

Standards Committee

A meeting of Standards Committee was held on Thursday, 16th August, 2007.

Present: Mr F W Hayes (Chairman), Cllr Andrew Sherris (Vice-Chairman), Cllr Paul Baker, Cllr John Fletcher; Mr T Bowman, Mr L W Hedley (Parish Representatives); Mrs E Chapman, Mrs F Robinson (Independent Members).

Officers: D Bond, J Grant, N Hart, G Birtle, S Johnson (LD) S Lee (PPC) I Jones (RES).

Also in attendance: No other persons in attendance.

Apologies: Cllr Ian Dalgarno, Cllr Mohammed Javed.

S 25/07 Commendations, Comments and Complaints Policy

Members were presented with a report that provided details of the Council's updated Corporate Commendations, Comments and Complaints Policy.

It was noted that the previous policy on handling and monitoring commendations, comments and complaints had been updated to take account of current practice and comments made by the Local Government Ombudsman in relation to how persistent complainants were dealt with by the Authority.

The Head of Legal Services advised Members that the main changes which had been made to the previous policy concerned:-

- (a) Dealing with Persistent Complainants (a requirement had been inserted to seek the complainants' views and warn them that their conduct was having an adverse effect before deciding to treat the complainant as persistent).
- (b) Responding to Ombudsman Complaints (for the most part these were now sent direct to the relevant service area for response).
- (c) The Appeals Process (the earlier policy referred to a panel of 3 people and not the Appeals & Complaints Committee which was the current process) and
- (d) Monitoring of complaints (inserted the requirement to monitor complaints from different sections of the community).

Members of the Committee were provided with a copy of the new Policy.

It was noted that the Local Government Ombudsman had been provided with a copy of the Policy for any views or comments, although no feedback had been received to date. The Policy had, however, taken account of the Ombudsman's most recent guidance on persistent complainants and the comments she had made in relation to a previous complaint. Members had also been given an opportunity to comment and in the light of their views, further changes had been made to the Policy.

In particular, it was noted that Councillor Fletcher had raised a number of points, including comments about response times, the jurisdiction of the Appeals and Complaints Committee and complaints received from minority groups.

The Head of Legal Services commented that the updated Corporate Commendations, Comments and Complaints Policy seemed to be working well in practice.

RESOLVED that the report and policy be noted.

S
26/07

Single Equality Scheme

Members considered a report that informed the Committee of the 2nd Edition of the Council's Single Equality Scheme.

The Committee received details of the Council's initial Single Equality Scheme and Disability Action Plan at the meeting on 7 December 2006.

The second edition of the Scheme had now been published and a copy of the reports Foreword, Executive Summary and Introduction was provided for Members.

The initial Scheme had been updated to meet the requirements of the Gender Equality Duty to eliminate unlawful discrimination on the basis of gender and to promote equality of opportunity between men and women. It was noted that the new duty came into effect on 6 April 2007 and there was a requirement to publish a Gender Equality Scheme by 30 April 2007, which had been achieved.

The opportunity had also been taken to revisit and update the Council's response to the Race Equality Duty, with an updated Race Equality Action Plan being included in the Scheme.

The Council was required to develop and publish schemes and action plans under the Duties to promote Race, Gender and Disability Equality. The Single Equality Scheme and its associated action plans ensured that the Council was meeting those duties.

It was explained that the Scheme would also ensure that the promotion of equality and diversity was firmly embedded at the heart of the Council's planning cycles, with the equalities objectives being read through from the Council Plan, but also individual targets from the Race, Gender and Disability Action Plans being written into the appropriate service and business unit plans. It was explained that this, coupled with the engagement of Heads of Service in the development of the three action plans ensured equalities targets and activities were at the heart of all Council services. It was noted that this was crucial for continuous service improvement and the forthcoming Corporate Assessment.

It was explained that there was a significant raft of legislation relating to equalities. Equalities legislation was continually changing and developing and there were a number of new initiatives on the horizon. The equalities review had fairly recently published its findings with the Discrimination Law Review Green Paper, and the Commission on Integration and Cohesion's report was published in June. This coupled with the ongoing introduction of the Equality Act 2006, including new service regulations on sexual orientation, and on religion and belief showed the broad scope of the agenda. It was noted that the Single Equality Scheme had been prepared to anticipate as far as possible all of the

new requirements and to ensure the Council remained compliant with all equalities legislation.

Members were advised that Community consultation and engagement had been crucial to the development of the Scheme. Not only was data collected from BVPI and Viewpoint surveys used to develop the Scheme and its related Action Plans, but bespoke consultation was also carried out with BME communities and disabled people. It was noted that the ongoing involvement of the community in the review and monitoring of the Single Equality Scheme was absolutely critical.

