

Public Document Pack

Date of meeting	Wednesday, 28th January, 2015
Time	7.00 pm
Venue	Committee Room 1, Civic Offices, Merrial Street, Newcastle-under-Lyme, Staffordshire, ST5 2AG
Contact	Julia Cleary

Standards

AGENDA

PART 1 – OPEN AGENDA

- 1 Apologies**
- 2 DECLARATIONS OF INTEREST**
To receive Declarations of Interest from Members on items included in this agenda
- 3 Minutes of the previous meeting** (Pages 3 - 6)
- 4 Adoption of New Code of Conduct for Elected Members** (Pages 7 - 14)
- 5 Local Government Ombudsman Annual Letter January 2015** (Pages 15 - 22)
- 6 URGENT BUSINESS**
To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act 1972

Members: Councillors Mrs Astle, Mrs Burnett, Mrs Hambleton (Chair), Mrs Heesom (Vice-Chair), Miss Mancey, Miss Olszewski, Wemyss and Woolley

PLEASE NOTE: The Council Chamber and Committee Room 1 are fitted with a loop system. In addition, there is a volume button on the base of the microphones. A portable loop system is available for all other rooms. Should you require this service, please contact Member Services during the afternoon prior to the meeting.

Members of the Council: If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.

Meeting Quorums :- 16+= 5 Members; 10-15=4 Members; 5-9=3 Members; 5 or less = 2 Members.

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

This page is intentionally left blank

STANDARDS

Monday, 11th November, 2013

Present:- Councillor Mrs Sandra Hambleton – in the Chair
Councillors Mrs Beech, Cairns, Cooper, Mrs Heesom and Olszewski

12. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

13. **MINUTES OF THE PREVIOUS MEETING**

The chair welcomed Cllr John Cooper back to the meeting.

It was noted that Cllr Olszewski had been in attendance at the previous meeting even though his had not been recorded.

Resolved: That the minutes of the meeting held on Tuesday 23 July be agreed as a correct record.

14. **APPLICATION FORM FOR INDEPENDENT PERSON EGP**

Resolved: That Mr G Payne be appointed as an Independent Member.

15. **APPLICATION FORM FOR INDEPENDENT PERSON HK**

Resolved: That Mrs Helen Kent be appointed as an Independent Member.

16. **STANDARDS - INVESTIGATION REPORT (1)**

Resolved: That the report be received.

17. **STANDARDS - INVESTIGATION REPORT (2)**

Resolved: That the report be received.

18. **URGENT BUSINESS**

There was no urgent business.

COUNCILLOR MRS SANDRA HAMBLETON
Chair

This page is intentionally left blank

STANDARDS

Monday, 11th November, 2013

Present:- Councillor Mrs Sandra Hambleton – in the Chair
Councillors Mrs Beech, Cairns, Cooper, Mrs Heesom and Olszewski

12. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

13. **MINUTES OF THE PREVIOUS MEETING**

The chair welcomed Cllr John Cooper back to the meeting.

It was noted that Cllr Olszewski had been in attendance at the previous meeting even though his had not been recorded.

Resolved: That the minutes of the meeting held on Tuesday 23 July be agreed as a correct record.

14. **APPLICATION FORM FOR INDEPENDENT PERSON EGP**

Resolved: That Mr G Payne be appointed as an Independent Member.

15. **APPLICATION FORM FOR INDEPENDENT PERSON HK**

Resolved: That Mrs Helen Kent be appointed as an Independent Member.

16. **STANDARDS - INVESTIGATION REPORT (1)**

Resolved: That the report be received.

17. **STANDARDS - INVESTIGATION REPORT (2)**

Resolved: That the report be received.

18. **URGENT BUSINESS**

There was no urgent business.

COUNCILLOR MRS SANDRA HAMBLETON
Chair

This page is intentionally left blank

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

MONITORING OFFICER'S REPORT TO STANDARDS COMMITTEE

28 JANUARY 2015

**1. THE LOCALISM ACT 2011 –
ADOPTION OF NEW CODE OF CONDUCT FOR MEMBERS**

Submitted by: Monitoring Officer

Ward(s) affected: All

Purpose of the Report

To consider a revised Code of Conduct for Members.

RECOMMENDATION:

That Standards Committee recommend that the revised Code be adopted by the Council.

