



Standards Committee

Notice of a meeting, to be held in the Council Chamber, Civic Centre, Tannery Lane,
Ashford, Kent TN23 1PL on Tuesday 1st November 2011 at 7.00 pm

The Members of this Committee are:-

Cllr. Chilton (Vice-Chairman)
Cllrs. Mrs Blanford, Galpin, Mortimer, Taylor.

Independent Members:-

Mr J Dowsey, Mr M V T Sharpe, Mrs C Vant

Parish Council Representatives:-

Mr R Brasier, Mr R Butcher, Mr D Lyward

Agenda

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Nos.

1. **Apologies/Substitutes** – To receive Notification of Substitutes in accordance with Procedure Rule 1.2(iii)
2. **Election of Chairman for 2011/12 Municipal Year**
3. **Declarations of Interest** - Declarations of Interest under the Code of Conduct adopted by the Council on the 24th May 2007 relating to items on this agenda should be made here. The nature as well as the existence of any such interest must also be declared
4. **Minutes** – To approve the Minutes of the Meeting of this Committee held on the 30th June 2010
5. **Minutes** – To approve the Minutes of the Meetings of the Standards Committee Assessment Panel held on the 19th August 2010, 6th October 2010 and 12th July 2011

Part I – For Decision

6. Annual Report of the Council's Monitoring Officer 2010/11

Part II – Monitoring/Information Items

None for this meeting

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Standards Committee

Minutes of a Meeting of the Standards Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **30th June 2010**

Present:

Mrs C Vant (Chairman);
Cllr. Davidson (Vice-Chairman);
Cllrs. Mrs Blanford, Clarkson, Kemp, Mrs Laughton

Mrs J Allen, Mr D Lyward – Parish Council Representatives.
Mr M Sharpe, Mr J Dowsey – Independent Members.

Apology:

Mr R Butcher.

Also present:

Monitoring Officer, Deputy Monitoring Officer, Member Services & Scrutiny Support Officer.

83 Election of Chairman

Resolved:

That Mrs C A Vant be elected as Chairman of the Standards Committee for the 2010/11 Municipal Year.

84 Standards Committee – 18th December 2009

A Member was concerned that only one Elected Member had been present at the meeting. The Chairman advised that there had been a disappointing turnout overall. An Independent Member felt that the lack of attendance could be attributed to the adverse weather conditions that had been experienced at the end of 2009.

A Member advised that at the meeting of the Full Council when the Minutes were approved she had been asked by the then Vice-Chairman to move adoption of the minutes even though she had not been present at the meeting. The Monitoring Officer advised that it was not a requirement for Minutes to be moved by a Member that was present at the meeting however it was good practice; it was in some instances unavoidable and so Minutes could be moved by a Member who had not been present at the meeting in question.

Resolved:

That the Minutes of the Meeting of this Committee held on the 18th December 2009 be approved and confirmed as a correct record.

**85 Standards Committee Assessment Panel – 5th
February 2010**

Resolved:

That the Minutes of the Meeting of the Standards Committee Assessment Panel held on the 5th February 2010 be approved and confirmed as a correct record.

**86 Annual Report of the Council's Monitoring Officer
2009/10**

The Monitoring Officer introduced his fifth annual report that would be presented to the Council on the 15th July 2010. The report gave an analysis of both Code of Conduct activity (Paragraphs 12-16) and Ombudsman Complaint activity (Paragraphs 17-22) for 2009/10.

With regard to Code of Conduct Complaints, there had been 14 (seven related to Borough Councillors and seven to Parish Councillors). The figures for 2009/10 showed a slightly reduced number of overall complaints compared to the preceding year (when there were 16 complaints) although the proportion of Borough Council complaints was significantly higher this year. Appendix 1 to the report gave further analysis of those complaints. To date no complaints under the local 'filtering' system had been referred for investigation, although six were undetermined (five relating to Borough Councillors and one to Parish Councillors). The cost in terms of Senior Officer time in handling the current level of complaints was significant.

In relation to the Ombudsman Complaints there had been 10 complaints against the Borough Council for 2009/10 which was 11 less than the previous year. The performance of the staff who dealt with Ombudsman complaints had been excellent and there was a marked decrease in the time taken by the Council to respond to first enquiries by the Ombudsman (from 24.7 days to 18 days). This improvement was pleasing and was the second consecutive year in which an improvement had been made. This was specifically noted in the Ombudsman's Annual Review letter which was contained at Appendix C to the report.

A Member drew attention to the high level of complaints that related to a specific village and enquired as to the reason for such a high number of complaints. The Monitoring Officer advised that the complaints had related to an issue surrounding street naming which was subject to an impending court hearing. One of the six outstanding complaints was also related to the same Parish Council and the street naming issue. The Monitoring Officer had agreed to attend a future Parish Council meeting, however this would be after the court hearing had taken place.

