

Minutes

15 September 2003
Committee Room 2
Bourne Hill, Salisbury
Commencing at 2.00 pm

9. **Present:**
Mr G A Thompson (Chairman and Independent Person), Mrs M F Lewis (Vice-Chairman and Independent Person), Councillors C G Mills and B M E Rycroft and Mr M Chandler (Parish Representative).

In attendance: Councillors J B Hooper and J Walsh (Deputy Members), Mr R G Crook (Deputy Parish Representative), Mrs S J Tovey (Legal Services Manager/Monitoring Officer) and Mr P J Bellas (Senior Democratic Services Officer).

Councillor I C West was also in attendance and with the consent of the Chairman addressed the meeting in respect of the matter recorded under minute 14 below.

10. **Public Question/Statement Time:**
There were no public questions or statements forthcoming.

11. **Minutes:**

Agreed – that the minutes of the last meeting held on 16th June 2003 be approved as a correct record and signed by the Chairman.

12. **Declarations of Interest:**
No interests were declared.

13. **Members' Allowances:**
Consideration was given to the report of the Independent Remuneration Panel (previously circulated).

AGREED -

- (1) that Full Council be asked to note that in the opinion of the Standards Committee the review of the Members' Allowances Scheme has been undertaken properly; and
- (2) that the recommendations of the Independent Remuneration Panel be referred to Full Council for determination subject to clarification of "scooter" in recommendation 1(c).

14. **Complaints to the Standards Board for England:**
Consideration was given to the reports of Legal Services Manager/ Monitoring Officer.

In connection with report 8(3) Councillor West read out the following statement:-

"I welcome this statement from the Standards Board which clears my name.

A year ago, your Committee acted in a manner which caused and has continued to cause distress, pain and significant financial costs to my family and me.

You should know that your Chairman observed that the complaint system in place on 9th September last year had deficiencies and it was clear to the Committee it had failed to deal with the complaint in a satisfactory manner.

You should know that because of the events of the 9th September, system procedures were reviewed and revised to avoid the risk of any similar event occurring in the future. These changes have been endorsed by Full Council.

You are asked to note the contents of letters from our Policy Director to a member of the public about a related complaint.

In letters of 3rd and 11th July 2002 ie admits to the Council not having effective procedures in place and believes that it has contributed to upset, stress and financial difficulties experienced by the recipient. It goes on to say that "some financial compensation would be appropriate."

And the letter of 21st August to the same person I quote:

"The purpose of having a very positive policy towards complaints is to ensure that the organisation learns from its mistakes and to offer proper redress when an investigation proves misadministration or injustice."

In this case it is beyond dispute that:

- a. There have been mistakes.
- b. There has been an investigation which has identified misadministration sufficient to lead to changes in system procedures as a result of lessons learnt.
- c. There has certainly been personal upset, stress and financial costs to my family.
- d. There has been injustice BUT with no proper fair redress and apology.

There has been an insensitive attempt at redress which only succeeded in rubbing salt into the wound.

I ask this Committee, please to protect the honour and reputation of Salisbury District Council by using its powers to promote a fair and reasonable settlement to this case in terms of:

- a an apology; and
- b appropriate financial compensation to cover the actual costs to me in recognition of the distress suffered by my family over this past year."

The Chairman informed Councillor West that as no notice of his statement had been given it was not practicable to deal with his requests at this meeting. Clarification was also needed with regard to the appropriate forum under the Constitution to deal with the matters raised.

In consequence it was:-

AGREED -

- (1) that the reports be noted;
- (2) that the receipt of Councillor West's statement be acknowledged; and
- (3) that the Monitoring Officer be requested to:-
 - (a) refer Councillor West's statement to the appropriate decision-making body under the Constitution for consideration; and
 - (b) supply Members of that body with relevant background information on the matters raised by Councillor West.

15. **Complaints Monitoring:**

Consideration was given to the report of the Senior Democratic Services Officer (previously circulated).

In receiving the report the Committee was concerned that one-off events generating significant numbers of complaints could skew the monitoring data and make it difficult to analyse whether the procedure was being effective.

The Senior Democratic Services Officer informed the Committee that a survey required by the Office of the Deputy Prime Minister (ODPM) would be published at the end of September. This survey contained questions about satisfaction with the Council's complaints handling arrangements and should provide a greater understanding of the operation of the complaints procedure when considered in conjunction with the data in the report.

In addition the Committee requested that future monitoring reports should contain explanatory notes about why justified complaints had occurred and the action taken to remedy them.

AGREED - that the report be re-considered when the findings of the ODPM survey are received.

16. **Video:**

Further to minute 8 (2) - 16/6/03 the Committee viewed the Standards Board's video "The Code in Practice" and discussed the issues highlighted in the scenarios.

The Committee considered it would be beneficial for parish councils to view the video although it was uncertain whether the Standards Board had sent copies directly to parish clerks.

AGREED - that the Monitoring Officer clarify the circulation of the video with the Standards Board and if it has not been circulated to parish councils then the video be shown at the next Parish Council Liaison Meeting with an offer to lend it to any parish council interested.

Note: The Monitoring Officer has since confirmed that the video was sent out to parish councils.

17. **Procedure for Determination of Complaints referred by the Standards Board:**

Consideration was given to the report of the Legal Services Manager/Monitoring Officer (previously circulated) incorporating the draft Standards Committee Determination Procedure Rules based on guidance from the Standards Board.

One of the aims of the report was to assist Members raise any matters causing concern or requiring clarification prior to the training session on the Procedure to be held in Devizes on 26th September. Matters raised at the meeting included:-

- (1) The need for clarification on what information and documentation will be passed to the Monitoring Officer by an Ethical Standards Officer.
- (2) There was concern about the extent hearings will be held in open, exempt or closed session.
- (3) There was concern about whether the re-investigation of a complaint by the Standards Committee could be avoided if discrepancies or new information/evidence arose.
- (4) The sanction of "partial suspension" needs to be defined.
- (5) Clarification is needed on the role of the Committee in the pre-hearing process.
- (6) Guidance should be issued on the appropriate use of sanctions to ensure consistency.
- (7) There was concern that, although a Member is entitled to request that a summary of a decision should not be passed to local newspapers in a case where it is found that the Member has not failed to follow the Code of Conduct, the finding of the Committee must still be made in public when the press and public are entitled to be present.

The Committee considered that it would be beneficial if the organisers of the training event were given prior notification of the above issues. In addition it would be helpful if Members notified the Monitoring Officer of any other matters by the 19th September so that these could also be passed on.

Arising from the report the Committee also considered the next steps towards the adoption of the Procedure and the involvement of Members in hearings. On this latter point it was considered that it would be useful if Deputy Members could attend hearings to become conversant with procedures even if they were not required to participate.

AGREED -

- (1) that the Monitoring Officer be requested to forward the comments and concerns of Members on the draft Procedure to the organisers of the Training Event to be held on 26th September;
- (2) that the draft Procedure be considered at the next meeting of the Committee with a view to formal adoption;
- (3) that once the final procedure has been agreed by the Committee it be referred to Full Council for adoption and appended to the terms of reference of the Committee;
- (4) that Full Council be requested to delegate to this Committee the authority to make any changes to the procedure that become necessary once it has been put into practice or if new guidance is issued by the Standards Board; and
- (5) that all the Full Members of the Committee be called to attend hearings.

The meeting concluded at 4.00 pm