

Standards Committee

A meeting of Standards Committee was held on Thursday, 6th January, 2011.

Present: Mr F W Hayes(Chairman), Cllr Paul Baker, Mrs E Chapman(Independent Member), Cllr Cockerill(Vice Cllr Sherris) Cllr Ken Dixon, Cllr Bill Noble, Cllr John Fletcher(Substitute Elected Member) Mr C.V Algie(Pairsh Representative), Mr T Bowman(Parish Representative), Mr C. Nestor(Substitute Independent Member), Mr R. Mosley(Substitute Parish Representative).

Officers: Mr D.E Bond, Miss K. Wannop(LD)

Also in attendance: None

Apologies: Mr M Armstrong, Cllr Andrew Sherris, Mr R. Rawlinson (Substitute Parish Representative)

S **Declarations of Interest**

64/10

There were no interests declared.

S **Minutes of the Meetings held on 12th August 2010 and 8th October 2010.**

65/10

Minutes of the meetings held on 12th August 2010 and 8th October 2010 were signed by the Chair as a correct record.

S **Assessment Sub Committee Minutes of the Meeting held on 9th November 2010.**

66/10

Members received the minutes of the meeting held on 9th November 2010.

RESOLVED that the minutes be noted.

S **Members' and Officers' Interests**

67/10

Members considered a report regarding Members' and Officers' interests for the the third quarter of this year (1st October 2010 to 31st December 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 17 December 2010. The reminders also covered co-optees and their details on the register. Revised register details continued to be received on a regular basis. Advice about interests continued to be provided before Cabinet and Council meetings and on an ad hoc basis when required. Advice provided for recent meetings was provided. Examples of recent declarations by Members were also provided. As a result of comments about the way in which interests were being dealt with at certain consultative panel meetings, steps had been taken to tighten up the procedure for providing advice before and at the relevant meetings, and to clarify the advice which should be provided.

Advice had been and would continue to be provided to Members for the purposes of their roles on outside organisations.

A (Monitoring Officer) register inspection of Officers' Interests took place on 16 December 2010. Details of actions arising were reported to Member. Officers

were last asked to review and update their register details on 26 November 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. An example was provided.

Work had continued to be undertaken with relevant Officers and Board Members to ensure that registration and declaration of interests became more embedded in the governance arrangements of partnerships, Renaissance and TVU. This would include case study workshops with the Sub-Boards over the next few months.

RESOLVED that the information be noted.

S **Members' and Officers' Gifts and Hospitality**

68/10

Members considered a report that provided details of the procedures relating to Members' and Officers' gifts and hospitality and the returns submitted during the third quarter of the year (1st October 2010 - 31st December 2010)

The Members' Register had again been reviewed (17 December 2010). There were 7 recorded examples of gifts/hospitality received by Members in the third quarter of the year. These concerned hospitality received by the Worshipful the Mayor and Deputy Mayor in the course of their civic duties. Members were last asked to update their register details on 17 September 2010.

Advice had and would continue to be provided to Members regarding their roles on other organisations e.g. Community Centre Management Committees.

A further review had been undertaken of the Officers' gifts and hospitality register. There were 18 entries for gifts/hospitality for the period 1 October to 31 December 2010. Of these, there were three offers refused. The acceptances related to partners, existing contractors and suppliers' offers of hospitality at annual Dinners, the Mayor's annual dinner, conferences, an awards ceremony and sporting events. Officers were last reminded about updating their register details on 18 November 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 and Board Members to ensure that all relevant standards and probity arrangements become more embedded in the governance arrangements of partnerships, Renaissance and TVU.

A recent case (Webster v R 2010 ECWA Crim 2819) under the existing legislation (Public Bodies Corrupt Practices Act 1889) had demonstrated the importance of extreme care regarding working relationships with customers and the acceptance of gifts.

RESOLVED that the information be noted.

**S
69/10**

Local Government Ombudsman Complaints 2010/11 - Third Quarter

Members were provided with details of complaints received from and determined by the Ombudsman during the third quarter of the year.

The complaints concerned the following:-

- Volunteer asked to return keys to a park office and advised that a facility which they had developed could no longer be used for their sole use.
- Alleged defamatory correspondence from the Council to a third party about the complainant
- Inappropriate action allegedly taken by a Council Bailiff.