The Scheme also outlined how equalities training would be developed and rolled out across the Council. Whilst equalities training was already in the Member Induction Programme, there was an ongoing need to deliver training to employees. Members were informed that it was proposed to train all first, second and third tier officers, as well as 10% of all other employees by April 2008.

It was noted that the Scheme was made available on the Council's website before 30 April, thus ensuring the Council met its statutory obligations.

RESOLVED that the report be noted.

S
27/07

Internal Audit Quarterly Report

Members of the Committee considered a report that advised of the work carried out by the Internal Audit Section in one audit within the remit of the Committee during the quarter April to June 2007.

Members were reminded that Internal Audit was an independent appraisal function established by the Council to objectively examine, evaluate and report on the adequacy of internal controls. This role ensured that there was proper economic, efficient and effective use of resources. It also ensured that the Council had adequate accounting records and control systems.

It was noted that all audit work undertaken in a quarterly period was circulated to all Councillors prior to the quarterly Audit Committee meetings. The intention was to give Councillors the opportunity to raise questions on issues that affected their ward or other areas of responsibility and for answers to be provided at that meeting.

Members were provided with the recommendation, details and management comments for the Anti Fraud Management Audit.

RESOLVED that the report be noted.

S
28/07

New Scrutiny Co-ordination Arrangements

Members were presented with a report that provided further information regarding the Council's new scrutiny arrangements.

In the report to the Committee on 7 December 2006 details were provided regarding the proposed review of the Council's Scrutiny arrangements, using

the Centre for Public Scrutiny (CPS) self evaluation framework based on the principles set out in the "Good Scrutiny Guide".

It was explained that the outcomes of the review had been formulated into an improvement plan. Members were provided with a copy of the report to the Executive Scrutiny Committee meeting of 30 May 2007, which included the improvement plan.

The Scrutiny Officer advised that an annual overview and scrutiny report had also been produced for 2006/07. Members were presented with a copy of the report. At page 12 the annual report referred to the improvement plan developed as a result of the scrutiny arrangements review, and outlined other future developments for 2007/08.

Members were informed that a specific development since the elections and the annual meeting was the changes to the previous scrutiny structure outlined in the Annual Report.

Particularly, the membership of Select Committees had been reduced from 13 to 9. Members were advised that five new Select Committees had been created:-

Arts, Leisure & Culture
Corporate and Social Inclusion
Environment
Adult Services and Health
Regeneration and Transport

There were now seven Select Committees compared to six previously. The new thematic committees equated to the new Cabinet Member portfolios.

Members were also provided with the current year's work programme developed following meetings of the Scrutiny Liaison Forum, Executive Scrutiny Committee and Select Committees.

The Scrutiny Officer advised members of other developments in relation to the Scrutiny function. The June Viewpoint questionnaire included questions regarding scrutiny, specifically asking if there was awareness of the Council's scrutiny process; an understanding of how it worked; whether people know how to contribute to it and asked if they would like more information about it.

It was explained that reports were also proposed regarding the scrutiny issues emerging in the Local Government Public Involvement in Health Bill; the feedback from the 2007 CPS Conference and Inlogov Scrutiny training sessions; the Executive Scrutiny Away Day and details of the CPS CPA Benchmarking report.

Publicity for scrutiny was being promoted in a variety of different ways. As examples, the first Annual Scrutiny report was publicised in KYIT. An article about scrutiny appeared in Stockton News and a press release was issued concerning the proposed six month second stage of the review of cemeteries.

RESOLVED that the report be noted.

S
29/07

Review of Learning and Development Strategy for Members

Members considered a report that provided an update on issues related to the Council's Learning and Development Strategy for Members (LDSM), following its previous presentation to the Committee and its approval by Council in January 2007.

At its meeting held on the 7 December 2006, the Committee, followed by the Members' Advisory Panel on 13 December 2006, considered the proposed revision of the Council's Learning and Development Strategy for Members (LDSM) in terms of specific proposals submitted with regard to:-

- The Vision, Aim and Objectives of the Strategy
- Roles and responsibilities;
- Induction Programme for new members post elections 2007;
- Proposed approach to Personal Support Planning for all Members;
- Content of Proposed Member Learning and Development Programme.
- Information Service

It was noted that Cabinet, at its meeting held on 4 January 2007, considered a report which detailed updated issues related to the revision of the Council's Learning and Development Strategy for Members (LDSM), in light of comments made by the Committee and by the Members' Advisory Panel. Council formally approved the strategy in January 2007. The Strategy was reported back to the Committee on 20 February 2007.

