



## Standards and General Purposes Committee minutes

Minutes of the meeting of the Standards and General Purposes Committee held on Thursday 2 December 2021 in The Paralympic Room, Buckinghamshire Council, Gatehouse Road, HP19 8FF, commencing at 2.00 pm and concluding at 3.27 pm.

### Members present

T Broom, M Baldwin, B Chapple OBE, T Green, S Lambert, H Mordue, C Oliver, L Smith BEM, M Smith and D Thompson

### Others in attendance

C Gray

### Apologies

R Carington, S Chhokar, P Gomm, R Matthews

### Agenda Item

#### **1 Minutes**

RESOLVED That the minutes of the meeting held on 7<sup>th</sup> October 2021 be approved as a correct record.

#### **2 Declarations of Interest**

There were no declarations of interest.

#### **3 Local Government and Social Care Ombudsman Report**

The Committee received a report which summarised local government complaint decisions and outcomes for the year 2020-21. The report was initially presented to the Committee in July 2021 however, this was the updated version to include the report from the Local Government & Social Care Ombudsman (LG&SCO) Annual Review Letter. The data in the report related to Buckinghamshire Council and the five legacy authorities.

The Complaints and Improvement Manager and the Head of Information Manger reported the Ombudsman made determinations on 104 cases, this was a reduction from 147 cases reported the previous year. There were 17 cases upheld by the Ombudsman however, it was advised these might have been cases from the legacy authorities and not Buckinghamshire Council. The report also included a table showing Ombudsman upheld complaints for other unitary authorities in order to

offer a comparison with Buckinghamshire Council. Point 3 of the report highlighted the improvements and actions required by the Council in response to the Local Government & Social Care Ombudsman complaints. It was reported the Customer First Strategy which sought to champion the customer and allow a greater ownership of complaints by departments should improve processes. The Information Management Team were in the process of procuring a new case management system which would record cases across all processes, complaints and information requests. This would allow cases to be dealt with in line with the Ombudsman timeframe and enable a better management of workflow and escalation of problems where necessary.

During discussion the following points were raised:-

- A Member queried the reporting on complaints for both the unitary Council and legacy authorities given that the unitary authority had been in effect for longer than 18 months. In response, it was noted there was a time delay from the Ombudsman dealing and responding to the complaint which was the reason for the data being presented this way. It was reiterated that the new case management system would allow a more customer focused approach to dealing with complaints and solutions and lessons would be automated leading to embedded learning. This would enable better reporting on complaints to Management Team and future progress on service improvements. It was clarified there were 17 cases upheld by the Ombudsman and an internal process was underway to look at all areas relating to complaints.
- A Member noted 104 complaints although fairly high, was still a reduction from the previous year reported. It was advised lessons learnt from the complaints should be applied to other departments in the Council and this Committee could report the progress of complaints to Cabinet Members.
- The Head of Information Manager confirmed 17 of the cases could have potentially been upheld internally by the Council. It was confirmed most Stage 1 complaints should address the complainant's issues and provide improvement opportunities for the departments. The complaints stage cost considerable time and money to the Council and it was proposed a heat mapping system would inform services where particular issues need to be proactively addressed.
- A Member queried if the 17 cases upheld could be shown in future reports and if the Committee could be informed which cases they relate to. It was advised this would not be possible due to the time delay in reporting from the Ombudsman and the lack of case by case information provided by them. Another Member queried if the report only covered a 6-week period when the unitary authority was not in existence formally and if this period covered the 5 legacy authorities' figures. It was also suggested the upheld cases should be reported to Cabinet Members and the Ombudsman's remedial work for the cases should be reported also. The Head of Information Manager confirmed the Local Government & Social Care Ombudsman Review Letter did not include the details of the upheld cases and therefore

the remedies for these complaints were not reported. However, it was confirmed the Council used its own internal case management system to keep track of complaint outcomes and remedial action.

- A Member queried a recommendation by the Ombudsman to offer cash payments to complainants at earlier stages of their complaint and if this would be appropriate. The Head of Information Manager advised cash payments would not have been offered at the earlier stages of complaints however, it was a useful option to have available to service areas as an infrequent option to bring a conclusion to a complaint where relevant.
- Another Member requested the data for the complaints upheld by the Ombudsman and advised the service areas could have a system to log incoming complaints and case review without necessarily requiring a case management software solution. They highlighted a corrective action project would be required before any case management system was implemented and requested the data for the number of outcomes since March 2021. In response the Complaints and Improvement Manager confirmed they did not have this data to hand and a case management software solution was necessary to pick up learning outcomes from complaints.
- A Member advised the number of complaints sent to the Ombudsman was not a huge cause for concern however, the home to school transport complaint which was raised with the Ombudsman could have been reported to Cabinet Members sooner. The Service Director for Legal and Democratic Services confirmed the Ombudsman could ensure the Council publish the outcome publically.

**RESOLVED that the Local Government and Social Care Ombudsman Report be noted.**

#### **4 Code of Conduct and Social Media Policy**

The Committee received a report on the Code of Conduct and Social Media Policy. This report was produced after discussion at the Committee meeting in October where Members requested the social media guidance was linked to the Code of Conduct. Appendix A of the report set out the guidance to Councillors detailed in the Social Media Strategy and the Social Media Policy. The report recommended that the details in Appendix A of the report were annexed to the Code and referred to in the introduction of the Code through referencing the Social Media Protocol. The Service Director Legal and Democratic Services asked for Member comments on whether the update to the Code of Conduct to include the Social Media Policy were sufficient.