Reasons

To promote and maintain high standards of conduct and to comply with the Localism Act 2011.

1. Background

- 1.1 The Localism Act 2011 made fundamental changes to the system of regulation of standards of conduct for elected and co-opted Members.
- 1.2 The Council is under a statutory duty to promote and maintain high standards of conduct for its elected and co-opted Members.
- 1.3 The Council is required to adopt a Code of Conduct governing the conduct of elected and co-opted Members when acting in that capacity.

2. Issues

- 2.1 The current Member Code of Conduct was adopted in 2012 to reflect the introduction of the Localism Act 2011.
- 2.2 Since July 2013 the Council has subscribed to the 'Standards Exchange' which is a network run by Hoey Ainscough Associates. This provides access to a wide network of advice and support in terms of Standards issues. In addition Hoey Ainscough have provided a number of training sessions for Members of both the Borough and Parish Councils in respect of Standards issues and the Code of Conduct. The training provided was based around the Council's existing Code and whilst it was accepted that generally the Code covered what it needed to, there were certain aspects of the Code that could have been left open to interpretation and for this reason it was decided to review the current Code and benchmark

this against other codes that were in place at various other authorities. Taking these issues into account, a new Code has been re-written to reflect best practice.

- 2.3 The revised Code of Conduct has previously been reported to the Constitutional Review Working Group and also the Finance Resources and Partnerships Scrutiny Committee, for their consideration. The revised Code is being brought to this committee for final approval and referral to Full Council.

3. Outcomes Linked to Sustainable Community Strategy and Corporate Priorities

- 3.1 The new Code will contribute to the overall ethical wellbeing of the Council, and help to ensure a culture of high ethical standards, which the public and the Council's partners can have confidence in. This will thereby contribute to the Council's priority of transforming our Council to achieve excellence.

4. Legal and Statutory Implications

- 4.1 The Council will remain under a statutory duty to promote and maintain high standards of conduct for its elected and co-opted Members and to provide the Monitoring Officer with such staff, accommodation and such other resources as are in his opinion sufficient to allow him to perform the duties of the post.

5. Equality Impact Assessment

- 5.1 No differential equality impact issues have been identified.

6. Major Risks

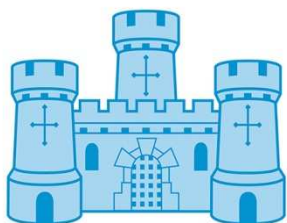
- 6.1 There are no specific risk issues.

7. Financial Implications

- 7.1 There are none flowing from this report.

8. Appendices

Appendix A – Revised Member Code of Conduct



NEWCASTLE·UNDER·LYME
BOROUGH COUNCIL

CODE OF CONDUCT FOR MEMBERS - 2015

1. Application

1.1 This Code of Conduct applies to you whenever you are acting in your capacity as a Member of the Borough Council of Newcastle under Lyme, including:

- a. At formal meetings of the Council, its committees and sub committees and its Cabinet and Cabinet committees
- b. When acting as a representative of the Authority
- c. In taking any decision as a Cabinet member or Ward Councillor
- d. In discharging your functions as a Ward Councillor
- e. At briefing meetings with officers
- f. At site visits
- g. When corresponding with the Authority other than in a private capacity

1.2 When carrying out their public role, members should always have regard to the seven principles of public life;

- a. **Selflessness** – you must act solely in the public interest and must never use or attempt to use your position improperly to confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family or close associates.
- b. **Integrity** – you must not place yourself under a financial or other obligation to outside individuals that might seek to influence you in the performance of your official duties. You should exercise independent judgement and declare all interests and relationships.
- c. **Objectivity** – you must act and take decisions impartially, fairly and on merit, using the best evidence without discrimination or bias.
- d. **Accountability** - you are accountable to the public for your decisions and actions and must submit yourself to the scrutiny necessary to ensure this.
- e. **Openness** – you should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for doing so.
- f. **Honesty** – you should be honest and truthful.

- g. Leadership** – your own behaviour should exhibit leadership, actively supporting and demonstrating this, being willing to challenge poor behaviour where ever it occurs.

