

STANDARDS COMMITTEE

A meeting of Standards Committee was held on 9 September 2008.

PRESENT: C Nestor (In the Chair)
Councillors Carter, C Hobson, Khan, Lowes, and McPartland
Independent Member: B Footitt, OBE
Parish Council Member: Councillor I Bruce

OFFICIALS: M Braithwaite and C Davies

APOLOGIES FOR ABSENCE were submitted on behalf of the Chair, Mr G Fell, Councillors Davison and Taylor and Parish Councillor B Macmillan.

****DECLARATIONS OF INTEREST:**

There were no declarations of interest for this meeting.

****MINUTES**

The Minutes of the Standards Committee held on 18 July 2008 were approved as a correct record.

NEW INDEPENDENT MEMBER

The Chair welcomed Professor Brian Footitt, OBE to his first meeting as an Independent Member of the Committee.

LATE COMPLAINTS

The Members' Office Manager presented a report of the Director of Legal and Democratic Services requesting approval to a time limit for the submission of complaints under the Corporate Complaints Procedures. The introduction of a one-year time limit would amend the procedures approved in 2006, would ensure consistency in the handling of all complaints under the Corporate Complaints process and bring them in line with the procedures relating to complaints in respect of Children's Services and Adult Care Services. When the case related to a complaint about an elected Member the new rules referred to in a later item on this agenda would apply.

In response to comments raised regarding arrangements for children in the care of the authority to report their concerns, the Members' Office Manager gave assurances that safeguards were in place. Where complaints related to children and young people, officers would always err on the side of the complainant if there was a reasonable case for complaint.

It was proposed that the section of the Corporate Complaints Procedures headed

"Matters outside the remit of the Corporate Complaints Procedures" be amended by the inclusion of the following paragraph:

Time limit for making a complaint

A complaint must be made no later than one year after the grounds for the complaint arose. A complaint will only be considered if made outside this time limit where, having regard to all the circumstances, it would not be reasonable to expect the complaint to have been made within the time limit, and it is still possible to consider the complaint effectively and fairly.

ORDERED that the one-year time limit referred to above is included in the Corporate Complaints Procedure.

LOCAL GOVERNMENT OMBUDSMAN: ANNUAL LETTER 2007/2008

The Members' Office Manager presented a report of the Director of Legal and Democratic Services the purpose of which was to inform the committee of the Local Government Ombudsman's Annual Letter for 2007/2008, which commented on the Council's performance in respect of complaints to the Ombudsman. A copy of the Letter was attached as Appendix 1 of the report.

It was noted that overall there had been a reduction in the number of complaints to the Ombudsman in respect of Middlesbrough Council (16) excluding premature complaints, compared to the previous year (27). Members' attention was drawn to corrections to be made to the figures relating to the total excluding premature complaints relating to the years 2006/7 and 2005/6 in the table at paragraph 6 of the report which should have read, respectively, 27 (not 37) and 15 (not 20).

As there were no findings of maladministration against the Council for the 5th year running and only 1 local settlement and, that the Ombudsman had noted no discernible trends, it was felt that the report for the year had been positive. The Council had also previously been praised for its willingness to take positive action where fault was found.

ORDERED that the report be noted and approved.

INFORMATION PROTOCOL

The Members' Office Manager presented a report of the Director of Legal and Democratic Services requesting approval to establish a protocol in relation to requests by elected Members for information. All councillors may reasonably expect to be provided with information that was sufficient to fully and properly undertake their various duties and responsibilities as elected Members.

The report suggested that for the most part the existing system worked well as most requests for information were reasonable and much of the information requested could be provided "off the shelf" as it was already held in the Members' Library. However, on occasion, the requests received had significant resources implications that took substantial amounts of staff time to produce. Under the provisions of the Freedom of Information Act, elected Members were entitled to received information in the same way as any other person, although Members were not required to submit those requests in writing under the terms of the Act. Where a member of the public submitted such a request and the Council assessed that the cost of providing the information would exceed the 'appropriate limit' (currently £450, or 18 hours of staff time), the Council could chose not to provide the information, or to impose a charge.

The proposed protocol recognised that elected Members had a right to information in connection with their role as Councillors. However, where the information requested was not seen to be information required for that role, the protocol would treat them in the same way as any other person requesting the information.

ORDERED that the draft protocol attached at Appendix 1 to the report be approved and submitted to the Constitution Committee for its consideration.

LOCAL ASSESSMENT OF ALLEGATIONS OF MISCONDUCT BY A MEMBER

The Members' Office Manager presented a report of the Director of Legal and Democratic Services that explained changes to the process for dealing with complaints against elected Members following the transfer of functions from the Standard Board for England to local standards committees.

The report set out the detail of the changes and drew attention to the roles and functions of each of the three Standards Sub-Committees that would now conduct the various stages of the complaint process (Initial Assessment, Review and Hearings). In order to aid that process Members were asked to approve (a) the adoption of criteria for carrying out the assessment process and (b) a protocol for the handling of complaints. In considering the implications of the

changes it was acknowledged that consideration would need to be given to the provision of training for parish council members.

ORDERED as follows:

1. That the assessment criteria set out in Appendix 1 to the report be approved and adopted.
2. That the protocol for handling complaints as set out in Appendix 2 to the report be approved and adopted.
3. That the Initial Assessment Sub-Committee be authorised to consider the Monitoring Officer's report following an investigation.

PUBLICITY FOR COMPLAINTS AGAINST COUNCILLORS AND CO-OPTED MEMBERS

Members received a report of the Director of Legal and Democratic Services that provided details of arrangements for publicising the new arrangements for dealing with complaints against Councillors and Co-opted Members. The proposals included: placement of a public notice in the local press; an appropriate article in Middlesbrough News, the Council's in-house newsletter; and printing of posters for display in the Town Hall, Civic Centre and public libraries. Notification of the changes would also be placed on the Council's website. The Council's Corporate Complaints system would be adapted and the complaint form amended in order to incorporate recording of the complaints received.

ORDERED that the report be noted and the proposed arrangements be approved.