

Standards Committee

Minutes

10 June 2021 at 6.00 pm

Present:

Councillors: S Saleem (Chair), Waheed (Vice Chair), Ali, D. Chapman, S. Hussain, and Nicholls.

Independent Members:

Ms P Brennan, Mrs M. Briggs, J. Jones, A. Maslen and P. Orr

07. Apologies (Ref: 1)

Apologies for absence from the meeting received on behalf of Councillors Moles, Petts, Skepelhorn and Young.

08. Minutes (Ref: 2.1)

That the minutes of the meeting held on 4 February 2021 be taken as read, approved as a correct record, and signed by the Chair.

09. Complaints Against Members (Ref: 6)

The Principal Solicitor submitted the report (Ref: 6) regarding complaints against Members. He stated that since the last meeting held on 4 February 2021 there had been no new formal complaints. As regards the two ongoing complaints referred to by the Monitoring Officer at the last meeting these have now been concluded.

He further advised that the first one was related to alleged failures to declare personal and prejudicial interests. This was not progressed through the formal stages as there was insufficient evidence to find breach of conduct. This was then referred to Ombudsman by the complainant but this was in relation to delays in response not in relation to the substantive complaint.

He said a second complaint had been formally withdrawn by the complainant. Another complaint had been received against a Councillor alleging a breach of the code anonymously and with little information. The complainant has been asked for further information as to why they considered the relevant Councillor had breach the code. To date there has been no further contact received from the complainant so this complaint is currently being held in abeyance with no action.

Members noted that it had been agreed at the last meeting that when there was a complaint against a councillor that goes through the formal stages the Panel's decision notice would be sent to the Members of the Standards Committee at the same time when being sent to the Subject Member and complainant.

Resolved: That the verbal progress update regarding Complaints against Members (Ref: 6) be noted.

10. Draft Chair's Annual Report of Standards Committee 2020/21 And Members Attendance (Ref: 7)

Members of the Committee considered the Draft Chair's Annual Report of Standards Committee 2020/21 and Members Attendance and Training Records.

In relation to the Member Training, a Member of the Committee commented that there were some gaps in the document. It was stated that these gaps should be accounted for and where they were not application, the document should indicate as such.

Another Member commented that where Members had had training with their current employer they may not necessarily be required to take part in the same training when offered by the council. He cited safeguarding training as an example and asked whether these would still be applicable. Another Member stated that there were also noticeable gaps in training regarding Development Management Committee (formally called Development Control Committee), and Audit and Governance Committee. He said these gaps could lead the council open to challenge with certain decisions made by these Committees. It was suggested that future training record should list Members of the committees for clarity of the information about compulsory and non-compulsory training for councillors.

A Member of the Committee stated that it was in the councillor's best interest to attend the training provided by the council in developing their skills and understanding in terms of making robust decisions. For example where a complaints had been made against a councillor, and if found out that the said councillor had not attended the relevant training for that committee to which the allegation or complaints had been made, then the matter would be aggravated and it would leave the council open to challenge.

The Interim Monitoring Officer stated that going forward; this would be addressed through the Group Leaders and Chief Executive to encourage councillors to take required training seriously to help in delivering their responsibilities as councillors.

Resolved: That the report (Ref: 7) regarding the Chair's Annual Report of Standards Committee 2020/21 and Member Attendance & Training Records be noted and supported by the Committee for submission to Full Council on 13 July 2021 subject to comments and amendments being incorporated in the final report.

11. Annual Whistle Blowing Policy Report 2020/21(Ref: 8)

The Principal Solicitor submitted the report (Ref: 8) regarding the Annual Whistle Blowing Policy Report 2020/21. During the financial year 2020/21 ten complaints were received. The comparable figure for 2019/20 was fourteen and in 2018/19 it was nineteen complaints received.

The Complaints fell within the following categories:

Safeguarding/quality of care (external organisations)

Safeguarding/quality of care (internal)	1
Allegations arising from employment in schools	2
Financial irregularities	1
Passenger Transport multiple complaints	1
	10

Three allegations were received anonymously. All these were investigated but with the limitations of not being able to interview the complainant. The circumstances of the anonymous complaints made it difficult to investigate such allegations not least because it was difficult to establish the credibility of the allegations and whether they could realistically be investigated just from sources other than the complainant.