2. Behaviour

2.1 As a member you should;

- a. behave in such a way that a reasonable person would regard as respectful,
- b. not act in a way which a reasonable person would regard as bullying or intimidation,
- c. not seek to improperly confer an advantage or disadvantage on any person,
- d. use the resources of the council in accordance with its requirements,
- e. not disclose information which is confidential or where disclosure is prohibited by law,
- f. respect the impartiality of officers and not to influence them inappropriately.

3. Registration of interests

3.1 Within 28 days of this Code being adopted by the council, or the members election or the co-opted member's appointment (where that is later), Members must register with the Monitoring Officer the interests which fall within the categories set out in Appendices A and B.

3.2 Upon the re-election of a member or the re-appointment of a co-opted member, councillors must within 28 days re-register with the Monitoring Officer any interest's in Appendices A and B.

3.3 Members must register with the Monitoring Officer any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.

3.4 Members need not register any interest which the Monitoring Officer agrees is a 'sensitive interest'. A sensitive interest is one which, if made public, could lead to the councillor or a person connected with the councillor being subject to violence or intimidation.

4. Declaration of interests at meetings

4.1 Disclosable Pecuniary Interests

4.1.1 Where a matter arises at a meeting which relates to an interest in Appendix A members must declare their interest and not participate in a discussion or vote on the matter.

4.2 Other declarable interests

- 4.2.1 Where a matter arises at a meeting which relates to or affects an interest in Appendix B or a financial interest of the councillor, a friend, relative or close associate (and it is not a Disclosable Pecuniary Interest as defined in appendix A), councillors must declare the interest.
- 4.2.2 Where the matter affects the declarable interest of more than the majority of people in the area that will be affected by the decision and a reasonable member of the public would think the councillor's view of the public interest would be adversely affected, the councillor must not vote on the matter. They may speak on the matter only if members of the public are also allowed to speak at the meeting.
- 4.2.3 Where a matter arises at a meeting which is a sensitive interest as defined under paragraph 3.4 above, councillors do not have to declare the nature of their interest but must follow the rules regarding non-participation.

5. Dispensations

- 5.1 On a written request made to the council's monitoring officer, the council may grant a councillor a dispensation to participate in a discussion and/or vote on a matter at a meeting where they would otherwise not be allowed to if the council believes that the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or it is in the interests of the inhabitants in the council's area to allow the member to take part or it is otherwise appropriate to grant a dispensation.

6. Gifts and Hospitality

- 6.1 You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £10 which you have accepted as a Member from any person or body other than the Authority.
- 6.2 The Monitoring Officer will place your notification on a public register of gifts and hospitality
- 6.3 This duty to notify the Monitoring officer does not apply where the gift, benefit or hospitality comes within any description approved by the authority for this purpose

Disclosable Pecuniary Interests (DPIs)

Interests defined by regulations made under section 30(3) of the Localism Act 2011 and described in the table below.

The duties to register, disclose and not to participate in respect of any matter in which a Member has a DPI are set out in Chapter 7 of the Localism Act 2011.

DPIs are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows:

INTEREST	PRESCRIBED DESCRIPTION
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority)
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority – (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged
Land	Any beneficial interest in land which is within the area of the relevant authority
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer
Corporate tenancies	Any tenancy where (to the Member's knowledge) – (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant authority has a beneficial interest
Securities	Any beneficial interest in securities of a body where – (a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and (b) either – (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in

	which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class
--	---

For this purpose:

'the Act' means the Localism Act 2011

'body in which the relevant person has a beneficial interest' means a firm in which the relevant person is a partner or a body corporate of which the relevant person has a beneficial interest

'director' includes a member of the committee of management in an industrial or provident society

'land' excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income

'Member' includes a co-opted Member

'relevant authority' means the Member's Authority

'relevant period' means the period of 12 months ending with the day on which a Member gives a notification for the purposes of Section 30(1) or 31(7) as the case may be, of the Act

'relevant person' means the Member or any other person referred to in Section 30(3)(b) of the Act

'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Councillors must register:

- 1 any body of which the councillor is in a position of general control or management and to which he/she is appointed or nominated by the Council;
- 2 any body -
 - a. exercising functions of a public nature;
 - b. directed to charitable purposes; or
 - c. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which the member of the council is a member or in a position of general control or management;
- 3 any gifts or hospitality worth more than an estimated value of £10 which the member has received by virtue of his or her office.

