

Standards Committee

A meeting of Standards Committee was held on Thursday, 29th March, 2007.

Present: Mr F W Hayes (Chairman), Cllr P Baker, Cllr Mrs J Beaumont, Mr T Bowman (Parish Representative), Mrs E Chapman (Independent Representative), Cllr J A Fletcher, Mr L W Hedley (Parish Representative), Mrs F Robinson (Independent Representative), Cllr N Teasdale

Officers: D.E. Bond and M. Henderson (LD)

Also in attendance: No other persons were in attendance.

Apologies: Councillor Sherris

1227 Minutes

The minutes of the meeting held on 20th February 2007 were confirmed as a correct record.

1228 Ethical Governance Audit - IDeA Light Touch Health Check

Members were reminded that the Ethical Governance Audit survey results and the IDeA Light Touch Health Check report and recommendations had been submitted to the last meeting of the Committee.

Copies of the survey results, together with comments received in response to each survey and a copy of the Light Touch Health Check report were provided to the Committee. The Committee also considered draft action plans for each of the three surveys (Employees, Members and Key Partners) and an action plan specific to the Light Touch Health Check.

To assist Members a copy of an advice paper - "Standards Committees - raising your profile" from last year's Annual Assembly was provided as it was relevant to certain, if not all elements of the action plans.

Members discussed and agreed the draft Action Plans.

It was explained that the Action Plans would be submitted to Cabinet for consideration and subsequently to Council for approval.

Members were reminded that when implementing the agreed action plans, reports would be brought back to the Committee, the Members Advisory Panel and other relevant Committees (eg Planning, Select Committees) for consideration of, and views on particular elements of the plans. It was noted that it might also be necessary to report to Cabinet and Council e.g. if key constitutional changes were proposed.

RESOLVED that the action plans be agreed.

1229 Annual Report of the Standards Committee - 2006/07

Members were reminded that the production of annual reports was an essential part of the Council's performance monitoring, reporting and planning procedures.

Members were provided with a draft of the Committee's second Annual Report (for 2006/07).

It was explained that the purpose of the report was not only to provide an overview of the work of the Committee in the past year, but also to identify and promote examples of best practice and to provide an opportunity to review and learn from experience. The report therefore set out the Committee's Statutory responsibilities, summarised how those duties had been discharged during 2006/07 and drew attention to those issues that would require attention in the year ahead.

Members noted that consultation on the report was taking place with the Deputy Leader (as relevant Cabinet Member and proposed ethics Champion in the Executive), Head of Legal Services (Deputy Monitoring Officer), the Head of Democratic Services, the Corporate Governance Group and the Corporate Management Team.

The Committee considered the draft and provided comments, in order to inform the final version.

Members agreed that, taking account of the Committee's comments, and any arising from the ongoing consultation, the Director of Law and Democracy should be given delegated authority to finalise the report, in consultation with the Chair of the Committee.

The finalised report would then be brought to the attention of all Members of the Council by means of reports to the Audit Committee, Cabinet and Full Council. It would also be placed on the intranet and the internet.

A copy would be made available to each member of the Committee.

RESOLVED that the draft Annual Report of the Committee for 2006/07 be approved and the Director of Law and Democracy be given delegated authority to finalise the Report in consultation with the Chair of the Standards Committee.

1230 Members' Code of Conduct Referrals 2006/07 Review

Members were informed that during 2006/07, there had been six allegations/referrals of complaints about Stockton Councillors to the Standards Board for England. Seven Councillors in total had been the subject of those complaints. This compared to eleven allegations/referrals and eleven Councillors being the subject of those allegations/referrals during 2005/06.

Of the six allegations/referrals to the Standards Board in 2006/07 none of the allegations were referred to an Ethical Standards Officer for investigation.

It was explained that, for the period 2006/07, two allegations/complaints against Town/Parish Councillors were submitted to and determined by the Standards Board. Two Town/Parish Councillors in total were the subject of those complaints.

Of the two allegations, none were referred to an Ethical Standards Officer for

investigation.

Brief details of all the allegations were provided.

RESOLVED that the report be noted.

1231 Local Government Ombudsman - Annual Report 2005/07

Members were reminded that, at its meeting held on 24 August 2006, the Committee had considered the Ombudsman's Annual Letter to the Council for 2005/06.

Some of the key points referred to in the Annual Letter were that:-

- complaints received had fell again to 59 (10 down on 2004/05 and 17 down on 2003/04);
- the largest single category for complaints was Planning, as it was in 2004/05, although the number of complaints received dropped to 20 from 23 in 2004/05;
- the next highest category of complaints was housing, although again the number of complaints fell for the third year running to 15;
- no reports were issued in 2005/06;
- nine local settlements were reached during the year, a third successive drop in number;
- compensation of just over £3,500 was paid as a result of local settlements;
- the Council's response time to the Ombudsman's initial enquiries rose from 27.8 days in 2004/05 to 35.1 days in 2005/06, as against the Ombudsman's target of 28 days.

