

Time Commenced – 9.00am
Time Finished – 12.15pm

STANDARDS COMMITTEE 2 AUGUST 2004

Present: Reverend Canon R B Blowers – Chair
Mrs C McDowell
Councillors Baxter and Skelton

Officers In Attendance: Michael Foote - Director of Corporate Services (not
minute 11/04)
Stuart Leslie – Chief Legal Officer
Pauline Campbell – Corporate Complaints Officer

01/04 Apologies for Absence

Apologies for absence were received from Mr G Bagga and Councillor Brown.

02/04 Minutes

The minutes of the meeting held on 23 April 2004 were confirmed as a correct record and signed by the Chair subject to 'Committee' in minute 18/03 being changed to 'Conference'.

03/04 Late Items

The Chair advised the Committee that he had two late items:

- Complaints referred to the Standards Board
- Incident at the Local Government Association Conference

Both items were considered to be urgent to allow the Committee to be updated as soon as possible, so that if action was agreed, it would be timely.

04/04 Declarations of Interest

There were no declarations of interest.

05/04 Ethical Framework Training

The Committee was advised that following the successful ethical framework training in January, the session would be repeated on 9 September 2004. Although, this training would be primarily for the newly elected members, all Councillors would be encouraged to attend. The date had been set as part of the programmed training for Councillors. All members of the Committee were also invited to attend.

Resolved to note the ethical framework training to be held on 9 September 2004.

06/04 Derby Homes Complaints Hearings

Michael Foote, Director of Corporate Services, advised the Committee that he had been approached by Derby Homes to see if the Standards Committee would be happy to appoint one of its members to the Derby Homes complaints hearings. It was unclear what the workload would be, but it was estimated that there might be one or two cases each year.

The Committee were conscious of the pressure on their time dealing with Social Services Stage 3 complaints and it was recommended that Derby Homes advertise for an independent member, possibly someone with knowledge of housing.

Resolved to recommend that Derby Homes advertise for an independent member for their complaints hearings.

07/04 Procedure for Determining Stage 3 Complaints

The Committee welcomed Pauline Campbell, Corporate Complaints Officer, to the meeting.

Michael Foote, Director of Corporate Services, explained that Stage 3 of the corporate complaints procedure involved the Standards Committee considering the complaint. He explained that the procedure, which gave both the complainant and Officers an opportunity to present their cases, had been successfully used for many years.

In relation to the complaint that would be heard later in the meeting, it was noted that the Committee needed to consider how the decision was reached rather than the merits or otherwise of the decision made by the Planning Control Committee.

It was noted that the Committee had powers to 'approve appropriate action, make recommendations to other Committees or call for further reports to a future meeting'. It could also recommend compensation up to £1,000 or up to £50 towards the complainants' time and effort in pursuing the complaint. If the Committee considered that the case warranted compensation above £1,000, approval would need to be sought from Council Cabinet. In some cases, the Committee might consider it necessary to recommend that the service in question should be provided in a different way or at a different time.

Should the complainant consider that the matter was still not resolved following consideration by Standards Committee, he or she would be advised to contact the Local Government Ombudsman.

The Committee was advised that its consideration of complaints would be held in private as they involved personal information, but the minutes of the meeting would be available to the public.

Resolved to note the procedure for determining Stage 3 Complaints.

08/04 Complaints referred to the Standards Board

The Committee noted that there were still a number of complaints that had been referred to the Standards Board. Many had not been considered a priority by the Standards Board and were not due to be considered for some time. A case from November 2003 had only just started to be investigated. The Committee considered the delays to be regrettable.

Resolved to note the report.

09/04 Incident at the Local Government Association Conference

The Reverend Canon Blowers reported an incident that had taken place at the Local Government Association Conference involving Councillor Roberts. It had attracted media interest locally and nationally. The Committee learnt that Councillor Roberts had apologised to the full Council meeting on 28 July 2004 and had written to the Reverend Canon Blowers, as Chair of the Standards Committee, about the incident. The Chair asked the Committee to consider whether or not it ought to take any action.

As none of the Committee members were present at the conference, and any reports it could consider were second-hand, it was agreed to write to those that were at the conference, reminding them of their obligation to report any breaches of the Code Of Conduct to the Standards Board.

Resolved to write to those Councillors at the Local Government Association Conference reminding them of their obligation to report any breaches of the Local Government Code of Conduct to the Standards Board.

10/04 Exclusion of Press and Public

Resolved that under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting during discussion of the following item on the grounds that it would involve the likely disclosure of exempt information as defined in paragraphs 7 and 12 of Part 1 of Schedule 12A of the Act.

11/04 Complaint by a Member of the Public

The Committee considered a complaint that had been referred to them to consider as Stage 3 of the Corporate Complaints procedure. The complainant and the Council were given an opportunity to present their case to the Committee and ask questions of each other.

The Committee were advised of the history behind a variation to a planning application that had been granted by Planning Control Committee. The complainant considered that there had been maladministration, particularly as he did not consider that the Planning Control Committee had all the necessary information in front of them when they made the decision. The Planning officers claimed that they had followed normal procedures and that it was not appropriate to provide any further information to the Committee.

Resolved

- 1. To recommend that the Planning Control Committee reconsider the matter with the additional information referred to by the complainant.**
- 2. To recommend that the complainant be given the opportunity to address the Planning Control Committee when this matter is reconsidered.**

MINUTES END