

## Standards Committee

A meeting of Standards Committee was held on Friday, 8th October, 2010.

**Present:** Mr F W Hayes(Chairman), Mr M Armstrong(Vice-Chair), Cllr Paul Baker, Mrs E Chapman(Independent Member), Mr T. Bowman(Parish Representative), Cllr John Fletcher(Substitute Elected Member), Mr R. Mosley(Substitute Parish Representative) Mr C. Nestor(Substitute Independent Member)

**Officers:** D.E Bond, A. Squires, K. Wannop(LDS)

**Also in attendance:** None

**Apologies:** Cllr Ken Dixon, Cllr Bill Noble, Mr C.V Algie.

### **S**      **Declarations of Interest**

**50/10**

There were no interests declared.

### **S**      **Minutes of the Meetings held on 17th June 2010 and 16th July 2010.**

**51/10**

The minutes of the meetings held on 17th June 2010 and 16th July 2010 were signed by the Chairman as a correct record with the minor amendment to the attendance on 17th June 2010 as Mr T. Bowman was present.

### **S**      **Assessment Sub Committee Minutes for the Meeting held on 11th August 2010.**

**52/10**

Members received minutes of a meeting held on 11th August 2010.

### **S**      **Members' and Officers' Interests**

**53/10**

The Committee received a report that provided details relating to Members' and Officers' interests for the quarter July 2010 - September 2010

Reminders about updating interests on the Member's register continued to be circulated. The most recent reminder was sent on 17 September 2010. An inspection of the register took place on 13 September 2010. The reminders also covered co-optees and their details on the register. The inspection revealed that revised details continue to be received on a regular basis. Standards Committee members were, however, asked to review their register details if they had not done so within the past twelve months. Advice about interests continued to be provided before Cabinet and Council meetings and on an ad hoc basis when required. Examples of advice provided for recent meetings was provided along with recent declarations by Members. Advice had been and would continue to be provided to Members for the purposes of their roles on outside organisations.

A (Monitoring Officer) Officer register inspection took place on 14 September 2010. Details of actions arising were reported to the meeting. Officers were last asked to review and update their register details on 1st July 2010 .

Updates to Town/Parish Council registers were received fairly regularly and advice about declarations of interest continued to be provided to Town/Parish Council Clerks when requested or considered necessary. A reminder to Town/Parish Clerks about ensuring that their councillors continued to update

their register details was sent on 17 September 2010.

Work had continued to be undertaken with relevant Officers to ensure that registration and declaration of interests became more embedded in the governance arrangements of partnerships, Renaissance and TVU. Examples of relevant declarations were provided. In order however to ensure that the arrangements were proportionate, Members were not required to complete multiple register of interests forms for each and every organisation of which they were a member. The details contained in the Council's register were used wherever appropriate.

The estimated cost in officer time of administering the Officers and Members interests procedures was also provided as previously requested by the Committee.

RESOLVED that the information be noted.

### **S 54/10**      **Members' and Officers' Gifts and Hospitality**

Members considered a report that provided details of procedures and returns received during the second quarter of the year July 2010 - September 2010.

The Members' Register had again been reviewed (13 September 2010). There were 3 recorded examples of gifts/hospitality received by Members in the second quarter of the year. Details of two were provided. There were two other recorded entries on the register however these did not relate to gifts or hospitality received by Members in their capacity as Members, but through employment outwith the Authority.

Members were last asked to update their register details on 17 September 2010. Advice had been and would continue to be provided to Members regarding their roles on other organisations e.g. Community Centre Management Committees. This took the form of information provided generally to all Members or one to one advice or advice to two or more Members. It covered all relevant standards and probity matters.

A further review had been undertaken of the Officers' gifts and hospitality register. There was 6 entries for gifts/hospitality received for the period 1 July to 30 September 2010 (one of which was a non-acceptance). Details of some of the entries were provided. Officers were last reminded about updating their register details on 1 July 2010.

Town/Parish Councils were last asked to ensure that their Councillors provided details of any gifts or hospitality offered/received on 17 September 2010. No returns had been highlighted.

Work had been undertaken with Officers to ensure that all relevant standards and probity arrangements became more embedded in the governance arrangements of partnerships, Renaissance and TVU. The protocol for local authority partnership working elsewhere on the agenda was also of relevance.