Members wished to congratulate the Monitoring Officer and his staff for their hard work and congratulated them on the reduction in time taken to deal with Ombudsman Complaints. The Monitoring Officer thanked the Committee and advised that he would pass on their comments to the Senior Scrutiny Officer who was primarily responsible for handling the Ombudsman Complaints.

There was discussion regarding the 6 outstanding complaints and the timeframe in which would be put before an Assessment Panel. The Monitoring Officer advised that the complaints had recently been received but, it was unlikely that they would reach an Assessment Panel within 20 days. However Assessment Panels would be set up to deal with the complaints as soon as possible. An Independent Member felt that it would be a measure of good performance for the Panel to meet soon and he felt that the complaints should be dealt with as soon as possible. The Chairman concluded by saying that whilst it was not always possible to put a complaint before an Assessment Panel within the timeframe, Officers made every effort to ensure that they did.

Resolved:

That the Annual Report of the Monitoring Officer 2009/10 be received and noted.

87 Referrals of Matters to Monitoring Officer for Steps Other Than an Investigation

The Monitoring Officer advised the Committee that under Regulation 13 of the Standards Committee (England) Regulations 2008 he was required to report in writing on steps taken by him to comply with directions by Assessment Panels to take action other than investigation on complaints. At the previous meeting of the Committee he had provided an oral update. This update included the various steps taken relating to each complaint.

An Independent Member drew attention to the Minutes of the Meeting of the Standards Committee held on the 18th December 2009, in particular to Minute Number 369, and quoted 'The Chairman agreed that a very concise note should be prepared for a future meeting detailing the fact that these sessions took place including date, time, venue and if possible a list of attendees.' He had been concerned about a comment during the training session that had preceded the meeting that 'things could be dealt with behind closed doors'. The Deputy Monitoring Officer added that he had made the comment referred to by the Independent Member and advised that it had been used only in the context of informal complaints. He mentioned that it was reasonable and recognised by Standards for England, that informal resolution of matters by the Monitoring Officer had a part to play. Indeed the DVD members had watched prior to the meeting contained a scenario showing precisely that. However once a formal complaint had been made then the complaint was always dealt with by the Assessment Panel. There had been an occasion when a formal complaint had been resolved due to one party apologising to the other however even this had been brought before the Assessment Panel. Another Independent Member advised that he did not see how the names of the attendees at

training sessions held by the Monitoring Officer would be of use to the Committee; he was happy with the format and content of the Report.

Resolved:

That the Standards Committee notes and agrees the 'Action Taken' by the Monitoring Officer in each of the cases detailed within the Report 'Referrals of Matters to Monitoring Officer for Steps Other Than an Investigation'.

88 Applications for Dispensation – Kenardington Parish Council

The Deputy Monitoring Officer advised the Committee that the Clerk to Kenardington Parish Council had informed the Monitoring Officer that the Parish Council had been asked by the Borough Councils Planning Department to put forward three potential sites in the village for a Local Needs Housing Scheme. A number of provisional sites had been identified by the Clerk and a representative of Action for Communities in Rural Kent. It was then proposed that the Parish Council were to meet to consider which of the provisional sites should be put forward to the Borough Council as the three potential sites. However four Kenardington Parish Councillors had a prejudicial interest in the provisional sites, by virtue of the proximity of the sites to their own properties or in the case of Councillor Ashby because he owned two of the provisional sites. There were a total of five Parish Councillors and the quorum for a meeting was three, therefore more than 50% of the Council would be unable to participate and the business of the Parish Council would be impeded as they would be unable to formulate a response to the request from the Borough Councils Planning Department.

At the time of preparing the report to the Committee, three applications for dispensation had been received. A further request had been received since the publication of the agenda – a copy of this request was presented to the Committee.

A Member questioned if a meeting of the Parish could be held to allow the parishioners to decide which sites should be put forward as preferred sites rather than granting dispensations. An Independent Member queried what the consequences would be should dispensations not be granted. The Monitoring Officer advised that he understood the concerns of the Committee. If dispensations were not granted, then the Parish Council would be unable to carry out its business and so would not be able to respond to the Borough Councils request. The Committee could, should they wish to do so, request the Parish Council to take steps to encourage wider public consultation regarding the sites to be put forward.

An Independent Member added that if the Parish Council had adopted Paragraph 12 of the Code of Conduct then Parish Councillors would have the right to address the Parish Council in the same manner as a member of the public so there would not be a need to grant dispensations. The Deputy Monitoring Officer advised that the Independent Member was correct in his understanding of the Code of Conduct, however the Parish Councillor(s) would not be permitted to take part in the debate or vote. Each application for dispensation had to be looked at separately.