Members were also provided with details of two further complaints received:-

- Alleged unfair treatment by an Officer.
- Education Admission Appeals process.

Complaints Determined

In the same period, 3 complaints were determined and closed by the Ombudsman:-

- As regards a volunteer's complaint that they had been asked to return keys to a park office and had been advised that a facility they had developed would be opened up to others' use, the Ombudsman found no or insufficient evidence of maladministration. It was a matter for the Council to decide how services would be operated and managed. A meeting had also been arranged between the Council and the volunteer to discuss the latter's concerns. There was therefore no longer any need for the Ombudsman's involvement.
- As regards alleged misleading pre-application planning advice, the Ombudsman found no evidence of maladministration. The advice was correct at the time it was given. Subsequently, a change in a circumstances had occurred in that a Planning Inspector's decision affected the way in which the planning policy, on which the advice had been based, could be applied to similar cases in the future.
- As regards a complaint about alleged harassment and misuse of technology, the Ombudsman found that the matters were out of time and that even if they were not they were not matters over which the Ombudsman had any jurisdiction.

RESOLVED that the information be noted.

**S
70/10**

Complaints, Compliments, Commendations and Comments

The Committee considered a report that provided details of complaints, compliments, commendations and comments for the second quarter of the year.

The Council received the following for the second quarter of 2010/11:-
Complaints - 221

This compared to 236 complaints in the same period for 2009/10.

Compliments, Commendations and Comments

A total of 716 compliments, commendations and comments were received in the three month period to 30 September 2010, representing 476 compliments, 80 commendations and 160 comments. This compared to 649 in the same three month period last year.

Some of the main messages from the analysis were:-

The main trend from the three month period identified that 85% of complaints were in relation to the 3 service areas, Children, Education and Social Care (CESC), Development and Neighbourhood Services (DNS) and Tristar, with DNS receiving approximately 46% of total complaints, and CESC, and Tristar receiving approximately 15% and 24% respectively of total complaints.

Of the total compliments and commendations 85% were received for 3 service areas CESC, DNS and Tristar with 66% 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 7% respectively. Most of them within Tristar were within the Responsive Repairs Team.

RESOLVED that the information be noted.

S 71/10 **Misconduct Allegations Update**

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

Complaints Determined

The last report regarding complaints was considered by the Committee at its meeting on 8 October 2010.

The report referred to a complaint which had been received (SBC15) which was considered by the Assessment Sub-Committee on 11 August 2010. The minutes of the meeting were attached to the agenda for the Standards Committee meeting. The other action directed by the Sub-Committee was the subject of a report back to the Sub-Committee on 9 November 2010. The Sub-Committee accepted the steps taken in response to its directions as satisfactory. The matter had therefore been closed.

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

Other Concerns raised about Members' conduct towards Officers had been addressed through discussions with all of the individuals involved, without their wishing to make any formal complaints.

RESOLVED that the information be noted.

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

72/10

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

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

Members queried whether the Members Learning and Development Strategy would go through Members Advisory Panel. The Monitoring Officer stated he would confirm this, but thought that it would be going to the panel.

RESOLVED that

1. the Monitoring officer investigate whether the Members Learning and Development Strategy would be submitted to the Members Advisory Panel,
2. the information be noted.

S **Messages from the Standards Committee**

73/10

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 Dual Hatted Members. 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.

RESOLVED that the information be noted.

S **Local Assessment - Case Studies**

74/10

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

S **Information/Discussion Items**

75/10

Members of the Committee considered the following items :-

1. Scrutiny Annual Report 2009/10

2. Localism Bill and Abolition of the Standards Board Regime - the committee was provided with a note prepared by the monitoring officer regarding the changes to the Standards regime proposed in the localism bill, together with a statement published by the Department for Communities and Local Government in relation to the abolition of the regime and the transitional arrangements for ongoing standards complaints. The Committee considered the impact of the

Localism Bill and the changes it would have on Standards Committees. More information would be brought to Members attention as and when it was available.

3. Minutes Of The Monitoring Officer's Meeting with Town/Parish Councils' Clerks on 5th November 2010.

RESOVLED that the information be noted.

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76/10

Standards Committee Forward Plan 2010/2011

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, And in light of the Localism Bill proposals Members agreed to cancel the Committee meetings scheduled for 3rd February 2011, 4th March 2011 and 28th April 2011. The next meeting of the Committee would be held on the 31st March 2011.