The new Bribery Act 2010 legislation replaced previous legislation such as the Public Bodies Corrupt Practices Act 1889 and the Prevention of Corruption Acts

1906 and 1916. It created new offences of bribing another person and being bribed. Implementation was planned for spring 2011.

As with interests, details of the estimated costs in officer time of administering the gifts and hospitality procedures were provided, as requested by the Committee.

RESOLVED that the information be noted.

**S**  
**55/10**      **Misconduct Allegations Update**

Members considered a report that provided an update regarding misconduct allegations received by the Authority.

The last report regarding complaints was considered by the Committee at its meeting on 10 July 2010.

Since that report, a complaint had been received (SBC15) which was considered by the Assessment Sub-Committee on 11 August 2010. The minutes of the meeting were on the agenda for this Standards Committee meeting. The other action directed by the Sub-Committee was currently ongoing, and would be reported back to the Sub-Committee prior to the expiry of the three month statutory deadline on 10 November.

There had been no other complaints received since the last Committee report and there were no complaints awaiting determination.

In August a complaint was received regarding an alleged breach of confidentiality. This concerned a matter which had been the subject of a previous exempt report to Cabinet. Discussions took place with the representatives of the complainants and those complained about and the opportunity was taken to remind those involved of the Council's Confidential Information Protocol. The action taken was considered by the complainants' representative to be sufficient to avoid the need for a formal standards complaint to be submitted.

RESOLVED that the information be noted.

**S**  
**56/10**      **Complaints, Compliments, Commendations and Comments**

The Committee considered a report that provided details of complaints, compliments, commendations and comments for the period 1 April 2010 to 30 June 2010.

The Council received the following complaints for the first quarter of 2010/11:-  
Complaints - 181

This compared to 188 complaints in the same period for 2009/10.

In total for the year, 782 complaints were received, compared to 852 for 2008/09.

Compliments and Commendations

A total of 490 compliments and commendations were received in the three month period to 30 June 2010, representing 407 compliments and 83 commendations. This compared to 389 compliments and commendations in the same three month period last year.

Information was provided as follows , showing a breakdown of complaints and compliments and commendations by service group:-

#### Complaints

L&D 2.8%  
Tristar 11.6%  
CESC 24.3%  
Tees Active 14.4%  
DNS 37%  
PPC 0%  
Resources 9.9%

#### Compliments and Commendations

L&D 2.9%  
Tristar 13.5%  
CESC 13.7%  
Tees Active 2.4%  
DNS 55.3%  
PPC 3.5%  
Resources 8.8%

#### Comments

A total of 158 comments from customers were received in the three month period to 30 June 2010. This compared to 97 comments for the same quarter in the previous year. The breakdown for each service was as follows:-

L&D 0%  
Tristar 1.9%  
CESC 1.3%  
Tees Active 8.2%  
DNS 86.7%  
PPC 0%  
Resources 1.9%

The following highlighted some of the main messages from the analysis:-

The main trend from the three month period identified that 87% of complaints were in relation to the 4 service areas, Children, Education and Social Care (CESC), Development and Neighbourhood Services (DNS), Tristar and Tees Active, with DNS receiving approximately 37% of total complaints, and CESC, Tees Active and Tristar receiving approximately 24%, 14% and 12% respectively of total complaints.

Of the total compliments and commendations 83% were received for 3 service areas CESC, DNS and Tristar with 55% of these being compliments and commendations for DNS.

Of the overall 8% of complaints which were not responded to on time the main areas were DNS and Tristar with an approximate failure to respond rate of approximately 9% and 19% respectively. Most of these within Tristar were within the Responsive Repairs Team.

RESOLVED that the information be noted.

## **S 57/10** Local Government Ombudsman Complaints 2010/11 - Second Quarter

Members were provided with details of complaints received from and determined by the Ombudsman during the second quarter of 2010/11

The complaints concerned the following:-

Allegation that the Council had reneged on an arrangement to defer outstanding council tax payment and take no action, whilst a benefit claim was processed. The Bailiffs had indicated an intention to gain entry to levy distress on available goods.

Bailiff action proposed to recover council tax arrears. Allegation that Council had refused to discuss alternative course of action.

