

# Public Document Pack



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## STANDARDS COMMITTEE

15 SEPTEMBER 2015

A meeting of the Standards Committee will be held at **7.00 pm on Tuesday, 15 September 2015** in the Austen Room, Cecil Street, Margate, Kent.

### Membership:

Dr Jonathan Sexton (Chairman); Mrs Janet Bacon (Vice-Chairman)  
Councillors: Way, Wright, Ashbee, Braidwood, Buckley, Dexter, J Fairbrass, Johnston and Tomlinson

## A G E N D A

Item  
No

Subject

1. **APOLOGIES FOR ABSENCE**
2. **MINUTES OF PREVIOUS MEETING** (Pages 1 - 2)  
To approve the Minutes of the meeting of Standards Committee held on **1 July 2015**, copy attached.
3. **DECLARATIONS OF INTEREST**
4. **CONSTITUTIONAL REVIEW**  
Report and annexes to follow.
5. **LOCAL GOVERNMENT OMBUDSMAN ANNUAL REVIEW** (Pages 3 - 10)
6. **STANDARDS COMPLAINT STATISTICS** (Pages 11 - 12)  
**Declaration of Interest form - back of agenda**

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# Public Document Pack Agenda Item 2

## STANDARDS COMMITTEE

Minutes of the meeting held on 1 July 2015 at 7.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

**Present:** Dr Jonathan Sexton (Chairman); Mrs Janet Bacon (Independent Member of the Standards Committee)  
Councillors: Way (Monkton Parish Council), Ashbee, Buckley, Dexter, Johnston and Tomlinson

### 96. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J. Fairbrass and Braidwood.

### 97. MINUTES OF PREVIOUS MEETING

It was proposed by Councillor Tomlinson and seconded by Councillor Johnston and AGREED that the minutes of the meeting of 9 April 2015 were a correct record and signed by the Chairman subject to the following changes:

The Chairman referred to item 94 and requested that:

“he did not advocate the employment of sanctions” and “could be effective” be replaced respectively with “he did not believe that acceptable member behaviour was assured by the overt threat of sanctions” and “had also been shown to be an effective mean of maintaining good member behaviour”.

### 98. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 99. MEMBER SANCTIONS

Timothy Howes, Head of Legal and Democratic Services outlined his report. He recommended that:

“A sanction to restrict a member’s access to defined staff is added to the list of sanctions and a clause be added to the effect that the list of actions is not intended to be prescriptive or exhaustive.”

The Committee were advised that there had been a change in legislation which meant that once a councillor had been elected, the relationship with the electorate could not be interfered with. Some had expressed that this was regrettable and had alleged that were no sanctions.

Those present heard that the Committee had the power to decide what actions should be taken in individual cases and would be able to refer issues to other bodies as appropriate. The sanctions employed should reflect the nature of the breach by the councillor.

An example was given of a Standards complaint where an officer had been bullied by a councillor and it was considered that an appropriate sanction in this case would be to restrict contact with the officer.

Councillor Johnston asked if it was possible to remove allowances as a sanction and was advised the Committee does not have this power.

Concerns were raised by the Committee about how consistency and fairness could be achieved. It was questioned whether a 'sliding scale' could be used similar to in the armed services or a 'menu' with guidelines.

Members were advised that a different approach has been taken with Standards issues as each breach was subtly different and sanctions should not be thought of as punishments for crimes.

The Chairman advised that the issue of sanctions must be put into context; the Standards process is only dealing with a small number of people and he accepted that the Committee would need to be mindful in circumstances where a councillor has had more than one complaint. It would need to be judged whether sanctions would be appropriate based on the nature of the concerns.

Further to this discussion, Councillor Johnston proposed, Councillor Tomlinson seconded and it was AGREED that the officer's recommendations be adopted.

The Committee were informed that the approved additions to the section in the Members' Code of Conduct relating to sanctions would be reported to the Improvement Board. The changes made would be referred to the Constitutional Review Working Party for consideration before finally being brought to Full Council for final resolution.

**100. STANDARDS COMPLAINTS TABLE 2015**

The Committee noted that the Standards Complaints statistics.

