

DURHAM COUNTY COUNCIL

At a **Meeting** of the **Standards Committee** held at the County Hall, Durham on **16 September 2010** at **10.30 a.m.**

PRESENT

Members of the Standards Committee:

Chairman: Mrs D Winter

Members: Councillors J Armstrong, E Bell, D Farry, G Holland, D Southwell and M Williams

Mr B Argyle

Councillors F Duggan, M Goyns, D Liversidge, J Marr and T Batson

Other Members:

P Thompson and E Davies

Councillors B Myers

Apologies:

Mr J Armstrong, Mr W Ault, Councillor A Bainbridge, Mrs D Balmer, D Balls, Councillor C Carr, Councillor P Jopling, Mrs T Naples, Mr L Petterson and Councillor J Shiell.

A1 Minutes

The minutes of the meeting held on 28 May 2010 and the minutes of the special meeting held on 18 June 2010 were confirmed as correct records and signed by the Chairman.

A2 Declarations of Interest

Councillor Farry declared a prejudicial interest in relation to items 16 and 19.

A3 Corporate Complaints, Compliments, Comments and Suggestions Performance Report – Quarter 4 (1 January to 31 March 2010)

The Committee noted a report from the Corporate Director, Neighbourhood Services providing details of complaints, compliments, comments and suggestions for quarter 1 (1 April to 3 June 2010)(for copy see file of Minutes).

The Customer Service Manager was in attendance to present the report. He advised that now the Unitary Council had been established for over a year, comparisons were now able to be made between the first quarter performance last year and this year. He drew attention to the table detailed within the report which reflected the overall complaints comparisons. Although there had been an increase in the overall number of complaints, the Customer Service Manager justified why this had occurred. He advised that within the Regeneration and Economic Development Service area, complaints were often received about planning proposals and applications. Over recent months one particular planning application had generated 30 complaints on its own, however each complaint was recorded individually, thus explaining the increase. For future information, he advised that complaints data would be broken down further in order to advise the Committee of the numbers of justified and unjustified complaints. Furthermore, he agreed that when future large scale complaints were received, they too would be brought to the Committee for information.

The Customer Service Manager continued that only 17 suggestions had been received by the public, and this was an area that needed encouragement. As such, suggestion boxes were to be placed in all key locality contact points and staff in those areas would start encouraging their use.

In response to questions from members regarding learning outcomes, the Customer Service Manager agreed that more detailed information would be presented to the Committee in future in order to reflect whether learning outcomes had been implemented or just monitored.

Resolved:

That the report be noted.

**A4 Annual Report of Complaints, Compliments and Comments
2009/10**

Consideration was given to a report of the Corporate Director, Adults, Wellbeing and Health (for copy see file of Minutes).

The Quality Standards Team Manager presented the report, advising that the main purpose of the Annual report was to detail the performance of Durham County Council in managing Statutory Adult Social Care Complaints. Members were advised that although there was no requirement to publish data on compliments and comments, this information was also included in the report as the Service was committed to openness and transparency.

The Annual Report served to indicate positive achievements in Adults, Wellbeing and Health performance in the handling and consideration of representations during the year 2009/10.

Resolved:

1. That the content of the Annual Report be noted;
2. That the publication of the Annual Report and its circulation to key stakeholders through the Intranet and Internet be endorsed.

A5 Draft Annual Report of the Standards Committee 2009/10

Consideration was given to the draft Annual Report of the Standards Committee 2009/10 (for copy see file of Minutes).

The Chair advised that the purpose of the report was to reflect and report on the work of the Standards Committee during 2009/10 and to set out the programme of work which the Committee intended to undertake during 2010/11. The Chair further advised that further to its approval by the Committee, the Annual Report would be presented to a forthcoming County Council meeting.

Resolved:

That the draft Annual Report of the Standards Committee 2009/10 be approved.

A6 Procedure for Local Assessment of Complaints

The Committee considered a report of the Head of Legal and Democratic Services which invited members to update the Procedure for Local Assessment of Complaints in relation to habitual or vexatious complaints to the Standards Committee (for copy see file of Minutes).

The Governance Solicitor presented the report and advised that should the proposed Habitual or Vexatious Complaints to the Standards Committee Policy be adopted, it would be used purely at the discretion of the Monitoring Officer in consultation with the Chair of the Standards Committee.

Resolved:

That the Procedure for Local Assessment of Complaints be updated as outlined in paragraphs 5 and 6 of the report.

A7 Protocol for Local Authority Partnership Working

The Committee considered a report of the Head of Legal and Democratic Services which informed members of a partnership behaviour protocol developed by Standards for England (for copy see file of Minutes).

Presenting the report, the Governance Solicitor advised that the protocol had been developed to address the issue that partners involved in local authority decision making who were not members of the authority were not subject to the same rules governing their behaviour as elected or co-opted members of the same bodies. It was further recommended by Standards for England that

Standards Committees could oversee the implementation of and adherence to the protocol and play an active role should issues arise in a partnership.

Resolved:

That the report be noted and the Head of Legal and Democratic Services be authorised to take the partnership behaviour protocol to Corporate Management Team for officers to consider when entering partnership agreements or issuing tenders.

A8 Member/Officer Working Arrangements

The Committee considered a report of the Assistant Chief Executive, which made recommendations to clarify and improve Member/Officer working arrangements (for copy see file of Minutes).

The Head of Policy and Communications presented the report and advised that the review of officer/Member working relationships had been done at the request of the Leader of the Council. He advised that the report had been considered by the Constitution Working Group and would be the subject of a Member Seminar in October, following which it would be presented to County Council in November.