MONITORING OFFICER'S REPORT TO STANDARDS COMMITTEE

JANUARY 2015

1. LOCAL GOVERNMENT OMBUDSMAN – ANNUAL REVIEW LETTER 2014

Submitted by: Legal Practice Administrator/Local Government Ombudsman Link Officer

Ward(s) affected: All

Purpose of the Report

To inform Members of the Local Government Ombudsman's Annual Letter 2013/14.

RECOMMENDATION:

That Members note the content of the Local Government Ombudsman's Annual Letter 2013/14.

1. Background

- 1.1 The Local Government Ombudsman (LGO) was formed in 1974 by the Local Government Act 1974 and is one of three public sector ombudsmen in England – Local Government; Parliamentary and Health Service and Housing.
- 1.2 The LGO looks at complaints about councils and other bodies acting on their behalf such as care homes and school appeals panels, resolving about 11,000 complaints a year. The LGO's role is to provide redress in cases of service failure which has caused injustice to the public and seeks to resolve cases informally where it can, determining the reasonableness of decisions of bodies complained about and aims to put complainants back in the position they were in before the maladministration occurred.
- 1.3 The LGO has published its review of local government complaints for 2013/14 and provides this information to councils each year in a set of annual letters. This Council's annual letter is attached at Appendix A.

2. Decisions made

Page 3 of Appendix A shows two tables, the first shows the number of complaints and enquiries received and in what areas, and the second shows the decisions made. A description of each decision category is given below.

UPHELD:

These are complaints where the LGO has decided that an authority has been at fault in how it acted and that this fault may or may not have caused an injustice to the complainant, or where an authority has accepted that it needs to remedy the complaint before the LGO makes a finding of fault. If the LGO has decided there was fault and it caused an injustice to the complainant, the authority will usually have been advised by the LGO to take some action to address it.

NOT UPHELD:

This is where the LGO has investigated a complaint and decided that a council has not acted with fault.

ADVICE GIVEN:

These are cases where the LGO has given advice about why it would not look at a complaint because the body complained about was not within the LGO's scope or the LGO had previously looked at the same complaint from the complainant, or another complaints handling organisation or advice agency was best placed to help them.

CLOSED AFTER INITIAL ENQUIRIES:

These cases are when the LGO has made an early decision that they could not or should not investigate the complaint. This is usually because the complaint is outside the LGO's jurisdiction and they either cannot lawfully investigate it or they decide that it would not be appropriate in the circumstances of the case to do so. The LGO's early assessment of a complaint may also show there was little injustice to a complainant that would merit an investigation, or that an investigation could not achieve anything, either because the evidence shows at an early stage that there was no fault, or the outcome that a complainant wants is not one the LGO could achieve, for example overturning a court order.

INCOMPLETE/INVALID:

These complaints are where the complainant has not provided the LGO with enough information to be able to decide what should happen with their complaint, or where the complainant tells the LGO at an early stage that they no longer wish to pursue their complaint.

REFERRED BACK FOR LOCAL RESOLUTION:

The LGO works on the principle that it is always best for complaints to be resolved by the service provider wherever possible. Furthermore, the Local Government Act 1974 requires the LGO to give authorities an opportunity to try and resolve a complaint before they get involved. In many instances, authorities are successful in doing this.

3. Complaint outcomes

- 3.1 Members will see from the first table on page 3 of Appendix A that two complaints are shown as having been received in respect of adult care services and highways and transport, both of which are County Council functions and not within the jurisdiction of the Borough Council. These have both been queried with the LGO but they were not prepared to amend the Council's Annual Letter statistics to reflect this. However in reality this means that 25 and not 27 complaints/enquiries were received about the Borough Council.
- 3.2 Members will see from the second table on page 3 of Appendix A that 5 complaints were upheld. Three of these were complaints about the Housing Advice Service provided to the Borough Council by Aspire Housing (*since March 2014 this service is delivered by Midland Heart*) - (all were made by the same complainant). One was in relation to a planning matter and the fifth was in relation to Council Tax. Of the 3 not upheld one was in relation to Revenues and Benefits, one was in relation to Council Tax and one was in relation to Planning.
- 3.3 The LGO advises that it should be remembered that the numbers of complaints against an authority do not prove that it is a 'bad' or 'good' council. The larger the population an authority serves, the more likely it is that the LGO will receive complaints about it. A significant uplift in complaint numbers does not necessarily show that a council has become worse at what it does. The LGO may have received several complaints about the same issue from different residents, i.e. a controversial planning decision or application.
- 3.4 In 2013 the LGO significantly changed the way in which it handles and records complaints and did not produce an Annual Letter, so we cannot make a like-for-like comparison with last

year. However, records show that the LGO'S decisions on 4 complaints were the equivalent of the new classification 'upheld', and 3 were not investigated, i.e. 'not upheld'.