**101. UPDATE REGARDING THE REVIEW OF THE COUNCIL'S CONSTITUTION**

The Chairman provided an update for the Committee and advised that Members could expect to receive paperwork in relation to work completed to revise the Council's Constitution, as well as Member and Officer Protocol documents.

Meeting concluded : 8.30pm

18 June 2015

*By email*

Ms Madeline Homer  
Chief Executive  
Thanet District Council

Dear Ms Homer

### **Annual Review Letter 2015**

I am writing with our annual summary of statistics on the complaints made to the Local Government Ombudsman (LGO) about your authority for the year ended 31 March 2015. This year's statistics can be found in the table attached.

The data we have provided shows the complaints and enquiries we have recorded, along with the decisions we have made. We know that these numbers will not necessarily match the complaints data that your authority holds. For example, our numbers include people who we signpost back to the council but who may never contact you. I hope that this information, set alongside the data sets you hold about local complaints, will help you to assess your authority's performance.

We recognise that the total number of complaints will not, by itself, give a clear picture of how well those complaints are being responded to. Over the coming year we will be gathering more comprehensive information about the way complaints are being remedied so that in the future our annual letter focuses less on the total numbers and more on the outcomes of those complaints.

### **Supporting local scrutiny**

One of the purposes of the annual letter to councils is to help ensure that learning from complaints informs scrutiny at the local level. Supporting local scrutiny is one of our key business plan objectives for this year and we will continue to work with elected members in all councils to help them understand how they can contribute to the complaints process.

We have recently worked in partnership with the Local Government Association to produce a workbook for councillors which explains how they can support local people with their complaints and identifies opportunities for using complaints data as part of their scrutiny tool kit. This can be found [here](#) and I would be grateful if you could encourage your elected members to make use of this helpful resource.

Last year we established a new Councillors Forum. This group, which meets three times a year, brings together councillors from across the political spectrum and from all types of local authorities. The aims of the Forum are to help us to better understand the needs of councillors when scrutinising local services and for members to act as champions for learning from complaints in their scrutiny roles. I value this direct engagement with elected members and believe it will further ensure LGO investigations have wider public value.

## Encouraging effective local complaints handling

In November 2014, in partnership with the Parliamentary and Health Service Ombudsman and Healthwatch England, we published *'My Expectations'* a service standards framework document describing what good outcomes for people look like if complaints are handled well. Following extensive research with users of services, front line complaints handlers and other stakeholders, we have been able to articulate more clearly what people need and want when they raise a complaint.

This framework has been adopted by the Care Quality Commission and will be used as part of their inspection regime for both health and social care. Whilst they were written with those two sectors in mind, the principles of *'My Expectations'* are of relevance to all aspects of local authority complaints. We have shared them with link officers at a series of seminars earlier this year and would encourage chief executives and councillors to review their authority's approach to complaints against this user-led vision. A copy of the report can be found [here](#).

## Future developments at LGO

My recent annual letters have highlighted the significant levels of change we have experienced at LGO over the last few years. Following the recent general election I expect further change.

Most significantly, the government published a review of public sector ombudsmen in March of this year. A copy of that report can be found [here](#). That review, along with a related consultation document, has proposed that a single ombudsman scheme should be created for all public services in England mirroring the position in the other nations of the United Kingdom. We are supportive of this proposal on the basis that it would provide the public with clearer routes to redress in an increasingly complex public service landscape. We will advise that such a scheme should recognise the unique roles and accountabilities of local authorities and should maintain the expertise and understanding of local government that exists at LGO. We will continue to work with government as they bring forward further proposals and would encourage local government to take a keen and active interest in this important area of reform in support of strong local accountability.

The Government has also recently consulted on a proposal to extend the jurisdiction of the LGO to some town and parish councils. We currently await the outcome of the consultation but we are pleased that the Government has recognised that there are some aspects of local service delivery that do not currently offer the public access to an independent ombudsman. We hope that these proposals will be the start of a wider debate about how we can all work together to ensure clear access to redress in an increasingly varied and complex system of local service delivery.

