

## STANDARDS COMMITTEE

12 November 2018

Present:-

Councillors C Chugg (Chair), M Asvachin, R Bloxham, P Colthorpe, J Mathews, P Twiss, Sir Simon Day, I Hipkin, A Mayes and R Saltmarsh

Apologies:-

Councillors A Connett and R Hodgins

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**Minutes**

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

**RESOLVED** that the minutes of the meeting held on 2 July 2018 be agreed as a correct record.

\* 39

**Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

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**Customer Feedback Monitoring Report**

The Committee received the Report of the Head of Digital Transformation & Business Support on the customer feedback for quarter 2 (July 2018 – September 2018) which provided a quarterly update 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 about Devon County Council.

In addition, it provided information regarding the Council's performance in responding to and learning from the outcomes of complaints.

The Report highlighted that data in relation to Stage 1 complaints in quarters 1 and 2 (411 and 352 respectively), Stage 2 complaints (57 in quarter 1 and 48 in quarter 2), Stage 3 (1 in quarter 1 and none in the current quarter), LGO complaints (a small rise from 17 in Q1 to 20 in Q2), Compliments (staying roughly the same as 260 in Q1 to 257 in Q2), MP Letters (a small drop from 189 in Q1 to 153 in Q2) and Representations (again a drop from 77 to 51).

The Appendix to the Report also gave a breakdown by service area in relation to the above data.

Members asked whether there were any trends in complaint data and also for the rise in residents parking complaints, the letters from MP's and any repeat correspondence, how members of the public could submit compliments and clarification of the rise and fall of Ombudsman complaints both in the previous and current year.

Members commented on the format of the Report (which had been changed), welcoming the new and simplified version.

\* **41**      **Local Government & Social Care Ombudsman Annual Review Letter 2017/18**

The Committee considered the Joint Report of the Ombudsman Link Officer and the Head of Digital Transformation and Business Support on the Local Government & Social Care Ombudsman Complaints Annual Review Letter for 2017-18.

The letter received from the Local Government & Social Care Ombudsman was also attached to the agenda.

The Committee noted the intention of the Ombudsman in the current year was to reassure Councils that the volume of complaints did not, in itself, indicate the quality of performance and also on the lessons that could be learned from complaints, and improvements that could be achieved.

The Report outlined the number of complaints received by the Ombudsman in the last three years, the Council seeing a continual reduction over the last 3 years. There were 98 complaints decided on by the Ombudsman in the same period, with only 17 (17%) of those being upheld. This was a lower percentage than the previous year, where 21% were upheld.

Of those 17 (investigated and upheld), there were 13 where the Ombudsman felt that the fault caused an injustice and recommended a remedy to which the council agreed. The table at Appendix A to the Report provided details of the 13 upheld with injustice decisions and the required actions by the Council.

In terms of future developments, the Council continued to face financial constraints that necessitated tough decisions around service provision, with the expectation of customers not necessarily reducing in line with the challenges.

It was also acknowledged that complaints to the Ombudsman did not always mean the Council had done anything wrong. However, the Customer Relations Manager continued to ensure that capacity to respond to the Ombudsman within requested deadlines was maintained.

The Council doesn't receive significant criticism from the Ombudsman and, as in previous years, the Council should take even greater measures to ensure it was able to evidence that it learned from complaints and used such learning to improve and maintain the quality of the services it commissioned and provided.

Furthermore, the Committee noted the recommendation of the Ombudsman in his latest letter in relation to the role of Members and Scrutiny in this area and the resources available at <https://www.lgo.org.uk/for-advisors/scrutiny>.

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

**RESOLVED** that the content of the Ombudsman's Annual Review Letter, the complaints made to the Local Government Ombudsman referred to the authority during 2017/18 and their outcomes be noted.

\* **42**      **Ethical Governance Framework: Monitoring**

The Committee received the Report of the County Solicitor ([CS/18/35](#)) 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.

The Head of Democratic Services undertook to remind staff of the need to use nameplates in meetings.

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### **Devon Audit Partnership - Audit of Ethics and Ethical Governance**

The Committee considered the Report of the Devon Audit Partnership on their audit of ethics and ethical Governance, conducted in January 2018.

The focus of the audit was:

- (a) how the Council decided the type of organisation it wanted to be and how that was being put into practice;
- (b) how that was disseminated, delivered, monitored and maintained throughout the organisation; and
- (c) the different roles and responsibilities of Members and Officers.

The Committee noted the outcome of the Audit which reported a 'High Standard', meaning the systems and controls in place adequately mitigated exposure to the risks identified. The system was being adhered to and substantial reliance could be placed upon the procedures in place.

