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MINUTES OF THE STANDARDS COMMITTEE

Tuesday, 5 July 2022 at 6.00 pm

PRESENT: Councillors Walton, Butler, Sullivan, Hilary Moore (Chair), Bill Brown (Vice-Chair), Peter Bernards, Brenda Dacres, Rosie Parry, James Rathbone, and Aliya Sheikh.

MEMBER(S) OF THE COMMITTEE JOINING THE MEETING VIRTURLALY:
Councillor Rachel Onikosi.

APOLOGIES FOR ABSENCE: from Fasil Bhatti, Councillor Eva Kestner and Councillor Eva Stamirowski.

APOLOGIES FOR LATENESS: from Councillor Brenda Dacres.

1. Declaration of interests

None were made.

2. Minutes

RESOLVED that the Minutes of the Meeting of the Standards Committee held on 14 March 2022, be confirmed as an accurate record.

3. Appointments to Sub-Committees of the Standards Committee

RESOLVED that the appointment of persons to Standards Sub-Committee A and Standards Sub-Committee B, be agreed.

4. Annual Complaints Report

4.1 Councillor Hilary Moore, Chair of the Committee, highlighted the following amendment:

- To remove the words “Mayor and Cabinet” in the second paragraph under “Outline and recommendations” within the top box heading of the report, so that the statement reads as follows:
 - “Standards Committee are asked to note the contents of the commendations as set out in Sector 2 of this report”.

4.2 The Committee received a report presented by the Director of Resident and Business, and noted the following:

- That all stage-two complaints would continue to be handled by the Corporate Complaint Team.
- That going forward, single service stage-two complaints and all Members’ enquiries would be responded to and dealt with directly by

the responsible service, and not via the corporate complaints process. It was stated that the change was for speed and efficiency in the process.

- That the new Members' portal would 'go live' on Tuesday, 26 July 2022, and:
 - That once implemented, Members would be able to log and monitor enquiries and complaints from their constituents.
 - That Members who had not yet received training on the new system should contact the Head of Overview and Scrutiny who was responsible for Members' development.
- That the Corporate Complaint Team was meeting on a bi-monthly basis to assess performance and identify areas for improvement regarding the handling of complaints.

4.3 The Monitoring Officer advised the Committee that the report had been presented for Members to note and/or comment on, prior to consideration at the next meeting of the Mayor and Cabinet.

4.4 The Committee commented as follows:

- That although matters relating to the Council's communication channels were not included in the report, it would be helpful if those would be considered as part of the complaints process due to concerns by residents and Members about the lack of access to leave messages on telephone answering machines because voicemails were full.
- That to minimise the potential for complaints and support the communication process, the Council's telephone voicemail system should be monitored on a regular basis to ensure sufficient capacity for residents and Members, and anyone who made contact to be able to leave messages when officers were unavailable to pick up calls.

RESOLVED to note the contents and the recommendations as set out in Section 2 of the report.

5. Update on Cases of Members' Complaints

5.1 In his presentation to the Committee, the Monitoring Officer stated that it should be noted that statements in the report were intentionally vague because of a need to prevent future prejudices by Members should any of the cases to be reported on proceeded into an investigation for a determination.

5.2 The Committee welcomed the advice by the Monitoring Officer, and noted the following:

- **Case A.** That the final investigation by Bevan Brittan LLP reported that no breach took place regarding an allegation made by a resident against a Councillor about antisemitism and islamophobia remarks on social media. Members were advised:
 - That the Monitoring Officer would report on the matter at a future meeting of a Sub-Committee of the Committee.

- **Case B.** That a resident made a complaint alleging lack of duty-of-care by a group of Councillors to the community. The Committee noted:
 - That further information was requested by the previous Deputy Monitoring Officer, who also offered to speak to the resident and urged her to be in touch with the police about the matter.
 - That the matter was subsequently closed after a period in accordance with the Council's Code of Conduct, as no response was received from complainant.

- **Case C.** That a resident complaint about receiving poor service from a ward Councillor. It was stated that not enough details were provided at the initial contact for an assessment to be made, and that the resident subsequently completed and returned the Standards and Ethic Form. The Committee was advised that upon receiving the additional information:
 - The Monitoring Officer assessed the complaint and concluded that it was not in the public interest. Therefore, no investigation was commissioned, and the matter was closed.