The Committee considered that the interest of Councillor Ashby as owner of two of the provisional sites was such that it was inappropriate to grant any dispensation but in relation to the other applications for dispensation the Committee were prepared to grant the dispensations but agreed that the Monitoring Officer should write a letter to the Parish Clerk strongly advising them that in view of the unavoidable fact that most of the Parish Councillors had clear interests in the outcome of the deliberations, the Parish Council should agree to take steps to ensure that the relevant Parish Council meeting, at which the matter was to be discussed and decided, should be very clearly publicised within the community well in advance with a specific request that the public attend the meeting and be given full opportunity to express their views about the merits of the sites direct to the Parish Council prior to a decision being taken.

Resolved:

That

- (i) Councillors Cocking, Cornes and Hedley be granted dispensation to enable them to speak and vote at meetings of the Kenardington Parish Council, when matters relating to the formulation of the Parish Council's response to suggest three potential sites for a Local Needs Housing site are being discussed, notwithstanding that they have prejudicial interests therein by virtue of the proximity of their private properties to the potential sites, such dispensations to expire when the Parish Council's response has been formulated and submitted to the Borough Council;**
- (ii) Councillor Ashby be denied dispensation to speak and vote at meetings of the Kenardington Parish Council, when matters relating to the formulation of the Parish Council's response to suggest three potential sites for a Local Needs Housing site are being discussed.**

Standards Committee – Assessment Panel

Minutes of a Meeting of the Standards Committee – Assessment Panel held in Committee Room No.2 (Bad Münstereifel Room), Civic Centre, Tannery Lane, Ashford on the **19th August 2010**

Present:

Mr J Dowsey (Chairman);

Cllr. Davidson

Mr R Butcher – Parish Council Representative

Also Present:

Monitoring Officer, Deputy Monitoring Officer, Senior Member Services & Scrutiny Support Officer.

156 Exclusion of the Public

Resolved:

That the public be excluded from the meeting during consideration of the following items, namely Matter Referred for Initial Assessment - Cases ABC/10/03 and ABC/10/08.

157 Matter Referred for Initial Assessment – Cases ABC/10/03 and ABC/10/08

The Monitoring Officer had submitted his report which included a summary of the allegations. The two complaints arose from the same series of events, namely an allegation that at the conclusion of a public meeting a Borough Councillor had berated the organiser of that meeting in “an aggressive and intimidating manner” and had subsequently sent a disparaging email during an email debate between a large number of interested parties which had opened up after the meeting. In the email the Councillor was said to have used derogatory terms about, and caused professional embarrassment to, the complainants. The Panel considered the complaint and the evidence before it in the context of the adopted Assessment Criteria.

After considerable discussion on this matter it was: -

Resolved:

That the Assessment Panel concludes that whilst the conduct complained of in Cases ABC/10/03 and ABC/10/08 may disclose a possible breach of the Code of Conduct in view of the fact that a genuine expression of regret and apology had been circulated, the matter did not justify a formal investigation.

However, the matter was referred to the Monitoring Officer with a direction to take steps other than formal investigation, namely to inform the subject Member in writing on behalf of the Panel that whilst they noted and agreed as appropriate the subsequent apology and whilst they did not therefore consider the matter warranted local investigation, they wished to make it clear that they expect Councillors to avoid conduct which necessitates such apologies, especially where communications with members of the public are concerned.

Standards Committee – Assessment Panel

Minutes of a Meeting of the Standards Committee – Assessment Panel held in Committee Room No.1 (Fougères Room), Civic Centre, Tannery Lane, Ashford on the 6th October 2010

Present:

Mrs C Vant (Chairman);

Cllr. Mrs Laughton

Mr D Lyward – Parish Council Representative

Also Present:

Monitoring Officer, Senior Member Services & Scrutiny Support Officer.

202 Exclusion of the Public

Resolved:

That the public be excluded from the meeting during consideration of the following item, namely Matters Referred for Initial Assessment - Cases ABC/10/04, ABC/10/05 & ABC/10/09 and ABC/10/06 & ABC/10/10.

203 Matters Referred for Initial Assessment – Cases ABC/10/04, ABC/10/05 & ABC/10/09 and ABC/10/06 & ABC/10/10

The Monitoring Officer had submitted his report which included a summary of the allegations against three individual Members, one in their role as a Borough Councillor (ABC/10/04) and the other two in their roles as both Borough and Parish Councillors (ABC/10/05 & ABC/10/09 and ABC/10/06 & ABC/10/10). The complaints had been grouped together as they all arose from the same events, namely the handling and determination of a planning application between July and August 2009. The Panel considered the complaints and the evidence before it in the context of the adopted Assessment Criteria.

After considerable discussion on this matter it was: -

Resolved:

That (i) with regard to Case ABC/10/04 the Assessment Panel does not consider that the evidence suggests there are potential breaches of the Code of Conduct by the subject Councillor, nor in relation to the complaint of disrespect towards the Complainant does the

Panel consider an investigation is justified even if there was a potential breach.