Allegation that being asked to repay too much of the outstanding council tax arrears each month. Also complained that costs added to arrears even though repayment arrangements were mutually agreed.

Unable to contact Tristar to arrange a home visit.

### Complaints Determined

In the same period, 5 complaints were determined and closed by the Ombudsman:-

The Council could have repaired and improved Billingham Town Centre over time and not allowed it to become dilapidated, thereby necessitating its sale to a private developer.

The Ombudsman exercised her discretion not to pursue the matter. No clear personal injustice to the complainant had been demonstrated. The Ombudsman could not investigate how Councils chose to exercise their discretion to allocate their resources.

The Council failed to provide services identified in the complainant's child's special educational needs assessment.

The Ombudsman found no evidence of maladministration causing injustice. The provisions in the statement were not absolute, nor were the services referred to a definite requirement. There was wide ranging discretion. No failure to satisfy the statement could, therefore, be found. Any dispute about a statement could be referred to a Special Educational Needs Tribunal.

The Council had been negligent in approving plans for the complainant's garage

under Building Regulations.

The Ombudsman exercised her discretion not to pursue the matter. Building Control were not responsible for ensuring construction work complied with Building Regulations requirements. There WAS no duty to ensure no breach or that work was of a reasonable standard. The Authority was not liable to compensate for economic loss due to faulty work. The fee payer was not buying a guarantee that the works complied with the Regulations' requirements. The negligence of the builder was not the Authority's responsibility.

The Authority's admissions appeal procedure was flawed

The Ombudsman exercised her discretion not to pursue the matter as the complainant had submitted a further application which had been rejected and which had been the subject of a second appeal.

There were flaws in providing information to the complainant in good time before the hearing and the clerk's notes were not full enough regarding the Stage 1 prejudice issue to ensure reasons for the decision were clearly provided; written evidence of the appellant's stage 2 case needed to be considered by the hearing Panel and recorded by the Clerk in the hearing notes and decision letter; the decision letter needed to report accurately the discussions at appeal and to reflect what was in the Clerk's notes.

The procedure followed to sell Council land was flawed and did not give proper and fair consideration to the complainant's offer, nor secure best value for the land.

Amongst other things, the Council agreed to produce written procedures on the future disposal of land and to report to Cabinet about the Ombudsman's findings regarding the process followed in the particular case.

The Ombudsman considered that the Council's response was satisfactory and that this constituted a reasonable local settlement. The investigation was therefore discontinued.

RESOLVED that the information be noted.

## **S Constitutional Update**

**58/10**

Members considered a report that updated the Committee regarding the developments which had taken place in relation to the Council's Constitutional framework.

The Council had agreed a Petition Scheme, a copy of which had been included in the revised version of the Constitution. In particular, the Scheme provided that:-

- A threshold of 50 signatures was set as the minimum amount required before a petition would be regarded as falling within the Scheme.
- A threshold of 2000 signatures would be required to trigger a full Council debate.
- A threshold of 1000 signatures would be required for senior officers to be

called to give evidence at a Select Committee Meeting.

Citizens' rights in Article 3 of the Constitution had been expanded to reflect the new arrangements.

The Policy Framework (policies which could only be agreed by full Council) had been updated to take out policies which were no longer required to be provided by the Authority (e.g. Lifelong Learning Plan) and to introduce new policies (e.g. Adults Vision).

The terms of reference of the Scrutiny Committees had been extended to reflect their new responsibilities under the Petition Scheme. The Executive Scrutiny Committee would hold meetings to consider petitions where a Senior Officer had been called to give evidence, and would also undertake reviews requested by petitioners dissatisfied with the Council's handling of their petitions. Select Committees would fulfil this role where the Executive Scrutiny Committee had previously been involved with the petition and may, therefore, be perceived by the petitioner requesting a review as being conflicted out.

The Council's designated Scrutiny Officer was the Head of Democratic Services. This was a requirement of the Local Democracy, Economic Development and Construction Act 2009.

The Scheme of Delegation had been reviewed and updated. Changes included:-

- Amendments to Local Choice Functions such as the removal of the power of conducting best value reviews.
- A revised planning delegation scheme reflecting the changes reported to and agreed by Executive Scrutiny Committee (EXC 6/10), and endorsed by full Council on 14 July 2010.