- **Case D.** That a complained was made against a Councillor alleging failure to respond or resolve issues raised by a resident. The Committee noted:
 - That the complaint was assessed and subsequently closed because it was determined by the Monitoring Officer that it was not in public interest to warrant an investigation.

- **Case E.** That a resident complained against a Councillor, and the matter was referred to Council officers for a response. It was stated that that the resident subsequently complaint that his consent was not sought prior to the referral to officers. The Committee noted:
 - That the case was dismissed by the Monitoring Officer on the basis that any information to the Council was an implied consent for it to be used in accordance with the matter in question, and that was consistent with the guidance published by the Information Commissioner's Office.

- **Case F.** That a resident made a complaint regarding the conduct of ward Councillors. The Committee noted:
 - That the Standards and Ethics Form was sent to the complainant, but no response was received, and the matter was subsequently closed in accordance with the stipulation in the Code of Conduct.

- **Case G.** That a complaint was made by a Councillor against another Councillor regarding the use of a terminology. The Committee noted:
 - That the matter was assessed and closed by the Monitoring Officer on the basis that the complaint was not in the public interest.

5.3 In response to questions raised, the Monitoring Officer advised the Committee as follows:

- That complainants would usually receive notification when a matter they had complained about was closed.
- That a closed case could not be activated for further consideration, as it would be classified as 'out of time'.
- That should a new complaint referred to a case that was already closed, the closed case would be considered if the Monitoring Officer was satisfied that it was significant to the complainant's new submission.
- That the initial determination of a case would be carried out by the Monitoring Officer to assess whether the matter should be submitted for further investigation or not, and the complainant would be notified of the outcome.
- That only the Council's Monitoring Officer had the statutory power to decide, after initial assessments, whether a complaint was legitimate and warranted further investigation, or that it was not the public interest and therefore should be closed.
- That prior to closing a case due of lack of details to help an investigation into a complaint, the Council would have given the complainant ample time to submit the required information for a determination to be made.
- That if the Monitoring Officer took a view, after an initial assessment, that a matter should not proceed into an investigation, the complaint had no right of appeal against that decision, except via the courts. Notwithstanding that, the Council's Constitution could be amended to for appeals against the initial determination by the Monitoring Officer in such regard. It was stated that such an amendment to the Constitution would likely create a backlog of cases, with a significant delay in the process.
- That to protect the Monitoring Officer from risk of future prejudice, he could appoint a member in the Council's Legal Team or appoint an external law firm to independently undertake initial investigations of cases.

- That the duration of dealing with complaints up to closure was three months, subject to the complexity of a case in question, and cooperation from Councillors complained about. It was stated that lack of cooperation by Councillors was a breach of the Code of Conduct.
- That the Constitution does not make it mandatory for complainants to complete the Council's Standards and Ethics Form before their complaints would be considered.
- That complainants could send written submissions via other channels, including emails. However, completing the Council's Standards and Ethics Form would expedite the investigation process, as the questions asked via any other written channel would be the same as those stated on the Form.
- That the Council required that complaints should be made in writing to ensure the currency of events in individuals' minds. However, if individuals informed that they could not do that, the Council would encourage them ask someone to assist them or could provide the required assistance to enable complainants to legitimately submit their complaints in writing.
- That the statistics that the Council had would highlight how many cases were closed because of individuals not completing and returning the Standards and Ethics Form, or where they had not provided written information by any other means about their complaints.
- That if requested, the Monitoring Officer could give a Powerpoint presentation of a flow chart at the next meeting of the Committee to highlight the complaint process or he could arrange a separate training session for Members on the matter.
- That going forward, the Monitoring Officer would include a statement in future complaint forms that to highlight that any information sent to the Council would be shared with the relevant officers where it was required as part of the complaint investigation process.
- That to help soften the language for those residents who otherwise would not be familiar with the process, the Monitoring Officer would, upon instruction of the Committee, make a recommendation to the Constitutional Working Group to consider changing the word "Ethics" to "Complaints" on the Council's current Standards and Ethics Form.

RESOLVED that the report be noted.

6. Future Items: The Director of Law, Governance & Elections to provide a verbal update

The Monitoring Officer gave an oral report, advising the Committee that he had received a complaint from a resident about a Councillor lacking the required standards for communication. It was stated that the matter was pending, as further information had been requested for an initial assessment on the matter.

RESOLVED that the oral report be noted.

The meeting closed at 6.58p.m.

Chair