

STANDARDS COMMITTEE

Tuesday, 30 September 2008

Present:

Mr Brian Cummings (Chair)
Mr Ken Harrison (Vice-Chair)

Councillors	C Blakeley	C Meaden
	WJ Davies	L Rowlands
	K Hayes	A Taylor
	AR McLachlan	C Teggin
		P Williams

9 DECLARATIONS OF INTEREST

The members of the Committee were asked to consider whether they had a personal or prejudicial interest in connection with any item on the agenda and, if so, to declare it and to state the nature of such interest. The following declaration was made:

Councillor Blakeley declared a prejudicial interest in the subject of minute 15 by virtue of his knowledge of the matter.

10 MINUTES

The minutes of the previous meeting had been submitted to the Council on 14 July.

Resolved – That the minutes of the meeting held on 30 June be accepted as a correct record.

11 EXEMPT INFORMATION - EXCLUSION OF MEMBERS OF THE PUBLIC

The Committee agreed to vary the order of business and it was therefore –

Resolved - That, under section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined by the relevant paragraph of Part I of Schedule 12A (as amended) to that Act.

12 COMPLAINT OF MALADMINISTRATION (MR W)

The Director of Adult Social Services reported in connection with a complaint that had been investigated at Stage 2 of the Complaints Procedure. One of the desired outcomes was for compensation to be paid to Mr W in lieu of services that had not been provided. The complaint had been upheld, but it had been necessary to advise the complainant that compensation could not be offered because Council policy required a recommendation from the Local Government Ombudsman. Following receipt of the Ombudsman's views and subsequent negotiations with the

complainant, a sum of compensation had been suggested, which was acceptable to both.

On behalf of the Director, Phil Gilroy, Principal Manager (Specialist Services), reported that more recently additional staff had been appointed and a new protocol for dealing with the transition of young people into adulthood had been established, which involved all appropriate agencies.

Resolved - That the proposed sum of £5,000 offered as compensation to Mr W be approved.

13 **LOCAL GOVERNMENT OMBUDSMAN'S ANNUAL LETTER AND COMPLAINT MONITORING REPORT**

The Director of Law, H.R. and Asset Management submitted and commented on the Local Government Ombudsman's annual letter, which had been sent to each local authority and set out the number of complaints made to the LGO about each authority in the year 2007/08, the outcomes, how they had been dealt with and response times. Members were reminded of criticism regarding the previous year's average response times, which had led to the Committee's approving an action plan to improve the situation. As a result, the average time that the Council had taken in 2007/08 had been reduced to 26.8 days, which the Ombudsman regarded as a significant improvement on recent years, and she had congratulated the Council on its performance. In the current year, to date, the average time had improved to 18.8 days.

While the Ombudsman had generally been complimentary about the efforts made to deal with complaints, she had highlighted some issues relating to the Council's internal complaints procedures, in particular about children and family services issues. A constructive meeting had been held about the matter and improvements were expected. It was noted that the Children's Services and Lifelong Learning Overview and Scrutiny Committee received regular monitoring reports on the handling of complaints.

The Director also reported on the proposed transfer of the processing of Ombudsman's complaints to the Head of Revenues and Benefits and Customer Services within the Finance Department, because it was felt to be more appropriately placed within the customer services responsibilities of that department. The proposed handover date would be 1 November 2008. There would be regular liaison meetings during the handover period to ensure that the changes did not affect the performance, and the Standards Committee would continue to receive regular performance monitoring reports. At the current time it was not thought necessary to transfer any staffing resources, though that issue would be kept under review.

Resolved - That

(1) the report be noted and the officers be congratulated on the improvement in dealing with Ombudsman's complaints.

(2) members be provided with further information regarding the nature of those complaints classified as "other" and a copy of the Ombudsman's explanatory note.

14 **SETTLEMENT OF COMPLAINTS - AMENDMENT TO THE SCHEME OF DELEGATION**

The Director of Law, H.R. and Asset Management reported that the current scheme of delegation provided for the amounts that could be paid as compensation to settle complaints. It was felt that there were practical difficulties with the current scheme which inhibited the ability of the Council to respond effectively to complaints and resolve them at the earliest possible stage. He therefore sought the Committee's endorsement of proposed amendments to the scheme, which would then be referred to the Cabinet and the Council for approval.

Following a discussion as to what might be the appropriate upper limit of compensation that could be agreed without recourse to the Committee, on a motion by Councillor McLachlan, seconded by Councillor Blakeley, it was –

Resolved – That

(1) the Officers' Scheme of Delegation be amended to allow them to

- (a) settle complaints of maladministration, after consultation with the Director of Finance and the Director of Law, H.R. and Asset Management, by making compensation payments up to a maximum of £1,000 in any one case. The terms of such settlements shall subsequently be reported to the Standards Committee;**
- (b) settle complaints of maladministration, after consultation with the Chair of the Standards Committee, the Director of Finance and the Director of Law, H.R. and Asset Management, by making compensation payments up to a maximum of £5,000 in any one case. The terms of such settlements shall subsequently be reported to the Standards Committee (and cases over £5,000 would be dealt with by the Standards Committee, in accordance with Article 9 in Part 2 of the Constitution);**

(2) the terms of reference of this Committee be amended to allow it to approve the payment of compensation involving sums in excess of £5,000 to settle complaints of maladministration.

15 **INDEPENDENT MEMBER - APPOINTMENT ARRANGEMENTS**

The Director of Law, HR and Asset Management requested the Committee to consider arrangements for interviewing applicants for the impending vacancy of independent member (Mr Ken Jones's term of office would expire on 31 October). The Committee discussed the issue of the percentage of independent members in relation to the size of the committee, which currently stood at the minimum 25% of the total membership.

Resolved - That

(1) following the closing date of 3 October, a date be arranged for the Chair (or Vice-Chair) and the three party spokespersons to interview applicants, and they be authorised to submit their recommendation direct to the Council meeting on 3 November;

(2) if the Panel considers it appropriate to do so, having interviewed all of the candidates, the Panel be authorised to submit two nominations to the Council with the request that the overall membership of this Committee be increased accordingly.

16 **EXEMPT INFORMATION - EXCLUSION OF MEMBERS OF THE PUBLIC**

Resolved - That, under section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined by the relevant paragraph of Part I of Schedule 12A (as amended) to that Act.

17 **STANDARDS BOARD DECISION NOTICE**

The Director of Law, H.R. and Asset Management reported on a complaint against a councillor that had been considered by the Standards Board for England. The Board's decision had been that the complaint should not be referred for investigation.

Resolved - That the decision be noted.

18 **MEMBERS' REGISTER OF GIFTS AND HOSPITALITY**

The Chair agreed to consideration of this matter, having accepted the need for clarification.

Councillor Blakeley referred to a potential conflict over the registering of gifts and hospitality, in that he had received differing advice as to with which authority they should be registered. He asked that the matter be clarified and also suggested that the Council might adopt the form currently in use within the Merseyside Passenger Transport Authority, which he felt would be helpful to all members. The Committee noted that it included a requirement to register offers of gifts and hospitality, i.e. even when they were not accepted.

The Acting Head of Legal and Member Services reported that the issue had been discussed among Merseyside's District Secretaries and Monitoring Officers, who were considering the adoption of a standard protocol. It was also hoped that the Council's new Modern.gov computer system, once fully operational, would make the process of registering members' interests and gifts and hospitality easier.

Resolved - That the Committee receive a further report on the various issues relating to the registering of gifts and hospitality.