

DURHAM COUNTY COUNCIL

At a **Meeting** of the **Standards Committee** held at the County Hall, Durham on **22 November 2010** at **10.00 a.m.**

PRESENT

Members of the Standards Committee:

Chairman: Mrs D Winter

Members: Councillors A Bainbridge, E Bell, C Carr, P Charlton, D Farry, G Holland, E Bell, D Farry, G Holland, D Southwell and M Williams.

Mr B Argyle, Mrs D Balmer and Mrs T Naples

Councillors F Duggan, D Liversidge and T Batson

Other Members:

J Armstrong (Fire Authority)

Councillor S Zair

Apologies:

Councillor J Armstrong, Mr W Ault, Mr D Balls, Parish Councillor M Goyns and Mr P Thompson

A1 Minutes

The minutes of the meeting held on 16 September 2010 were confirmed as a correct record and signed by the Chairman.

A2 Declarations of Interest

There were no declarations of interest received.

A3 Corporate Complaints, Compliments, Comments and Suggestions Performance Report – Quarter 2 (1 July to 30 September 2010)

The Committee noted a report of the Corporate Director, Neighbourhood Services, the purpose of which was to present progress for quarter 2 of 2010/11 in relation to corporate complaints, compliments, comments and suggestions (for copy see file of Minutes).

The Customer Service Manager was in attendance to present the report. He advised that there had been a 37% increase in the number of complaints received this quarter compared to the same quarter in the last year. As requested at the previous meeting of the Standards Committee, the report provided a breakdown of the overall status of complaints and members were advised that of the 366 complaints received for the period, 177 were not justified. The Customer Service Manager further explained that the status of a complaint was an independent judgement made by the Corporate Complaints Team.

The Committee were advised that there had been 323 compliments for the same period and that just 21 suggestions had been received. The Customer Service Manager informed members that staff based within locality offices were trying to encourage customers to make suggestions and that it was hoped that the volume of customer suggestions would increase.

The Quality Standards Team Manager, Adults, Wellbeing and Health, was in attendance to advise on the complaints, compliments, comments and suggestions received during the quarter for that particular service area. She advised that there had been a significant increase in social care complaints, however explained that this could be attributed to a more thorough approach in the assessing of peoples' needs so that operating procedures and eligibility criteria could be consistently applied. The Quality Standards Team Manager further advised that the service area had also seen a significant increase in the number of compliments received during the quarter.

In response to Members, the Customer Service Manager advised that the process for handling complaints which had been introduced in April 2009 had been too involved and as such work had since been undertaken to simplify the process. He advised that between the current time and April 2011 a full review of the process was to be undertaken so that significant improvements could be identified and subsequently implemented.

The Chair advised that she had recently visited the Corporate Complaints section and had been extremely impressed with the processes that she witnessed were in place although it was acknowledged that there was room for improvement.

In response to a request from Members the Customer Service Manager agreed to provide a breakdown of all suggestions which were received to indicate what they were and what had been done as a result of them, although he did clarify that all suggestions were followed up with a response to customer. He further advised that the authority was looking to implement a "you said, we did" type of campaign in the future.

Resolved:

That the report be noted.

A4 Annual Representations Report 2009/10, Children and Young Peoples Services

Consideration was given to a report of the Corporate Director, Children and Young Peoples Services (for copy see file of Minutes).

Accompanied by the Head of Strategic Commissioning, the Complaints and Quality Officer was in attendance to present the report, which was the fourth Annual Report of its kind and which detailed the performance of Durham County Council's Children and Young People's Services' Representations Procedure. She advised that the aim of the report was to provide performance information in a concise manner and she drew Members attention to key points from the report.

Resolved:

That the content of the Annual Report be noted.

A5 Request for Dispensation from Edmondsley Parish Council

Consideration was given to a report of the Head of Legal and Democratic Services regarding a request from Edmondsley Parish Council for a dispensation under the Standards Committee (Further Provisions)(England) Order 2009 (for copy see file of Minutes).

The Deputy Monitoring Officer advised that Edmondsley Parish Council currently operated with seven members as there were four vacant seats which were not expected to be filled until into the New Year. Of the seven current members, four were affiliated with Edmondsley Community Association and as such were required to declare prejudicial interest and leave Parish Council Meetings when business relating to the Association was being discussed, thus leaving the meeting inquorate. A dispensation was therefore requested which would allow those members to participate and vote on any future related items.