The Report made only minor recommendations which aimed at further enhancing already sound procedures.

Recommendation 1, in terms of the updating of Section 11 of the Constitution, was underway with a desktop analysis of key policy documentation. Members noted this would be completed in December 2018.

Recommendation 2 related to the sub delegations (arising from the scheme of delegation – Part 3e of the Constitution) and the requirement for them to be formalised in a consistent manner. A review of financial regulations was undertaken earlier in the year which led to a separate assessment of the scheme of delegation. This was currently being reported and subject to final approval by the Council in December, the second stage of the review (the sub delegations) would commence in the new year.

Recommendation 3, in relation to the Anti-Fraud and Corruption Policy needing to be published on the website, had been completed.

Members asked questions on any financial limits in relation to gifts and hospitality for both Members and staff.

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

**RESOLVED** that the outcome of the Audit which reported a 'High Standard' be welcomed.

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### **Response to the Committee on Standards in Public Life Consultation - Local Government Ethical Standards**

Members noted that at the meeting of the Standards Committee on 12 March 2018 (Minute \*27 referred), the Monitoring Officer had advised the Committee of the [Consultation](#) from the Committee on Standards in Public Life's in relation to its review of local government ethical standards.

The Consultation had closed the 18th May 2018, therefore the Committee RESOLVED *'that Members of the Committee be asked to submit their views on the consultation questions, as outlined in the terms of reference document to the Democratic Services and Scrutiny Manager, in order for a response to be prepared and shared with Members and that agreement of the final version be delegated to the County Solicitor in consultation with the Chair of the Committee'*.

The final response submitted by the Committee was attached to the agenda for information.

The Committee noted the responses in relation to the existing structures, processes and practices in place to ensure high standards of conduct by local councillors, including questions on the Code of Conduct, investigations and decisions on allegations, sanctions, declaration of interests and conflicts of interest, whistleblowing, improving standards and intimidation of local councillors.

\* **45** **Consultation on Updating the Disqualification Criteria for Councillors and Mayors - Summary of consultation responses and Government's response**

Members considered the newly published Government response to its previous Consultation relating to the 'Disqualification Criteria for Councillors and Mayors'.

At the meeting of the Standards Committee (13 November 2017 – [minute \\*14 refers](#)), the Committee considered the Report of the County Solicitor (CSO/17/29) on the Government's Consultation on the 'Disqualification Criteria for Councillors and Mayors'. The Report had outlined the current disqualification criteria, under section 80 of the Local Government Act 1972, or paragraph 9 of schedule 5B to the Local Democracy, Economic Development and Construction Act 2009 (for a directly-elected mayor of a combined authority) and section 21 of the Greater London Authority Act 1999 which disqualified someone from being the Mayor or an Assembly Member under certain criteria and then the Government's proposals to update the criteria disqualifying individuals from standing for, or holding office as, a local authority member, directly-elected mayor or member of the London Assembly, if they were subject to:

- the notification requirements set out in the Sexual Offences Act 2003 (commonly referred to as 'being on the sex offenders register');
- a Sexual Risk Order;
- a civil injunction granted under section 1 of the Anti-Social Behaviour, Crime and Policing Act 2014; or
- a Criminal Behaviour Order made under section 22 of the Anti-social Behaviour, Crime and Policing Act 2014.

The Committee previously RESOLVED that the Council's proposed response to the Consultation be endorsed subject to the additional comments regarding civil injunctions and the views expressed at the meeting relating to juveniles.

The Government had recently published its response to the Consultation, which was attached to the agenda for the information of Members. This included a summary of the Consultation responses from many Local Authorities and other public bodies and the Government's response.

The Committee noted that Government intended to include the above categories within the disqualification criteria and would be waiting for an appropriate opportunity to include it within primary legislation. The Committee further noted that any legislative changes would not apply retrospectively.

Members discussed the Council's recent proposal to conduct DBS checks and also the current position where DBS checks were not portable between organisations, notwithstanding the legal position where certain roles might require different levels of checks.

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

**RESOLVED** that further representations be made to Government regarding the portability of DBS checks, where appropriate.

\* **46** **Local Determination of Complaints**

The County Solicitor updated the Committee on complaints received since the last meeting.

There had been three complaints, two of which, after an initial assessment, determined there had been no breach of the code.

In relation to the third complaint, the Committee agreed with the advice of the County Solicitor that this would be held in abeyance pending the outcome of a judicial review.

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

The Meeting started at 2.15 pm and finished at 2.57 pm