

Standards Committee

Monday 30 September, 2019 at 6.00 p.m.

at the Council House, Walsall

Present

Councillor Waters (Chair)
Councillor Underhill (Vice Chair)
Councillor Andrew
Councillor Bashir
Councillor P. Bott
Councillor Burley
Councillor Craddock
Councillor Samra
Councillor C. Statham
Councillor M. Statham
Councillor Young

Independent Person Present

Mr A. Green

20/19 Apologies

There were no apologies received.

21/19 Substitutions

There were no substitutions

22/19 Minutes

The Committee considered the minutes as circulated.

Resolved

That the minutes of the meeting held on 8 July, 2019, copies having been previously circulated to each Member of the Committee, be approved and signed by the Chairman as a correct record, subject to the inclusion of Councillor Bashir on the attendance list and the omission of Mr. Green's apologies.

23/19 Declarations of Interest

There were no declarations of interest.

24/19 Local Government (Access to Information) Act, 1985 (as amended)

There were no items for consideration in private session.

25/19 Local Government & Social Care Ombudsman – Annual Review 2018/19

The Assurance Officer introduced the report. He explained the purpose of the report was to provide details relating to the role of the Local Government & Social Care Ombudsman, and to provide information on the number and range of complaints referred to by the Ombudsman to the Council during the financial year 2018/19. It also included the submission of the Ombudsman's annual letter for 2018/19, for Committee's consideration.

Councillor Bashir arrived at this juncture of the meeting.

The Assurance Officer reported that there had been 52 complaints received by the LGSCO relating to the Council in 2018/19 of which the Ombudsman decided or determined that 47 complaints related to Walsall Council. He added that eleven of the complaints had been subject to detailed investigation of which five had been dismissed and six upheld. The Assurance Officer referred Members to pages 14 to 17 of the report, which summarised the six cases that had been upheld. He further advised Members that all Ombudsman decisions were available on the LGO website within 3 months unless circumstances were so unique that a complainant could be recognised.

Councillor Burley arrived at this juncture of the meeting.

The Assurance Officer then drew Members attention to the table on page 21 of the report, which provided a comparison of the number of complaints and enquiries received by the LGO for all neighbouring authorities. He reported that Walsall was on a par with neighbouring authorities when respective populations were taken into consideration.

In response to a request for further information, the Assurance Officer confirmed the Ombudsman would deal with the majority of complaints without them referred back to the local authority unless the Ombudsman needed to investigate a complaint further.

Resolved

That Committee noted the report.

The Chair advised Committee of a change in the order of agenda and that item 9 would be taken next to enable the Assurance Officers to contribute

26/19 **Unreasonable and Unreasonably Persistent Complaints Procedure**

The report of the Head of Legal and Democratic Services was submitted

(see annexed)

The Head of Legal and Democratic Services introduced the report. He explained that the purpose of the report was to provide information to Elected Members in respect of the Unreasonable and Unreasonably Persistent Complaints procedure adopted by the Council in situations where a customer's complaints may compromise the Council's delivery of service due to the volume and frequency of the complaints.

The Head of Legal and Democratic Services drew Members attention to section 1.4 of the report, which highlighted how the Council had a duty of care to its employees to ensure that they are not caused harm by customers who pursued complaints in an unreasonable manner. He reported that an injunction had been sought within the last twelve months relating to a complainant's use of social media. The Head of Legal and Democratic Services then drew Members attention to section 1.5 of the report that referred to vexatious policies and he invited the Lead Assurance Officer and the Assurance Officer to be provide additional information.

The Lead Assurance Officer confirmed it was rare for Walsall to have to investigate a vexatious complainer, as officers would endeavour to control the situation through the normal complaints procedure to determine whether some of the complaints were new issues or repeat ones and that each case would be dealt with on an individual basis. She added that in very rare circumstances, the Assurance Team would work with Legal Services to resolve the situation and she reported that to date only one case had almost reached court proceedings.

The Assurance Officer reiterated that the Council's Unreasonable and Unreasonably Persistent Complaints Procedure would be a last resort if a situation did not change. The Council would refer to the guidance from the Ombudsman as to its reasonableness to use.

A lengthy discussion ensued in relation to complainants who may potentially have mental health issues. The Lead Assurance Officer advised that should a complainant present as vulnerable, systems were in place to ensure reasonable adjustments would be made on a case by case basis. She confirmed that officers had received training and that an updated training package was under review. Committee referred to the need for all Elected Members to receive training in relation to dealing with customers.

The Head of Legal and Democratic Services thanked the Assurance Officers for their valuable input and it was:.

Resolved

That the report and associated appendix be noted.

27/19 **Relevant Court Case Discussion**

The report of the Head of Legal and Democratic Services was submitted

(see annexed)

The Head of Legal and Democratic Services introduced the item. The report provided information regarding a 2009 case in respect of a standard's issue. An elected Member had challenged a tribunal's decision to disqualify them from being a member of the respective Council. He had challenged the decision citing his right to freedom of expression under Article 10 of the European Convention on Human Rights.

The Head of Legal and Democratic Services drew Committee's attention to page 2 of the report which detailed a number of principles that could be derived from the relevant 'Strasbourg case law' in relation to freedom of expression and Article 10. He advised that Courts would look at the appropriate level of proof based upon the level of probabilities.

A discussion ensued in relation to the public perception of Councillors in their role of Councillor or as themselves. The Head of Legal and Democratic Services acknowledged that Members were generally the first port of call for unhappy residents and he was also aware of the high expectations residents put upon Councillors, and he advised Members to concentrate on the actual issues in the first instance with courtesy.

The Head of Legal and Democratic Services confirmed that since the Strasbourg case law, there had been very few reported Court cases following the abolishment of Standards Committee.

In closing, the Head of Legal and Democratic Services advised that all elected Members would receive a six monthly newsletter that would include information on relevant case studies.

Resolved

That Committee had considered and discussed the case as set out in the report.

Councillor Andrew left at this junction of the meeting.

28/19 **Annual Update on Elected Member Development 2019/20**

The report of the Head of Legal and Democratic Services was submitted

(see annexed)

The Head of Legal and Democratic Services introduced the report. He explained that the purpose of the report was to provide information to Elected Members in respect of the implementation of the refreshed learning and development

programme offered to Elected Members 2019/20. The following appendices had been included within the report:-

- Focus Group Outputs to Inform the Elected Member Development Programme 2019/20
- the Role Outline of the Elected Member Learning Champion
- elected Member attendance data for training and development events for the period 1 April, 2019 to 31 August, 2019

The Head of Legal and Democratic Services highlighted the importance of elected members attending an adequate level of training and he referred members to page 3 of the report which alluded to the amended Code of Conduct and *'there is an expectation that Members will attend a minimum of 12 hours training each municipal year'*.

A discussion ensued around the information detailed on appendix 3 of the report which related to Member training attendance which Members stated was inaccurate and examples of the inaccuracies were provided. Reference was made for the need to ensure future training courses did not clash with Committees. The Head of Legal and Democratic Services advised that he would check all training records and update members at the next scheduled meeting.

Resolved

That Members noted the contents of the report and associated Appendices.

There being no further business, the meeting ended at 7.20pm

Chair

Date