

At a Meeting of the Standards Committee held at the County Hall, Durham on Friday 21 August 2009 at 10.00 a.m.

PRESENT:

Mrs D Winter in the Chair

Members of Standards Committee

Councillors J Armstrong, A Bainbridge, C Carr, P Charlton, D Farry, G Holland, P Jopling, D Southwell and M Williams
Mr Argyle, Mr D Balls, Mrs D Balmer, Mrs T Naples
Councillors Day, Duggan, Goyns, Marr and Batson

Other Members

Councillor D Myers
Mr W Ault and Mr P Thompson

Apologies

Mrs E Davies

A1 Minutes

The minutes of the meeting held on 21 May 2009 were confirmed as a correct record and signed by the Chairman.

A2 Declarations of Interest

No declarations of Interest were received from Members in relation to business on the Agenda.

A3 Annual Report of Representations 2008/2009

The Committee considered a report of the Corporate Director Adults, Wellbeing and Health informing the Standards Committee of the performance of Adults, Wellbeing and Health in respect to the handling and consideration of representations, as contained in the Annual Report on Representations 2008/09 (for copy of the report and the Representations Annual Report see file of Minutes).

Members of the Committee welcomed the inclusion of the Glossary of Abbreviations contained in the Representations Annual Report 2008/09.

In response to a question from Mrs Naples, Lesley Wilkinson, Quality Standards Manager, Adult and Community Services explained that Responsible Officers, as referred to in page 35 of the Annual Report on Representations, are Strategic Managers or Heads of Service.

The Chair of the Committee referred to the challenges ahead from an ageing population with the provision of care and support being of vital importance, adding that appropriate action must be taken through staff training and development in order to meet these challenges.

In response, Lesley Wilkinson, Quality Standards Manager, Adult and Community Services referred to page 27 of the Annual Report, which gives details of the expected standards required from staff, adding that a system of supervision is in place with staff being offered one-to-one support from Line Managers. Staff induction arrangements are in place.

The Chair requested that future Annual Reports include information on public confidence in the Service.

Resolved:-

1. That the report be noted.
2. That the publication of the report to key stakeholders be endorsed.

A4 Composition of Sub-Committees (Hearing, Initial Assessment and Review Sub-Committees)

The Committee considered a report from the Head of Legal and Democratic Services and Monitoring Officer requesting that the Standards Committee consider amending the current Local Assessment Procedures to enable Sub-Committees dealing with initial assessment, hearings and reviews to be drawn from all parties (for copy see file of Minutes).

Members discussed the recommendation for the current restriction that Council Members should be from a different political group to that of the Member concerned be lifted, to enable more flexibility.

Councillor Bainbridge expressed concern that members of the public may perceive bias if Members are seen to be judging Members of their own party. Councillor Batson commented that Members are made aware, when appointed to the Standards Committee, that they are not subject to any party whip and that they should judge with an open mind. Councillor Stelling, whilst agreeing with Councillor Bainbridge's comments, added that he is aware of the problems that can occur when arranging hearings.

Councillor Williams asked how the situation would be tackled if the Member concerned was, for example, of the same professional organisation as a Member of the Panel. David Taylor, Legal Services Manager, replied that in such circumstances, a declaration of interest should be made. Officers are sensitive to such circumstances when composing Panels.

The Chair emphasised the importance of upholding the public's perception of ethics and the effectiveness of the Committee.

Upon a vote being taken it was:

Resolved:-

That the recommendation contained within the report be approved.

A5 Local Assessment of Complaints

The Committee considered a report of the Head of Legal and Democratic Services and Monitoring Officer on the operation of the local assessment of complaints from May 2008 (for copy see file of Minutes).

Councillor Jopling requested that in future reports to the Committee include information on how matters are dealt with by the Monitoring Officer.

Councillor Southwell expressed concern that the report was placed on Part A of the agenda and therefore open to the public and requested that caution be exercised in future.

Mrs Naples commented that the report does not give a feel for trends, or, provide details of the source of the complaints. Sharon Spence, Democratic Services Manager, replied that the purpose of the report to the Committee is to provide a brief update on the action taken, however, more detail will be provided in future reports, at Members' request.

The Chair requested that clarification be sought on whether the report should be placed on Part B of the agenda in future.

