

STANDARDS COMMITTEE

4 April 2019

Present:-

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

Apologies:-

Councillors J Mathews

* **47** **Minutes**

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

RESOLVED that the minutes of the meeting held on 12 November 2018 be agreed as a correct record.

* **48** **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

* **49** **Member Profile Pages - DBS Checks and Sanctions**

Members considered whether they wished to add further information to Councillors profile pages on the website.

Specific examples would be publishing whether a Member had undergone a Disclosure and Barring Service (DBS) check and / or whether sanctions had been applied or that a Councillor has no sanctions against them.

A profile page from Wigan Council was attached to the agenda as an example of an Authority who had done this.

Members discussed whether links might be a more appropriate mechanism, given much of the information, particularly with regard to Standards, was already published on the Council's website. They further discussed the expectations on those serving in public office and the need to strike a balance between the openness and transparency that the public expect whilst also respecting the privacy of those elected to serve.

Members also discussed the current requirement to publish home addresses on the website and the risks associated with this.

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

RESOLVED that links from Member profile pages be used to direct the public to any Standards matters relating to that Member and that it be recorded that Members have undergone a DBS check.

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

* **50** **Councillor Complaints Process**

Members were asked to consider making an amendment to the Councillor complaints process.

The Committee noted that the current procedure was that a Subject Member (who had a complaint made against them and the matter proceeded to a full investigation by an independent investigator) had the right to see a draft of the investigators Report. It was suggested this be amended so that the Subject Member had sight of both the draft Report and the final Report and the opportunity to comment and any feedback be presented to the Standards Committee.

Members suggested a timescale of 10 working days for the Subject Member to consider the Reports was reasonable.

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

RESOLVED that the procedures be amended in line with the above.

* **51** **Customer Feedback Monitoring Report**

The Committee considered the Report of the Head of Digital Transformation & Business Support on, compliments, comments and complaints received and handled by the County Council for Quarter 3 (October 2018 – December 2018).

The Report provided a quarterly update to the Committee on the volumes and themes for all types of customer feedback, as outlined above as well as letters from Members of Parliament and Complaints being dealt with by the Local Government and Social Care Ombudsman about the Council. The Report also provided information regarding the Council's performance in responding to and learning from the outcomes of complaints.

In relation to Stage 1 complaints (327 in quarter 3), there had been a continuous reduction received quarter on quarter during this reporting year; the only exception was in Children's Services which had seen an increase, outlined at Appendix 2 – table 3.

At Stage 2, there had been a continual decrease (29 Stage 2 complaints closed in quarter 3). However, the numbers being received per quarter were still higher on average than each quarter in 2017-18. Children's Services were again an exception, experiencing increases in numbers received throughout the reporting year. What was more concerning was the increase in the percentage of complaints upheld (across the board) compared to those upheld at Stage 1.

In relation to the Local Government and Social Care Ombudsman (LGSCO), there had been a gradual decline in numbers of LGSCO complaints in 2017-18, however, the numbers received were increasing in 2018-19 (Appendix 2 – table 10). However, there had been a decrease in maladministration and injustice findings within 2018-19 compared to 2017-18, which was positive. The Council had maintained an excellent response rate to the LGSCO. All LGSCO final decisions could be viewed on the LGSCO website – www.lgo.org.uk

Capturing compliments was important for the Council, but the Customer Relations Team were unable to report on compliments not shared with them, therefore the information presented could only be a partial picture.

The number of MP enquiries received in quarters 2 and 3 2018-19 showed a decrease compared to quarter 1. The reason for this was not known (Appendix 2 – graph 2). The Report highlighted there was a need for improvement in response times to MP Enquiries for the majority of services, although Digital Transformation and Business Support (DTBS) had maintained a 100% response rate throughout the year to date.

A representation was described as a comment or concern not intended or eligible to be a formal complaint but required a formal response and the Council continued to see a significantly lower number of representations received than in previous years. The general reduction was likely to be partially attributable to Highways managing their own representations, therefore the information presented was unlikely to give the full picture.

Members commented and asked questions on the following issues;

- the references to rudeness of staff (para 3.5) and what action the Council was taking on this;
- the role of the Leadership Group in oversight of the issues contained within the Report;
- the delays in response times to stage 2 complaints (para 4.2);
- timeliness of answering calls in the Customer Services Centre (notwithstanding this wasn't under the remit of the customer relations team); and
- how vexatious complaints were dealt with and the Council's policy on this.

RESOLVED that the Report be noted and the issues of high levels of perceived staff rudeness and timeliness in responding to stage 2 complaints be considered in more detail by the Leadership Group as part of their management oversight of the process.

* **52** **Ethical Governance Framework: Monitoring**

The Committee received the Report of the County Solicitor ([CSO/19/1](#)) 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 highlighted there was a tender for an upgrade to the DAW room which should address the sound issues highlighted by many of the Co-opted Members.

Members also reported on the comment in the Report which referred to the 'walking out of the Labour Group from the Chamber'. It was clarified there were Members of other parties who also left the Chamber.

* **53** **Local Government Ethical Standards - A Review by the Committee in Public Life**

The Committee considered the Executive Summary of 'Local Government Ethical Standards - A Review by the Committee in Public Life'. The full Report of the Committee on Standards in Public Life was available on the [web](#).

Members further recalled that the Committee previously submitted a [response](#) to the Consultation.