Resolved:

That a dispensation be granted to those members of Edmondsley Parish Council who are affiliated with the Edmondsley Community Association, permitting them to participate and vote on any future Parish Council business concerning the Edmondsley Community Association and that the dispensation shall continue until there are nine Parish Council members in post.

A6 First Tier Tribunal and Upper Tier Tribunal Decisions relating to Councillors Clark and Fawcett of West Rainton and Leamside Parish Council

Consideration was given to a report of the Head of Legal and Democratic Services which provided a summary of the decision of the First Tier Tribunal in relation to the appeal by Councillors Clark and Fawcett against the decision

of the Standards Committee and Councillor Clark's appeal against the decision of the First Tier Tribunal (for copy see file of Minutes).

The Deputy Monitoring Officer advised that although a similar report had been brought before the previous meeting of the Standards Committee, Councillor Clark had requested that a more detailed report be circulated for information.

Resolved:

That the report be noted.

A7 Development Strategy 2010/2011

The Committee considered a report of the Head of Legal and Democratic Services which provided an update of the work carried out to date as part of the Development Strategy of the Standards Committee for the year 2010/11 (for copy see file of Minutes).

The Deputy Monitoring Officer advised that although good progress had been made in meeting various actions and targets contained within the Strategy's action plan, those activities would not continue until the future of Standards Committee's was better understood upon the imminent release of the Decentralization and Localism Bill.

Resolved:

That the report be noted.

A8 Parish and Town Council Sub Committee

Consideration was given to a report of the Head of Legal and Democratic Services which provided an update on the appointment of a Parish and Town Council Sub Committee of the Standards Committee (for copy see file of Minutes).

The Governance Solicitor advised that following approval at the last meeting of the Standards Committee, a Parish and Town Council Sub Committee had since been established and would hold their first meeting later that day. Future reports from the Sub Committee would come to the Standards Committee for consideration.

Resolved:

That the report be noted.

A9 Other Business

The Chair advised that there were two additional items of business that she had deemed necessary for consideration by the Standards Committee during the open part of the meeting.

The Governance Solicitor addressed the first item of additional business. She advised that the previous day the First Tier Tribunal had held an appeal

hearing regarding a complaint about a Parish Councillor that had previously been considered by a Standards Committee Hearing Panel.

She advised that the authority's Hearing Panel had originally made a determination that the Parish Councillor had breached the Code of Conduct and as such had imposed a sanction that the Parish Councillor should submit a letter of apology to the complainant and in addition undergo training on the Code of Conduct. The Hearing Panel further determined that in the absence of a suitably worded letter of apology that the Parish Councillor would be subject to a six week suspension. The Parish Councillor had appealed this decision with the First Tier Tribunal.

The Governance Solicitor reported that upon considering the case, the First Tier Tribunal determined that the Parish Councillor had breached the Code of Conduct and as such upheld the finding of the Standards Committee Hearing Panel. The Tribunal's direction was that the original sanctions imposed by the Hearing Panel were to be upheld in their entirety.

The Chair addressed the second item of additional business. She advised the Committee that a letter had been hand delivered for her attention prior to the meeting commencing, from a member of the public who had previously made a number of complaints to the Standards Committee. The letter was circulated to all present, accompanied by the Decision Notice and accompanying letter to which it referred.

The hand delivered letter called for the resignation of the Chair of the Standards Committee and for a public apology to be made to that member of the public further to him being aggrieved at a decision taken by an assessment sub committee of the Standards Committee at an earlier date.

Further to consideration of all circulated papers the Standards Committee determined that there was no reason for them to contemplate issuing an apology and furthermore they expressed their support for the Chair of the Committee.

A10 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.

B11 Local Investigation – Case Reference LA118

The Committee considered a report of the Head of Legal and Democratic Services detailing the investigation conducted into an allegation that a Town 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.

B12 Local Investigation – Case Reference LA140

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.

B13 Local Investigation – Case Reference LA76

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 Town 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 Town Councillor was to provide a letter of apology to the complainant. The Town Councillor failed to provide that apology and therefore the Hearing Panel reconvened to determine an alternative sanction to be imposed. The decision was made to suspend the Town Councillor for a period of three months.

Members were advised that the Town Councillor had subsequently appealed to the First Tier Tribunal and as such the Committee was requested to consider whether to contest the appeal.

Resolved:

That the appeal be contested.

B14 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).

A working document detailing and tracking the exact status of all complaints was circulated for information and Members noted that all complaints had been dealt with in designated timescales.

Resolved:

That the report be noted.

B15 Review of Completed Complaints

Members of the Committee inspected a sample of completed complaints, comments and compliment files for the review period in question.