Yours sincerely



Dr Jane Martin  
Local Government Ombudsman  
Chair, Commission for Local Administration in England

## Local authority report – Thanet District Council

For the period ending – 31/03/2015

For further information on interpretation of statistics click on this link to go to <http://www.lgo.org.uk/publications/annual-report/note-interpretation-statistics/>

### Complaints and enquiries received

| Local Authority | Adult Care Services | Benefits and tax | Corporate and other services | Education and children's services | Environmental services and public protection | Highways and transport | Housing | Planning and development | Total |
|-----------------|---------------------|------------------|------------------------------|-----------------------------------|--|------------------------|---------|--------------------------|-------|
| Thanet DC       | 2                   | 2                | 7                            | 0                                 | 12   | 1                      | 10      | 8                        | 42    |

### Decisions made

| Local Authority | <u>Detailed investigations carried out</u> |            | Advice given | Closed after initial enquiries | Incomplete/Invalid | Referred back for local resolution | Total |
|-----------------|--|------------|--------------|--------------------------------|--------------------|------------------------------------|-------|
|                 | Upheld                                     | Not Upheld |              |                                |                    |                                    |       |
| Thanet DC       | 4  | 5          | 1            | 7                              | 0                  | 22                                 | 39    |

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Thanet DC  
Complaints received in period (Apr 2014 - Mar 2015)

|    | <b>Ref</b> | <b>Authority</b> | <b>Category</b>   | <b>Received Date</b> |
|----|------------|------------------|---|----------------------|
| 1  | 14000541   | Thanet DC        | Housing   | 09/Apr/2014          |
| 2  | 14002411   | Thanet DC        | Environmental Services & Public Protection & Regulation | 12/May/2014          |
| 3  | 14002836   | Thanet DC        | Planning & Development                                  | 19/May/2014          |
| 4  | 14003483   | Thanet DC        | Housing   | 30/May/2014          |
| 5  | 14004184   | Thanet DC        | Housing   | 12/Jun/2014          |
| 6  | 14004762   | Thanet DC        | Housing   | 20/Jun/2014          |
| 7  | 14005668   | Thanet DC        | Adult Care Services                                     | 07/Jul/2014          |
| 8  | 14007074   | Thanet DC        | Environmental Services & Public Protection & Regulation | 28/Jul/2014          |
| 9  | 14007007   | Thanet DC        | Environmental Services & Public Protection & Regulation | 28/Jul/2014          |
| 10 | 14008140   | Thanet DC        | Corporate & Other Services                              | 14/Aug/2014          |
| 11 | 14008750   | Thanet DC        | Environmental Services & Public Protection & Regulation | 26/Aug/2014          |
| 12 | 14009156   | Thanet DC        | Environmental Services & Public Protection & Regulation | 02/Sep/2014          |
| 13 | 14009674   | Thanet DC        | Corporate & Other Services                              | 10/Sep/2014          |
| 14 | 14010423   | Thanet DC        | Housing   | 23/Sep/2014          |
| 15 | 14010443   | Thanet DC        | Planning & Development                                  | 23/Sep/2014          |
| 16 | 14012356   | Thanet DC        | Housing   | 24/Oct/2014          |
| 17 | 14008611   | Thanet DC        | Housing   | 30/Oct/2014          |
| 18 | 14012948   | Thanet DC        | Planning & Development                                  | 05/Nov/2014          |
| 19 | 14013082   | Thanet DC        | Environmental Services & Public Protection & Regulation | 07/Nov/2014          |
| 20 | 14005975   | Thanet DC        | Environmental Services & Public Protection & Regulation | 12/Nov/2014          |
| 21 | 14009557   | Thanet DC        | Adult Care Services                                     | 18/Nov/2014          |
| 22 | 14014636   | Thanet DC        | Housing   | 04/Dec/2014          |
| 23 | 14014673   | Thanet DC        | Benefits & Tax  | 05/Dec/2014          |
| 24 | 14015456   | Thanet DC        | Corporate & Other Services                              | 22/Dec/2014          |
| 25 | 14015620   | Thanet DC        | Corporate & Other Services                              | 02/Jan/2015          |
| 26 | 14013204   | Thanet DC        | Environmental Services & Public Protection & Regulation | 29/Jan/2015          |
| 27 | 14017415   | Thanet DC        | Corporate & Other Services                              | 03/Feb/2015          |
| 28 | 14017847   | Thanet DC        | Housing   | 11/Feb/2015          |