The Team Leader for Democratic and Development Services provided an overview of various aspects of Member learning and development. It was explained that the Induction Programme for Members was delivered following the May 2007 elections. All Members were provided with an induction pack which included copies of the presentations used and three support discs which detailed presentation speaker notes where provided, a Guide to Member Roles and a Members Handbook introducing members to the Council. The evaluation forms completed by Members indicated some very positive comments and insight for future induction programmes in terms of content and timing of the sessions.

Mandatory training for Members and proposed substitutes for Planning Committee, Licensing Committee and the Employee Appeals Panel had also been delivered by external specialists. Feedback from each of the sessions was positive with Members finding them very informative.

It was explained that over the past 12 months Democratic Services had been working with Human Resources to produce a Members In-house Support and Development programme, which complimented the document 'A Guide to Member Roles'. Funding had been secured from the North East Improvement Partnership's Capacity Building Fund to provide one-to-one Personal Support sessions with Members, which sought to identify any training, development need or support that members required to carry out their roles effectively. Personal Support Sessions had been completed with Members during the month of June, using the funding. It was noted that to date 47 elected Members had undertaken the one-to-one Personal Support sessions, using 'The Guide to

Member Roles' as a basis for assessing and identifying support needs. It was now proposed that a similar opportunity to undertake Personal Support Plan sessions be extended to the Council's Co-opted Members; this included the Members on the Standards Committee.

It was explained that Cabinet, at its meeting held on 13th July 2006, agreed to the Authority signing up for the North East Charter for Elected Member Development. Democratic Services had been working to improve the approach to providing development and support to Elected Members in order to deliver an excellent service for Elected Members and achieve Chartered Status.

It was expected that an assessment would be carried out in September 2007 by NEREO. A recent progress check with Eleanor Hayward from NEREO showed that excellent progress had been made and that Democratic Services were on track to achieve Chartered Status.

The Officer also provided an update on mentoring and the Leadership Academy.

It was noted that significant progress had been made in enhancing the approach to Member Learning and Development.

RESOLVED that:-

1. the report be noted.
2. the recommendations, as detailed in the report, be endorsed.

**S
30/07**

The Monitoring Officer's Annual Report 2006/2007

A report was considered that provided the Committee with a further opportunity to consider and comment upon the final draft of the Monitoring Officer's Annual Report for 2006/07 before it was brought to the attention of all Members of the Council (including co-opted Members).

As indicated to the Committee at its meeting on 21 June 2007 when the initial draft of the Monitoring Officer's Annual Report was submitted for consideration, the production of annual reports was an essential part of the Council's and other organisations' performance monitoring, reporting and planning procedures. It was noted that this applied equally to the work of the Monitoring Officer (as a statutory officer, with attendant duties and responsibilities).

Members were presented with a final draft of the Monitoring Officer's Report for 2006/07.

The Committee was asked to consider and provide any last comments on the report, before it was brought to the attention of all Members. The report was also to be considered by Audit Committee (on 20 August 2007).

RESOLVED that:-

1. the report be noted; and

2. that the Annual Report be recommended to Council for approval and be brought to the attention of all Members.

S **New Constitution Four Years On**

31/07

Members considered a report that provided details of the findings from the 2006 Evaluating Local Governance: New Constitutions and Ethics (ELG) Census Survey.

The ELG was a research project which was conducting a five year evaluation of the new Council Constitutions and ethical framework for the Department for Communities and Local Government.

Members were provided with further details of the project, the Executive Summary; Introduction and Conclusions.

The Monitoring Officer informed Members that some of the key points evidenced in the report were that:-

- the vast majority of authorities had leader - cabinet constitutions, and that there had been some strengthening of the position of leaders in these authorities, with a greater proportion being given one or more of the following freedoms:-
 - o making executive decisions alone
 - o power to select their own cabinet
 - o power to allocate portfolios
- a minority of Council leaders and elected mayors chaired the LSP for their area.

- mayoral authorities were more likely to provide separate officer support for scrutiny than leader - cabinet councils.

- scrutiny committees appear to be better resourced than in 2002, and were involved in a wider range of activities.

- a majority of Standards Committees were now chaired by an independent chair.

The Monitoring Officer commented that although Stockton Council's Standards Committee was alike other authorities committees, in many respects, it seemed to be diversifying more, for example, by looking at internal audit issues.

RESOLVED that the report be noted.

S **Ethical Governance Light Touch Health Check**

32/07

The Committee considered a report that provided details of progress in relation to two elements of the Light Touch Health Check action plan and IDeA ethical governance benchmark.