- (ii) with regard to Cases ABC/10/05 and ABC/10/09 the Assessment Panel does not consider that the evidence suggests there are potential breaches of either the Borough or Parish Code of Conduct by the subject Councillor.**
- (iii) with regard to Cases ABC/10/06 and ABC/10/10 the Assessment Panel does not consider that the evidence suggests there are potential breaches of either the Borough or Parish Code of Conduct by the subject Councillor.**

Standards Committee – Assessment Panel

Minutes of a Meeting of the Standards Committee – Assessment Panel held in Committee Room No.1 (Fougères Room), Civic Centre, Tannery Lane, Ashford on the 12th July 2011

Present:

Mrs C Vant (Chairman);

Cllr. Galpin

Mr R Butcher – Parish Council Representative

Also Present:

Deputy Monitoring Officer & Head of Property and Community Projects, Member Services & Scrutiny Support Officer.

66 Exclusion of the Public

Resolved:

That the public be excluded from the meeting during consideration of the following item, namely Matter Referred for Initial Assessment - Case ABC/10/18.

67 Matter Referred for Initial Assessment – Case ABC/10/18

The Deputy Monitoring Officer and Head of Property and Community Projects had submitted the report which included a summary of the allegations against a former Parish Councillor that they had breached the following paragraphs of the Code of Conduct:

Complaint 1 Paragraphs 8, 9, 10 & 12

That they had failed to declare an interest in the proposed Doctors Surgery.

Complaint 2 Paragraph 6

Had improperly used their position to gain an advantage.

Complaint 3 Paragraphs 8, 9, 10 & 12

That they had failed to declare an interest in respect of payments to their wife.

Complaint 4 Paragraph 5

Had brought their office into disrepute.

Complaint 5 Paragraph 3

Had treated the Complainant with disrespect.

The Panel considered the complaints and the evidence before it in the context of the adopted Assessment Criteria.

After considerable discussion on this matter it was: -

Resolved:

- That (i) With regard to Complaint 1&2, (the alleged Breach of paragraphs 6, 8, 9, 10 & 12) the Assessment Panel does not consider that the evidence suggests there were breaches but referred the matter back to the Monitoring Officer to send a letter to:-
- (a) The former Parish Councillor requesting that if he is ever re-elected or co-opted to the Parish Council he should contact the Monitoring Officer to undertake training regarding the Code of Conduct to ensure he has a full and accurate understanding of his duties in relation to declarations of interest.
 - (b) The Parish Council, asking them to ensure that when they record declarations of interest from members that the type and nature of the interest is recorded in the minutes
- (ii) With regard to Complaint 3 (the alleged breach of paragraphs 8,9,10&12) the Assessment Panel decided that there was no apparent breach.
- (iii) With regard to Complaint 4 (the alleged breach of paragraph 5), whilst the Assessment Panel does not consider there to have been a breach, which warranted further investigation, they considered that the former Parish Councillor had possibly acted beyond his remit and referred the matter back to the Monitoring Officer to include this in the letter to the former Councillor.
- (iv) With regard to complaint 5 (the alleged breach of paragraph 3) the Assessment Panel does not consider that the evidence suggests there was a breach of the Code of Conduct which warranted further investigation, but that the former Parish Councillor should be advised by the Monitoring Officer to be mindful of being courteous when dealing with the Public. The Monitoring Officer should also write to the Parish Council suggesting that they ensure their Standing Orders include a protocol for receiving or hearing questions/comments from the Public.

**Standards Committee
1 November 2011**

**Council
15 December 2011**

**Annual Report Of The Council's
Monitoring Officer - 2010-11**

Introduction

1. This is the sixth annual report I have presented to the Standards Committee and the Council. The principal purpose of the annual report is to assess activity in probity matters, especially formal complaints about alleged breaches of approved protocols and codes of conduct by parish and borough councillors. The Standards Committee has received similar interim reports since 2003. The annual report provides an opportunity to review the effectiveness of current procedures based on real data. The year on which the current report is based is the year from 1 June 2010 to 31 May 2011.
2. So far as the Council's Code of Conduct is concerned, a revised model code was issued by central government in early 2007 and this was the subject of a separate report to the Council and adopted in May 2007. This annual report is therefore the fourth to be based on that code.
3. With effect from May 2008 the Local Government and Public Involvement in Health Act 2007 introduced substantial changes to the complaint system under which complaints (against both borough and parish councillors) are no longer be made to or investigated by the national body (Standards for England) but are made locally and "filtered" by local Assessment and Review Panels (which are Sub-Committees of the Borough Council's Standards Committee). Cases are referred for local investigations or other action where appropriate. In July 2008 I presented a detailed report to the Standards Committee and the Selection and Constitutional Review Committee and members approved entirely new administrative and legal arrangements for local initial assessment, and review and hearings for complaints. This included a comprehensive set of assessment criteria to guide decision-making.
4. Standards for England has retained responsibility only for investigation of the most serious cases and as a "strategic regulator." The resource implications of this for local authorities - especially those with large numbers of parish councils have been significant although no increased resources were provided to local government to cover this.
5. The Localism Bill, currently going through its various formal parliamentary stages, contains provisions which will bring forward the abolition of the national standards body but, at the time of writing the future position regarding the duty to adopt a new code of conduct and appoint Standards Committees, the proposed new provisions on declaration of interests and the inclusion of parish councils in any new regime remains uncertain and subject to further political discussions. In the meantime, the Leader of the Council announced at a Cabinet meeting in October that a cross-party Task Group would be asked to examine the Council's existing Constitution provisions in relation to conduct

