

**STANDARDS COMMITTEE**  
**20<sup>th</sup> March 2013**

Present: Councillors: Brian Donnelly (Chairman), David Coldwell (Vice Chairman), Andrew Baldwin, Leonard Crosbie, Claire Vickers, Tricia Youtan

**Co-opted advisory members**

Present: Parish Council representatives: Val Court, Isabel Glenister  
Independent persons: Mary Jagger

Apologies: Councillors: Sheila Matthews  
Independent persons: Paul Byford

SC/20 **MINUTES**

The minutes of the meeting of the Committee held on 12<sup>th</sup> December 2012 were approved as a correct record and signed by the Chairman.

SC/21 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

SC/22 **ANNOUNCEMENTS**

There were no announcements.

SC/19 **MINUTES OF THE MEETING OF SUB-COMMITTEE**

The minutes of the Local Review Sub-Committee held on 30<sup>th</sup> January 2013 were received.

SC/20 **URGENT ITEMS**

There were no urgent matters to be considered.

SC/21 **STANDARDS COMMITTEE REPORTS AND DOCUMENTS AVAILABLE FOR INSPECTION**

The list was noted.

SC/22 **ETHICAL FRAMEWORK UPDATE**

The Monitoring Officer presented the report on developments in the ethical framework that affected the role and activities of Councillors and the Council's business, including:

- **Training and awareness**: The authority had now subscribed to an interactive website, Standards Exchange.

SC/22 Ethical Framework Update (Cont.)

- Local assessment, review, other action, investigations and determinations: Since the Ethical Framework Update on 12 December 2012, the Local Review Sub-Committee had met once to review one Local Assessment Sub-Committee decision and had upheld the decision it had made. Members noted the summary of cases and were concerned that the information supplied was unhelpful. It was requested that more detailed information that would not compromise the anonymity of individuals should be supplied in future.
- Parish Clerks' Meetings: The Monitoring Officer had attended the Society of Local Council Clerks' meeting on 15 January 2013 and provided an update on the new Standards regime, in particular regarding the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (the "Regulations").
- Disclosable Pecuniary Interests and the Code of Members' Conduct: The Monitoring Officer advised that an interpretation of the Regulations had been provided by Brandon Lewis MP Parliamentary under Secretary of State for Communities and Local Government. The Monitoring Officer explained that Brandon Lewis MP indicated his view that the definition of a Disclosable Pecuniary Interest ("DPI") should be interpreted narrowly. He considered that a member would only have a DPI if the matter under discussion related directly to that interest and not where the interest was merely affected by the matter under discussion. It was noted that this placed greater importance upon this Council's local Members' Code of Conduct regarding Personal and Prejudicial Interests.
- Register of Interests: Members noted that a majority of Parish Councillors had completed the relevant forms but that some were still outstanding.
- Committee on Standards in Public Life: The report of the Committee on Standards in Public Life, published January 2013, updated the wording of the Nolan Principles, making them more robust.
- Changes to LGO Complaints Procedure: Members were referred to the next item on the agenda.
- Standards cases and LGO case summaries: Case summaries were provided.
- Local Standards regime – Annual Review: Members had requested that the local standards regime be reviewed a year after its adoption. Concern was expressed regarding sufficiency of numbers of elected and advisory members on the committee. Other issues to be included in the review would include the need for a right of appeal for complainants, new guidance on DPIS, the revised Nolan Principles and further delegation of decision making.
  
- Members agreed that the review of the local standards regime should commence after the next Standards Committee on 19 June 2013 following appointment of members to the Standards Committee by Council.

SC/22 Ethical Framework Update (Cont.)

- Freedom of Information: The number of requests for the period 01 September 2012 to 28 February 2013 totalled 228, compared with 271 for the period 1 September 2011 to 28 February 2012.
- Performance management
- Data Protection Act 1998: The Information Commissioner has not alerted the Council to any complaints that the Council has breached the Data Protection Act 1998.
- Regulation of Investigatory Powers Act 2000: Changes to the legal framework had come into force in November 2012.
- Work Programme update
- Forthcoming County Council Elections – Publicity Advice: Members were advised that the pre-election period would commence on 25 March 2013 and conclude on 2 May 2013 (poling day). Members noted the advice of the Monitoring Officer regarding publicity during this period.

SC/23 **LOCAL GOVERNMENT OMBUDSMAN UPDATE 2012 - 2013**

The Monitoring Officer reported on the developments, number and nature of complaints about the Council made to the Local Government Ombudsman (LGO), including figures for the 2012-2013 reporting year.

In the past 12 months since 01 March 2012, eleven complaints had been referred to the LGO. This compared with 13 in the previous reporting period.

Of the eleven complaints:

- Two complaints had been deemed premature as they had not been processed through the Council's corporate complaints procedure;
- Five complaints were referred for investigation, three of which were ongoing at the time of the report and two complaints had been determined as having no evidence of administrative fault by the Council; and
- Four complaints were considered by the LGO but the LGO decided not to pursue an investigation.

The LGO had formed a provisional view that the Council pay £100 compensation to one complainant, and concluded that the Council should reiterate its offer of compensation of £600 to another complainant.

The Monitoring Officer reported that significant changes to the structure at the LGO were implemented on a phased basis since October 2012 and all changes should be introduced in April 2013.

Under the changes, the LGO intends to make decisions within 20 working days of receipt of complaints. The Council would therefore have to respond to complaints within a shorter timescale. In complex cases, the Council may seek an extension to respond, which is normally agreed.

SC/23 Local Government Ombudsman Update 2012 - 2013 (Cont.)

Members noted that if the Council fails to respond within the revised deadline the LGO could determine the complaint without input from the Council and so the Council should respond in a timely manner.

Other changes included:

The LGO would no longer refer premature complaints to the Council. Instead, the LGO will inform complainants that they should direct their complaints to the Council, except where the complainant is vulnerable or otherwise cannot reasonably be expected to progress the matter alone.

The LGO would no longer carry out follow-up checks with the complainants or the Council to see whether the complaint has been satisfactorily resolved.

The Monitoring Officer advised that it was unknown if the LGO would issue an Annual Review letter for 2012-2013. If the LGO does issue the Annual Review letter, it would provide a draft Annual Review letter for comment. Should the LGO later publish an Annual Review letter, it would be circulated to the Standards Committee.

RESOLVED

That the contents of the report be noted.

REASONS

- i) To ensure that the Committee has the necessary information to ensure that complaints can be made to the Council with ease and complaints are dealt with appropriately.
- ii) To assist with establishing learning lessons so that the Council can improve its performance in the provision of its services.

*The meeting finished at 11.40am having commenced at 10.00am.*

CHAIRMAN