

STANDARDS COMMITTEE

MINUTES OF MEETING HELD ON 19 SEPTEMBER 2019

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STANDARDS COMMITTEE

MINUTES OF MEETING HELD ON 19 SEPTEMBER 2019

Present:

Councillor W Armitage Chair

Councillor C Renwick

Councillor R Shipman

Stuart Hooton – Independent Member

Graham Hudson – Independent Member

Also Present:-

S Sternberg - Joint Head of Corporate Governance & Monitoring Officer

N Calver - Governance Manager

J Lewis - Governance Apprentice

254 Apologies for Absence

Apologies for absence were received from Councillors P Antcliff, P R Kerry, K Rouse and D Ruff.

255 Declarations of Interest

Members are requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

There were no interests declared at the meeting.

256 Minutes of Last Meeting

RESOLVED – That the Minutes of the meeting of the Standards Committee held on 11 July 2019 be approved as a correct record and signed by the Chair.

257 Local Government & Social Care Ombudsman Annual Review Letter

Members welcomed Matt Broughton, Joint Head of Partnerships and Transformation, to the Committee to discuss the Local Government and Social Care Ombudsman Annual Review Letter. The Council received its Annual Review Letter from the Local Government and Social Care Ombudsman on 24 July 2019, which contained information on the number of complaints and enquiries that had been referred to the Ombudsman, including details of those upheld or referred back for local resolution.

The Joint Head of Partnerships and Transformation reported that, overall, the review letter was positive and showed that the Authority was taking complaints and enquiries seriously and accepting these as challenges to improve overall performance.

A total of 220 formal complaints were received between April 2018 and March 2019 across various departments of the Authority. Eighteen of those complaints were escalated to the next stage of the procedure by customers who were still dissatisfied with the response given by the Council (Appeal). Only three of those complaints were taken to the Local Government and Social Care Ombudsman, with the details set out in Appendix 2 of the report. The decisions of the complaints were also made known to Members during the meeting.

On questioning, the statistics of the previous year were also discussed alongside the stages identified in Appendix 1. Members requested details in future to be set out by department.

RESOLVED – That the annual review letter of the Local Government & Social Care Ombudsman be noted.

(Joint HOS Partnerships and Transformation)

258 Review of the Council's Constitution

The Standards Committee considered a report which set out areas of the Council's Constitution which required review.

The Constitution was the Council's Rule Book and set out how the Council operated and how it made its decisions. Council approved its latest version of the Constitution at the Annual Council meeting in May 2019.

At its meeting in July 2019 the Standards Committee had agreed a number of areas of the Constitution for review and a table within the report listed the timetable for review of these areas and also other Committees of the Council where matters would need to be referred to for consideration.

The areas for review to consider at this meeting were:-

- Standards Committee Terms of Reference;
- Joint Employment and Appeals Committee;
- Questions and Motions.

An appendix to the report set out the proposals and rationale for the review for each of the three areas.

Standards Committee Terms of Reference

In response to the Standards Committee's consideration of the recent Parliamentary Committees Review into Standards in Public Life, a revised Terms of Reference (TOR) was presented for consideration. Appendix 2 set out a tracked changes version of the Terms of Reference with suggested revisions including:-

- Inviting co-opted representatives to sit on the Committee;
- Having an over-sight of Member training and attendance;

- Website content; and
- Promoting understanding of the Code of Conduct.

In addition, the Committee considered the role of the Independent Person and their term of office and Members were agreeable to consider a County-wide arrangement for Independent Persons.

On the subject of training, Members were supportive of moving to online platforms and filming forthcoming training sessions.

RESOLVED – That:-

- (2) The revised Terms of Reference for the Standards Committee, as set out in the report, be supported; and
- (2) A further review be undertaken on the Independent Persons' terms of office and this be presented to a future meeting of the Standards Committee for consideration.

(Governance Manager)

Joint Employment and Appeals Committee

It was noted that the current Terms of Reference for the Joint Employment and Appeals Committee did not make any reference to a scenario where one singular Authority may need to undertake a recruitment for an SAMT member who would work solely for that Authority.

