limit as to the duration of an extension on a Stage 1 complaint's timescale for a response. All Stage 1 complaints have a 10-working day timescale to respond to the complainant with the potential to extend this if required. However, the length of the extension is not set in the current policy.
11. It is therefore proposed that any extension should not exceed a further 10 working days without a good reason. A good reason would be considered to be, but is not limited to, where additional time is required to obtain information from third parties, where a matter is particularly complex, or where more time is required to complete an investigation. This acknowledges that some complaints may require more time than others to investigate while still setting a clear expectation as to the longest someone should normally expect to wait for a response to a first stage complaint.
12. **Identification of Options**
 - 12.1 Option 1: To adopt the revised Complaints Policy.
 - 12.2 Option 2: To not adopt the revised Complaints Policy.
13. **Evaluation of Options**
 - 13.1 Option 1 is the recommended option as this brings the Council's Complaints process into line with the Housing Ombudsman's recommended guidance for the handling of complaints, as requested by the Housing Ombudsman, and changes to legislation.
 - 13.2 Option 2 is not the recommended option as it does not meet the Housing Ombudsman's guidance requirements.
14. **Resource Implications**
 - 14.1 There are no resource implications in the amendments to the Complaints Policy.
15. **Climate Change and Environmental Implications**
 - 15.1 There are no climate or environmental implications arising from this report.
16. **Corporate Implications**
 - 16.1 Comment from the Director of Finance (linked to the MTFP): Accountancy has been consulted and has no further comments. (JS)

- 16.2 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.
- 16.3 Comment from the Equalities Officer: This report regarding an update to the Council's Corporate Complaints Policy does not specifically highlight any equality implications, however in discharging their duties members are required to comply with the public sector equality duty as set out in Section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/section/149>.
17. **Appendices**
Appendix 1 – Revised Complaints Policy
18. **Background Papers**
Complaints Policy

Contact Officer: Rebecca Brough, Democratic and Corporate Services Manager



Complaints Policy

FINAL V.4 (SEPTEMBER 2022)

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Introduction

Dover District Council aims to continually improve customer services and the effectiveness of the way we interact. Staff are empowered to deliver services to the public without constant reference to a line management structure.

The Council has a complaint procedure, which is set out in this document, and staff are encouraged to take ownership of complaints and be equipped to resolve them at the earliest possible opportunity.

Complaints and compliments should be viewed as valuable feedback and, as a 'learning organisation' the Council should endeavour to use the lessons learnt from this feedback to improve the services we provide.

What is a request for service?

This is separate from a complaint and is defined by the Council as:

"A request from a member of the public that initiates a service action which has been agreed as part of service delivery. Service requests are not used in response to a failure or degradation of service."

For requests for service there will be a process in place to deal with an issue. This could be an online or telephone reporting process to register the issue or a contact number to arrange for a service provider to visit to rectify the issue.

For example, in the event of a missed waste collection there is a reporting method to register the missed collection and enable the service to arrange for the missed bin to be collected. For general household or communal repairs there is an email address and telephone number to arrange with the council's contractor for works to be undertaken.

However, if the resident has used the reporting method and the matter was not satisfactorily resolved then it would be a potential failure or degradation of service and therefore would be dealt with as a complaint.

What is a complaint?

The Council's definition of a complaint is:

"An expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents"

As mentioned earlier, this will most commonly take the form of a complaint relating to a failure or degradation of service provision.

Matters Falling Outside the Scope of the Complaints Procedure

The Council must accept a complaint unless there is a valid reason not to do so. Matters falling outside the scope of the complaint's procedure are set out below:

- Something that the complainant has known about for more than 6 months unless there is good reason for the delay or if there are safeguarding or health and safety issues.

- Something that can be appealed about to a tribunal (such as the Housing Benefit Appeals Service) or go to court about, unless there is a good reason the complainant should not be expected to do so.
- Where legal proceedings have already started by a Claim Form or Particulars of Claim have been filed at Court.
- Something affecting all or most of the people living in the district, such as a complaint regarding the setting of council tax.
- Something that has already been considered under the complaints policy.
- The Council's main housing repairs contractor has its own complaints process so where a tenant's complaint relates to a repairs issue dealt with by that contractor, the tenant will receive a response direct from the company in the first instance. If the tenant remains dissatisfied following the response it can be considered through the Council's complaints process.
- Allegations that a Councillor has failed to comply with the Code of Conduct for Members (Please see page 10).