requirements and would also need to engage with any requirements which emerge from the localism legislation.

6. In October 2004 the Council adopted a 'Good Practice Protocol for Councillors when Dealing with Planning Matters'. This protocol sets out detailed best practice rules for this specialist and sensitive area of the Council's work and which go well beyond the general rules set out in the Council's adopted Code of Conduct. The protocol is not part of the Council's Code of Conduct but is overseen by the Standards Committee. The protocol does not apply to Parish Councils.
7. Although I delivered additional training during 2007 to parish councillors and clerks and arranged externally facilitated training for parish and borough councillors on the new local assessment regime during 2008, I have continued to respond to specific requests for further training by individual parish councils. I have delivered such training to all councillors at Biddenden, Bethersden and Rolvenden although further sessions are on hold pending clarification of the Localism Bill provisions. A "Probity in Planning" update was given by the Monitoring Officer to Borough Councillors in November 2009 and refresher training for Standards Committee members took place in June 2010. Post-election training on probity and standards issues was included in the 2011 member induction programme. In addition code of conduct advice continues to be routinely sought and given on an almost daily basis in relation to borough and parish council issues.
8. At the time of writing the difficulties which beset the Great Chart with Singleton Parish Council following the May 2011 elections have been resolved to the extent that by-elections for 6 vacant seats were held in October. My next annual report for 1011/12 will include any relevant data on complaints.
9. In April 2006 administration of the Overview & Scrutiny function was transferred to the Head of Legal and Democratic Services and Monitoring Officer along with the handling of all Ombudsman complaints. I have included with this annual report the relevant 2010/11 data for Ombudsman complaints as well.
10. The Local Government Ombudsman investigates complaints by members of the public who consider that they have been caused injustice through maladministration by local authorities and other bodies within their jurisdiction.
11. Under the Terms of Reference of the Council's Standards Committee, regular reports are required to be submitted to that Committee on Local Government Ombudsman complaints and outcomes, as the Standards Committee is responsible for the monitoring of any issues of probity raised in Ombudsman investigations. This report covers the period from 1st April 2010 to March 31st 2011.

Analysis of Code of Conduct Complaints

12. The attached TABLE gives brief details of all formal allegations/complaints made to the Monitoring Officer and referred to an Assessment Panel in the year 2010/11 regarding borough councillors and parish councillors within the borough.
13. The figures for 2010/11 show a slightly reduced number of “filtering” decisions compared to the preceding year (when there were 8 referrals). However, no assessments resulted in a referral for formal investigation.

To date no complaints under the local "filtering" system have been referred for investigation although one is still awaiting Assessment Panel decision at the time of writing.

14. No complaints to the Local Government Ombudsman have involved alleged code breaches by councillors. All meeting agendas include a first item (after apologies) seeking declaration of interests. Declarations of personal interests are made and minuted and where appropriate checked against councillors' registered interest forms. Ad hoc advice on interests is regularly sought from the Monitoring Officer and his staff by borough councillors and parish clerks/councillors particularly in relation to Planning Committee matters. This process continues to demonstrate a good general level of understanding by borough councillors and a desire to comply with the code of conduct.
15. On the basis of all the above matters, I am satisfied that the Borough Council's Code of Conduct (and good practice protocol) are widely understood and observed, although controversial proposals within parishes continue to generate a higher than necessary level of complaints about possible code breaches. I am hopeful that once the Localism Bill provisions are finalised and the role of parish councils clarified, further individual parish training events can be arranged and this will help reduce further the incidence of such complaints.

Analysis of Ombudsman Complaints

16. The Ombudsman resolved **23** complaints against Ashford Borough Council within the period 1st April 2010 to 31st March 2011, 13 more than last year and there was an increase in the time taken by the Council to respond to first enquiries from the Ombudsman - from 18 days to 27 days. Two of these decisions relate to complaints received in 2009/10 where the decision was made after 31 March 2010.
17. No complaints were ruled as maladministration by this Council. The outcomes of those complaints resolved by the Ombudsman are detailed below.

