

STANDARDS COMMITTEE

A meeting of the Standards Committee was held on 8 September 2009.

PRESENT: G Fell (Chair)
Councillors C Hobson, Khan and Purvis (substitute for Councillor McPartland)
Independent Members: Prof. B Footitt and C J Nestor.
Parish Council Members: Councillors I Bruce and B Macmillan.

OFFICERS: M Braithwaite and R G Long

**** APOLOGIES FOR ABSENCE** were submitted on behalf of Councillors Carter, Elder and McPartland

****DECLARATIONS OF INTEREST**

There were no declarations of interest at this point of the meeting.

**** MINUTES**

The minutes of the meeting of the Standards Committee held on 9 June 2009 were taken as read and approved as a correct record.

LOCAL GOVERNMENT OMBUDSMAN – ANNUAL REPORT 2008/2009

The Director of Legal and Democratic Services presented a report to inform Members of the Local Government Ombudsman's Annual Letter for 2008/2009 which commented on the Council's performance in respect of complaints to the Ombudsman. A copy of the Ombudsman's Letter was attached as Appendix 1 of the report.

The Ombudsman office had made significant changes to its operating processes and to the way in which their statistics were presented which affected the way in which direct comparisons could be made against performance in earlier years. The report presented however attempted to compare performance with the previous year where possible.

There had been a slight increase in the number of complaints and enquiries to the Ombudsman compared to the previous year. Details within Appendix 2 provided a breakdown of complaints over the past five years which varied year on year between 15 and 35 complaints. The 34 complaints received during 2008/2009 were therefore around the average. Appendix 2 also showed that for 2008 - 2009 the Ombudsman had again amended the categories for complaints. This year the Annual Report no longer had a separate heading for Adult Care services. The old categorisations relating to previous years were given in separate tables in order to allow comparison where possible.

The only significant increase in complaints related to Children Families & Learning, where complaints had increased over the past three years from 1 to 8. Of those, 5 complaints were referred to the investigative team for a formal investigation. The report indicated that whilst the Ombudsman "draws no conclusions from the number of complaints about children and family services compared to other areas of work of the council", this is "something the council might wish to reflect on".

The Ombudsman made 18 decisions as shown in the following table:

Decisions (see Appendix 3 attached)	Maladmin	Local Settlement	No Maladmin	Ombudsman Discretion not to pursue complaint	Outside Ombudsman Jurisdiction	Total
2008/2009	1	4		3	3	18
2007/2008	0	1	2	7	6	16
2006/2007	0	3	17	3	4	37

2005/2006	0	4	5	4	2	20
2004/2005	0	9	6	11	2	28

There was 1 finding of maladministration against the Council relating to a case involving joint mental health provision with health services which had been investigated by the Parliamentary & Health Services Ombudsman. There was no facility for a Stage 3 investigation by the PHSO nor was the Council was able to make a Local Settlement, even though it offered to do so. It was however felt that if either of those options had been available a finding of maladministration would have been avoided. The finding against the Council resulted in the payment of a time and trouble payment to the complainant of £196.

Four local settlements were made three involving children and family services that resulted in payments of £9,500. The Ombudsman again praised the Council for its willingness to take positive action where fault was found. Improvements in the time taken to respond to new enquiries had been made reducing from 30 days in 2007/2008 to 21.8 days in 2008/2009.

It was confirmed that the Council had formal structures in place to review the outcome of decisions made by the Ombudsman and consider any lessons learnt. Similar processes also applied for the Council's own Corporate Complaints processes.

ORDERED that the report be noted and approved.

CORPORATE COMPLAINTS - MONITORING

The Director of Legal and Democratic Services submitted statistical details of complaints made to the Council during 2008/2009. Appendix 1 to the report provided a breakdown of the complaints: by department; complaints dealt with by other organisations or providers and those dealt with by the authority at each of the three different stages together with their outcomes and time-scales for completion. A total of 497 complaints were received for the period compared with 451 for the previous year, representing an approximate increase of 3.8%. Of those

449 were completed at Stage 1,
26 at Stage 2,
11 at Stage 3 and
2 complaints were dealt with via the Ombudsman.
9 complaints were non qualifying complaints under scheme that were dealt with in other ways

Of the cases dealt with by the Council, 334 were upheld, 55 were partly upheld and 72 were not upheld. 6 complaints were withdrawn and 5 were cancelled. A total of 183 compliments were received for the same period as shown tables 7 and 8 of the appendix.

The largest significant reduction in complaints was for Children, Families and Learning down from 64 to 38 complaints. The largest increase related to Environment Services, up from 197 to 305 against the previous year. An increase of approximately 55% the majority of which related to changes to working arrangements for Streetscene Services refuse and recycling collections. Members also noted that 183 compliments had been received across the Council divided between service quality and staff conduct.

