



STANDARDS COMMITTEE (HPBC)AGENDA

Date: Wednesday, 13 November 2024

Time: 6.30 pm

Venue: Virtual Meeting

You can view the agenda online by using a smart phone camera and scanning the code below:



5 November 2024

PART 1

1. Apologies for absence
2. To receive Disclosures of Interest on any matters before the Committee
3. To approve the minutes of the previous meeting **(Pages 3 - 4)**
4. Local Government Ombudsman Annual Letter **(Pages 5 - 12)**
5. Standards Annual Report **(Pages 13 - 20)**
6. Exclusion of the Press and Public

To resolve that the press and public be excluded from the meeting during consideration of the following items of business as there may be disclosure of exempt information as defined in Part I of Schedule 12A of the Local Government Act 1972

PART 2

7. To approve the exempt minutes of the previous meeting **(Pages 21 - 22)**
***(Paragraph 1, 2 - Information relating to any individual.
Information which is likely to reveal the identity of an individual.)***
8. Complaints - Standards Committee Monitoring Report **(Pages 23 - 26)**
***(Paragraph 1, 2 - Information relating to any individual.
Information which is likely to reveal the identity of an individual.)***
9. To Note a Dispensation under Section 85 of the Local Government Act 1972
***(Paragraph 1, 2 - Information relating to any individual.
Information which is likely to reveal the identity of an individual.)***

MARK TRILLO
EXECUTIVE DIRECTOR AND MONITORING OFFICER

Membership of Standards Committee (HPBC)

Councillor P Hacking (Chair)

Councillor S Gardner

Councillor D Lomax

Councillor R Quinn (Vice-Chair)

Councillor N Gourlay

Councillor J Taylor



STANDARDS COMMITTEE

Meeting: Wednesday, 15 November 2023 at 6.30 pm via Virtual meeting.

Present: Councillor R Quinn (Chair)

Councillors S Gardner, N Gourlay, P Hacking, D Lomax and J Taylor

Councillors A Barrow and A McKeown and Mr P Carnall were also in attendance.

24/9 TO RECEIVE DISCLOSURES OF INTEREST ON ANY MATTERS BEFORE THE COMMITTEE
(Agenda Item 2)

There were no declarations made.

24/10 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING
(Agenda Item 3)

RESOLVED:

That the minutes of the meeting held on 5 July 2023 be approved as a correct record.

24/11 LOCAL GOVERNMENT OMBUDSMAN ANNUAL LETTER
(Agenda Item 4)

The Committee considered the Local Government Ombudsman's Annual Letter that summarised complaints and enquiries received by it in relation to the Council. The Ombudsman's Letters were published on the Ombudsman's website together with specimen data used to inform the Ombudsman's Annual Report.

RESOLVED:

That the contents of the Ombudsman's Annual Letter at Appendix A to the report be noted.

24/12 EXCLUSION OF THE PRESS AND PUBLIC
(Agenda Item 5)

RESOLVED:

That the press and public be excluded from the meeting during consideration of the following items of business as there may be disclosure of exempt information as defined in Part 1 of Schedule 12A of the Local Government Act 1972.

24/13 COMPLAINTS - STANDARDS COMMITTEE MONITORING REPORT
(Agenda Item 6)

The Committee noted a report that presented information regarding standards complaints received by the Monitoring Officer since the previous Committee meeting.

The meeting concluded at 6.50 pm

CHAIRMAN

HIGH PEAK BOROUGH COUNCIL

Standards Committee

13 November 2024

TITLE:	Local Government Ombudsman Annual Letter
EXECUTIVE COUNCILLOR:	Councillor Anthony McKeown - Leader
CONTACT OFFICER:	Karen Lomas - Head of Customer Services
WARDS INVOLVED:	All Wards

Appendices Attached:

Appendix A – Local Government Ombudsman Annual Review Letter

1. Reason for the Report

To advise the Committee of the content of the Ombudsman's Annual Letter for the period April 2023–March 2024.

2. Recommendation

- 2.1 That the Committee notes the content of the Ombudsman's Annual Letter at Appendix A.

