

Standards Committee

Monday 3 October 2016 at 6.00 p.m.

at the Council House, Walsall

Present

Councillor Underhill (Chair)
Councillor Martin (Vice-Chair)
Councillor Burley
Councillor A. Ditta
Councillor E. Hazell
Councillor Young

Independent Persons Present

Dr. A. Sen
Mr A. Green

122/16 Apologies

Apologies for non-attendance were submitted on behalf of Councillors Andrew, Murray and Young.

123/16 Substitutions

There were no substitutions.

124/16 Minutes

Resolved

That the minutes of the meeting held on 26 April 2016, copies having been previously circulated to each Member of the Committee, be approved and signed by the Chairman as a correct record.

125/16 Declarations of interest

There were no declarations of interest.

126/16 Local Government (Access to Information) Act, 1985 (as amended)

There were no items for consideration in private session.

127/16 Process for review of complaints

The Committee reviewed the process undertaken by the Monitoring Officer to review complaints.

The Head of Legal and Democratic Services reported that he felt the complaints process was working well. The 20 working day limit to investigate complaints was satisfactory. No complaints had been made to the Local Government Ombudsman (LGO). He reported that one complaint had been close to being referred to a Standards Hearing Committee but the Member concerned resolved the matter by formally apologising to the complainant. He had noted that a significant portion of complaints demonstrated a lack of awareness of the role of elected Members. Therefore he suggested undertaking a review of the guidance for making complaints on the Council website to help clarify this issue. Following this point an Independent Person expressed the view that he would not necessarily expect a member of the public to understand the role of elected Members in detail. Should a member of the public mistakenly complain he felt the detailed explanations provided by the Head of Legal and Democratic Services suitably explained the position.

An Independent Person sought clarification on when a complaint would be considered so significant that it should be investigated despite it being made anonymously? The Head of Legal and Democratic Services explained that each issue would be assessed on its merits but, as an example, suggested an issue that affected the public interest regarding governance of the Council could warrant investigation even if it was made anonymously. Reference was made to the previous standards regime where anonymous complaints were accepted which created a large volume of complaints, the majority of which were dismissed.

Resolved:

That:

- 1. The Head of Legal and Democratic Services review the guidance on the Councils website on how to make complaints against elected Members;**
- 2. The Head of Legal and Democratic Services consider elaborating the definition of the exceptional circumstances in which a complaint would be investigated anonymously;**
- 3. A redacted complaint be presented to the committee at a future meeting.**

128/16 The role of the independent person

The Committee considered the role of the independent person (IP) in contemporary standards arrangements.

The Head of Legal and Democratic Services set out the role and responsibilities on the IP. In particular he explained about the valuable challenge and feedback the IPs offered when he undertook investigations into Member complaints in his role as Monitoring Officer.

An Independent Person added that having two IPs on the Committee increased the level of challenge available to the Monitoring Officer when investigating complaints. He also explained that the fine political balance present at Walsall brought an additional layer of scrutiny to member behaviour.

Following a question about what would happen if a Member failed to attend a Standards Hearing Committee the Head of Legal and Democratic Services advised that he would recommend the meeting was reconvened to give the Member concerned a further opportunity to attend. If the Member failed to attend a second time then he would recommend the Committee undertook the hearing in the Members absence. It was not possible to compel Members to attend Committee meetings.

A short discussion took place on the behaviour of the public in Council meetings.

In closing the item the IPs were thanked for the valuable contribution they made to the Councils governance arrangements.

Resolved:

That the report be noted.

129/16 Local Government Ombudsman – Annual Review 2015/16

The Committee considered information on the number and range of complaints referred to the Local Government Ombudsman (LGO) about the Council during 2015/16.

The Assurance Officer reported that there were 67 complaints about the Council to the LGO in 2015/16. 13 of the complaints were subject to detailed investigation. 7 of which were upheld and 6 were dismissed. Of the upheld complaints 4 were regarding Children's Services and 3 regarding Adult Social Care. The resolution to some of the complaints had involved the Council paying compensation. Members requested comparator data on complaints made at Walsall's regional and statistical neighbours.

Following a question the Head of Legal and Democratic Services reported that outside bodies such as the Fire and Rescue Authority and West Midlands Combined Authority (WMCA) had their own complaints process and codes of conduct. Members asked for further information on the complaints processes for the WMCA.

Resolved:

That:

- 1) **The Head of Legal and Democratic Services inform Members how complaints about West Midlands Combined Authority Members, including the Mayor, could be made;**
- 2) **The Assurance Officer provide Members with Local Government Ombudsman complaints data from Walsall's regional and statistical neighbours;**
- 3) **The Assurance Officer provide Members with an email link to the new Local Government Ombudsman manual.**
- 4) **The report be noted.**

130/16 Recent case

The Head of Legal and Democratic Services updated Members on a recent case. He noted that the case was an offence under electoral legislation.

Resolved:

That the report be noted.

131/16 Date of Next Meeting

It was noted that the next meeting would take place at 6pm on 30 January 2017.

Termination of Meeting

There being no further business, the meeting terminated at 6.46 p.m.

Chair:

Date: