

STANDARDS COMMITTEE

18 March 2024

Present:-

Councillors L Samuel (Vice Chair in the Chair), J Bailey, C Slade
Coopted Members - R Hodgins, R Saltmarsh

In attendance (virtually):

Councillor P Maskell and I Hipkin (coopted member)

Apologies:-

Councillors P Prowse (Chair), A Connett, and I Hall
A Mayes (coopted member)

40 **Declarations of Interest**

Details of Councillor membership of other authorities can be viewed here –
[County Councillor Membership of other councils.pdf \(devon.gov.uk\)](#)

There were no further interests declared.

* **41** **Minutes**

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

RESOLVED that the minutes of the meeting held on 16 March 2023 be
agreed as a correct record.

* **42** **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

* **43** **Ethical Governance Framework: Monitoring**

The Committee received the report of the Director of Legal and Democratic Services (LDS/24/13) summarising feedback from Co-opted Members of the 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.

A total of 16 meetings had been observed and most of the feedback was positive. There were comments which included that it was difficult to ascertain whether everyone was in the meeting, whether enough time was being allocated to give the appropriate level of consideration, audio issues for the early part of the meeting but later rectified, problems with not being always

able to see who was speaking and not always knowing names. There were several issues raised in what was described as a turbulent meeting. However, these concerns were raised with appropriate officer and remedial actions were taken. There were also suggestions that those attending remotely should be encouraged to turn their camera off when not speaking (due to the large screens in committee rooms).

Positive feedback included: the Chair had asked everyone present to introduce themselves; good, informed discussion; new Chair for the meeting and their introduction was clear and helpful; and Members listened to advice from officers.

Members and officers' discussion included:

- Concerns about audio and visual challenges in the Council Chamber due to sound quality issues and poor lighting.
- Council Chamber equipment was due to be upgraded and a project had been set up to resolve this as well as the audio issues in some of the committee rooms.
- Problems with lights in the Chamber had now been rectified.
- The lack of relevance of including members declaration of interests on the monitoring forms as it was difficult for observers to know whether this had been done. It was agreed to amend this on the form.

The Report was noted.

44 Annual Review of DCC Code of Conduct

The Committee received the report of the Director of Legal and Democratic Services (LDS/24/14) which provided an update on the current work being undertaken in reviewing the Members' Code of Conduct.

At the Member's Day event held in November 2023, Councillors were invited to give their views about the Code of Conduct and its arrangements via a Mentimeter presentation. The Governance Working Group also considered this matter at its meeting on 22 January 2024. A presentation had been emailed to all Members to seek any further views before making any recommendations. The consensus from all these discussions was that the Code was fit for purpose, but the arrangements for dealing with complaints would be reviewed further.

Members and officers' discussion included:

- The need for clearer reporting of outcomes from Standards hearings and it was agreed this would be addressed.
- It was difficult for councillors who were members of more than one authority who had different Code of Conducts to comply with.
- The Council's Code had been thoroughly reviewed recently and it was felt to be appropriate and fit for purpose for Devon.

The Report was noted and no changes recommended to the Code.

45 Customer Feedback

The Committee received a Report from the Director of Transformation and Business Services (TBS/24/6) regarding Customer Feedback. The Report provided an overview of customer complaints received during the reporting year to date; namely 1 April to 31 December 2023.

It was explained that the Council was obliged to run three separate complaint procedures due to the legislation that was in place for Children's and Adult Social Care complaints. All other complaints were handled under the Council's corporate complaint procedure.

The number of complaints upheld remained low across the whole Council however Adult Social Care, Children's Social Care and Education and Learning tended to see a higher percentage of upheld complaints. There was a very gradual improvement in response times across the whole Council, although performance was variable within the Directorates.

Members and officers' discussion included:

- Reasons for not meeting responses to complaints within timeframes.
- The 20 day requirement by the Ombudsman to respond was a challenging timeframe which authorities struggled to meet and issues with staffing stability had also affected this.
- There was ongoing work with colleagues in Children's Services to respond to complaints quicker.
- How Devon compared with other authorities on this issue - comparable information would be compiled and fed back.
- The timescale for answering Stage 2 complaints which was confirmed as a maximum of 60 working days.

The Report was noted.

46 Local Government and Social Care Ombudsman complaint report

The Committee considered a Report by the Head of Children's Health and Wellbeing on a Local Government and Social Care Ombudsman report regarding a complaint about the deduction of child benefit from a Special Guardianship Allowance (SGA).