3. Executive Summary

- 3.1 The Local Government Ombudsman's Annual Letter summarises complaints and enquiries received by it in relation to the Council. The Ombudsman's letters are published on the Ombudsman's website, together with specimen data used to inform the Ombudsman's Annual Report.
- 3.2 In the past year the Ombudsman received 7 enquiries or complaints relating to the Council, of which **3** did not meet the LGO criteria for consideration. The Ombudsman made **4** decisions within this period. Details of the decisions made are listed within the report.
- 3.3 A copy of the Ombudsman's letter is attached as an appendix to this report.

4. How this report links to Corporate Priorities

- 4.1 Complaints are important in assisting the Council to understand how well it performs in its ambition to be a customer first organisation.

5. Alternative Options

5.1 There are no options to consider.

Mark Trillo
Executive Director (Governance & Regulatory)

Web Links and Background Papers	Contact details
Details of complaints	Karen Lomas Head of Customer Services
	Karen.lomas@highpeak.gov.uk

6. Detail

6.1 Details of the decisions made by the Ombudsman are listed within the below table:

Service Area	Complaint	Finding
Upheld (1)		
Not upheld (2)		
Closed after initial enquiries (1)		
23006019 <u>Upheld</u> Environmental Health	Mr F complains about the Council giving incorrect and misleading advice about a neighbour's responsibility for a blocked culvert/drain on his drive: as a result, this caused him unnecessary stress, frustration, wasted his time chasing the wrong neighbour to do necessary works, as well as putting him to a great deal of time and expense creating his own flood defence.	We found fault on Mr F's complaint about the Council giving incorrect and misleading advice about his neighbour's responsibility for flooding. The Council failed to confirm the outcome of the initial visit, explain its role, confirm what it was going to do and why, correct a claim he made following it, confirm it had done other visits, and failed to tell him it was closing the case and why. The agreed action remedies the injustice caused.
22016651 <u>Not Upheld</u> Planning	Mr X complained the Council failed to take enforcement action against a developer, who began constructing one phase of the development before complying with planning obligations that should have been completed on another phase. Mr X said that parking spaces that should have been provided are not available. Mr X wants the Council to review its	Mr X complained the Council failed to take planning enforcement action against a developer who was in breach of planning conditions. The planning decision making process to consider a variation of a planning condition is ongoing. We did not investigate further because we were unlikely to find fault, recommend a remedy or any other meaningful outcome.

	approach to planning enforcement, and not rely on allegations from residents to begin investigations. The Council should explain why a new application from the developer has been repeatedly delayed.	
21012150 <u>Not upheld</u> Planning	Mrs X said, in granting planning permission, the Council failed to properly consider and address the impact of development on her home. Mrs X said the development unacceptably overshadowed and blocked light to her home and garden. Mrs X wanted the Council to negotiate changes to reduce the impact of the development on her home.	Mrs X said the Council failed to properly consider the impact of development that unacceptably overshadowed and blocked light to her home. We found no fault in how the Council reached its planning decision approving the development.
23013741 <u>Closed after Initial enquiry</u> Planning	Ms X complains the Council has failed to enforce a planning condition attached to a neighbour's planning permission with the result that she and her family are unable to park easily on their own land.	We will not investigate this complaint about the Council's decision not to take enforcement action in relation to a planning breach. This is because we are unlikely to find evidence of fault by the Council sufficient to warrant an investigation.
Advice Given 3		
Referred back for local resolution 0		

6.2 The Council received 5 decisions from the Housing Ombudsman in this period below:

- 4 No maladministration
- 1 Maladministration

6.3 Members may also wish to note that the small number of complaints reaching the Ombudsman is set against a background of **118** complaints received by the Council in the period in question, which helps to illustrate the strength of the Council in ensuring complaints are dealt with promptly and appropriately.

6.4 Below is a table showing Local Government Ombudsman figures for near neighbour 13 Local Authorities.

Complaints	Decisions	Figures for Upheld / Not upheld
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	and enquiries received 2023/24	made 2023/24	(detailed investigations carried out)			
			Upheld	Not upheld	Total	% Upheld
Cannock Chase	2	1	1	0	1	100%
Castle Point	3	0	0	0	0	0%
Chorley	4	0	0	0	0	0%
Fenland	3	1	0	1	0	0%
Forest of Dean	11	1	1	0	1	100%
High Peak Borough Council	4	3	1	2	3	33%
Hinckley & Bosworth	4	2	1	1	2	50%
Kettering	2	0	0	0	0	0%
Rugby	4	0	0	0	0	0%
Selby	0	0	0	0	0	0%
South Derbyshire	15	0	0	0	0	0%
Staffordshire Moorlands	4	1	0	1	0	0%
Wyre Forest	3	0	0	0	0	0%

6.5 All complaints submitted to the Ombudsman have been reviewed through the internal process to ensure any lessons from the complaints to prevent a recurrence have been learned and embedded within the relevant service.