5	Local Settlement
11	No, or insufficient, evidence of maladministration.
4	Ombudsman's discretion (The Ombudsman has exercised his right not to pursue the complaint, i.e. there is no or insufficient injustice to warrant pursuing the matter further).
3	Outside jurisdiction

18. The Ombudsman determines a complaint as “Local Settlement”, when an authority takes or agrees to take some action that the LGO considers to be a satisfactory response to the complaint. There were five Local Settlement decisions for 2010/11, three of these related to the same complaint which was submitted jointly to the LGO by residents at separate addresses. Further details of these are given in Appendix B.
19. There are five decisions relating to complaints received between 1st April 2010 and 31st March 2011 which were made after 31 March 2011, (these will be included in the LGO statistics for 2011/12).
20. Three charts are attached at appendices A, B and C for the Committee’s information:
 - A - Ombudsman Decisions by Service
 - B - Local Settlement decisions
 - C - Comparison table of other Kent Local Authority complaint figuresI have attached the Ombudsman’s Annual Review 2010/11 (appendix D).

Annual Reviews and data for previous years are available on the LGO website.
21. Overall, the Council’s record in relation to Ombudsman case outcomes – including the absence of a single finding of maladministration – remains good.

TERRY MORTIMER
MONITORING OFFICER

October 2011

Table 1.

CODE OF CONDUCT COMPLAINTS JUNE 2010 - MAY 2011			
PART A - CASES INVESTIGATED OR REFERRED FOR INVESTIGATION OR OTHER ACTION			
COUNCIL/ CASE REF	ALLEGATION	DECISION	COMMENTS
ABC/10/03 (ASHFORD)	Failure to treat others with respect (para 3(1))	Refer to Monitoring Officer to send advisory letter on behalf of Panel.	
ABC/10/08 (ASHFORD)	Failure to treat others with respect (para 3(1))	Refer to Monitoring Officer to send advisory letter on behalf of Panel	

PART B - CASES WHERE ASSESSMENT OR REVIEW PANEL DETERMINED NO FURTHER ACTION

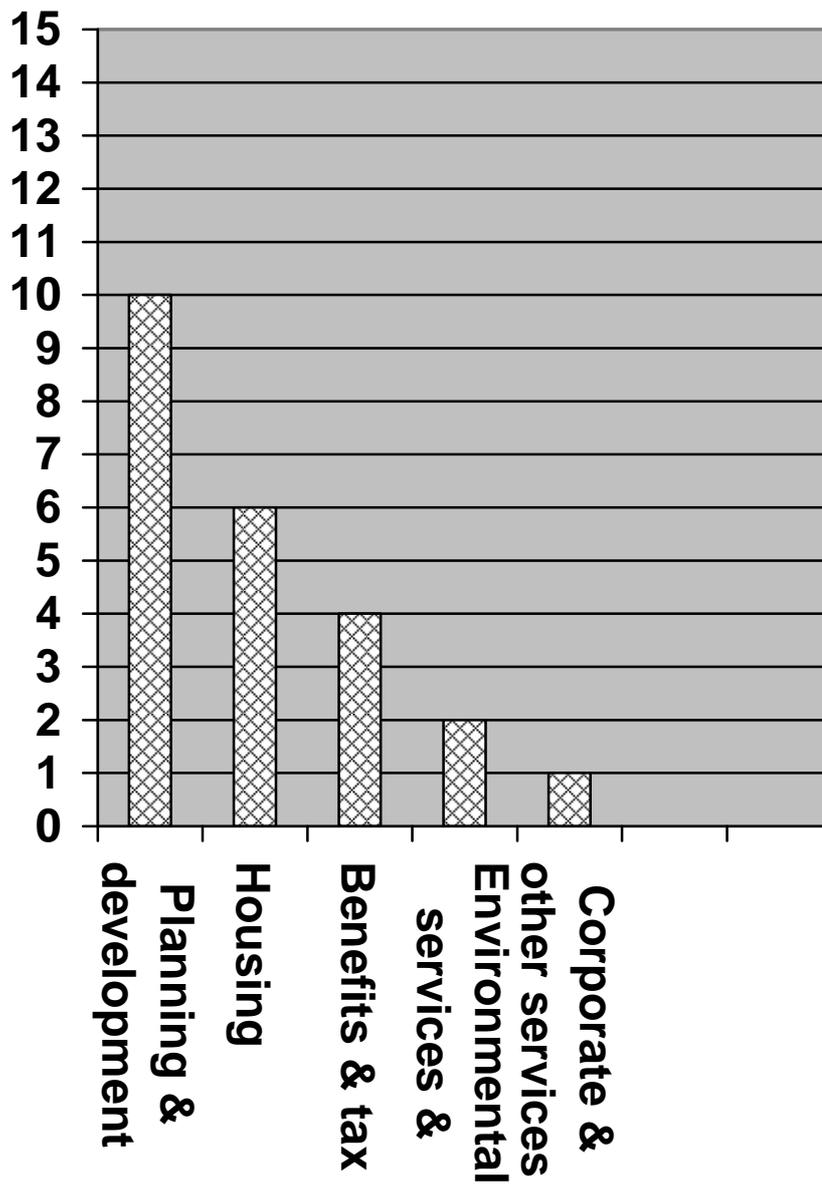
COUNCIL/ CASE REF	ALLEGATION	DECISION	COMMENTS
ABC/10/04 (ASHFORD)	Failure to treat others with respect (para 3(1)) Bringing office into disrepute (para 5)	No Further Action – no potential code breach identified	
ABC/10/05 (ASHFORD)	Bringing office into disrepute by misleading members on a planning matter.	No Further Action – no potential code breach identified.	
ABC/10/06 (ASHFORD)	Bringing office into disrepute by misleading members on a planning matter.	No Further Action – no potential code breach identified.	
ABC/10/09 (KINGSNORTH)	Bringing office into disrepute by misleading members on a planning matter.	No Further Action – no potential code breach identified.	
ABC/10/10 (KINGSNORTH)	Bringing office into disrepute by misleading members on a planning matter.	No Further Action – no potential code breach identified.	

