
POLICY DEVELOPMENT AND REVIEW COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Wednesday, 24 February 2016 from 7.00 - 8.44 pm.

PRESENT: Councillors Mike Baldock, Andy Booth (Vice-Chairman), Lloyd Bowen (Chairman), Katy Coleman, Alan Horton, James Hunt, Peter Marchington, George Samuel and Ben Stokes.

OFFICERS PRESENT: Katherine Bescoby, James Freeman, Peter Hinckesman, Donna Price and Bob Pullen.

ALSO IN ATTENDANCE: Councillor Roger Clark, Bowles (Leader) and Gerry Lewin (Cabinet Member for Planning).

525 FIRE EVACUATION PROCEDURE

The Chairman reminded Members of the evacuation procedure.

526 MINUTES

The Minutes of the Meeting held on 20 January 2016 (Minute Nos. 435 – 439) were taken as read, approved and signed by the Chairman as a correct record.

527 DECLARATIONS OF INTEREST

No interests were declared.

528 COMPLAINTS POLICY AND UNREASONABLY PERSISTENT AND VEXATIOUS CONTACT POLICY

The Chairman welcomed the Leader and the Team Leader – Corporate Governance (Solicitor) to the meeting, and invited them to introduce the item. The Leader invited Members to give comments on the Policies.

Members gave feedback on each of the Policies, and a summary of their feedback is set out below. The Leader and Team Leader answered Members' questions throughout the debate.

Complaints Policy

General comments - add paragraph numbers in the document, as the document refers to paragraph 3.1; review wording to make it consistent (either generalised or personalised); Include reference to make it clear how complaints about the Chief Executive will be handled;

Page 1 – 'What is a complaint' – Members suggested that either the words 'formal' or 'however made' should be removed; and asked for the third sentence to read 'A request for a service may be escalated to a complaint if the complainant considers the Council fails to meet our service standards....'

Page 2 – How you can make a complaint:

First bullet point – clarification was sought that this referred to complaints made on Swale Borough Council’s website only, however it was explained that we may have to also accept complaints made on Facebook or Twitter pages in the same way we have to accept Freedom of Information requests. Reassurance was given that these were monitored.

Last bullet point – add the words ‘or a Councillor’.

Page 2 – second section, fourth bullet point – review the term ‘respond in plain English’ to ‘plain language’ or ‘any language’.

Page 2 – Stage 1:

Second sentence – amend it to read ‘...the relevant Head of Service to **investigate and** respond to’.

Clarification that reference to 10 working days is that response should be within 10 working days, not in 10 days.

Clarification that if a complaint was not responded to within 10 working days, could the complainant request that it automatically be escalated to a Stage 2 complaint?

Page 3 – Stage 2:

Remove the words ‘You can request’ from the first sentence.

Whether reference needs to be made to ‘in writing’ given that earlier in the document it sets out the ways to complain.

Page 3 – Local Government Ombudsman

Remove the words ‘most’ in the last sentence.

During the debate, the Team Leader – Corporate Governance (Solicitor) clarified that whilst the complaint was referred to the Head of Service, it was likely that more junior members of staff would be asked to respond, although it would still remain the responsibility of the Head of Service. The Leader and the Policy and Performance Officer also outlined the duties under the Corporate Equalities Scheme in terms of providing information in different languages.

In terms of monitoring complaints, the Committee welcomed a more detailed report on the complaints received (which would be anonymised).

Unreasonably Persistent and Vexatious Contact Policy

The Team Leader – Corporate Governance (Solicitor) clarified that the term vexatious was a legal term and was used by the Ombudsman and Information Commissioner, and could only be used to describe a contact (not a person).

General Comments: Whether the name of the Policy could be changed, and whether it should read ‘or’ instead of ‘and’; whether it should be made clearer that the Policy is for complaints on the same subject over and over again, not different subjects; amend the footer of the document.

Page 1 – Introduction:

Review the wording of the second sentence of the third paragraph from ‘will not tolerate’ to ‘do not tolerate’ or change it to ‘does and will not tolerate’.

Change the term ‘unreasonable’ to ‘disproportionate’.

Page 1 – Unreasonably persistent and vexatious contact

Change the word ‘unreasonable’ to ‘disproportionate’ in the last bullet point, so that it is easier to measure.