If the Council takes the decision not to accept a complaint, a detailed explanation will be provided to the complainant setting out the reasons why the matter is not suitable for the complaints process and the right to take the decision to the appropriate Ombudsman. Where the Ombudsman does not agree the Council may be instructed to accept the complaint.

Handling Complaints

- An officer of the council is expected to manage the customer's expectations and be clear as to whether the desired outcome is unreasonable or unrealistic.
- A complaint should be resolved at the earliest possible opportunity, having assessed what evidence is needed to fully consider the issues, what outcome would resolve the matter for the customer and whether there are any urgent actions required.
- The officer dealing with the complaint must seek clarification from the customer if any aspect of the complaint is unclear
- The Council will deal with the customer's representative provided the customer provides their authority that the representative can act on their behalf.
- Customers will be kept informed on the progress of their enquiry/complaint.
- A clear explanation will be provided as to why decisions have been made and should include any legal obligations where applicable.
- The response to the complaint must address all points raised in the complaint and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.
- Where a problem is a recurring issue, the officer should consider any older reports as part of the background to the complaint if this will help to resolve the issue for the customer.

- Where the customer raises additional issues during the investigation, these should be incorporated into the investigation and response if they are relevant, and the response has not yet been finalised/issued. Where the response has been issued, or it would unreasonably delay the response, the complaint should be logged as a new complaint.
- At completion of each stage, the officer must confirm the following in writing to the customer:
 - Details of any remedies
 - Details of any outstanding actions
 - Details of how to escalate the complaint if the customer is not satisfied with the answer

The Complaints Procedure

When a customer contacts the Council the member of staff should do all they can to resolve the issue and if this is not possible refer the matter to their Line Manager. If further enquiries are needed to resolve the matter, or if the resident requests it, the issue must be logged as a complaint.

Complaints are divided into three types:

- Complaint regarding service delivery
- Complaint regarding a member of staff
- Complaint regarding a Councillor (complaints that a councillor has failed to comply with the Code of Conduct for Members are outside the scope of this Complaints Policy and are subject to separate arrangements. Please see page 10).

Complaints can be made:

- in writing (letter or email),
- using the on-line complaint form
http://www.dover.gov.uk/customer_services/comments_complaints.aspx
- Using the Council's Complaint leaflets (these are available at the Whitfield Reception or can be posted to the resident)
- Via the telephone
- In person by appointment.

Procedure for dealing with a complaint regarding service delivery

(See also attached flowchart – Annex A)

The Council has a two-stage complaints procedure. There is a third stage for complaints relating to housing management and maintenance if the tenant/lessee wishes to use it (note the procedure below).