The Report outlined that it was clear from the evidence received that the benefits of devolved arrangements should be retained, but that more robust safeguards were needed to strengthen a locally determined system. Local Authorities needed to develop and maintain an organisational culture which was supportive of high ethical standards. Whilst an environment with limited external regulation was desirable, Councils needed the appropriate mechanisms in place to address problems when they arose.

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A number of the recommendations outlined in the Report involved legislative change which would be a matter for Government to implement. However, the 26 recommendations included issues such as an updated model code of conduct (created by the Local Government Association), candidates standing for or accepting public office not being required publicly to disclose their home address, clarity that Councillors should be presumed to be acting in an official capacity in their public conduct (including social media), amendments to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, establishment of a register of gifts and hospitality, new requirements on declarations of interests, the role of the Independent Persons to be strengthened and new requirements for their terms of appointment, powers of suspension for the Authority (with appropriate safeguards), powers to establish decision-making standards committee with voting independent members, Councillors having a right of appeal to the Local Government Ombudsman, updating the Local Government Transparency Code to require councils to publish annually details of complaints, subject matter and outcome, clarification of the legal position regarding barring councillors from Council premises or the withdrawal of facilities, abolishment of the criminal offences in the Localism Act 2011 on Disclosable Pecuniary Interests, new requirements for Parish Council clerk qualifications and Parish Council Codes of Conduct, disciplinary protections for statutory officers, whistleblowing policies and a named contact for the external auditor, Councillors being listed as 'prescribed persons' for the purposes of the Public Interest Disclosure Act 1998, requirements to attend formal induction training and peer reviews including consideration of processes for maintaining ethical standards.

The Report also identified some 'best practice' for Local Authorities, which represented a benchmark for ethical practice which the Committee considered and discussed.

In terms of best practice 1 and 2 (prohibitions on bullying and harassment in codes of conduct and provisions in codes of conduct requiring councillors to comply with any formal standards investigation), the Council had amended its guidance to reflect.

Best practice 3 asked that principal authorities review their code of conduct each year and Members suggested this be an annual item for the Standards Committee to review.

The Code was accessible on the website, therefore fulfilled the requirement of the 4th recommendation and work has also taken place on the gifts and hospitality register, with the information now available on the Members profile pages (best practice 5).

A public interest test (best practice 6) had been written and was available from the Councillor complaints process webpages.

The Council was already compliant with best practice 7, 8, 9 and 10 regarding Independent Persons and relevant consultation mechanisms, publication timescales of decision notices and straightforward and accessible guidance on its website on how to make a complaint and the process.

The recommendations in relation to best practice 11 and 12 were not relevant to the County Council.

The Council had procedures in place to address any conflicts of interest when undertaking a standards investigation, addressing number 13 and also would take forward the suggestions of 14 relating to reporting on separate bodies (set up or owned by the Council) as part of annual governance statements.

In line with 15, senior officers regularly met with political group leaders or group whips to discuss standards issues.

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

RESOLVED that the Report be noted and that, in line with the best practice recommendation 3, the Standards Committee reviews its Code of Conduct on an annual basis.

* **54** **Standards Committee Annual Report 2018/2019**

The Committee considered the draft of the Standards Committee Annual Report for 2018/19 prepared in line with best practice commenting on its work and developments during the year and on any issues for consideration or development in the future. The draft Annual Report had been prepared in an easy to read, accessible format.

The Report highlighted that the Committee met 4 times in 2018/19 with 3 ordinary meetings and 1 convened to consider the outcome of an investigation. Co-opted Members attended a further 23 meetings of the Council, Cabinet or Committees to observe and monitor compliance with the Council's ethical governance framework.

It further referred to the number of complaints that had been received over the last 12 months, the nature of the allegations and the outcome of each of those.

The Council had also, following the outcome of one complaint and the resolution of the Standards Committee, arranged Sexual Harassment Training for all Members of the Council. Members commented that the training had been excellent and was welcomed.

During 2018 /19 the Council agreed a policy that Members would undergo a Basic DBS, unless they undertook some other role that necessitated an Enhanced DBS check, in line with relevant legislation.

The Report highlighted the review that had been carried out by the Devon Audit Partnership in early 2018 on Ethics and Ethical Governance and confirmed that the Council had a robust ethical framework in place. The review found clear dissemination, delivery, monitoring and maintenance of ethical standards and particular areas of strength identified was the monitoring being carried out by the Standards Committee and Member induction training.

The Committee acknowledged that the publication, independently, of an Annual Report by the Committee complemented and gave rigour to the Council's Annual Governance Statement which it was required to publish on an annual basis.

RESOLVED that the Annual Report for 2018/19 be approved and published on the Council's website.

* **55** **Local Determination of Complaints**

The County Solicitor reported that, since the last meeting, 9 complaints concerning alleged breaches of the Members Code of Conduct had been received (there were 3 complaints in relation to one incident and 2 complaints in relation to a second) relating to undemocratic behaviour, failing to treat others with respect, speaking rudely to Members of the public, bringing the Council into disrepute, publication of 'erroneous' statements and misuse of email.

Following an initial assessment of each complaint involving the Independent Person appointed by the Council, no further action was taken on the complaints on the basis that either there had been no material breach of the Code that would warrant further investigation, or that the Councillor had been acting in a personal capacity and in one case the Subject Member apologised and the complaint was subsequently withdrawn.

In relation to further complaint received, this would be held in abeyance pending the outcome of court proceedings.

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

The Meeting started at 2.15 pm and finished at 3.30 pm