

MINUTES OF A MEETING OF THE STANDARDS COMMITTEE HELD IN COMMITTEE ROOM 2/3, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON THURSDAY, 31 JULY 2014 AT 2.00PM

Present:

Independent Members:

Ms M Powell - Chairperson
Mrs B Heller
Mr J Bevan

County Borough Council Members:

Councillor R D Jenkins
Councillor D R W Lewis

Town and Community Council:

Councillor R J Hancock

Officers:

Mr P A Jolley - Assistant Chief Executive Legal and Regulatory Services and Monitoring Officer
Mrs L Griffiths - Senior Solicitor - Corporate Team
Mr M A Galvin - Senior Democratic Services Officer - Committees

63 MINUTES OF A PREVIOUS MEETING

RESOLVED: That the minutes of a meeting of the Standards Committee dated 6 May 2014 be approved as a true and accurate record.

64 APOLOGIES FOR ABSENCE

None.

65 DECLARATIONS OF INTEREST

None.

66 OMBUDSMAN ANNUAL LETTER

The Monitoring Officer presented a report, to provide Members with a copy of the Ombudsman's Annual Letter attached at Appendix A (to the report).

He advised that the Ombudsman's Office publishes an Annual Letter detailing the performance of the Authority against an average for Local Authorities in Wales and the wider public sector, which contains statistical information about complaints considered within the year.

The Monitoring Officer added that the Ombudsman's Annual Letter showed a large increase in the number of complaints relating to children's social services and planning and building control. It was the case however that no such complaints had been upheld, and timely responses had been provided in respect of these. Informal resolution continued to be successful although again, fewer cases required this than in the previous year. In terms of other areas of the Authority, he confirmed that complaints made in these areas were below average for an organisation of the size of Bridgend County Borough Council.

He further added that in respect of Model Code of Conduct cases, there had been a significant increase in complaints, although these had ultimately not been formally investigated which was a positive outcome.

Members acknowledged that although there were a number of complaints registered against Children's Social Services, this was a very prescribed area of work with social workers having demanding caseloads.

The Monitoring Officer agreed and stated that although this division were now fully staffed, previously this had not been the case, including Senior Practitioners, where not so long ago there had been a problem regarding recruitment and retention of these officers.

The Monitoring Officer further added that in view of the continued cuts in public sector funding, Social Services like other areas of the Authority, were having to change the way they were delivering services. A Member of the Cabinet Committee Corporate Parenting had advised that at the last meeting of this Committee, Officers had informed that Children's Social Services had recently recruited a number of Independent Reviewing Officers within the service, which had given in turn support to social workers in terms of concentrating more on their caseloads.

In terms of there being 10 complaints against Children's Social Services out of a total number of 100 cases having been dealt with, the Chairperson felt that it would be useful to see if there was a trend to suggest that these complaints came from a particular ward or wards, or alternatively, whether they emanated from all different parts of the County Borough.

The Monitoring Officer advised that this information could be obtained and passed onto Members outside of the meeting.

RESOLVED: That the report be noted.

67 OMBUDSMAN CASEBOOK

The Monitoring Officer submitted a report, to provide Members with a summary of cases that have been undertaken by the Ombudsman's Officer from January 2014 to March 2014.

By way of background information, the Monitoring Officer confirmed that the Ombudsman's Office publishes an annual report which contains statistical information about complaints considered in the year. The Ombudsman is aware that these have a wider interest and now provided a summary of these reports, which are available to public service providers in Wales so that opportunities for learning are maximised.

The Monitoring Officer advised that the Ombudsman's Casebook is now published on a quarterly basis and it contains the summaries of all reports issued during the quarter. A summary of cases regarding Local Authorities were attached at Appendix 1 to the report.

A Member confirmed that the Ombudsman's Casebook was useful, in that it was interesting to look at and make a comparison of the complaints made in the various different public service providers, and what action was taken to resolve these.

In terms of Local Health Boards, a Member asked if the process in relation to making a complaint was the same as was for local authorities, i.e. to complain firstly to the organisation concerned then if it did not successfully resolve the complaint, to in turn, refer it to the Ombudsman.

The Monitoring Officer confirmed this was the case.

RESOLVED: That the report be noted.

68 OMBUDSMAN LITIGATION - HEESOM v PUBLIC SERVICES OMBUDSMAN FOR WALES

The Monitoring Officer submitted a report to provide Members with a summary of the recent case Heesom v Public Services Ombudsman for Wales.

In terms of background information, the Monitoring Officer confirmed that Councillor Patrick Heesom, the appellant (H) was a long standing local councillor of Flintshire County Council who had served since 1990. In 2009, a number of allegations of misconduct were made against him by the non-elected officers of the Council. The allegations led to him standing down from the Executive but continuing to perform his duties as a Councillor. A complaint was then made about him to the Public Services Ombudsman for Wales and after an inquiry, he was found to have breached the Council's Code of Conduct. As the breaches were considered to be serious, the matter was sent by the Ombudsman to the Adjudication Panel for Wales for adjudication by a case tribunal.

He went on to state, that the Panel found that H had committed 14 breaches of the Council's Codes of Conduct by failing to show respect and consideration for Council Officers, using bullying behaviour, attempting to compromise the impartiality of officers, and conducting himself in a manner likely to bring his office or the Council into disrepute. In terms of sanction, the tribunal disqualified H from being a Member of the Council or of any other local authority for two and a half years. H challenged the tribunal's decision by bringing a statutory appeal to the High Court on the basis that the misconduct findings and the subsequent sanction were both unlawful.

The Monitoring Officer added, that whereby the Tribunal found H had committed 14 breaches of the code of conduct on an array of matters including bullying behavior and failing to show respect to other Councillors, he confirmed the Judge found, where for example, he had verbally abused two members of an appointment panel, this would amount to political expression. However, the Judge on reviewing the breaches and applying the protection of "political expression" found that all but two of the fourteen breaches, even with the greater protection afforded to politicians, had been a breach of the Code of Conduct because of the seriousness of the behaviour of H.

In view of the information outlined in the report and the outcomes relating to the case, Members stressed the importance of training for Member on the Code of Conduct.

The Monitoring Officer agreed with this including for Town and Community Councillors. He added however that such training was not enforceable.

A Member added that this training should be compulsory for local Members as this would in all probability reduce cases such as that which was subject of the report.

RESOLVED: That the report be noted.

The meeting closed at 3.30am.