A. Stage 1

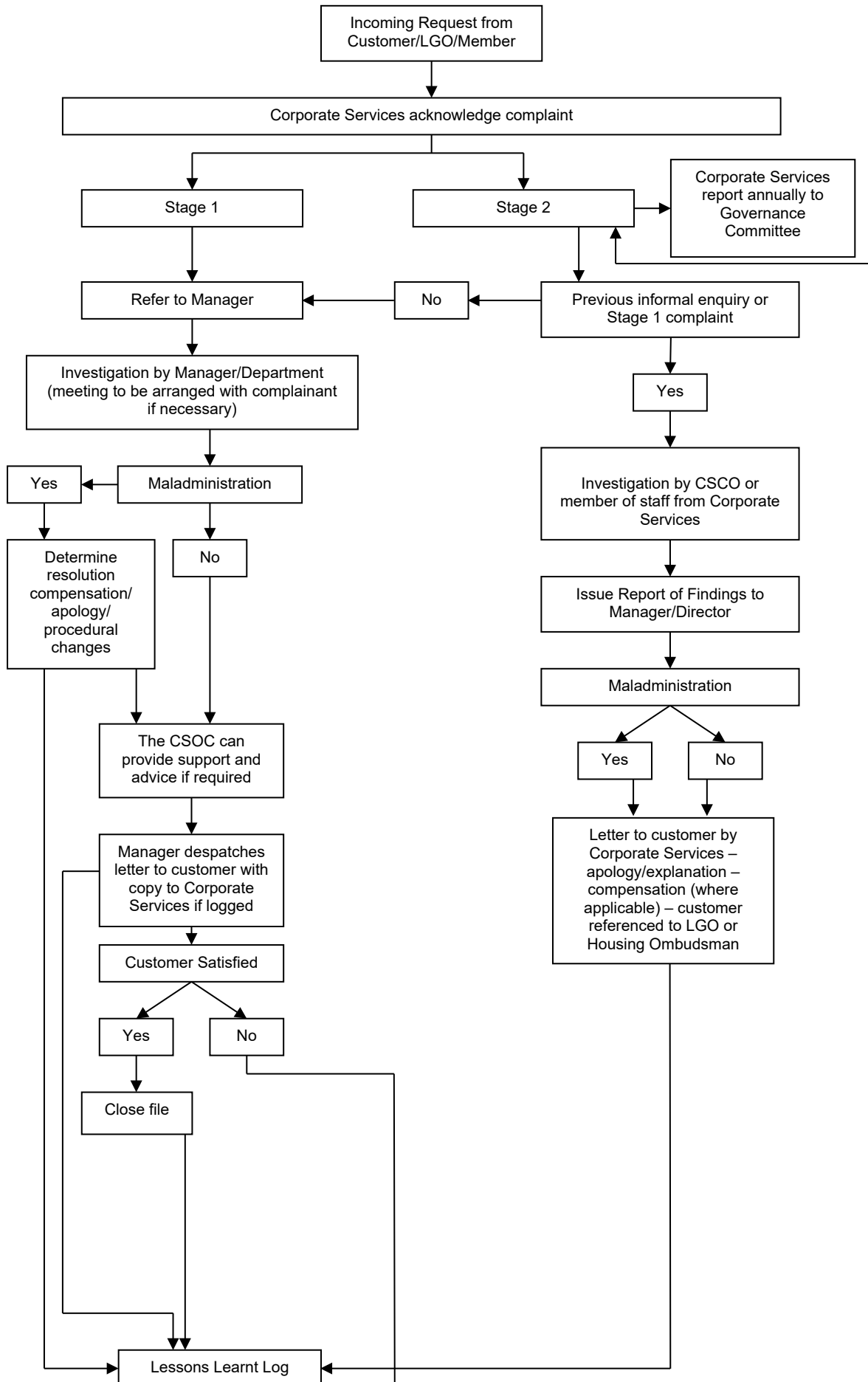
- When a complaint is received by the Corporate Services Team it is acknowledged within 5 working days maximum, usually within 2 working days, and the complainant is advised of the process involved.

- The complaint is referred to the Service Manager, or a member of their team, who has **10 working days** in which to respond to the customer. Where extra time is required, the customer will be kept informed. **This should not exceed a further 10 working days without good reason.**
- **A good reason in this situation could include, but is not limited to, where information is required from third parties, where a matter is particularly complex, or where further time is required to complete the investigation.**
- The complaint handler must:
 - Deal with complaints on their merits.
 - Act independently and have an open mind.
 - Take measures to address any actual or perceived conflict of interest.
 - Consider all information and evidence carefully.
 - Keep the complaint confidential as far as possible, with information only disclosed if necessary to properly investigate the matter.
- **As a Stage 1 complaint is a formal complaint it should be responded to in writing, even if it is to confirm what has been advised/agreed verbally to the complainant as part of the investigative process. A written response for this purpose can be considered to be an email or a letter.**

B. Stage 2

- If the complainant wishes to escalate their complaint to stage 2, the request should be received within 20 working days (or such timescale to be agreed with the complainant).
- If a complainant requests that their complaint be investigated further or if a complaint comes to Corporate Services that has already been considered by the Service Manager as a stage 1 complaint, it will be dealt with at stage 2 of the complaint's procedure.
- The complainant will be provided with a timescale of how long the investigation will take. This would normally be up to **20 working days**, but the complainant should be kept advised of progress.
- The complaint will be considered by a member of staff from Corporate Services team.
- The Corporate Services Officer will write to the complainant with the findings and appropriate resolution. The response must include details of how to contact the Local Government and Social Care Ombudsman or Housing Ombudsman, whichever is applicable.