It was explained that the action plan developed as a response to the outcomes of, and feedback from the ethical governance health check facilitated by the IDeA, included areas for improvement and key actions under (inter alia)

Leadership, Behaviour and Style and Relationships.

Members were provided with details of the areas for improvement, key actions and the progress made in relation to these actions.

The Monitoring Officer presented Members with the current list of proposed attendees for Stockton Borough Council meetings and Town/Parish Council meetings, as discussed at the meeting on 27th July 2007. Members agreed to provide the Monitoring Officer with their availability in order to ensure, as far as possible, that two Members of the Standards Committee could attend each specified meeting.

RESOLVED that:-

1. The report and details of progress against the Light Touch Health Check action plan be noted.

2. Members of the Standards Committee provide the Monitoring Officer with their availability for the specified meetings.

**S
33/07**

Local Government Ombudsman - Annual Letter 2006/2007

Members considered a report that provided details of the Local Government Ombudsman's ("the Ombudsman") Annual Letter for Stockton for 2006/07.

Members were presented with a copy of the Ombudsman's Annual Letter for Stockton for the year ended 31 March 2007.

The Monitoring Officer advised the Committee that some of the key points referred to in the Letter were:-

- complaints received rose to 71 (12 more than 2005/06).
- nearly half of the complaints received were about planning and building control (34). This compares to 20 in 2005/06 and to the national average of planning matters representing 20% of complaints received.
- there were 11 complaints about housing, slightly fewer than the 15 received in 2005/06.
- local settlements resulted in £1300 compensation being paid to complainants.
- three reports were issued against the Council (these had been the subject of previous reports to the Committee, Cabinet and Council).
- the average response time for responding to complaints/queries from the Ombudsman dropped to 28.9 calendar days (just over the target time of 28 days, but a clear improvement on the 35.1 days achieved in 2005/06).

The Monitoring officer commented that with regards to the number of complaints increasing for planning and building control, only one resulted in a report and none of the others raised significant issues.

Members were presented with a copy of the Executive Summary from the Ombudsman's special report on Telecommunications masts, as mentioned in the Annual Letter.

It was noted that the following report on the agenda presented the Committee with details of the Ombudsmans special report on partnerships and citizens redress.

RESOLVED that the report be noted.

**S
34/07** **Local Government Ombudsman - Various**

Members considered a report that provided details regarding various matters relating to the Local Government Ombudsman service.

The Monitoring Officer reminded Members that in a report to the Standards Committee's meeting on 29 March 2007 the Committee was advised that the Ombudsman had found the Council guilty of maladministration causing injustice in the way that it had handled a complaint about a car and jet wash and the nuisance caused by them to the complainant's home.

It was noted that to remedy the injustice, the Ombudsman had recommended to the Council that it should:-

- a. pay the Complainant £3,500 compensation for the injustice suffered so far and time and trouble in making complaints to the Council and to the Ombudsman and
- b. either pay the Complainant a further £6,500 compensation for the continuing injustice the Complainant will suffer or seek to negotiate with the garage owner for a permanent physical solution to the spray problem to be funded by the Council; and
- c. engage the District Valuer to advise whether the Complainant's property has been devalued by the significant loss of amenity due to the spray which should have been prevented or more effectively tackled by the Council and pay the Complainant any loss of value identified.

Members were reminded that for the reasons outlined in a report to Cabinet on 15 March 2007, it was agreed that:-

- a. a sum of £1,000 (one thousand pounds) be offered for the Council's failure to impose a planning condition to control spray drift from the car and jet washes; and
- b. a sum of £250 (two hundred and fifty pounds) be offered for the time and trouble in pursuing the complaint; and
- c. no referral of the matter to the District Valuer should be made.

It was explained that as a result of the Council's decision to accept Cabinet's recommendations, the Local Government Ombudsman was minded to issue a further Report since the Council had not accepted her suggested remedy.

However, before issuing a further Report she had requested a meeting with the Chief Executive and relevant Officers. The meeting took place on 18 May 2007 and, as a result, it was agreed that Officers would further recommend to Cabinet and Council that a payment of £10,000 was made to the Complainant.

The Committee were advised that whilst the earlier offer of compensation was considered appropriate, the Complainant and other neighbouring properties had continued to complain about spray drift from the car and jet washes on site. The Ombudsman maintained the view that there had been a significant loss of amenity to the Complainant, particularly since the Council had been unable to negotiate with the garage owner to provide a permanent physical solution to the problem.