17 July 2024

By email

Mr Stokes
Chief Executive
High Peak Borough Council

Dear Mr Stokes

Annual Review letter 2023-24

I write to you with your annual summary of complaint statistics from the Local Government and Social Care Ombudsman for the year ending 31 March 2024. The information offers valuable insight about your organisation's approach to complaints, and I know you will consider it as part of your corporate governance processes. As such, I have sought to share this letter with the Leader of your Council and Chair of the appropriate Scrutiny Committee, to ensure effective ownership and oversight of complaint outcomes, which offer valuable opportunities to learn and improve. In addition, this year, we have encouraged Monitoring Officers to register to receive the letter directly, supporting their role to report the decisions we uphold to their council.

For most of the reporting year, Paul Najsarek steered the organisation during his tenure as interim Ombudsman, and I was delighted to take up the role of Ombudsman in February 2024. I look forward to working with you and colleagues across the local government sector to ensure we continue to harness the value of individual complaints and drive and promote systemic change and improvement across the local government landscape.

While I know this ambition will align with your own, I am aware of the difficult financial circumstances and service demands that make continuous improvement a challenging focus for the sector. However, we will continue to hold organisations to account through our investigations and recommend proportionate actions to remedy injustice. Despite the challenges, I have great confidence that you recognise the valuable contribution and insight complaints, and their swift resolution, offer to improve services for the public.

Complaint statistics

Our statistics focus on three key areas that help to assess your organisation's commitment to putting things right when they go wrong:

Complaints upheld - We uphold complaints when we find fault in an organisation's actions, including where the organisation accepted fault before we investigated. We include the total number of investigations completed to provide important context for the statistic. This year, we also provide the number of upheld complaints per 100,000 population.

Compliance with recommendations - We recommend ways for organisations to put things right when faults have caused injustice and monitor their compliance with our recommendations. Failure to comply is rare and a compliance rate below 100% is a cause for concern.

Satisfactory remedy provided by the authority - In these cases, the organisation upheld the complaint and we agreed with how it offered to put things right. We encourage the early resolution of complaints and give credit to organisations that accept fault and find appropriate ways to put things right.

Finally, we compare the three key annual statistics for your organisation with similar authorities to provide an average marker of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

Your annual data, and a copy of this letter, will be uploaded to our interactive map, [Your council's performance](#), on 24 July 2024. This useful tool places all our data and information about councils in one place. You can find the detail of the decisions we have made about your Council, read the public reports we have issued, and view the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

Supporting complaint and service improvement

In February, following a period of consultation, we launched the [Complaint Handling Code](#) for councils, setting out a clear process for responding to complaints effectively and fairly. It is aligned with the Code issued to housing authorities and landlords by the Housing Ombudsman Service and we encourage you to adopt the Code without undue delay. Twenty councils have volunteered to take part in an implementation pilot over the next two years that will develop further guidance and best practice.

The Code is issued to councils under our powers to provide guidance about good administrative practice. We expect councils to carefully consider the Code when developing policies and procedures and will begin considering it as part of our processes from April 2026 at the earliest.

The Code is considered good practice for all organisations we investigate (except where there are statutory complaint handling processes in place), and we may decide to issue it as guidance to other organisations in future.

Our successful complaint handling training programme continues to develop with new modules in Adult Social Care and Children's Services complaint handling available soon. All our courses include practical interactive workshops that help participants develop their complaint handling skills. We delivered 126 online workshops during the year, reaching more than 1,700 people. To find out more visit www.lgo.org.uk/training or get in touch at training@lgo.org.uk.