Complaint About Service Delivery

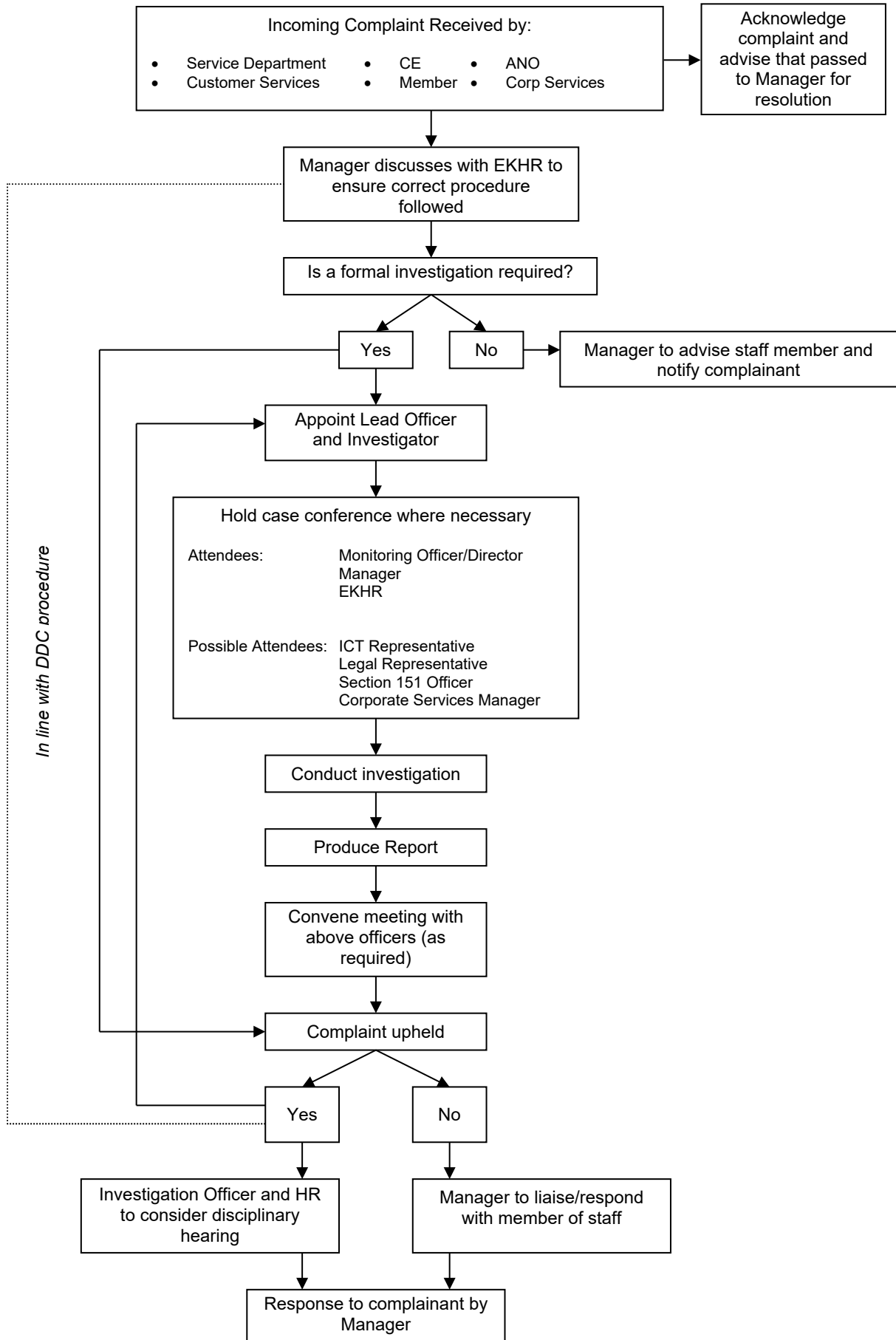


Procedure for dealing with a complaint against Member of Staff

(See also attached flowchart – Annex B)

- Where a serious complaint is made concerning a member of staff this will be referred to their Line Manager.
- Listed below are examples of a serious complaint although this list is not exhaustive:
 - Fraud
 - Rude/disrespectful
 - Theft
 - Corruption
 - Offences of dishonesty
 - Incitement to or acts of discrimination
 - Fighting
 - Physical assault
 - Drunkenness or being under the influence of illegal drugs at work.
- The Manager will investigate the allegation (seeking advice from HR where appropriate).
- If the matter can be easily resolved e.g., there is a satisfactory explanation for the member of staff's actions or the evidence is available and clearly demonstrates that the complaint is not upheld, the Manager will liaise with the member of staff and respond immediately to the complainant.
- If the matter requires investigation a Lead Officer and Investigator will be appointed. (The Investigator would normally be the Line Manager). At this stage the Monitoring Officer or Director will advise the member of staff and, subject to HR advice, the officer concerned may be suspended.
- Once the investigation is complete a report will be produced, and the Monitoring Officer or Director will convene a case conference meeting. If the complaint is upheld the Investigating Officer, taking appropriate advice from EKHR will consider the required course of action, which may include disciplinary measures.
- If the complaint is not upheld the Monitoring Officer or Director will immediately liaise with the member of staff.