It was noted that if the Council was willing to increase its offer of compensation to £10,000 the Ombudsman confirmed that she would not publish a further report and would not require the Council to instruct the District Valuer to advise on whether the Complainant's property had been devalued as a result of spray drift. Officers therefore considered this to be an acceptable way forward.

The Monitoring Officer advised that the matter was considered by Cabinet on 2 August 2007 when it was recommended to Council that the earlier offer be revised and replaced with a full and final settlement offer of £10,000. It was noted that Cabinet's recommendation would be considered by full Council on 5 September 2007.

The Committee were advised that the Regulatory Reform (Collaboration etc Between Ombudsmen) Order 2007 was now in force.

The Monitoring Officer advised that the Order would:-

- Enable the Parliamentary Ombudsman, the Local Government Ombudsman and the Health Service Ombudsman to work together collaboratively.
- Enable the three Ombudsmen to share information with each other in appropriate cases outside of the course of their own investigation.
- Enable the Ombudsmen to appoint and pay a mediator or other appropriate person to assist them in relation to any complaint they are investigating.
- Enable the Local Government Ombudsman to investigate a complaint that had not previously been notified to the authority concerned in the small number of cases where the Local Government Ombudsman was convinced that no benefit would be achieved in requiring that the case first be considered by the relevant authority.

It was explained that comments regarding the proposed extension to the Local Government Ombudsman's powers (the ability to investigate an alleged, or apparent failure in, or failure to provide a service without the presence of any maladministration causing injustice) were submitted to the LGA for the purposes of the Commons debate on the Local Government Public Involvement in Health Bill. In particular, it was indicated that such a power would be likely to cause conflict with the powers of other bodies, such as the Audit Commission and would appear to be unnecessary.

The Committee were also informed that the Local Government Ombudsmen had issued a special report concerning local partnerships and citizen redress.

The report explained that, increasingly, services at a local level were delivered through a partnership of providers, and asked where in this context did responsibility lie when something went wrong. The report expressed the hope that the guidance would be used as good practice and that, where appropriate, local authorities would review their governance and complaint handling arrangements in light of its recommendations.

Members were provided with a copy of the report summary and recommendations.

With regards to the Local Government Ombudsman Annual Review 2006/07, it was explained that, as for last year, the Ombudsman had published a shorter Annual Review for 2006/07 to coincide with the publication of Annual Letters to local authorities.

Members were provided with extracts from the Review document.

It was noted that the Local Government Ombudsman for the Tees Valley area attended a meeting of the Chief Executives' group on 18 July 2007 in order to discuss issues of mutual interest.

RESOLVED that the report be noted.

S
35/07

Freedom of Information Update

Consideration was given to a report that provided the Committee with a further update regarding developments in relation to Freedom of Information (FOI) and Freedom of Information legislation (FOIA).

Members were provided with details of developments in relation to FOI and FOIA, as provided in a new FOI blog from the P-PACT (public partners) website.

The Monitoring Officer advised Members of an information tribunal that had taken place recently. An appellant sought disclosure by the Commissioner of information that had been provided to him by a public authority as evidence as to why they had refused disclosure of the information in the first place. The Commissioner had declined the request. The tribunal upheld the principle that the information was provided to the Commissioner to enable him to carry out his duties, that there was no obligation to disclose the information and that it had effectively been provided in confidence. Similar principles were applied in another case where a request for details of complainants had been refused.

Members were also provided with other details of specific cases from the Information Commissioner's Office and articles on FOI.

RESOLVED that the report be noted.

S
36/07

Members' Use of IT Protocol

Members considered a report that presented a redrafted version of the Members' Use of IT Protocol.

As indicated at the last meeting of the Committee during consideration of the

item on Members' Use of IT and alleged breaches of the Protocol, the Protocol needed to be amended to take account of the provisions in the new Members' Code of Conduct regarding the use of the Council's resources.

Members were provided with an amended version of the Protocol which reflected the changes introduced by the Code of Conduct, in particular the requirements in the Code to ensure that Council resources were not used improperly for political purposes (including party political purposes), and to have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986. The amendments to the Protocol were highlighted to the Committee.

RESOLVED that the revised Members' use of IT Protocol be recommended to Council for approval.

S
37/07 **Information/Discussion**

The Committee received and considered the following information:-

1. Correspondence (Swindon and Standards Board) re attendance of Cabinet Members at Scrutiny Committee
2. Human Rights Act - Legal Briefing - Walker Morris

RESOLVED that the information be noted.

S
38/07 **Forward Plan**

The Committee was provided with the Forward Plan for 2006/2008.

RESOLVED that the plan be noted.