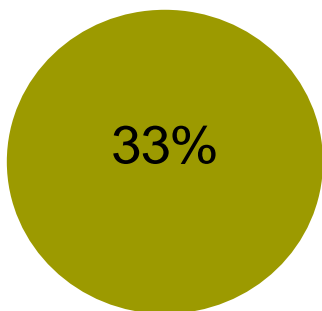
Returning to the theme of continuous improvement, we recognise the importance of reflecting on our own performance. With that in mind I encourage you to share your view of our organisation via this survey: <https://www.smartsurvey.co.uk/s/ombudsman/>. Your responses will help us to assess our impact and improve our offer to you. We want to gather a range of views and welcome multiple responses from organisations, so please do share the link with relevant colleagues.

Yours sincerely,



Amerdeep Somal
Local Government and Social Care Ombudsman
Chair, Commission for Local Administration in England

Complaints upheld



33% of complaints we investigated were upheld.

This compares to an average of **63%** in similar organisations.

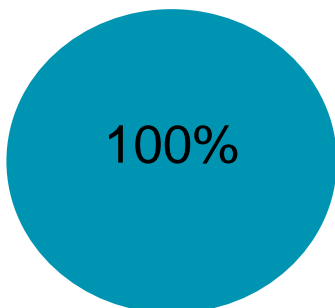
1
upheld decision

This is 1.1 upheld decisions per 100,000 residents.

The average for authorities of this type is 1.2 upheld decisions per 100,000 residents.

Statistics are based on a total of **3** investigations for the period between 1 April 2023 to 31 March 2024

Compliance with Ombudsman recommendations



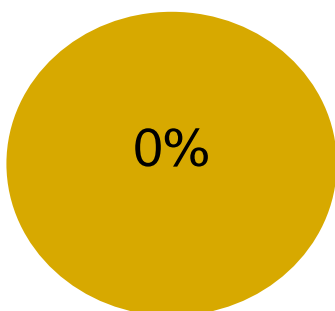
In **100%** of cases we were satisfied the organisation had successfully implemented our recommendations.

This compares to an average of **99%** in similar organisations.

Statistics are based on a total of **1** compliance outcome for the period between 1 April 2023 to 31 March 2024

- Failure to comply with our recommendations is rare. An organisation with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

Satisfactory remedy provided by the organisation



In **0%** of upheld cases we found the organisation had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of **21%** in similar organisations.

0
satisfactory remedy decisions

Statistics are based on a total of **1** upheld decision for the period between 1 April 2023 to 31 March 2024

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HIGH PEAK BOROUGH COUNCIL

Standards Committee

13 November 2024

TITLE:	Standards Committee Annual Report
EXECUTIVE COUNCILLOR:	Councillor Anthony McKeown – Council Leader
CONTACT OFFICER:	Linden Vernon – Head of Democratic Services
WARDS INVOLVED:	Non-Specific

Appendices Attached – Appendix A – Role of the Committee

1. Reason for the Report

- 1.1 To review the work of the Standards Committee during 2023/2024.

2. Recommendation

- 2.1 That the report be noted.

3. Executive Summary

- 3.1 This report provides an overview of the issues considered by the Standards Committee during 2023/24. This included the following matters:

- Councillor Induction Programme
- Code of Conduct - Dispensations
- Local Government Ombudsman Annual Letter
- Monitoring complaints received regarding alleged breaches of the Code of Conduct

4. How this report links to Corporate Priorities

- 4.1 High standards of conduct are integral to the Council achieving its corporate priorities.

5. Alternative Options

5.1 There are no options to consider.

Mark Trillo
Executive Director (Governance and Commissioning)

Web Links and Background Papers

[Standards Committee Reports](#)

Contact details

Linden Vernon
Head of Democratic Services
linden.vernon@highpeak.gov.uk

6. Detail

6.1 Article 9 of the Council's Constitution defines the role of the Standards Committee and is shown in full in **Appendix A** to this report. In summary this includes:

- Promoting high standards of conduct amongst councillors and making sure they are properly trained
- Granting dispensations to Borough councillors
- Ensuring that appropriate arrangements are in place for dealing with allegations into breaches of the Code of Conduct
- Hearing representations from councillors who may become disqualified for not attending meetings
- Advising the Council on Members' allowances

6.2 The current membership of the committee is provided below. The Council's Independent Person continues to be invited to attend and participate at Committee meetings.