Serious External Complaint Against Member of Staff



Procedure for dealing with an alleged breach of the Member Code of Conduct

Section 28 (6) Localism Act requires the Council to have in place arrangements under which allegations that a district, town or parish councillor has failed to comply with the Code of Conduct for Members can be investigated and under which decisions on allegations can be made. The Council has such arrangements in place.

The Localism Act provides that a failure to comply with an authority's code of conduct is not to be dealt with otherwise than in accordance with the arrangements.

Those arrangements are separate from and outside the scope of this Complaints Policy and can be viewed here

http://www.dover.gov.uk/council_democracy/councillors_decisions_meeti/councillors/councillor_complaints.aspx

Remedies Guidance and Complaint Resolution

This guidance sets out the Council's approach to remedies, the types of remedies available and how to resolve a complaint.

A remedy is the means by which we put things right for the complainant. Where an officer identifies that the Council has done something wrong, or not done something it should have done, officers need to consider each complaint on a case-by-case basis and respond as follows

- acknowledge what has gone wrong
- set out the proposed actions or actions already taken to put things right and the timescale in which they will be done
- any remedy must reflect the extent of any service failure and the level of detriment caused to the customer as a result
- consideration should be given to the impact of the action or behaviour of the customer as well as the actions of the Council
- the Council must not promise anything that cannot be delivered or would cause unfairness to other residents
- what lessons need to be learnt or service improvements to prevent it happening again; and

Putting things right

The Council aims to put the complainant back into the position they would have been had the error not occurred.

A remedy must set out the measure(s) that will correct the error or service failure. There are various options that can be considered depending upon the type or nature of the complaint and severity of the mistake.

Types of remedy

This needs to be tailored to the circumstances of the complaint. Below are some of the options available:

Apology

In some circumstances an apology is all that is required. An apology can be made in person but ideally should be in writing, so the Council has a record of how the matter was dealt with. An apology should:

- acknowledge the error or service failure
- accept responsibility for it
- explain clearly why it happened
- express sincere regret

Specific action

Is there some practical action which would provide all, or part of a suitable remedy?

For example, can the Council:

- perform or not perform any of the contractual or other obligations existing between the Council and the complainant
- exercise or not exercise any of the rights existing between the Council and the complainant
- undertake or refrain from undertaking works for example to repair a property
- take such other reasonable steps to put things right as are within the Council's legal powers, for example review or change a decision on the service given to the complainant or do something else to make things better for the complainant.

The Council's policies and procedures

Remedial action may include improvements to the Council's policies or procedures. For example:

- Revising published material
- Revising procedures to prevent the same thing happening again
- Providing additional training for staff on the relevant process.

Financial Compensation

There may be occasion when an apology and actions do not fully remedy the complaint. If a complainant requests financial compensation or the officer believes that this is appropriate, consideration must be given to:

- Actual quantifiable financial loss sustained as a direct result of the error or service failure identified; and/or
- Any statutory payments which may be due for example under the Right to Repair scheme
- Other financial redress, for example in recognition of avoidable inconvenience or other unfair impact of the error or service failure which has been identified.

Our compensation calculations are always based on what the Council considers to be fair depending on the particular circumstances of the case being considered.

Questions Raised on Notice by Members

(a) To Chairmen/Vice-Chairmen of Committees

There were no questions received for Chairmen/Vice-Chairmen of Committees.

(b) To the Executive

To receive answers in respect of questions from Members of the Council to a Member of the Executive asked in accordance with Rule 12 of the Council Procedure Rules.

- (1) Councillor M Bates will ask the Portfolio Holder for Transport, Licensing and Environmental Services, Councillor J L Pout:

“The Examination for National Highways’ Lower Thames Crossing Development Consent Order (DCO) application commenced on 20th June 2023. KCC have been requested to provide a corporate response during the examination process and stakeholders were requested to provide their contributions by 16th June. Can the Portfolio Holder for Transport confirm that, as part of this process, DDC have forwarded a request to KCC that they emphasise within their submission that the significant impact to the volume of traffic which will use the M2/A2 corridor must be considered and that improvements to the current road network to the Port of Dover must therefore be included within the RIS3 programme?”