The Ombudsman's Annual Report (as opposed to the Council's Annual Letter) for 2005/06 indicated that there was a reduction in the number of complaints received nationally compared to 2004/05 (18,698 to 18,626), and a decrease in the number of complaints decided (18,321 compared to 18,487 in 2004/05).

More significantly, it was explained that there were changes in the subject matters of complaints. There was a significant decrease in the number of complaints about housing benefits (1,169 in 2005/06 compared to 1,467 in 2004/05) and about land (308 compared to 346). On the other hand, there was a material increase in the number of education (principally admissions) complaints (1,647 in 2005/06 compared to 1,343 in 2004/05).

Housing (non-benefits related) and Planning were the service areas involving the largest number of complaints (neighbour amenity was the largest area of complaint in relation to Planning).

A full breakdown of complaints received was provided.

As regards the outcome of the complaints, redress was obtained in 27% of all complaints determined (excluding premature complaints and those outside the Ombudsman's jurisdiction). In approximately 48% of complaints determined, no or insufficient evidence of maladministration was found. Just over 1% of cases involved maladministration, causing injustice and involving the issue of a report.

Using the Annual Letters for 2005/06, comparative details of complaints received and determined in relation to the other Tees Valley Authorities were provided to the Committee.

Members noted that the Council's average response time for 2005/06 had increased to 35.1 days (compared to the Ombudsman's best practice average of 28 days). The other Tees Valley Authorities' performance details in this respect were provided.

It was explained that a further report would be submitted to the Committee regarding the Council's average response time for 2006/07. Members noted that there was a separate report for consideration at this meeting regarding specific cases concerning the Council, and other issues regarding the Ombudsman.

The Committee was informed that the full Annual Report for 2005/06 could be accessed on the Ombudsman's website. Full complaint statistics by local authority were also available there, together with a table of full complaint statistics for schools.

RESOLVED that the report be noted.

1232 Local Government Ombudsman - 2006/07 - Various

Members were provided with details of some of Stockton's Local Government Ombudsman's cases in 2006/2007, together with information about other issues relating to the Ombudsman.

The Committee was provided with details of three cases determined by the Ombudsman during 2006/07. The details were anonymised to protect the identity of the complainants and any third parties.

The cases were considered to be good examples of the Ombudsman's approach to alleged maladministration and a useful guide to highlight to services how best to avoid actions or omissions that might lead to maladministration causing injustice.

As regards other complaints, it was noted that cases B and C, as described in the report had raised a number of concerns about the way the Ombudsman had approached the complaints and about the decisions which she had reached. These were to be pursued further with the Ombudsman.

The Committee noted that the Ombudsman had published new guidance on "Unreasonably persistent complainants and unreasonable complainant behaviour". A copy of the guidance note was provided.

Members were informed that the White Paper, Strong and Prosperous Communities, proposed that the Ombudsmen's powers be extended to allow them to pursue investigations where they found there were flaws in a Council's administration, even where no injustice to an individual was found.

This had caused real concerns, which had been heightened by the experiences of the cases outlined in this report.

It was explained that the other Tees Valley Authorities shared those concerns and a letter had therefore been sent to the Local Government Association on behalf of all of the Authorities, asking that the concerns be taken into account and supported as part of the Association's ongoing work on the White Paper.

RESOLVED that the report be noted.

1233 Commendations and Complaints - Third Quarter of 2006/07

Members considered a report providing the following details of Commendations and Complaints for the period October to December 2006 (Third Quarter).

Complaints - 205 (compared to 202 complaints in the same period in 2005/06)

Commendations - 452(compared to 377 in the same period for 2005/06).

The two highest areas of complaints for the third quarter were 25% regarding Children and Adults Social Care Services, and 36% regarding Tristar including procedures and repairs administration. This was consistent with the position in relation to the second quarter's complaints.

The two areas where the highest number of commendations were received were Direct Services, including street cleaning, customer and horticultural services (21%). Direct services were also one of the areas where the highest number of commendations were received during the first and second quarters.

Overall, for the first nine months of 2006/07, when compared to the same period in 2005/06, complaints were down (from 728 to 599) and commendations had risen (from 1,262 to 1,377).

It was indicated that the previously reported review of the Commendations, Comments and Complaints Policy had not yet been completed. A further report would be submitted to the Committee in that respect.

RESOLVED that the report be noted.

1234 Committee on Standards in Public Life

The Committee noted that the Graham Committee had published its eleventh report on 18 January 2007, which related to a review of the Electoral Commission.

Sir Alistair Graham described the report as one which "makes a series of inter-related recommendations to Government, and others to refocus radically

the mandate of the (Electoral) Commission on two core duties:-

- the integrity of our electoral administration system; and
- the framework for the regulation of political party funding.”

and which provided “the framework that would enable it (the Commission) to deliver this successfully”.