Borough Councillors	Cllr Payge Hacking (Chair) Cllr Rachel Quinn (Vice-Chair) Cllr Stewart Gardner Cllr Nigel Gourlay Cllr David Lomax Cllr Jo Taylor
Co-opted Town/Parish representatives (non-voting)	Vacant positions x 2
Independent Persons	Mr Philip Carnall Mr John Berrisford (substitute) Miss Victoria Miller (substitute) Mr Peter Turner (substitute)

Councillor Induction Programme

- 6.3 The Committee considered a report on the delivery of the Councillors' Induction Programme following the 2023 elections.
- 6.4 This was developed prior to the local elections in conjunction with the Executive Councillor with responsibility for Member Development. The programme took into account the priority areas for the Council, feedback received following the Corporate Peer Challenge, the Review of Scrutiny and 2019 induction process as well as learnings from best practice.
- 6.5 The programme included a number of additional for the reasons as set out below:
- Delivery of Council Housing – to assist with the achievement of the requirements of the Social Housing White Paper.
 - Effective Overview and Scrutiny – as recommended by the review conducted by the Centre for Governance and Scrutiny. This focused on question techniques to encourage engagement and support for committee chairs.
 - Partnership Working – added following a recommendation from the Corporate Peer Challenge.
 - The Council's approach to tackling climate change – this was ranked as a high priority following a survey of councillors in 2022.
- 6.6 Priority areas for member training, such as training in regulatory matters (including Development Control), were delivered to enable members to participate on those committees. Bite size briefings had also been provided at the start of each Select Committee meeting to provide information on the Select Committee and scrutiny process within the Council's decision making structure, together with an overview of the role and remit of each committee.
- 6.7 All town / parish councillors, clerks and Independent Persons were invited to attend the Code of Conduct Training.
- 6.8 All newly elected councillors from across the country were invited to attend the LGA National Welcome Event which was held virtually. The event provided an introduction to the LGA and the support available to newly elected members
- 6.9 Representatives of the LGA attended the Welcome Meeting and also delivered a session of Charing Skills training together with a LGA Peer in November.
- 6.10 New councillors were invited to attend a development session for newly elected East Midlands councillors on 14 July, the aim of which was to cover a range of national and regional issues as well as further understanding their local ward role and providing networking opportunities with other newly elected and experienced councillors from across the region.
- 6.11 Information and resources were available via the Councillors' Portal including online training and a comprehensive range of workbooks produced by the Local Government Association, and members were encouraged to access

these materials independently. Updated information around ward profiles taking into account data from the 2021 Census was also available via the Councillors' Portal.

- 6.12 The majority of sessions were organised internally and delivered by Council officers, as this method had previously proved to be the most cost effective and feedback from councillors supported the use of in-house expertise. A number of sessions were delivered via Teams to enable sessions to be recorded and made available for councillors to view at a later time. Some sessions were also delivered virtually on an Alliance wide basis, which reduced costs and contributed to the Alliance's climate change agenda.
- 6.13 Members are requested to complete evaluation forms after each session. Scores and comments would be compiled and circulated to each course provider to be used to inform the structure and content of future courses. Sessions had been well attended and feedback received was positive, with councillors commenting that they felt motivated and informed to undertake their roles.
- 6.14 All new Councillors had been provided with IT equipment to enable them to fulfil their roles and training is provided on an on-going basis. There was also a rolling programme to replace returning councillors' IT equipment.

Code of Conduct - Dispensations

- 6.15 Members considered the grant of dispensations to councillors. Section 33 of the Localism Act made provision for the circumstances where dispensations may be granted. The power to grant dispensations has been delegated by Council to the Standards Committee, in consultation with the Independent Person.
- 6.16 Previously, under the old Code of Conduct, general exemptions were provided to all councillors with regard to prejudicial interests in any business of the authority where that business related to certain functions of the authority.
- 6.17 The arrangements introduced by the Localism Act 2011 did not reproduce these exemptions and as a result councillors could effectively breach the Code of Conduct should they take part in a meeting where any of these matters were being discussed and they have a disclosable pecuniary interest in the matter. The Council's Standards Committee had therefore previously granted dispensations relating cases where the number of members that would be prohibited from participating/voting would be so great that it would impede any particular transaction of business in addition to matters relating to allowances, Council Tax and housing matters. It was also proposed that dispensations were approved with regards to Council Tax premiums and councillors attending meetings remotely where a formal decision is not required to be made.