- (2) Councillor M Bates will ask the Portfolio Holder for Transport, Licensing and Environmental Services, Councillor J L Pout:

“Following the receipt of £45 million pound in levelling up funding we have received very little in the way of concrete information as to how this funding is to be used in order to improve the flow of traffic into and out of the Port of Dover. Given that the summer rush is almost upon us can the Portfolio Holder for Transport please provide an update as to how discussions are proceeding with KCC and Dover Harbour Board concerning the provision of new port infrastructure and whether any timescales have been produced as to when this work will be completed?”

- (3) Councillor M Bates will ask the Portfolio Holder for Transport, Licensing and Environmental Services, Councillor J L Pout:

“Last year we received the devastating news from KCC that Stagecoach and other bus companies intended to cut a number of unviable commercial services. Amongst these were a number of school bus routes within the District which, following representations from DDC and other interested parties, were reprieved until July this year. We are still awaiting a further announcement from KCC as to whether these services will be reprieved. Can the Portfolio Holder for Transport confirm that he has made representations with his opposite number in KCC requesting that this reprieve be continued for the following school year?”

- (4) Councillor C A Vinson will ask the Portfolio Holder for Community and Corporate Property, Councillor C D Zosseder:

“On which date was the current portfolio holder briefed by the relevant head of service and internal audit team on the findings of the recent proactive audit of car parking and enforcement?”

- (5) Councillor D R Friend will ask the Portfolio Holder for Housing, Skills and Education, Councillor P M Brivio:

“Will the portfolio holder confirm that 200 “environmentally friendly council homes” will be built by the Council this year (i.e. in 23/24)?”

- (6) Councillor T J Bartlett will ask the Leader of the Council, Councillor K Mills:

“Will the leader confirm whether the Council has a commercial agreement in place with the developers of the former Regent cinema in Deal, in relation to the Council’s landholdings adjacent to the site (including South Street car park, public toilets and former bus waiting room) which are included within the plans recently consulted on ahead of applying for planning permission to redevelop the site?”

- (7) Councillor O C de R Richardson will ask the Portfolio Holder for Community and Corporate Property, Councillor C D Zosseder:

“Will the portfolio holder provide an update on current staffing levels within the parks and open spaces team?”

- (8) Councillor C A Vinson will ask the Portfolio Holder for Finance, Governance, Climate Change and Environment, Councillor S H Beer:

“What assessment has the portfolio holder made of the future reduction in the Council’s greenhouse gas emissions that may be possible as a result of the renewal of our energy procurement arrangements through LASER (Notice of Decision Taken Between Meetings DPH02 23, 4th July 2023) which includes contracting with Total Energies for gas supply alongside provision of Renewable Gas Guarantee of Origin (REGO) certificates?”

Motions on Notice by Members

(1) **In accordance with Council Procedure Rule 13, Councillor C A Vinson will move:**

“This Council notes that:

- Openness is one of the 7 Nolan Principles of public life, which states that information should not be withheld from the public unless there are clear and lawful reasons for doing so.
- The Accounts and Audits Regulations 2015 require the Council to maintain an adequate and effective system of internal audit.
- The Council’s Constitution requires the Governance Committee to receive internal audit reports, approve the audit programme and ensure the internal audit service is sufficiently resourced. It also requires the Committee to agree and periodically review the Terms of Reference for the internal audit function.
- At present, Portfolio Holders and Shadow Portfolio Holders are not always involved in the internal audit process and completed reports on Council services and functions are not consistently shared with them once finalised.

As such, this Council believes that:

- The East Kent Audit Partnership is an excellent example of how cross-authority shared services arrangements can work well for the benefit of the Council, its Members, Officers and the public they serve.
- In line with the Nolan principle of openness, internal audit reports should be routinely shared with the relevant portfolio holder and shadow portfolio upon completion.

And agrees that:

The Council’s Financial Procedure Rules, as set out in the Constitution, should be amended to replace the current clause 4.5 with the following (new wording shown in bold):

“A four-year Strategic Plan will be prepared by the Head of Audit Partnership, which will be approved by the Governance Committee. A one-year Operational Plan will be prepared each year from the Strategic Plan. **The Head of Audit Partnership will share a final report on each element of the Plan, and any follow up reports on actions identified, with the relevant Heads of Service, Portfolio Holder(s) and Shadow Portfolio**

Holder(s) as they are completed. The Head of Audit Partnership will report the work performed against the Plan to the Governance Committee on a quarterly basis.”

URGENT BUSINESS

To consider any other items deemed by the Chairman of the Council to be urgent in accordance with the Local Government Act 1972.