Thanet DC  
Complaints received in period (Apr 2014 - Mar 2015)

|    |          |           |   |             |
|----|----------|-----------|---|-------------|
| 29 | 14018342 | Thanet DC | Benefits & Tax  | 17/Feb/2015 |
| 30 | 14018268 | Thanet DC | Planning & Development                                  | 19/Feb/2015 |
| 31 | 14018664 | Thanet DC | Planning & Development                                  | 24/Feb/2015 |
| 32 | 14019036 | Thanet DC | Planning & Development                                  | 02/Mar/2015 |
| 33 | 14019360 | Thanet DC | Corporate & Other Services                              | 09/Mar/2015 |
| 34 | 14019723 | Thanet DC | Corporate & Other Services                              | 11/Mar/2015 |
| 35 | 14019722 | Thanet DC | Environmental Services & Public Protection & Regulation | 11/Mar/2015 |
| 36 | 14019721 | Thanet DC | Highways & Transport                                    | 11/Mar/2015 |
| 37 | 14019683 | Thanet DC | Housing   | 11/Mar/2015 |
| 38 | 14014633 | Thanet DC | Environmental Services & Public Protection & Regulation | 16/Mar/2015 |
| 39 | 14019942 | Thanet DC | Planning & Development                                  | 16/Mar/2015 |
| 40 | 14019987 | Thanet DC | Environmental Services & Public Protection & Regulation | 17/Mar/2015 |
| 41 | 14020503 | Thanet DC | Environmental Services & Public Protection & Regulation | 24/Mar/2015 |
| 42 | 14020570 | Thanet DC | Planning & Development                                  | 26/Mar/2015 |

Thanet DC  
Decisions made in period (Apr 2014 - Mar 2015)

|    | Ref      | Authority | Category  | Decision date | Decision                           |
|----|----------|-----------|---|---------------|------------------------------------|
| 1  | 13011661 | Thanet DC | Planning & Development                                  | 07/Apr/2014   | Closed after initial enquiries     |
| 2  | 13009108 | Thanet DC | Housing   | 08/Apr/2014   | Upheld                             |
| 3  | 14000541 | Thanet DC | Housing   | 06/May/2014   | Not Upheld                         |
| 4  | 14002411 | Thanet DC | Environmental Services & Public Protection & Regulation | 12/May/2014   | Referred back for local resolution |
| 5  | 14002836 | Thanet DC | Planning & Development                                  | 04/Jun/2014   | Referred back for local resolution |
| 6  | 14004184 | Thanet DC | Housing   | 12/Jun/2014   | Referred back for local resolution |
| 7  | 13017537 | Thanet DC | Housing   | 17/Jun/2014   | Upheld                             |
| 8  | 14004762 | Thanet DC | Housing   | 20/Jun/2014   | Referred back for local resolution |
| 9  | 14007007 | Thanet DC | Environmental Services & Public Protection & Regulation | 28/Jul/2014   | Referred back for local resolution |
| 10 | 14007074 | Thanet DC | Environmental Services & Public Protection & Regulation | 28/Jul/2014   | Referred back for local resolution |
| 11 | 14003483 | Thanet DC | Housing   | 28/Aug/2014   | Upheld                             |
| 12 | 14008750 | Thanet DC | Environmental Services & Public Protection & Regulation | 12/Sep/2014   | Referred back for local resolution |
| 13 | 14009156 | Thanet DC | Environmental Services & Public Protection & Regulation | 23/Sep/2014   | Referred back for local resolution |
| 14 | 14008140 | Thanet DC | Corporate & Other Services                              | 25/Sep/2014   | Closed after initial enquiries     |
| 15 | 14009674 | Thanet DC | Corporate & Other Services                              | 29/Sep/2014   | Closed after initial enquiries     |
| 16 | 14010423 | Thanet DC | Housing   | 09/Oct/2014   | Referred back for local resolution |
| 17 | 14013082 | Thanet DC | Environmental Services & Public Protection & Regulation | 07/Nov/2014   | Referred back for local resolution |
| 18 | 14005668 | Thanet DC | Adult Care Services                                     | 26/Nov/2014   | Not Upheld                         |
| 19 | 14008611 | Thanet DC | Housing   | 03/Dec/2014   | Referred back for local resolution |
| 20 | 14009557 | Thanet DC | Adult Care Services                                     | 08/Dec/2014   | Referred back for local resolution |
| 21 | 14005975 | Thanet DC | Environmental Services & Public Protection & Regulation | 08/Dec/2014   | Closed after initial enquiries     |
| 22 | 14015456 | Thanet DC | Corporate & Other Services                              | 22/Dec/2014   | Referred back for local resolution |
| 23 | 14014673 | Thanet DC | Benefits & Tax  | 08/Jan/2015   | Referred back for local resolution |
| 24 | 14015620 | Thanet DC | Corporate & Other Services                              | 06/Feb/2015   | Referred back for local resolution |
| 25 | 14017415 | Thanet DC | Corporate & Other Services                              | 06/Feb/2015   | Advice given                       |
| 26 | 14012356 | Thanet DC | Housing   | 09/Feb/2015   | Upheld                             |
| 27 | 14013204 | Thanet DC | Environmental Services & Public Protection & Regulation | 12/Feb/2015   | Closed after initial enquiries     |
| 28 | 14018268 | Thanet DC | Planning & Development                                  | 19/Feb/2015   | Referred back for local resolution |
| 29 | 14012948 | Thanet DC | Planning & Development                                  | 20/Feb/2015   | Not Upheld                         |
| 30 | 14010443 | Thanet DC | Planning & Development                                  | 20/Feb/2015   | Not Upheld                         |