Last paragraph, second sentence, add bullet points before 'frequent', 'lengthy' and 'repetitive' so that it is clear that they are three separate categories.

Page 2 – Process where a contact is considered unreasonably persistent or vexatious
Consider changing the word 'requesting' to 'requiring' in the first bullet point.
Consider adding reference to the fact that the decision-making will consider all circumstances of the case, before determining if a complaint is vexatious.
Consider whether it is possible for Ward Members to be notified as they may also receive contact from the complainant.

Page 2 – Termination of contact
Second paragraph - change '14 days' to '10 working days'.

During the discussion, the Team Leader – Corporate Governance (Solicitor) confirmed that the Council could not stop a person making contact, for example by blocking email, but it could set up a rule so emails from a person were sent to a particular officer. It was not possible to block contact completely. It was also clarified that this Policy took effect when the complainant had already been through the complaints procedure, but still kept on contacting the Council about the same subject. It was acknowledged that this Policy would be used for a minority of complainants, and that in some cases initial informal discussions could take place to resolve the issue before it reached the complaint stage.

The Chairman thanked the Leader and the Team Leader - Corporate Governance (Solicitor) for attending the meeting.

Resolved:

(1) That the Leader considers the feedback from the Committee, as detailed in the above Minute.

529 REVIEW OF COUNCIL'S POLICY ON USE OF SECTION 215 POWERS

The Chairman welcomed the Cabinet Member for Planning, the Head of Planning Services and the Planning Enforcement Team Leader to the meeting.

The Cabinet Member for Planning welcomed feedback from Members on the document.

The debate centred on the following themes: whether Parish Councils were informed that Section 215 notices had been served and whether more could be done; how the Planning Enforcement Team worked with other departments regarding Section 215 powers; and whether it was possible for more information to be provided on the detail, to include cases where action had not been taken or not taken with reasons why that decision had been taken.

The Planning Enforcement Team Leader advised that Parish Councils were aware when Section 215 notices were issued. He confirmed that there was not a separate budget for Section 215 action. He also confirmed that the team does work closely with the Environmental Response Team but given the demographic trends there would be benefit from closer ties with the Housing Staying Put team. However, arranging works at a property needed to be carefully managed given the legal issues to consider with regard to health and safety and Section 215 action.

The Head of Planning Services advised that in his eight years at the Council, there had hardly been any complaints and he was not aware that there was a big demand from the public for Section 215 notices. However, when information was received it was acted upon. With an ageing population, it was likely there would be more demand from the public in the

future, for example lack of maintenance at a property. Generally, when complaints were made it was from neighbours who were looking to sell their homes. If Members considered this was an important issue and a more proactive and responsive approach was required, then resources would need to be identified.

Discussion ensued during which Members considered that a budget was required, and that the Council should be more proactive in this area to help meet its corporate objectives of making Swale a Borough to be proud of. The Planning Enforcement Team Leader advised that additional budget would help, but he did not anticipate additional staff resources being required, as they employed outside contractors for this work. However, the use of Section 215 was very subjective as officers would need to consider whether the property justified a Section 215 notice, taking its surroundings into consideration.

Given that there was recognition that demand for this was likely to increase, it was suggested that the Council should develop a policy on what action it would take with regard to properties that fell into disrepair. It was clarified that Section 215 notices were used as a last resort when other avenues had been explored, therefore, it was suggested that the policy should be written with this in mind and that perhaps other teams in the Council should be working to resolve the issues before they reached that stage, such as the Environmental Response Team and Housing (Staying Put). Members recognised that it would not be possible for officers to identify properties that were in disrepair, but it could be more responsive when complaints were received.

Resolved:

(1) That the Cabinet Member for Environmental and Rural Affairs and the Cabinet Member for Planning be asked to consider the feedback in the above Minute and develop a Policy regarding action that can be taken to improve properties that impact on the amenity of the Borough.

(2) That the Committee be given an opportunity to comment on the draft policy.

530 COMMITTEE WORK PROGRAMME

The Policy and Performance Officer introduced the work programme, in particular the additional meeting on 23 March 2016.

Resolved:

(1) That the report be noted.

Chairman

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All Minutes are draft until agreed at the next meeting of the Committee/Panel