

STANDARDS COMMITTEE

16 July 2019

Present:-

Councillors M Asvachin, R Bloxham (Chair), A Connett, C Slade, P Twiss, Sir Simon Day, I Hipkin, R Hodgins, A Mayes and R Saltmarsh

Apologies:-

Councillors J Mathews and P Colthorpe

* **60** **Appointment of Chair**

In the absence of the Chair, it was **MOVED** by Councillor Twiss, **SECONDED** by Councillor Asvachin, and

RESOLVED that Councillor Bloxham be appointed as Chair for this meeting.

* **61** **Minutes**

RESOLVED that the Minutes of the meeting of the Committee held on 4 April 2019, and the Assessment Sub Committee held on 10 June 2019, be agreed as a correct record.

* **62** **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

* **63** **Customer Feedback Monitoring Report**

The Committee considered the Report of the Customer Relations Manager on the volumes and themes for all types of customer feedback (Compliments, Comments and Complaints), letters from Members of Parliament and Complaints being dealt with by the Local Government and Social Care Ombudsman. It covered the quarter 4 period from January 2019 to March 2019.

In addition, it provided information regarding the Council's performance in responding to and learning from the outcomes of complaints. Appendix 1 of the Report contained a summary of feedback related activity within the reporting year to date.

Members noted that;

- there had been a continuous reduction in the number of Stage 1 complaints received quarter on quarter this reporting year until quarter 3 with the exception of Adult Social Care complaints between quarters 3 and 4;
- there had been a continual decrease in Stage 2 complaints received quarter on quarter in the reporting year, however the numbers being received per quarter were still higher on average than each quarter in 2017-18;
- there had been a gradual decline in numbers of LGSCO complaints received in 2017-18, the numbers received increasing between quarters 1 and 3 of 2018-19, although a reduction of numbers received in quarter 4. (Appendix 2 – table 10);
- the number of MP Enquiries had reduced quarter on quarter throughout 2018-19 (Appendix 2 – graph 2); and

- the increase in compliments.

Members commented and asked questions on the service level agreements for response times to complaints, the number of MEP enquiries, the difference in timescales between stage 1 and stage 2 complaints, how the financial remedies (in response to complainants as a result of recommendations made by the Ombudsman) compared to other authorities and that it was unfortunate the position regarding compliments was only a partial picture.

Members further expressed concern at the potential extension of timescales for responding to complaints and the priority given to complaints within service areas and the role of the Leadership Group in emphasising their importance.

It was **MOVED** by Councillor Bloxham, **SECONDED** by Councillor Connett, and

RESOLVED

(a) that Leadership Group be asked to re-emphasise to their management teams the importance of dealing with complaints in a timely manner;

(b) notwithstanding the importance of response times, the Committee acknowledge the complexity of some cases that may require an extension to response times and ask that any extensions be negotiated in liaison with the customer complaints team and the complainant be kept updated with interim responses as appropriate; and

(c) that feedback on the above issues be reported at the next committee meeting, where consideration will also be given to future reporting mechanisms and timings of complaints data.

* **64** **Ethical Governance Framework: Monitoring**

The Committee received the report of the County Solicitor ([CSO/19/19](#)) summarising feedback from Co-opted Members of this Committee on their attendance at meetings of the Council, Cabinet and Committees since the previous meeting monitoring compliance by Members and Officers with the Council's ethical governance framework.

The Committee were pleased to note that there had been no areas of significant concern or any indication of actions or behaviours that might be felt to have resulted in a potential breach of the Code, acknowledging also that steps would continue to be taken to address practical and procedural matters in light of Member's comments arising from both this and the previous monitoring reports in future training sessions.

However, Members were also pleased to hear that the microphones / sound systems were being checked and / or replaced which should address some of the issues experienced.

* **65** **Local Determination of Complaints**

The County Solicitor reported that, since the last meeting, two complaints concerning an alleged breach of the Members Code of Conduct had been received (this excluded the complaints that were part of agenda item 9). The complaints related to the promotion of an election candidate in the pre-election purdah period and failing to treat others with courtesy and respect.

Following an initial assessment of the complaints and consultation with an Independent Person appointed by the Council it had been agreed that no further action should be taken on either complaint on the basis that either there had been no material breach of the Code to warrant further investigation or that the allegations would not be a breach of the Code of Conduct and, accordingly, could not therefore be investigated.

* **66** **Exclusion of Press and Public**

It was **MOVED** by Councillor Bloxham, **SECONDED** by Councillor Slade, and

RESOLVED: that the press and public be excluded from the meeting for the following items of business under Section 100(A)(4) of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 and 2 of Schedule 12A of the Act namely, information relating to an individual and information likely to reveal the identity of an individual and in accordance with Section 36 of the Freedom of Information Act 2000, by virtue of the fact that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

* **67** **Allegation of Breach of Members' Code of Conduct**

The Committee considered the Report of the Deputy County Solicitor and Deputy Monitoring Officer which also included the details of four complaints received relating to an alleged breach of the Members' Code of Conduct by Councillor Emma Brennan (the Subject Member).