4. Legal and Statutory Implications

There are no new legal or statutory implications.

7. Equality Impact Assessment

No differential equality impact issues have been identified.

8. Major Risks

There are no specific risk issues.

9. Financial Implications

There are none flowing from this report but the Council does face the risk of financial penalty should the LGO recommend that compensation be paid to a complainant.

10. List of appendices

Appendix A – Annual Letter

This page is intentionally left blank

7 July 2014

By email

Mr John Sellgren
Chief Executive
Newcastle-under-Lyme Borough Council

Dear Mr John Sellgren

Annual Review Letter 2014

I am writing with our annual summary of statistics on the complaints made to the Local Government Ombudsman (LGO) about your authority for the year ended 31 March 2014. This is the first full year of recording complaints under our new business model so the figures will not be directly comparable to previous years. This year's statistics can be found in the table attached.

A summary of complaint statistics for every local authority in England will also be included in a new yearly report on local government complaint handling. This will be published alongside our annual review letters on 15 July. This approach is in response to feedback from councils who told us that they want to be able to compare their performance on complaints against their peers.

For the first time this year we are also sending a copy of each annual review letter to the leader of the council as well as to the chief executive. We hope this will help to support greater democratic scrutiny of local complaint handling and ensure effective local accountability of public services. In the future we will also send a copy of any published Ombudsman report to the leader of the council as well as the chief executive.

Developments at the Local Government Ombudsman

At the end of March Anne Seex retired as my fellow Local Government Ombudsman. Following an independent review of the governance of the LGO last year the Government has committed to formalising a single ombudsman structure at LGO, and to strengthen our governance, when parliamentary time allows. I welcome these changes and have begun the process of strengthening our governance by inviting the independent Chairs of our Audit and Remuneration Committees to join our board, the Commission for Administration in England. We have also recruited a further independent advisory member.

Future for local accountability

There has been much discussion in Parliament and elsewhere about the effectiveness of complaints handling in the public sector and the role of ombudsmen. I have supported the creation of a single ombudsman for all public services in England. I consider this is the best way to deliver a system of redress that is accessible for users; provides an effective and comprehensive service; and ensures that services are accountable locally.

To contribute to that debate we held a roundtable discussion with senior leaders from across the local government landscape including the Local Government Association, Care Quality Commission and SOLACE. The purpose of this forum was to discuss the challenges and opportunities that exist to strengthen local accountability of public services, particularly in an environment where those services are delivered by many different providers.

Over the summer we will be developing our corporate strategy for the next three years and considering how we can best play our part in enhancing the local accountability of public services. We will be listening to the views of a wide range of stakeholders from across local government and social care and would be pleased to hear your comments.

Yours sincerely

A handwritten signature in black ink that reads "Jane Martin". The signature is written in a cursive style with a long horizontal flourish at the end.

Dr Jane Martin
Local Government Ombudsman
Chair, Commission for Local Administration in England

Local authority report – Newcastle-under-Lyme Borough Council

For the period ending – 31/03/2014

For further information on interpretation of statistics click on this link to go to <http://www.lgo.org.uk/publications/annual-report/note-interpretation-statistics/>

Complaints and enquiries received

Local authority	Adult care services	Benefits and tax	Corporate and other services	Education and children's services	Environmental services and public protection and regulation	Highways and transport	Housing	Planning and development	Total
Newcastle-under-Lyme	1	6	6	0	3	1	3	7	27

Decisions made

Local authority	<u>Detailed investigations carried out</u>		Advice given	Closed after initial enquiries	Incomplete/Invalid	Referred back for local resolution	Total
	Upheld	Not upheld					
Newcastle-under-Lyme	5	3	2	8	1	5	24

This page is intentionally left blank