During discussion the following points were made:-

- A Member suggested the annex could be put in place for the time being and then incorporated into the body of the Code of Conduct at the next review of the Constitution.
- A Member stated that Councillors should always consider they are speaking in their capacity as a Councillor and therefore any comments made on social

media could not be considered personal and separate to their role. They confirmed they welcomed the update to the guidance taking into account social media.

- A Member queried if the update would be enshrined in the Constitution or if it was an update to guidance and the code. The Service Director confirmed if the update was incorporated into the Constitution it would be a lengthier process to change if required in the future as any changes to the Constitution had to be agreed by Full Council. It was confirmed updating the guidance would allow greater flexibility for any future changes. The Member also queried how Members would be informed of the update and whether an email would be sufficient or if training would be more appropriate. The Service Director agreed the social media update and further information could be provided for Members including possible training. It was suggested a short infomercial would be useful for Members.
- A Member raised the Council's corporate twitter account and the Service Director confirmed the Council was subject to the Social Media Strategy in relation to its social media accounts.
- A Member asked for clarification on the difference between adding the complaint process as an Annex to the Code or Constitution. It was confirmed when a complaint was received the Monitoring Officer investigated the complaint in line with the guidance and protocol. The complaint was not dealt with any more severely if the guidance was enshrined in the Constitution. However, if the guidance was an annex to the Code of Conduct it could be changed in the future with greater flexibility.
- The update was agreed by Members and it was confirmed the changes would not impinge on Members ability to raise issues or engage in political debate.

**RESOLVED that the Annex be added to the Code of Conduct to incorporate the Social Media Policy.**

## **5 Standards Complaints Update**

The Committee received a verbal update from the Service Director for Legal and Democratic on the status of Member complaints received. The report was presented to the Committee in October where Members asked for an update regarding the speed at which complaints were being dealt with. It was advised a report would be brought to the next Committee meeting in April to advise on the nature of complaints and the timeframe in which they were dealt.

The Service Director reported at the end of September this year there were 22 active complaints against Members, with the majority relating to Parish Councillors. It was noted that 7 of these complaints related to one Councillor received from various complainants. The Committee were informed since September, 12 complaints had been closed and there were 7 active complaints. Of these 7 complaints 1 related to a Buckinghamshire Council Member with the rest relating to Parish Councillors. There were 2 complaints at the initial stage, 4 at Stage one and 1 outstanding at Stage three. The Stage three complaint would be resolved shortly. The Service Director reported there were discussions internally to address managing

and responding to complaints in a timelier fashion however, it was noted that good progress had been made in responding to outstanding complaints.

A Member commended the service area for the swift response in dealing with the complaints after Members had queried this at the previous Committee.

It was proposed by a Member that the reporting on complaints could form part of the regular Work Programme brought to this Committee and the service area should make use of the data and information available to them as part of their reports. The Committee agreed an update at each Committee on the status of Member complaints would be useful.

**RESOLVED that an update on standards complaints would be added to the Work Programme for each Committee meeting.**

## **6 Constitution Working Group (update)**

The Service Director for Legal and Democratic Services reported the Constitution Working Group meeting took place on 22<sup>nd</sup> November. The Working Group discussed suggestions for changes to the Constitution made by this Committee. There were a number of points discussed at the Working Group including:

- Membership of Health and Wellbeing Board.
- Permission in Principle Applications and the ability to call these in.
- The guidance provided to Members for site visits.
- Proposals for changes to the Licencing Committee regarding street consents.
- Allowances/substitutes for Licencing Sub-Committee
- Cabinet procedural rules and clarification regarding the number of questions Members were permitted to ask at these meetings
- Changes to the notice of questions for Select Committees.
- An amendment to Chief Officers areas of responsibility
- The terms of reference for Community Boards
- More clarity regarding access to information raised by Members during training.

It was confirmed by the Chairman that any points raised in this Committee would be brought to the attention of the Working Group for discussion.

During discussion the following points were made:-

- A Member sought clarification on speaking arrangements at Full Council meetings, including on the length of speeches made by the Leader of the Council, the Leader of the largest opposition group and by other Members.
- A Member commented in relation to the Full Council meeting they thought new Members should be prioritised to speak at the meeting. Further clarity on this issue would be preferable going forward. Another Member confirmed this was a discretionary power of the Chairman. A concern was also raised that many of the Councillors who were new to the role should be afforded more time to speak at meetings.

- A Member stated that in the past Members would be consulted on agenda timings and breaks during meetings. They suggested the Full Council meetings could be held at a more suitable time, with breaks and timing allocations for speakers could be enforced.
- In addition, there was a concern that motions were moved on too quickly in meetings without debate and if this could be addressed in the Constitution. A Member commented that a previous Motion put to Full Council, where there had been no debate, had been referred to the relevant Committee for discussion.
- A Member suggested questions on the Cabinet Members report could be written and submitted prior to the Council meeting.

It was confirmed these points would be raised with the Constitution Working Group for them to consider and discuss. The Service Director Legal and Democratic Services commented that he would circulate the guide to procedures for Full Council to all Members as a reminder.

**RESOLVED that the update on the Constitution Working Group be noted and that the points raised at this meeting be referred to the next Working Group for discussion.**

## **7 Work Programme**

The Work Programme was noted by the Committee.

The next meeting on 14<sup>th</sup> April 2022 would include an update on member complaints.