The covering Report of the County Solicitor and Monitoring Officer gave the background on actions to date including receipt of the complaints, consultation with the Independent Person, the views of the Assessment Sub Committee and the decision of the Assessment Sub Committee that the *'views of the Independent Person be noted, but the Sub Committee exercise its discretion to suggest a different course of action to that of a formal investigation and ask Officers to bring a Report to the next meeting of the Standards Committee based on the information already submitted, notwithstanding the Subject Member must have the opportunity to comment on any draft and final Report'*.

The Deputy County Solicitor and Deputy Monitoring Officer reminded the Committee of their role and remit which was to determine, in light of the Report in front of them, whether or not it considered the Code of Conduct had been breached. If the Committee found there was no breach then there would be no further action, but if the Committee agreed with the Independent Person that there was a breach then it needed to determine what sanctions, if any, should be applied to the Subject Member.

The sanctions available to the Committee were to require the Subject Member to issue a formal apology, recommend that the Committee issue some form of public censure of the Subject Member, recommend to the appropriate Group Leader that the Subject Member be removed from any or all Committee / Sub Committees / Working Groups and outside bodies, exclude or restrict the Subject Member's access to some or all County Council premises, instruct the Monitoring Officer to arrange training, remove the Subject Member from all outside bodies appointed to or nominated to by the Council; and / or withdraw facilities (e.g. computer access).

The Committee then considered in full the content of the Report, which outlined that the complaints arose from events which took place at a Spotlight Review meeting on 25 April 2019. The complaints alleged that the Subject Member's behaviour was such that they fell below the standards expected of a County Councillor and in particular that they;

1. Failed to treat others with courtesy and respect (contrary to paragraph 4 (a) of the Code);
2. Bullied a person (bullying characterised as any single act or pattern of offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse or misuse of power or authority which attempts to undermine or coerce or has the effect of undermining or coercing an individual or group of individuals by gradually eroding their confidence or capability which may cause them to suffer stress or fear); (contrary to paragraph 5(c) of the Code); and

3. Conducted herself in a manner or behaved in such a way so as to give a reasonable person the impression that they had brought their office or the Council into disrepute (contrary to paragraph 5 (h) of the Code).

The Committee was asked to consider the accounts given by the complainants and also the response of the Subject Member in response to the allegations and the Report before the Committee to consider if the alleged breaches had occurred.

It was **MOVED** by Councillor Slade, **SECONDED** by Councillor Twiss, and

RESOLVED that the Committee agree that the Subject Member has breached Paragraph 4 (a) of the Code of Conduct, namely to '*treat others with courtesy and respect*'.

*(in line with the Procedure agreed under Standards Minute *18, Sir Simon Day, Mr Hipkin, Mr Hodgins, Mrs Mayes and Mrs Saltmarsh, showed their support for the approved resolution. In line with that procedure, their views are recorded in the minutes).*

It was **MOVED** by Councillor Asvachin, **SECONDED** by Councillor Connett, and

RESOLVED that the Committee agree that the Subject Member has not breached paragraph 5(c) of the Code (bully any person (bullying characterised as any single act or pattern of offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse or misuse of power or authority which attempts to undermine or coerce or has the effect of undermining or coercing an individual or group of individuals by gradually eroding their confidence or capability which may cause them to suffer stress or fear)).

*(in line with the Procedure agreed under Standards Minute *18, Mr Hipkin, Mr Hodgins, Mrs Mayes and Mrs Saltmarsh showed their support for the approved resolution and Sir Simon Day abstained from voting. In line with that procedure, their views are recorded in the minutes).*

It was **MOVED** by Councillor Twiss, **SECONDED** by Councillor Slade, and

RESOLVED that the Committee agree that the Subject Member has breached Paragraph 5 (h) of the Code of Conduct, namely, '*not conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office or the Council into disrepute*'.

*(in line with the Procedure agreed under Standards Minute *18, Sir Simon Day, Mr Hipkin, Mr Hodgins, Mrs Mayes and Mrs Saltmarsh, showed their support for the approved resolution. In line with that procedure, their views are recorded in the minutes).*

The Committee then considered each of the sanctions available to them, in turn, and agreed the following.

It was **MOVED** by Councillor Connett, **SECONDED** by Councillor Asvachin, and

RESOLVED

(a) that the Subject Member issue a formal and robust apology to the complainants, the wording of which is to be approved by the Group Leader and the Chair of this meeting of the Standards Committee;

(b) that training be organised by the Monitoring Officer or her Deputy, focussing on anger management and the use and knowledge of Council processes and procedures to achieve individual aims and make good decisions on how to progress these; and

(c) that the Subject Member does not participate in the Spotlight Review until such times that (a) and (b) above have been undertaken.

*(in line with the Procedure agreed under Standards Minute *18, Sir Simon Day, Mr Hipkin, Mr Hodgins, Mrs Mayes and Mrs Saltmarsh, showed their support for the approved resolution. In line with that procedure, their views are recorded in the minutes).*

***DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 2.15 pm and finished at 3.45 pm