Thanet DC  
Decisions made in period (Apr 2014 - Mar 2015)

|    |          |           |   |             |                                    |
|----|----------|-----------|---|-------------|------------------------------------|
| 31 | 14019036 | Thanet DC | Planning & Development                                  | 02/Mar/2015 | Referred back for local resolution |
| 32 | 14018342 | Thanet DC | Benefits & Tax  | 06/Mar/2015 | Closed after initial enquiries     |
| 33 | 14019360 | Thanet DC | Corporate & Other Services                              | 09/Mar/2015 | Referred back for local resolution |
| 34 | 14019683 | Thanet DC | Housing   | 11/Mar/2015 | Referred back for local resolution |
| 35 | 14018664 | Thanet DC | Planning & Development                                  | 13/Mar/2015 | Closed after initial enquiries     |
| 36 | 14019942 | Thanet DC | Planning & Development                                  | 16/Mar/2015 | Referred back for local resolution |
| 37 | 14019987 | Thanet DC | Environmental Services & Public Protection & Regulation | 17/Mar/2015 | Referred back for local resolution |
| 38 | 14017847 | Thanet DC | Housing   | 19/Mar/2015 | Not Upheld                         |
| 39 | 14020503 | Thanet DC | Environmental Services & Public Protection & Regulation | 24/Mar/2015 | Referred back for local resolution |

RECORD OF COMPLAINTS

|     | COMPLAINT NO: | DATE       | INVESTIGATE   | COMPLAINANT                             | AGAINST           | ALLEGATION / FINDING   |
|-----|---------------|------------|---|---|-------------------|--|
|     | 2015          |            |   |   |                   |  |
| 120 | TDCSC120/15   | 08/01/2015 | Investigation completed but councillor not re-elected.<br><br>Closed. | TDC Councillors<br>11 Members of Public | TDC Councillor    | Allegations regarding reported comments made by a councillor.                          |
| 121 | TDCSC121/15   | 24/04/2015 | Councillor not re-elected.<br><br>Closed.                             | Member of the Public                    | TDC Councillor    | Allegation of non-response to enquiries made by a member of the public.                |
| 122 | TDCSC122/15   | 19/05/2015 | Other action-letter from the Monitoring Officer<br><br>Closed         | TDC Officer                             | TDC Councillor    | Allegation regarding reported comments made by a councillor to a member of staff.      |
| 123 | TDCSC123/15   | 03/06/2015 | No further action.<br><br>Closed                                      | TDC Councillor                          | TDC Councillor    | Allegation regarding comments posted on social media.                                  |
| 124 | TDCSC124/15   | 06/08/2015 | Open  | Parish Councillor                       | Parish Councillor | Allegation regarding councillor's behaviour in public meeting.                         |
| 125 | TDCSC125/15   | 26/08/2015 | Open  | Parish Councillor                       | Parish Councillor | Allegation regarding email communication and councillor's behaviour in public meeting. |

