

STANDARDS COMMITTEE

MINUTES OF THE STANDARDS COMMITTEE MEETING HELD ON 23 JANUARY 2019 AT KENNET ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Derek Brown OBE, Cllr Allison Bucknell, Cllr Ernie Clark, Cllr Peter Evans, Cllr Peter Fuller, Cllr Howard Greenman (Vice-Chairman), Cllr Ruth Hopkinson, Cllr Bob Jones MBE, Cllr Paul Oatway QPM (Chairman), Cllr Fred Westmoreland, Cllr Stuart Wheeler, Mr Richard Baxter, Mr Philip Gill MBE and Mr Michael Lockhart

Also Present:

Miss Pam Turner and Cllr Christopher Newbury

1 **Apologies for Absence**

Apologies were received from Pam Turner.

2 **Minutes**

The minutes of the meeting held on 26 September 2018 were presented for consideration and it was,

Resolved:

To approve and sign as a true and correct record.

3 **Declarations of Interest**

There were no declarations.

4 **Chairman's Announcements**

There were no announcements.

5 **Public Participation**

A statement was received under Minute 9 from Mr Francis Morland.

6 **Local Government and Social Care Ombudsman (LGSCO) Complaint - Update on action taken by the Council**

Claire Edgar, Director of Adult Social Care, Mental Health and Learning Disabilities, presented a report regarding actions undertaken by the Council following a report from the Local Government and Social Care Ombudsman

(LGSCO) in April 2018 which had found the Council at fault in a complaint regarding the provision of respite care and transport to a particular family. Cabinet had accepted the LGSCO's findings, recommendations and the actions to remedy the injustice set out in that report. At its meeting on 26 September 2018 the Standards Committee had received an initial update from Debbie Medlock, Interim Director of Adult Social Care, Mental Health and Learning Disabilities on how the Council was responding to the situation.

In accordance with the LGSCO's recommendations the Community Learning Disability Services teams had undertaken a review of the care and support needs of all service users potentially affected using the correct respite eligibility criteria. The Committee was informed that as a result 113 reviews had taken place, of which six received an increase in their allocation of respite, one a decrease, and the rest had remained at the same level. In response to queries it was stated that the changes in allocation were minor, by a few days additional or less respite offered, and so the total cost would be low.

Details were sought on the 'stop the clock' methodology that had been adopted to ensure practice is continually improved upon, and of the increased level of training and guidance to ensure responsibilities of the Council under relevant legislation were adhered to, as well as allowing for immediate reactions to urgent circumstances.

At the conclusion of discussion, it was,

Resolved:

To note the further work undertaken by the Adult Social Care team in response to this matter.

7 Status Report on Code of Conduct Complaints

Sukdave Ghuman, Public Law and Compliance Team Leader, presented the status report on Code of Conduct complaints. There had been 47 complaints received in the calendar year 2018, with a total of 8 referred for investigation, which was an increase on previous years. Details were provided of the number of cases opened and closed throughout the year, and of the types of complaints which had been received.

The Monitoring Officer, Ian Gibbons, added that owing to the number of investigations and because the complaints team was also responsible for handling corporate complaints, some investigations were needing to be undertaken by external providers, which had not been budgeted for. The Committee would be reported to if that trend continued, and the Chairman requested the level of pressure of the council's investigatory teams be noted.

The Committee discussed the report and presentation, seeking details of the cost of investigations, which could be several thousand pounds if done externally, and with considerable time pressures if done internally. The Committee also discussed the complaints process itself, noting it was robust

and extended compared to many other authorities, for example with many stages of review possible, and included valuable member involvement, but that some concerns had been raised as to the deadlines and timings of various stages of the process. It was requested that work be undertaken to look at each stage of the process to see that they were fit for purpose, and where delays occurred, and that the Constitution Focus Group review that information and make recommendations as appropriate.

It was also reported that the Committee for Standards in Public Life, to which the Council had submitted a response to a recent consultation, would be reporting its findings at the end of January 2019.

At the conclusion of discussion, it was,

Resolved:

To note the status report on Code of Conduct complaints, and to request the Constitution Focus Group oversee a review of the procedures and make such recommendations as felt appropriate.

8 Code of Conduct Complaints Comparison Case Study

Kieran Elliott, Senior Democratic Services Officer, presented a report detailing research and analysis of the level of code of conduct complaints received at other, similar local authorities, as requested by the Committee at its meeting on 26 September 2018.

It was explained that owing to the differing procedures, scale and reporting methods of the authorities direct comparison was not without difficulty, however a range of information had been obtained from that which was publicly available and which was sufficient to draw some preliminary conclusions.

The data indicated that the level of complaints within the Wiltshire Council area was not excessively high or low and that the ratio between unitary and parish councillor complaints was similar in many authorities. Most other authorities did not have as detailed a complaints procedure as Wiltshire with several stages of reviews of decision, and had different levels of emphasis on pre-screening of complaints and the focus on alternative resolution. As a result, many authorities had very few investigations, however there were still some which undertook more than in Wiltshire.

The Committee received the report, noting the conclusions that the Council was not out of keeping with other authorities, and thanked Mr Elliott for his work compiling the information.

At the conclusion of discussion, it was,

Resolved:

To note the case study data and preliminary analysis set out in the report.

9 **Recommendations of the Constitution Focus Group**

A report was presented by Kieran Elliott, Senior Democratic Services Officer, outlining recommendations from the Constitution Focus Group in relation to Protocol 1 (Member-Officer Relations) and Part 4 (Council Rules of Procedure). On the recommendation of the Standards Committee Full Council on 16 October 2018 had approved previous changes to both sections, noting that some additional proposed revisions would follow at a later date.

The proposal in relation to Protocol 1 was an appendix setting out in further practical detail the rights of access of members to confidential or exempt information, and how they could request access and demonstrate their need to know the specified information. The proposal in relation to Part 4 were amendments to the provisions relating to substitution on committees, in particular to clarify that it was the responsibility of the member who was to be substituted to arrange such a substitution, and inform the proper officer in writing. A guidance note had been prepared to assist the interpretation of the relevant proposed provisions within the constitution.

Mr Francis Morland made a statement in relation to the proposals, relating to statutory rules on proportionality on committees, and he considered that the proposed guidance was not compliant with those rules. The Monitoring Officer, Ian Gibbons, in reply stated that he did not accept this was the case and that the proportionality arrangements were abided by. During wider discussion with the Committee regarding the nature of the substitution arrangements generally, which were common in many authorities, it was stated that those common arrangements had not been subject to legal challenge and were regarded as reasonable procedures to adopt.

The Committee discussed the proposals from the Focus Group, and considered that the proposed changes and guidance note would be helpful additions to clarify the rights of members and procedural requirements respectively, and noted the inclusion of urgency provisions in the event a member, for an exception reason, was unable to inform the proper officer in writing.

Therefore, at the conclusion of discussion, it was,

Resolved:

To recommend that Council approve the changes to Protocol 1 and Part 4 of the Constitution as set out in the report.

10 **Urgent Items**

There were no urgent items.

(Duration of meeting: 2.00 - 3.00 pm)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services, direct line 01225 718504, e-mail kieran.elliott@wiltshire.gov.uk

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