NOTE: There is one case on which an assessment decision was taken after 31 May 2011, and another case which is due to be referred to an Assessment Panel in late October which will be included in the data for the next Annual Report.

Appendix A

Ombudsman Decisions by Service

Received between 1st April 2010 – 31st March 2011



Appendix B – Local Government Complaints 1st April 2010 – 31st March 2011

Local settlement.

Basis of Complaint	Ombudsman's Ruling	Outcome/Comment	Probity Issues Raised	Lessons Learned
The complainant considered that the Council had failed to ensure that the sheltered property offered to his mother was in satisfactory condition before she moved in.	Local settlement (no report)	The Council agreed to reimburse complainant £600 for the cleaning and redecoration works he had had done.	None	When the Council's void inspection officer is on leave the inspecting contractor be encouraged to raise any uncertainty about decoration or repairs with another officer.
The complainant considered that her application to transfer to an alternative property was not properly assessed by the Council.	Local settlement (no report)	The Council agreed to backdate its assessment of Mrs A's application from February 2010 to August 2009 so that the application is shown as having 135 points from that date.	None	The Council has reviewed the way it considers 'Management Moves' and this should ensure the issue does not occur again.
The complainants (3) considered that the Council was at fault for providing them with misleading advice about the action it would take against the owner of an empty property, for leaving that property empty, and for failing to provide an adequate response to the complaint.	Local settlement (investigation discontinued)	The Council has said it will continue to monitor the situation and has learnt a number of valuable lessons from this case which will enable it to give clearer advice in the future. The complainants indicated to the LGO that such action and outcome provided a satisfactory resolution to the complaint.	None	The Council should try to ensure that any advice given to residents is clear, straightforward and not open to misinterpretation. Residents should also be made aware of the likelihood of success of a proposed course of action.

Appendix C - Comparative data from other Kent authorities: 2010/11

Authority	Total complaints determined		Maladministration and injustice reports	Local settlements	Maladministration reports	No maladministration reports	No maladministration without report	Ombudsman's discretion	Outside jurisdiction
	2010/11	2009/10							
Ashford BC	23	10	0	5	0	0	11	4	3
Canterbury City C	26	19	0	8	0	0	11	2	5
Dartford BC	7	11	0	1	0	0	4	0	2
Dover DC	18	15	0	4	0	0	9	3	2
Gravesham BC	15	13	0	4	0	0	6	3	2
Kent CC	106	120	0	28	0	0	47	22	9
Maidstone BC	23	22	0	5	0	0	7	6	5
Medway Unitary	66	60	0	14	0	0	22	22	8
Sevenoaks DC	17	9	0	1	0	0	10	2	4
Shepway DC	26	6	0	6	0	0	13	5	2
Swale BC	12	12	0	1	0	0	6	5	0
Thanet DC	19	37	0	4	0	0	9	2	4
Tonbridge & Malling BC	9	4	0	0	0	0	7	1	1
Tunbridge Wells BC	9	7	0	2	0	0	4	1	2

Appendix D

Ombudsman's Annual Review 2010/11

In previous years the Ombudsman has issued a tailored letter for each council. This year the Ombudsman has agreed that tailored letters would only be sent to some councils – if a report had been issued, or if over 50 complaints had been received, or if response times were poor.

There is no tailored letter for Ashford this year and appendix D contains a summary of the complaint statistics and a covering letter

24 June 2011

Local Government OMBUDSMAN

Mr John Bunnett
Chief Executive
Ashford Borough Council
Civic Centre, Tannery Lane
ASHFORD, Kent TN23 1PL

Dear Mr Bunnett

Annual Review Letter

I am writing with our annual summary of statistics on the complaints made to me about your authority for the year ending 31 March 2011. I hope the information set out in the enclosed tables will be useful to you.