The Annual Letter received from the Local Government Ombudsman

6.18 The Annual Letter of the Local Government Ombudsman was considered by the Committee at its meeting in November 2023. The table below provides a summary of the number of complaints dealt with by the Ombudsman set against the total number of complaints received by the Authority. For comparison purposes figures for previous years are also provided together with details for SMDC the Authority's Strategic Alliance partner, Staffordshire Moorlands District Council (SMDC).

Year	No. of Ombudsman Complaints			
	HPBC		SMDC	
	No. of Enquiries or Complaints	Total Number of Complaints	No. of Enquiries or Complaints	Total Number of Complaints
2012/13	10	404	14	439
2013/14	20	372	12	280
2014/15	12	413	10	284
2015/16	11	368	13	258
2016/17	8	448	10	245
2017/18	15	308	12	193
2018/19	7	223	6	119
2019/20	6	150	5	82
2020/21	5	52	5	52
2021/22	9	142	7	76
2022/23	11	153	2	92

6.19 The Ombudsman upheld 2 complaints during 2022/23. The relatively small number of complaints that reach the Ombudsman compared to the total number of complaints received by the Authority illustrates the strength of the Council in ensuring complaints are dealt with promptly and appropriately.

Monitoring complaints received regarding alleged breaches of the Code of Conduct

6.20 The Committee continued to receive regular complaint monitoring reports regarding alleged breaches of the Code of Conduct. These reports updated members on the number and nature of complaints dealt with by the Monitoring Officer and explained:

- If these related to borough or town/parish councillors
- If any further action should be taken
- If further investigations were considered to be appropriate

6.21 This information is then used to identify trends and consider themes for which training seminars may be planned. The table below summarises the complaints received for the previous years and compares these with SMDC.

Year	No. of Complaints					
	High Peak Parish Cllr	High Peak Borough Cllr	High Peak Total	Staffordshire Moorlands Parish Cllr	Staffordshire Moorlands District Cllr	Staffordshire Moorlands Total
2013/14	10	1	11	3	1	4
2014/15	2	1	3	5	1	6
2015/16	4	0	4	3	12	15
2016/17	4	2	6	9	16	25
2017/18	1	3	4	5	8	13
2018/19	2	1	3	2	9	11
2019/20	19	1	20	6	26	32
2020/21	19	1	20	3	5	8
2021/22	4	1	5	7	8	15
2022/23	7	0	7	2	6	8
2023/24	2	1	3	8	4	12

ARTICLE 9

THE STANDARDS COMMITTEE

9.1 Role

- (a) The Council will establish a Standards Committee to carry out the functions set out more fully in Part 3 of the Constitution. These include, promoting high standards of conduct amongst councillors and making sure they are properly trained; granting dispensations; ensuring that appropriate arrangements are in place for dealing with allegations into breaches of the Code of Conduct; hearing representations from councillors who may become disqualified for not attending meetings; advising the Council on Members' allowances.

9.2 Composition

- (a) Membership

The Standards Committee will be composed of:

- six members of the Council appointed proportionally
- up to two Town or Parish Council members who may be co-opted on to the Committee as non-voting members

- (b) **Independent Person**

The Council's Independent Person (and their substitutes) will be invited to attend meetings of the Standards Committee and will be entitled an allowance and to the same subsistence and travelling allowances as elected members.

- (c) **Parish/Town Councillors**

Where a complaint refers to a Parish/Town Councillor, hereafter known as a Parish Councillor, a non-voting Parish member of the Standards Committee may also attend any Hearing Panel and will be entitled to an allowance and the same subsistence and travelling allowances as elected members.

9.3 Other functions

- (a) The Hearings Panel (a Sub-Committee of the Council's Standards Committee) shall comprise a maximum of five councillors of the

Council's Standards Committee, including not more than one member of the authority's Executive. The appointed Hearings Panel shall nominate a Hearings Panel Chair. The Independent Person shall be invited to attend all meetings of the Hearings Panel. Where a complaint refers to a Parish Councillor, a non-voting Parish member of the Standards Committee may also attend any Hearing Panel.

- (b) The Committee will hear appeals from officers who do not wish to appear as witnesses before a select committee (see Protocol for Officers in Part 4 of the Constitution); monitor complaints received by the Ombudsman; monitor the member development programme and evaluate its effectiveness.

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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