The foreword to the Committee’s report, its Executive Summary and its key recommendations were provided to Members as was a press release issued by the Electoral Commission which welcomed the report and supported the majority of recommendations contained in it.

It was explained that the full report of the Committee on Standards in public life was accessible on the Committee’s website.

The Committee agreed that all Members of the Council should be made aware of the report.

RESOLVED that the report be noted and brought to the attention of all Members of the Council.

1235 Freedom of Information/Data Protection

Members considered a report that provided the Committee with information regarding developments in connection with Freedom of Information (FOI)/ Data Protection (DP).

The Committee was provided with a table that detailed the number of FOI and DP requests handled by the Authority, broken down over the three principal service areas, for the period from 1 April 2006 to 3 January 2007.

It was explained that the Officer Group responsible for overseeing the Authority’s FOI/DP request handling process was considering information relating to this data, which could be placed on the Council’s website, and was also investigating the circumstances surrounding those requests which were responded to outside of the target time.

Members noted that in overall terms the numbers of requests received were consistent with previous years.

The Department for Constitutional Affairs (“DCA”) had reviewed the impact of the FOI Act and had indicated it was minded to change the fee framework relating to requests. A consultation exercise had been undertaken about its proposals.

A copy of the Executive Summary from the Consultation Paper together with a copy of the draft regulations was provided.

Members were also provided with a copy of an Information Commissioner’s (IC) decision relating to an item that had appeared on the Council’s electronic notice board. The Commissioner asked the Council to search a number of its back up tapes for the requested information, however the information had been deleted.

The Commissioner was satisfied that the Council no longer held the information and did not require any further steps to be taken by the Council.

However, as a result of the case, control of use (or misuse) of the electronic noticeboard had been tightened up; the monitoring procedure had been set out in writing and the 12 months retention period for back-up tapes had been reinstated. This would be reviewed to ensure compliance.

Copies of IC decisions relating to other topical data protection and freedom of information requests were provided to Members for information.

RESOLVED that the report be noted.

1236 Human Rights

The Committee considered a report that provided details of new Human Rights guidance from the Department of Constitutional Affairs (DCA) and from Communities and Local Government (CLG)

It was explained that the DCA had recently issued new guidance - "Making sense of human rights".

The guidance comprised a short introduction and a DVD, together with a handbook "Human Rights: Human Lives". The handbook was designed to raise awareness amongst local authority employees of the different rights and freedoms protected by the Human Rights Act ("HRA").

A copy of the flow chart from the guidance and an explanation relating to it was provided to Members, together with a set of frequently asked questions.

As an example, an extract from the guidance regarding Article 8, the Right to respect for private and family life, was provided. This included a case study - *Peck v UK* (2003). This was to be contrasted with the concerns raised in January 07 about the failure to release pictures of two prisoners (who had been convicted of murder) who had absconded from jail. The Lord Chancellor criticised the local police force, involved in the case, for suggesting that the HRA prevented publication of the photographs. The DCA commented "Nothing in the (HRA) prevents publishing the photograph of an escaped criminal if he presents a danger to the public. On the contrary, the Act explicitly allowed public authorities to limit an individual's right of privacy in the interests of public safety or for the prevention of crime. It was merely common sense, as well as the law, that the right to personal privacy could be restricted to facilitate the identification and capture of an escaped criminal, particularly in cases where there was a danger to the public."

The CLG had also recently released human rights guidance. The guidance was provided to Members and it was explained that it was intended to provide clarity around contracting for services in light of the HRA.

RESOLVED that the report be noted.

1237 E-Genda System

Members considered a report that provided details of progress made regarding the E – genda System (Electronic Committee Management System) and its on going and future development.

The Committee noted that the E – genda system had been in operation for a year. At an early stage it had been recognised that in order to get maximum benefit from the system it was important to make all its functions available and to encourage widespread use amongst members, officers and the public. In order to facilitate this a dedicated 'E - genda officer had been appointed. The benefits of this had been significant with increased interaction with the system and requests for training from Members and Officers.

Members were provided with details of the following relating to the E – genda system:-

- All Council minutes and agendas were published on e genda which allowed electronic access to the public, elected/co opted members and officers via the Intranet and Internet.
- Many of the Council's Minutes were available to the public, electronically, within 7 working days of the meeting.
- The Topic Alerting module which allowed users to sign up to be alerted by e mail to topics of interest to them had been implemented and was being used by the public, members and officers.
- The Council's branding of the system.
- Production of a series of 'How to Guides'.
- Future Developments and proposed expansion of the system.
- Benefits, including savings associated with reduced printing costs.

RESOLVED that the report be noted.

1238 Standards Committee Forward Plan 2006/2008

The Committee was provided with an updated version of the Committee's Forward Plan for 2006/2008.

RESOLVED that the plan be noted.