

Standards Committee

Wednesday 9 December 2009

PRESENT:

Mr Pearce, in the Chair.
Councillors Mrs Aspinall, Mrs Bragg, Gordon, Dr. Mahony and Mrs Stephens.

Co-opted Representatives: Mr Roy Campbell, Mr Craig Duncan, Ms Corinne Farrell and Mr John Williams

Apologies for absence: Mr Malcolm Haggart

The meeting started at 10.00 am and finished at 11.30 am.

Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

1. DECLARATIONS OF INTEREST

There were no declarations of interest in accordance with the code of conduct.

2. MINUTES

Resolved that the minutes of the meeting held on 24 June 2009 be confirmed as a correct record subject to minute 1 being changed to read 'The Chair welcomed Members to the first meeting of the new Municipal Year and particularly Councillor Mrs. Aspinall who was a new appointment to the Committee'.

With regards to the minutes of 24 June 2009, Councillor Dr Mahony questioned why the 'Have your Say' item was submitted to the Standards Committee if it was outside of the Committee's remit.

The Chair responded and informed the Committee that he felt it was of interest to receive the number of complaints and the relation the Ombudsman report had with complaints.

3. CHAIR'S URGENT BUSINESS

There were no items of Chair's Urgent Business.

4. OMBUDSMAN REPORTS

The Customer Service Programme Manager provided the Committee with an update on Ombudsman reports.

The Committee was informed that –

- (i) the Local Government Ombudsman (LGO) provided a free, independent and impartial service considering complaints relating to the administrative actions of councils;
- (ii) the Advice team received a total of 111 enquiries and complaints during 08/09; of these 61 were investigated, where as in the previous year 89 were investigated;
- (iii) out of 61 investigated complaints, 11 related to Housing, 2 related to Children and Family Services, 7 related to Education, 5 related to Benefits, 1 related to Finance, 12 related to Planning, 5 related to Transport and Highways, 8 related to Antisocial Behaviour, 5 related to Waste and 5 were classed as 'other';
- (iv) a total of 59 decisions were made during the year; there was no evidence of maladministration in 33 cases, the Ombudsmen used his discretion in 9 cases, 10 cases were considered to be outside of jurisdiction. There were 6 local settlements,

with 4 cases receiving compensation totalling £1000 and 1 case of maladministration resulting in a payment of £400;

- (v) there was some significant reduction of departments in the Council complained about; Revenues and Benefits had decreased from a total of 17 last year to 6 this year, The number of complaints relating to Planning & Building Control (12) and Housing (11) remained static, however Transport & Highways (5) decreased by 45%

In response to questions raised it was reported that –

- (vi) complaints regarding housing issues would no longer be recorded by the Ombudsman as this had transferred to Plymouth Community Homes; this was with the exception of housing allocation;
- (vii) on page 4 of the Ombudsman report under section 2.1.3 'Reporting and Local Settlements' it was stated that 'the report of maladministration related to Legal services in that the council had unreasonably delayed the completion of a land transfer form and compensation of £400 was paid to the complainant to cover his legal costs incurred as a result of the delay; the Committee was informed that this complaint should not have been logged against Legal Services as they were supporting the Planning Department as were the last stage of the process;
- (viii) members of staff had received training with the Ombudsman in order to improve customer service; currently timings for processing complaints needed improvement;
- (ix) the Flare system which was used to record complaints electronically was due to be replaced with an improved system;
- (x) the Customer Service Programme Manager was happy to give Councillors and customers her personal phone number in order to aid the process;
- (xi) the process for logging complaints needed to be highlighted to Councillors.

Resolved that the report be noted and that further training be provided to Members on complaints handling.

5. **PROCESS FOR DEALING WITH STANDARDS REVIEW HEARINGS**

The Assistant Head of Legal Services provided the Committee with an update on the process for dealing with Standards Review Hearings.

