

STANDARDS COMMITTEE

7 November 2016

Present:-

Councillors C Chugg, P Colthorpe, A Connett, G Gribble, R Hill and J Mathews

Alderman Sir Simon Day, Mr R Hodgins, Mrs A Mayes and Mrs R Saltmarsh

Apologies:-

Councillor A Moulding and Mr V Sullivan

7 ***Election of Chairman**

RESOLVED that Councillor Gribble be elected Chairman for the meeting.

8 ***Minutes**

RESOLVED that the minutes of the meeting held on 4 July 2016 be signed as a correct record.

9 ***Items Requiring Urgent Attention**

(An item taken under Section 100B(4) of the Local Government Act 1972).

The Chairman reported the resignation of Mr Sullivan, a Co-opted Member, from the Committee with effect from 30 November 2016; the appointment of a replacement representative would be determined by the County Council at the next Annual Meeting, in 2017.

10 ***Customer Feedback Monitoring Report**

The Committee considered the Report of the Head of Digital Transformation & Business Support ([BSS/16/15](#)) on feedback, compliments, representations and complaints received and handled by the County Council for the first two quarters of 2016/17.

Members noted that, at Quarter 2, 96% of Stage I complaints across the Council had received an initial acknowledgement/response within required timescales which was an improvement over both the preceding quarter (95%) and the corresponding period in the previous year. Notwithstanding minor fluctuations in the number of complaints received at both Stages I and II effective case management had enabled required deadlines to be met. There had been a marked increase in the number of Stage II complaints which could, potentially, have had a deleterious effect on resources but appropriate management action had again proved effective in preventing any problems arising. The number of compliments received had also increased from Quarter 1 to Quarter 2 and over the corresponding period in the previous year.

Members expressed concern at the relatively low level for final responses, generally, for People's Services complaints (59% at Quarter 2) which it was felt should be significantly higher, recognising that action had and was being taken to improve that position.

It was **MOVED** by Councillor Gribble, **SECONDED** by Councillor Mathews, and

RESOLVED

(a) that the Report be noted; and

(b) that, in future Reports, any reference to the number of enquires received from County Councillors should also clearly acknowledge that the vast majority of such enquires would, in the normal course of events, be pursued with the relevant service direct rather than through the Customer Service Centre/feedback system and that the numbers referred to in this Report necessarily therefore represented only a very small minority of such referrals.

11 ***Local Government Ombudsman Complaints: Annual Report 2015/16 and Ombudsman's Annual Letter**

The Committee considered the Joint Report of the Ombudsman Link Officer and Head of Digital Transformation & Business Support ([BSS/16/16](#)) on the outcome of complaints lodged and/or determined during 2015/16 and on the Ombudsman's Annual Review Letter for 2016.

Members acknowledged that while there had been an increase in the number of complaints registered with the Ombudsman this was felt to be a direct consequence of the changes made by the Council to its customer feedback policy and the separate national awareness campaigns by the Ombudsman.

The Head of Service advised that of the 147 decisions made by the Ombudsman during 2015/16 only 18 (12%) had been adjudged to have been upheld or a determination of injustice or fault made; including those cases where the Council had agreed to take corrective action during the investigation or had itself remedied the situation before the complaint had been made to the Ombudsman. This compared favourably to the figure of 17% in 2014/15.

In comparing the County Council with its CIPFA comparators, the County Council had the 2nd highest number of complaints referred to the Ombudsman which had not subsequently been investigated and the 2nd lowest percentage of complaints were investigated and upheld. Complaints upheld were within normal parameters and there had been no significant criticism by the Ombudsman of the Council's policies or procedures and Members were assured that there were no continuing causes for concern.

The Ombudsman's Annual Review also confirmed her previously trailed intention to focus in future on complaint outcomes rather than simply the numbers of complaints received, as a means of establishing a clearer and more comprehensive assessment of a Council's performance. The Ombudsman's Annual letter also outlined progress with the creation of a single Ombudsman for Public Service in England upon which draft legislation was expected to be published shortly.

It was **MOVED** by Councillor Gribble, **SECONDED** by Councillor Mathews, and

RESOLVED

(a) that Report BSS/16/16 be received and the summary of complaints made to the Local Government Ombudsman referred to the Council during 2015/16 and their outcomes be noted;

(b) that the content of the Ombudsman's Annual Review Letter to the Council be noted together with the improvements that revealed in regard to Devon's approach to complaints and in how it compared to its CIPFA comparators;

(c) that the Committee welcome the intention of the Ombudsman in 2016/17, as a result of feedback from Local Authorities, to provide additional information to focus the statistics more on the outcome from complaints rather than just the numbers of complaints received.

12 ***Ethical Governance Framework: Monitoring**

The Committee received the report of the County Solicitor (CS/16/33) 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 and following the next Quadrennial County Council elections.

13 ***The Standards Regime**

The County Solicitor reported upon (i) a Law Commission consultation on the law of misconduct in public office, seeking to clarify and codify the existing common law offence and (ii) a request from Somerset County Council for support in representations seeking a change in the Localism Act 2011 relating to the sanctions available to Councils under the existing standards regime.

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

RESOLVED that the review/requests be noted but that no further action be taken at this time, the Committee being of the view there are sufficient safeguards currently in place, in both cases.

14 ***Local Determination of Complaints**

The County Solicitor reported that, since the last meeting, one complaint concerning an alleged breach of the Members Code of Conduct had been received relating to the potential for a Councillor to exercise undue influence and not having acted in the public interest.

Following an initial assessment of the complaint and consultation with an Independent Person appointed by the Council it had been agreed that no further action should be taken on the complaint on the basis that the evidence submitted did not disclose any potential or material breach of the code to merit or warrant further investigation, that the actions complained of were not capable of resulting in a breach of the Code of Conduct and, accordingly, could not therefore be investigated.

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