The Committee agreed that the following wording be added to the Joint Employment and Appeals Committee Terms of Reference for **North East Derbyshire only** posts:-

'Where the authority determines to recruit a Head of Service or Director post outside of the Strategic Alliance or determines to take any disciplinary action in relation to such a post the Member Panel will be called the Employment and Appeals Committee and will comprise the four members of the JEAC'.

This proposed amendment was to be submitted to the next Council meeting, rather than as part of the full Constitutional review at Annual Council, due to the ongoing Senior Management re-structure and recruitment taking place during the year.

RESOLVED – That the above wording be added to the Joint Employment and Appeals Committee Terms of Reference and that the Strategic Alliance Management Team recommend this to Council in November 2019.

(Monitoring Officer)

259 Questions and Motions to Council

Members considered a report of the Joint Head of Corporate Governance and Monitoring Officer on whether there should be any changes to Part 4 of the Constitution – Council Procedure Rules. The report looked specifically at Rule 8 (Questions by the Public), Rule 9 (Questions by Councillors) and Rule 10 (Motions on Notice).

Members gave consideration to the number of questions and motions allowed, the overall time for consideration of questions and motions, the order of the agenda, the provision of urgency, scope and reasons for rejection. In their analysis, Members compared the Authority's rules with that of five neighbouring Local Authorities.

In relation to Questions by the Public, Members were not satisfied with the current wording – '*Members of the public who on the Register of Electors for/or who are not domestic rate payers to the District*' - and noted that the Housing Allocation Policy defined a local connection to the area which maybe more appropriate. This wording was requested for the following meeting on which to make a decision.

The Committee considered that the current rules around times for public questions were adequate but, on considering the scope, Members wished for questions to be rejected where they related to an ongoing complaint being dealt with either by the Council or the Local Government Ombudsman. Including this minor change, Members wished for the scope for public questions to also be applied to questions on notice by Councillors.

When considering motions by Members at meetings of Council, the Standards Committee were satisfied that the limitation to one per Member per meeting was a satisfactory limit. However, they wished to give more consideration to the length of time allowed for the mover of motions (currently set at 10 minutes). It was agreed that this would be further considered at the forthcoming meeting of Standards Committee with a view to reducing this to five minutes.

Members had some queries around Procedure Rule 10.2 and 13.2 and it was agreed that these would be further considered at the forthcoming meeting of the Standards Committee.

RESOLVED – That:-

- (1) The next meeting of the Standards Committee would consider changes to questions and motion as follows:-
 - (a) defining a local connection (public question time);
 - (b) length of time allocated for moving motions (motions on notice);
 - (c) procedure rules 10.2 and 13.2; and
- (2) The following changes to questions and motions be agreed for Council approval:-
 - (a) adding ongoing complaints to the scope for rejection of public questions;
 - (b) replicating the scope for public questions for questions on notice by Councillors; and
 - (c) introducing a limitation of one motion per member per meeting to replicate the limits on questions.

(Deputy Monitoring Officer)

NB: Members of the Standards Committee also expressed their concerns in regard to the layout of the Council Chamber requesting for all Members to face the Chair which may diffuse any hostility within the room. This matter will be picked up separately to the work of the Standards Committee.

260 Flintshire County Council – Update to the Code of Conduct

The Joint Head of Corporate Governance and Monitoring Officer handed out a statement issued by another Authority explaining the standard of conduct expected from Councillors and co-opted Members in dealing with each other and with officers. This was not to replace the Code of Conduct or the Member/Officer Relations Protocol, but to be read in conjunction with those to create a basic statement of what was acceptable and not acceptable within the Council Chamber.

Members were generally supportive of the document circulated and requested for examples to be added to the document, as well as details of any consequences to negative behavior.

RESOLVED – That standards of conduct be further discussed at a forthcoming meeting of the Standards Committee.

(Monitoring Officer)

261 Complaints Update

The Joint Head of Corporate Governance and Monitoring Officer gave a verbal update on Member Complaints.

RESOLVED – That the update on complaints be noted.

262 Work Programme

Members gave consideration to the Work Programme for the Standards Committee for the remainder of the municipal year. Members were reminded that this was a live and changing document and could be adapted to the needs of the Committee.

RESOLVED – That the Work Programme for 2019/20 be noted.

263 Urgent Items of Business

Members were advised that there was no urgent business to be discussed at this meeting of the Standards Committee.