The previous delegated powers had been revised to specify that Cabinet reviews and approves the RIPA policy and procedures annually and that it also receives information on the use of RIPA powers on a quarterly basis in the Finance and Performance reports.

Chief Officers powers to act within their respective remits in accordance with statutory provisions had been extended to take account of new duties and responsibilities under, for instance, the:-

- Academies Act 2010
- Child Poverty Act 2010
- Equality Act 2010
- Flood Water and Management Act 2010
- Personal Care at Home Act 2010

The rules now reflected the fact that Members' Questions were dealt with at the end of ordinary Council meetings, and also that Council had powers to debate petitions under the new petition scheme.

As previously reported to the Committee, the outcome of the further consultation

regarding the preferred choice of executive model of governance required by the Local Government and Public Involvement in Health Act 2007 (Council Leader and Cabinet or Directly Elected Mayor and Cabinet), was that there was a majority in favour of the Council Leader and Cabinet model. At its meeting ON THE 2 September 2010, Cabinet recommended this model to Council. Council agreed Cabinet's recommendation on 8 September 2010. The summary proposals for change for a Council Leader and Cabinet form of executive had been submitted to the Secretary of State for Communities and Local Government. These were on deposit and available for public inspection.

The next step was to produce more detailed provisions relating to the Council Leader and Cabinet model. This would be achieved by preparing a revised Constitution which would be made available for Members and Officers to consider. The Constitutional changes required would include the following:-

- The Article relating to the Executive (7) would reflect the fact that the Leader, after appointment by Council, would determine the size of Cabinet, who the Cabinet Members were and what their portfolios were, and that there would be a Deputy Leader appointed.
- Responsibility for functions (Part 3) would make it clear that it was the Leader who decided how and by whom executive functions and powers were exercised.
- Council procedures would reflect that although the Leader would be elected by Council, Council would not elect or appoint Cabinet Members.
- These detailed proposals for the new executive model would form the basis of a decision which Council would be required to make at a special meeting held before 31 December, 2010. This would be to resolve to implement the proposed Council Leader and Cabinet model set out in the detailed proposals after the local elections on 5 May 2011.

RESOLVED that the information be noted.

**S**  
**59/10**      **Monitoring Officer Work Programme - 2010/11**

This item provided the Committee with the second report regarding progress in delivering the Monitoring Officer work programme for 2010/11.

The Monitoring Officer Annual Report for 2009/10, which was approved by Council on 14 July 2010 included a work programme for 2010/11.

Members were provided with a schedule containing details of the progress up to and including the second quarter of 2010/11 in delivering the work programme. The schedule set out six improvement areas, key actions for each, the target dates for completion, progress details and any comments.

RESOLVED that the information be noted.

**S**  
**60/10**      **Messages from the Standards Committee**

Members considered a report that provided details of messages from the Committee which had been publicised since the most recent meeting. At the



Standards Committee meeting on 12 February 2010 it was agreed that a programme of messages from the Committee should be implemented in accordance with the arrangements outlined in the report. The Committee was provided with a copy of the message which had been publicised. This related to Members' Blogs. The message had been published on the council's website; circulated to council receptions, libraries, community centres, Tees Active, Tristar and to Town/Parish Councils. Further messages would be publicised over the coming months and details would be reported to the next available Committee meeting.

REOLVED that the information be noted.

**S**  
**61/10**      **Local Assessment - Case Studies**

Members considered a case study and discussed what decisions they would make.

**S**  
**62/10**      **Information/Discussion Items**

Members of the Committee considered the following items :-

1. Protocol for Local Authority Partnership Working
2. Standards for England Bulletin 48
3. Abolition of Standards for England Regime – Further information - Members were informed that it had been indicated that there would no longer be a requirement to have a Standards Committee and that the code of conduct provisions would also be repealed.

RESOLVED that the information be noted.

**S**  
**63/10**      **Standards Committee Forward Plan 2010/11**

Consideration was given to the updated version of the Standards Committee Forward Plan. Members were again asked to consider whether there were other matters which should be included in the programme for future meetings. Members also received the Councils Statutory Forward Plan. Based on the programme as reported and discussed, Members agreed to cancel the Committee meeting scheduled for 2nd December 2010. The next meeting of the Committee would be held on the 6th January 2011.