RECORD OF COMPLAINTS

|     | COMPLAINT NO: | DATE       | INVESTIGATE | COMPLAINANT       | AGAINST           | ALLEGATION / FINDING                                   |
|-----|---------------|------------|-------------|-------------------|-------------------|--|
|     | 2015          |            |             |                   |                   |  |
| 126 | TDCSC126/15   | 03/09/2015 | Open        | TDC Councillor    | TDC Councillors   | Allegations regarding behaviour in meeting.            |
| 127 | TDCSC127/15   | 03/09/2015 | Open        | Parish Councillor | Parish Councillor | Allegations regarding poor communication and bullying. |

## THANET DISTRICT COUNCIL DECLARATION OF INTEREST FORM

### Do I have a personal interest?

You have a **personal interest** in any business of your authority where it relates to or is likely to affect:

- a) An interest you must **register**.
- b) An interest that is not on your register, but where the well-being or financial position or you, members of your family (spouse; partner; parents; in laws; step/children; nieces and nephews), or people with whom you have a close association (friends; colleagues; business associates and social contacts that can be friendly and unfriendly) is likely to be affected by the business of your authority more than it would affect the majority of:
  - Inhabitants of the ward or electoral division affected by the decision (in the case of the authorities with electoral divisions or wards.)
  - Inhabitants of the authority's area (in all other cases)

These two categories of personal interests are explained in this section. If you declare a personal interest you can remain in the meeting, speak and vote on the matter, unless your personal interest is also a prejudicial interest.

### Effect of having a personal interest in a matter

You must declare that you have a personal interest, **and the nature of that interest**, before the matter is discussed or as soon as it becomes apparent to you except in limited circumstances. Even if your interest is on the register of interests, you must declare it in the meetings where matters relating to that interest are discussed, unless an exemption applies.

### When an exemption may be applied

An exemption applies where your interest arises solely from your Membership of, or position of control or management on:

1. Any other body to which you were appointed or nominated by the authority.
2. Any other body exercising functions of a public nature (e.g. another local authority)

### Is my personal interest also a prejudicial interest?

Your personal interest will also be a **prejudicial interest** in a matter if all of the following conditions are met:

- a) The matter does not fall within one of the **exempt categories** of decisions
- b) The matter affects **your financial interests** or relates to a **licensing or regulatory matter**.
- c) A member of public, who knows the relevant facts, would **reasonably think your personal interest is so significant** that it is likely to prejudice your judgement of the public interest.

### What action do I take if I have a prejudicial interest?

- a) If you have a **prejudicial interest** in a matter being discussed at a meeting, you must declare that you have a prejudicial interest as the nature of that interest becomes apparent to you.
- b) You should then leave the room, **unless members of the public are allowed to make representations, give evidence or answer questions about the matter**, by statutory right or otherwise. If that is case, you can also attend the meeting for that purpose.
- c) However, you must immediately leave the room once you have finished or when the meeting decides that you have finished (if that is earlier). You cannot remain in the public gallery to observe the vote on the matter.

d) In addition you must not seek to **improperly influence** a decision in which you have a prejudicial interest.

**This rule is similar to your general obligation not to use your position as a Member improperly to your or someone else's advantage or disadvantage.**

**What if I am unsure?**

If you are in any doubt, Members are strongly advised to seek advice from the Monitoring Officer or the Democratic Services Manager well in advance of the meeting.

**DECLARATION OF PERSONAL AND, PERSONAL AND PREJUDICIAL INTERESTS**

**MEETING** .....

**DATE**..... **AGENDA ITEM** .....

**IS YOUR INTEREST:**

**PERSONAL**

**PERSONAL AND PREJUDICIAL**

**NATURE OF INTEREST:**

.....  
.....  
.....

**NAME (PRINT):** .....

**SIGNATURE:** .....

Please detach and hand this form to the Committee Clerk when you are asked to declare any interests.