In accordance with the Council's Whistleblowing Policy all allegations were treated in confidence and every effort made not to reveal a complainants identity when known unless they otherwise requested. However, if the matter had been subsequently dealt with through other Council procedures such as the Disciplinary Procedure the complainant's identity may have to be revealed in accordance with that procedure to effectively address the matter.

Allegations, once received, it was then investigated through a variety of means most appropriate to the nature of the allegations – this could include Internal Audit, the Council's School Improvement Service, the Council's Quality Assurance Team and Human Resources.

Members were informed of the outcome of the ten allegations as outlined below:

1. Two school complaints led to disciplinary action by the Governors supported by HR against the members of staff concerned;
2. One was about safeguarding concerns within a care setting which was subject to an unannounced visit and resulted in an improvement plan;
3. An action plan was agreed with a care home following an anonymous complaint to make improvements to staff capability, confidence, competency and consistency in service delivery.
4. One allegation was investigated under the Council's Complaints Procedure instead;
5. One relating to passenger transport contractor led to suspension of contract pending appeal;
6. Four allegations were not upheld due to lack of evidence.

In response to questions and comments the Principal Solicitor explained that some staff may not have access to on line policies and procedures. However, every new employee would normally receive information about council policies and procedures as part of their induction for new council staff members and would have access to paper copies or via the council external website.

A Member of the Committee suggested that it would be useful to compare with other local authorities to find out what their processes were in terms of ensuring that all staff members had sight of policies

and procedures. A piece of work about general trends information would be useful in order to measure how well Luton Council was doing in this regard. It would also be useful for members of staff to be brought up to speed with policies and procedures during staff appraisals and recorded.

In response, the Principal Solicitor stated that, if the information were readily available, Officers could bring a report regarding bench marking against other local authorities to a future meeting.

A Member of the Committee stated that it was very difficult to judge without knowing the details or having information or best practice to compare with in the report. In response, Members were informed that in terms of wider disciplinary matters other committees such as Administration & Regulation Committee look at trends also, however, Officers were not certain whether the Whistle Blowing Policy was reported to any other council committees.

The Interim Monitoring Officer stated that he could not think of any reason why a report on numbers or trends could not be reported to this committee. He would raise the issue with the relevant Service Director and feedback.

Resolved: (i) That the report (Ref: 8) regarding the Annual Whistle Blowing Policy Report 2020/21 be noted;

(ii) That Officers be requested to report on trends information using other local authorities as benchmark on the number of council staff aware of the council's policies and procedures; and whether there was awareness of where this information could be accessed.

12 Standards Committee Work Programme 2021/22 (Ref: 9)

Members of the Committee considered the Committee's work programme for 2021/22 regarding future items for discussions at future meetings of the Committee.

Following a brief discussion, it was agreed that the additional meeting of the Committee scheduled to take place on 29 July 2021 be cancelled, as this was no longer required.

Members agreed the inclusion of the items listed on the work programme as appropriate:

- Update of the LGA Model Code of Conduct – next meeting
- Report on trends information using other local authorities as benchmark on the number of council staff aware of policies and procedures and have an understanding of where to access the information.

The Chair of the Committee stated that there had been some concerns about the Development Management Committee Meetings and therefore would ask that the Chair and one other Member of the Committee attended the next meeting to observe the process. It was agreed that the Chair Councillor S. Saleem (Chair of Standards Committee) and an Independent Member John Jones would attend the next meeting of the Development Management Committee on 30 June 2021 in their role as Members of Standards Committee to observe.

Resolved: (i) That the report (Ref: 9) be noted and that the Interim Monitoring Officer be requested to include the items listed (a–b) below in the Committee's work programme in consultation with the Chair.

- a) Update of the LGA Model Code of Conduct – next meeting

- b) Report on trends information using, if possible, other local authorities as benchmark on the number of council staff aware of policies and procedures and have an understanding of where to access the information.

(ii) That the additional meeting of the Committee scheduled to take place on 29 July 2021 be cancelled.

(Note: The meeting ended at 6.50pm)