Following investigation, the LGSCO found fault causing injustice and made several recommendations to the Council including recalculating the allowance and making payments and to also pay for the delays and lack of information. The Council was also asked to recalculate SGAs for 170 guardians receiving

means-tested benefits and invite 125 carers for a financial review to recalculate their SGA where appropriate.

In addition, the Council had been asked to review its operation of the children's complaints process to ensure that statutory timescales were met.

Actions taken included the Council had apologised, made payments for the delay and lack of information, and recalculated the allowance to the complainant and made arrangements for the new allowance and back payments. Special guardians had been contacted and sent finance review paperwork and social guardians had been written to requesting they complete a financial review.

Work was ongoing to improve the timeliness in response to stage 2 complaints in Children's Services and the impact was already evidential via the data received from the Customer Relations Team.

Members and officers' discussion included:

- Whether the Council had met the Ombudsman requirements.
- Work was ongoing to improve the responsiveness of the stage 2 complaints and it was improving considerably.
- Concern that the complaint got to the stage that it went to the Ombudsman and assurance was sought that it would not happen again.
- Changes to recalculating the allowance for special guardians had been made in line with the recommendations by the Ombudsman.
- This had not been a simple issue to follow, there had been learning from this and the Council would ensure it paid heed to any future complaints and investigations.

The Report was noted.

47 Standards Committee - Annual Report

The Committee considered the Standards Annual Report for 2023/24 prepared in line with best practice commenting on work and developments during the year and on any issues for consideration or development in the future.

The Committee had only met once in 2023-24. However, Co-opted Members had attended several other meetings of Committees to observe and monitor compliance with the Council's ethical governance framework and provide useful feedback. Where appropriate actions had been taken to address any areas of concern.

A Governance Working Group (GWG) was established last summer to undertake a Governance Review and among its aims were to implement

effective scrutiny arrangements and functions for Council decisions, understanding roles in Council business, establishing a culture where staff were enabled and empowered to constructively challenge and improve ways of working, developing / deepening relationships with external partners, achieving best value, focus on residents and customers and being responsive to needs, ensuring decisions made are via well understood and transparent channels and supported by evidence.

Much of this work had resulted in new policies, guidance or constitutional amendments which had gone through the democratic process and been agreed and implemented.

The Report also covered Annual Review of the Code of Conduct and review of Complaints Processes, complaints Against Councillors, and Customer Complaints.

Planned future work included continuing to monitor elected Members performance at meetings of the Council, Cabinet and Committees (whether remote or in person) and adherence to the Council's ethical governance framework; to monitor reports on compliments, representations and complaints received under the corporate feedback system and consider any feedback arising from complaints to the Ombudsman. Also identifying and supporting provision of regular training and refresher events for elected Members of the Council (particularly on the importance of the Code of Conduct and high standards of ethics and probity). Work relating to the Code's arrangements such as the complaints process was ongoing and was being overseen by the Governance Working Group.

The Committee thanked Members for their work and their input into many of the improvements in the Standards Processes.

RESOLVED that the Annual Report for 2023/24 be approved, published on the Council's website and promoted via Inside Devon.

* 48

Local Determination of Complaints

The Deputy Director of Legal Services reported that, since the last meeting, there had been 15 complaints concerning alleged breaches of the Members Code of Conduct.

The complaints raised included treatment in an unreasonable manner, misrepresentation of views and pre-determination, unacceptable behaviour – aggressive and rude, acting disrespectfully and bringing the Council into disrepute, bullying, inappropriate behaviour and language, failure to declare personal and pecuniary interests, being unhelpful, and a lack of communication and respect.

The majority had been rejected as no breach of the Code, including two complaints which were concluded within the last week. One complaint against

Councillor Trail was found to be in breach due to inappropriate language, one complaint had been resolved through local settlement and there were two other complaints which were currently outstanding.

The Committee was informed that a table of member complaints will be introduced and included in forthcoming Standards Committee meetings into this standing item.

The Report was noted.

NOTES:

1. *Minutes should always be read in association with any Reports for a complete record.*
2. *If the meeting has been webcast, it will be available to view on the [webcasting site](#) for up to 12 months from the date of the meeting*

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

The Meeting started at 1.30pm and finished at 2.16 pm