The Committee was informed that –

- (i) the first Standards Review Hearing Pre Committee meeting had been held in preparation for a Standards Review Hearing Committee which would be arranged for January 2010; it was important for the Committee to be aware of the process which was split into several stages;
- (ii) the first stage was a Pre Committee in which Members could resolve issues such as what was in dispute, timings and if witness statements were required. The Pre Committee would allow Members to look at all information and evidence;
- (iii) the second stage for the Committee was for Members to confirm if there was a breach of the code, if no breach was found to have been committed this would be the end of the process however if a breach was found the process would move to stage three;
- (iv) the third stage would be for Members to decide what sanctions, if any, would be appropriate;
- (v) the Member concerned could be legally represented at the hearing; the Council had

adopted a policy that would indemnify legal costs incurred however legal costs would have to be paid back if the Member in question was found to have breached the code of conduct;

In response to questions raised it was reported that –

- (vi) the Standards Review Hearing could be held in private however the Standards Board for England published guidance in which it was strongly recommended that hearings take place in public;
- (vii) the Member in question was able to choose their own legal representation;
- (viii) the same Members would be required to sit on the Pre Committee as on the Standards Review Hearing Committee;
- (ix) the length of hearings would depend on the evidence and questions asked, there was no set time frame;
- (x) the recommendations would be implemented immediately if the committee resolved to accept them;

The Committee resolved to –

- (1) adopt the model hearing process for determining alleged breaches of the Members' Code of Conduct;
- (2) authorise the Monitoring Officer to make appropriate pre hearing arrangements for any hearings in liaison with the Hearings Committee who will deal with any individual hearing.

6. **UPDATE ON MATTERS DEALT WITH BY THE ASSESSMENT AND REVIEW SUB COMMITTEES.**

The Assistant Head of Legal Services provided the Committee with an update on matters dealt with by the Assessment and Review Sub Committees.

The Committee was informed that –

- (i) there had been a significant increase in the number of complaints received by the Assessment Sub Committee;
- (ii) since April 2009, 22 complaints had been received in comparison to 6 complaints received the previous year; of those 22 complaints, 13 were dealt with by the Assessment Sub Committee;
- (iii) a further complaint had been received via the 'Have Your Say' facility;
- (iv) in five instances the Assessment Sub Committee had resolved to take no action; of these complaints, four had appealed and were heard at the Review Committee;
- (v) all decisions by the Assessment Sub Committee that were sent to be reviewed by the Standards Review Committee were upheld;
- (vi) three complaints had been referred to the Standards Board for England however no further action was taken;
- (vii) five complaints had been referred for local investigation and two complaints had been investigated by an independent company;
- (viii) Standards Assessment Sub Committees and Standards Review Committees were resource intense for both Legal Services and Democratic Support;

- (ix) Tim Howes, the new Assistant Director for Democracy and Governance was to join the authority on 4th January 2010 and would be the lead officer for the Standards Committee; the Head of Legal Services was to be the Deputy Monitoring Officer.

In response to questions raised it was reported that –

- (x) Mr Pearce had spoken to both political parties at the Council in order to inform them of the increase in Standards Assessment Sub Committees and the importance of legitimate complaints;
- (xi) the cost to the Council for independent investigations was currently at £14,000, £7000 for each investigation having been undertaken so far;
- (xii) the Standards Committee aimed to produce an annual report to show how Plymouth compared with other unitary authorities;
- (xiv) an ethical governance work shop was to be introduced together with a member development programme to focus upon core principles.

Resolved that a letter be sent to Members outlining the work of the Standards Committee and the increase in numbers of complaints received.

7. **DATE AND VENUE OF NEXT MEETING**

It was noted that the next meeting of the Standards Committee would take place on 10 March, 2010, at 10.00 a.m. in the Council House.

8. **EXEMPT BUSINESS**

Resolved that, under Section 100(A) and (4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of confidential/exempt information as defined in paragraph 1 of Part 1 Schedule 12A of the Local Government (Access to Information) Act 1985.

9. **APPLICATION FOR AN EXEMPTION IN RELATION TO A POST BEING PLACED ON THE LIST OF POLITICALLY RESTRICTED POSTS (E1)**

The Committee received a report on the application for an exemption in relation to a post being placed on the list of politically restricted posts.

Resolved that this item would be added to 10 March 2010 agenda in order for more information to be provided to the Committee.