Resolved:

That the report be noted.

A6 Local Government Ombudsman Annual Report 2008/09

The Committee considered a report of the Head of Legal and Democratic Services and Monitoring Officer on the complaints based information from the Local Government Ombudsman for 2008/09 (for copy see file of Minutes).

Councillor Batson referred to page 6 of the report which gives details of a planning complaint following a failure to comply with the officer scheme of delegation within the Council's constitution. Councillor Batson suggested that the new Unitary Authority should undertake a review of the powers of delegation adding that he would like to see the new Authority being an enabling authority, helping the public to achieve their aims and objectives. Councillor Southwell commented that national guidelines on delegations are in existence and that Members are at liberty to raise any concerns with officers. Councillor Bainbridge commented that the use of officer delegations can damage public perceptions of the democratic process.

David Taylor, Legal Services Manager, replied that the officer delegation scheme is essential in planning and licensing matters due to the volume of work, however, the constitution is being carefully monitored and a review of the scheme in relation to planning is to be undertaken. The findings of this review will be shared with the Committee.

Resolved:

That the report be noted.

A7 Complaints, Compliments, Comments and Suggestions Performance Report – Quarter 1 (1 April to 30 June 2009)

The Committee noted a report from the Corporate Director Neighbourhood Services providing details of complaints, compliments, comments and suggestions (for copy see file of Minutes). David Payne outlined the report on behalf of Neighbourhood Services.

Mrs Balmer highlighted the lack of any feedback reported regarding the suggestions made and commented that this information would be useful.

Councillor Duggan expressed concern at the lack of explanation as to how complaints were dealt with.

In response to a query from a Member of the Committee as to the difference between corporate and statutory complaints, Lesley Wilkinson, Quality Standards Manager, Adult and Community Services referred to page 10 of the Annual Report which details those persons who may use the Statutory Adult Social Care Procedure.

Clare McLaren, Performance and Planning Manager, outlined the report on behalf of Children and Young People's Services and informed Members that a Strategic Action Plan is being developed. The Service aims to update the Committee on a quarterly basis and to provide information on complaints regarding staff conduct. 100% of statutory complaints were acknowledged within 2 working days and compliments and complaints were received in a ratio of 2:1.

Members expressed concern that the report was not available prior to the meeting and requested that the report be available in line with access regulations in future.

Members referred to the number of complaints from members of the public that are dealt with by Members. Officers agreed that as information on the number of complaints which are resolved by Members is not available, the full picture is not being reflected in the figures.

Resolved:

That the report be noted.

A8 Exclusion of the Public

That under Section 100A(4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds

that they involve the likely disclosure of exempt information as defined in paragraph 4 of Part 1 of Schedule 12A to the said Act.

B9 Approval of Compensatory Payment

Members of the Committee considered a request for a compensatory payment under Article 9 (Standards Committee) of Durham County Council's Constitution (section 9.03 n (n)) (for copy see file of Minutes).

Councillor Southwell requested that information on how the officer was dealt with, be included in future reports.

Resolved:

That the recommendation contained in the report be approved.

B10 Complaint to the Local Government Ombudsman

Members of the Committee considered a report informing Members of a decision of the Local Government Ombudsman (for copy see file of Minutes).

Councillor Holland asked whether progress had been made with an alternative site. David Taylor, Legal Services Manager, replied that steps are being taken to offer an alternative site to those displaced and information on progress will be provided to the Local Government Ombudsman.

The Chair requested that an update on this report be brought to a future meeting of the Committee.

Councillor Southwell, referring to paragraph 8 of the report, asked about the procedure for authorising the payment. David Taylor replied that, under the Constitution, delegation is given to the Head of Legal and Democratic Services to approve payments in local settlements of maladministration up to the amount of £50,000.00.

Resolved:

That the report be noted.

B11 Complaint against a Member of City of Durham Council

Members considered a report of detailing the investigation conducted into an allegation that a Councillor contravened the Code of Conduct of the former City of Durham Council. The Investigating Officer's report concluded that there was no breach of the Code of Conduct (for copy see file of Minutes).

Resolved:

That the Investigating Officer's report be accepted.

B12 Review of Completed Complaints

Members of the Committee inspected a sample of completed complaint files for the review period in question.