The Head of Policy and Communications explained that Members views had been sought during the review and areas that needed further work had been identified.

It was noted that all County Councillors had been provided with a directory of relevant officer contacts throughout the authority and it was agreed that this would also be provided to all Parish and Town Councils.

Resolved:

That the report and the recommendations contained therein be noted.

A9 Development Strategy 2010/2011

The Committee considered a report of the Head of Legal and Democratic Services which presented the finalised Development Strategy of the Standards Committee for 2010/11 (for copy see file of Minutes).

Members were advised that further to the special meeting of the Committee which had been held in June 2010, a Development Strategy focus group had been established. The focus group had made amendments to the Development Strategy and introduced numerous key performance indicators and action points.

Resolved:

That the Development Strategy and supporting Action Plan be approved.

A10 Decision of the Upper Tribunal in the Appeal of Councillor Clark against the Decision of the First Tier Tribunal

Consideration was given to a report of the Head of Legal and Democratic Services which provided an update following the decision of the Upper Tier Tribunal in Councillor Clark's appeal against the decision of the First Tier Tribunal (for copy see file of Minutes).

Resolved:

That the report be noted.

A11 Parish and Town Council Conference Feedback

The Committee considered a report of the Head of Legal and Democratic Services which provided feedback from the Parish and Town Council Conference which the Committee had hosted (for copy see file of Minutes).

The Democratic Services Manager advised that all delegates had been provided with evaluation forms to complete and the feedback which had been received had been extremely positive.

Resolved:

That the report be noted.

A12 Appointment of a Parish and Town Council Sub Committee

Consideration was given to a report of the Head of Legal and Democratic Services which proposed that the Standards Committee appoint a Parish and Town Council Sub-Committee (for copy see file of Minutes).

The Democratic Services Manager presented the report and the Chair of the Committee requested that expressions of interest be forwarded to the Democratic Services Officer. It was hoped that the first meeting of the Parish and Town Council Sub Committee could be held before the meeting of the Standards Committee in November.

Resolved:

That a Parish and Town Council Sub Committee be appointed.

A13 Exclusion of the Public

Resolved:

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 3 of Schedule 12A to the said Act.

B14 Monitoring Officers Other Action in relation to complaint LA110-117

The Committee considered a report following allegations that 8 Parish Councillors had contravened the Code of Conduct. The Assessment Sub-Committee determined that it did not merit a formal investigation and therefore the Monitoring Officer's representative met with the Parish Council to deliver training on the Code of Conduct (for copy see file of Minutes).

Resolved:

That the report be noted.

B15 Monitoring Officers Other Action in relation to complaint LA127-128

The Committee considered a report following allegations that 2 Town Councillors had contravened the Code of Conduct. The Assessment Sub-Committee determined that it did not merit a formal investigation and therefore the Monitoring Officer's representative wrote to the Councillor's to advise on future conduct (for copy see file of Minutes).

Resolved:

That the report be noted.

B16 Standards Committee Hearing – Case Reference LA77

The Committee considered a report of the Head of Legal and Democratic Services which informed of the outcome of a Standards Committee Hearing into allegations of a breach of the Code of Conduct by a County Councillor (for copy see file of Minutes). The Committee were advised that the Investigating Officer's findings of a breach of the Code of Conduct were upheld at a Standards Committee Hearing and the Panel imposed a sanction, that the County Councillor was to undertake training and provide a letter of apology. The County Councillor has since complied with the sanction.

Resolved:

That the report be noted.

B17 Standards Committee Hearing – Case Reference LA80

The Committee considered a report of the Head of Legal and Democratic Services which informed of the outcome of a Standards Committee Hearing into allegations of a breach of the Code of Conduct by a Parish Councillor (for copy see file of Minutes). The Committee were advised that the Investigating Officer's findings of a breach of the Code of Conduct were upheld at a Standards Committee Hearing and the Panel imposed a sanction, that the Parish Councillor was to undertake training and provide a letter of apology.

Members were advised that the Parish Councillor had subsequently appealed to the First Tier Tribunal and as such the Committee was requested to decide whether to contest the appeal (for copy see file of Minutes).

Resolved:

That the appeal be contested.

B18 Local Investigation – Case Reference LA129

The Committee considered a report of the Head of Legal and Democratic Services detailing the investigation conducted into an allegation that a County Councillor contravened the Code of Conduct (for copy see file of Minutes). The Investigating Officer's report concluded that there was no breach of the Code of Conduct.

Resolved:

That the report's recommendations be accepted.

B19 Update on the handling of Current Complaints

The Committee considered a report of the Head of Legal and Democratic Services which provided an update report in respect of complaints of alleged breaches of the Code of Conduct (for copy see file of Minutes).

Further to a previous request from Members, a working document detailing and tracking the exact status of all complaints, was circulated for information.

Resolved:

That the report be noted.

B20 Review of Completed Complaints

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

B21 Any Other Business

The Chair of the Committee left the room for this item of business.

The Deputy Monitoring Officer advised the Committee that an email had been recently received from a Parish Councillor who had previously been subject to a Standards Committee Hearing. Having been found to have breached the Code of Conduct and sanctioned, the Councillor had appealed to the First Tier Tribunal. The Parish Councillor stated within his email that he felt aggrieved by circumstances surrounding his Standards Committee Hearing and as such requested that his email be circulated to all Members of the Committee and a response to the contents be provided to him.

The Members of the Committee discussed the matter and were unanimous that no further action would be taken by the Committee.

Resolved:

That the Deputy Monitoring Officer respond to the Parish Councillor expressing the views of the Standards Committee.