NOTED

CRIMINAL RECORDS BUREAU CHECKS

The Director of Legal and Democratic Services submitted a report outlining the background to Criminal Records Bureau (CRB) checks and their application to elected Members. Current policy provided that enhanced CRB checks are carried out for the following elected members:

Corporate Parenting Board Members
Rota Visitors
Scrutiny Chairs: Children and Learning, Social Care and Adult Services and Health
Executive Members: Children Families and Learning and Social Care
School Governors

It was now proposed that in order to reduce the risks to the Council of abuse occurring in the course of Council duties and, provide greater protection to children and vulnerable adults, the checks be extended so that all elected members receive a standard check. This would disclose a record of all convictions, cautions, reprimands and warnings held in England and Wales on the Police National Computer. Elected members appointed to certain specific roles would be required to receive enhanced checks. The enhanced checks, in addition to the information provided via a standard check, also shown any locally held police force information ('soft' information or intelligence) considered relevant by the chief police officer to the job role subject to the check. A proposed protocol was appended to the report.

The Director of Legal and Democratic Services in response to a query from a parish council member advised that the parish council would need to decide whether such a policy should apply to their members.

ORDERED as follows:

1. That in future, all Members of the Council be subject to a Standard CRB check and that enhanced checks are carried out for posts involving a greater degree of contact with children or vulnerable adults. In addition, the following Members are to also be subject to enhanced checks:
 - The Mayor and all Executive Members
 - Corporate Parenting Board Members
 - Rota Visitors
 - Scrutiny Chairs of the following scrutiny committees:
 - Overview and Scrutiny Board
 - Children and Learning Scrutiny Panel
 - Social Care and Adult Services Scrutiny Panel
 - Health Panels
 - School Governors
2. That the draft protocol attached at Appendix 1 to the report be approved and submitted to the Constitution Committee for its consideration prior to final approval by Council.
3. That election agents are in future informed of the requirements so that prospective candidates are aware of the process prior to standing for election.

PROBITY IN PLANNING – THE ROLE OF COUNCILLORS AND OFFICERS – LOCAL GOVERNMENT ASSOCIATION REVISED GUIDANCE NOTE ON GOOD PLANNING PRACTICE FOR COUNCILLORS AND OFFICERS DEALING WITH PLANNING MATTERS

The Committee received details of revised guidance issued by the Local Government Association. The guidance updated previous guidance issued in 1997 to take account of requirements from the Local Government Act 2000 and the adoption of the national code of conduct in 2007. The guidance was designed to facilitate the development of councillor community engagement roles and promote good planning practice for all councillors and officers.

ORDERED that the guidance be noted and circulated to all members of the Council.

THE STANDARDS COMMITTEE (FURTHER PROVISIONS) (ENGLAND) REGULATIONS 2009

The Director of Legal and Democratic Services submitted a report drawing the committee's attention to the above regulations that came into force on 15 June 2009 in relation to the following matters:

Suspension of Initial Assessment functions
Joint Standards Committees
Dispensations

Full copies of the regulations together with guidance issued by Standards for England were appended to the report.

NOTED**STANDARDS FOR ENGLAND BULLETINS**

The Director of Legal and Democratic Services submitted for information, copies of Standards for England Bulletins Nos. 43 and 44, copies of which had previously been circulated to all Members of the Council. A copy of the latest issue Bulletin No. 45 was also tabled at the meeting.

NOTED**A BRIEF GUIDE TO THE MEMBERS' CODE OF CONDUCT**

The Director of Legal and Democratic Services tabled a draft copy of the above document which was intended to provide a short guide for Members outlining the main points of the Code of Conduct. The guide was the first of a series of information leaflets to be issued to Members on a number of issues.

ORDERED that the draft leaflet "A Brief Guide to the Members' Code of Conduct be approved and circulated to all Council members.

TEES VALLEY INDEPENDENT MEMBERS FORUM

The Director of Legal and Democratic Services advised independent members of the committee that as some representatives from the various Tees Valley authorities were unable to attend any of the dates October proposed, Redcar and Cleveland Council's Monitoring Officer would be writing to representatives with an alternative date.

NOTED**GIFTS AND HOSPITALITY POLICY**

The Director of Legal and Democratic Services reported that in December 2008 the Committee had approved a policy for use by officers setting out the process to be used when dealing with the offer or receipt of gifts and hospitality. As a number of issues had arisen since that time, the Director sought further advice and clarification from the committee as to the criteria to be applied when dealing with requests from officers requesting permission to accept gifts which were: (a) outside of the authorised list of gifts which may be accepted without further permissions, and (b) which were below the current £25 threshold.

RECOMMENDED as follows:

1. That current Council policy on the offer and receipt of gifts and hospitality by officers, paragraph. 6.4 of the existing policy, be amended and that the following rules now be applied:

That the offer of gifts, hospitality or cash donations (e.g. from clients/residents in thanks for personal service) may be accepted up to the value £10.00 from any one individual in any year without specific consent and that no other gift, hospitality or cash donation may be accepted above that threshold.

2. That the above policy to apply to all Middlesbrough Council employees including teaching and non-teaching personnel employed in schools maintained by the Council.