The statistics include the number of enquiries and complaints received by our Advice Team, the number that the Advice Team forwarded to my office and decisions made on complaints about your council. Not all complaints are decided in the same year that they are received. This means that the number of complaints received and the number decided will be different.

The statistics also show the time taken by your authority to respond to written enquiries and the average response times by type of authority.

Communicating decisions

We want our work to be transparent and our decisions to be clear and comprehensible. During the past year we changed the way we communicate our decisions and reasons. We now provide a stand-alone statement of reasons for every decision we make to both the citizen who has complained and to the council. These statements replace our former practice of communicating decisions by letter to citizens that are copied to councils. We hope this change has been beneficial and welcome comments on this or any other aspect of our work.

In April 2011 we introduced a new IT system for case management and revised the brief descriptions of our decisions. My next annual letter will use the different decision descriptions that are intended to give a more precise representation of complaint outcomes and also add further transparency to our work.

Extended powers

During 2010/11 our powers were extended to deal with complaints in two significant areas.

In October 2010 all complaints about injustice connected to adult social care services came under our jurisdiction. The greater use of direct payments and personalised budgets mean that it is particularly important for us to be able to deal with such complaints irrespective of whether a council has arranged the care. The increasing number of people who arrange and pay for their own social care now have the right to an independent and impartial examination of any complaints and concerns they may have about their care provider.

In the six months to April 2011 we received 89 complaints under our new adult social care powers. Between 2009/10 and 2010/11 complaints about care arranged or funded by councils doubled from 657 to 1,351.

The Apprenticeships, Skills, Children & Learning Act 2009 introduced powers for us to deal with complaints about schools by pupils or their parents. This was to be introduced in phases and currently applies in 14 council areas. By the end of 2010/11 we had received 169 complaints about schools in those areas and 183 about schools in other areas where we had no power to investigate. The Education Bill currently before Parliament proposes to rescind our new jurisdiction from July 2012.

Our new powers coincided with the introduction of Treasury controls on expenditure by government departments and sponsored bodies designed to reduce the public spending deficit. This has constrained our ability to inform care service users, pupils and their parents of their new rights.

Assisting councils to improve

For many years we have made our experience and expertise available to councils by offering training in complaint handling. We regard supporting good complaint handling in councils as an important part of our work. During 2010/11 we surveyed a number of councils that had taken up the training and some that had not. Responses from councils where we had provided training were encouraging:

- 90% said it had helped them to improve their complaint handling
- 68% gave examples of how the knowledge and skills gained from the training had been applied in practice
- 55% said that complaints were resolved at an earlier stage than previously
- almost 50% said that citizens who complained were more satisfied.

These findings will inform how we develop and provide training in the future. For example, the survey identified that councils are interested in short complaint handling modules and e-learning.

Details of training opportunities are on our web site at www.lgo.org.uk/training-councils/

More details of our work over the year will be included in the 2010/11 Annual Report. This will be published on our website at the same time as the annual review letters for all councils (14 July).

If it would be helpful to your Council I should be pleased to arrange for me or a senior manager to meet and explain our work in greater detail.

Yours sincerely



Anne Seex
Local Government Ombudsman

Local authority report - Ashford BC

for the period ending - 31/03/2011

For information on interpretation of statistics click on this link to go to www.lgo.org.uk/CouncilsPerformance

LGO Advice Team

Enquiries and complaints received	Benefits & Tax	Corporate & Other Services	Environmental Services & Public Protection & Regulation	Highways & Transport	Housing	Other	Planning & Development	Total
Formal/informal premature complaints	0	0	1	0	0	0	4	5
Advice given	0	0	0	0	2	0	0	2
Forwarded in investigative team (resubmitted)	2	0	0	0	0	0	5	7
Forwarded to investigative team (new)	1	1	2	0	9	0	6	19
Total	3	1	3	0	11	0	15	33

Investigative Team

Decisions	Reports: maladministration and injustice	Local settlements (no report)	Reports: Maladministration no injustice	Reports: no Maladministration	No Maladministration (no report)	Ombudsman's discretion (no report)	Outside jurisdiction	Total
2010 / 2011	0	5	0	0	11	4	3	23

Ashford BC

No adult social care decisions were made in the period

Response times	First enquiries	
	No of first Enquiries	Avg no of days to respond
01/04/2010 / 31/03/2011	15	27.3
2009 / 2010	7	18.0
2008 / 2009	11	24.7

Provisional comparative response times 01/04/2010 to 31/03/20 11

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District councils	65	23	12
Unitary authorities	59	28	13
Metropolitan authorities	64	19	17
County councils	66	17	17
London boroughs	64	30	6
National parks authorities	75	25	0