

STANDARDS COMMITTEE

Thursday, 29 September 2011

<u>Present:</u>		Brian Cummings (Chair)
	Councillors	C Blakeley WJ Davies G Ellis D Roberts
		L Rowlands J Salter R Wilkins P Williams
<u>Deputies</u>	Councillors	D Mitchell
<u>Independent Members</u>		Stella Elliott Ken Harrison (Vice-Chair)
<u>Apologies</u>	Mr	Alex Nuttall

10 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

No declarations of interest were received.

11 MINUTES

RESOLVED:

That the Minutes of the meeting of the Committee held on 4 July 2011 be confirmed as a correct record.

12 SUMMARY OF COMPLAINTS MADE UNDER MEMBERS' CODE OF CONDUCT

A report by the Director of Law, HR and Asset Management provided Members with a summary of the complaints made against Wirral Councillors where it had been alleged that the Council Members' Code of Conduct had been breached.

Members noted that the Scrutiny Programme Board had also considered this report at its meeting on 8 September 2011 and had resolved, amongst other things, 'That the Standards Committee be recommended to put in place proper timescales and a monitoring regime for dealing with complaints'.

The Local Government and Public Involvement in Health Act 2007 ("the Act") had provided, among other things, for a revised ethical framework for local government. The implications of this Act had been reported to the Committee at its meetings on 28 January and 31 March 2008 (Minute No. 32 and 39 refers).

The relevant provisions were brought into force on 8 May 2008 by the Standards Committee (England) Regulations 2008 ("the Regulations"). The Act had made a

number of key changes to the ethical framework under which local authorities were required to operate. These were:

- Standards Committees would be responsible for receiving allegations made against Members and deciding whether any action should be taken (referred to as 'local assessment').
- Standards Committees must be chaired by an independent member.
- Standards Committees would report periodically to the Standards Board for England now Standards for England ("SfE").
- The SfE will be responsible for monitoring and ensuring the effectiveness of local arrangements, including supporting authorities which are experiencing difficulties and driving up their performance.

The Council had approved the requisite changes to the Council's Constitution at its meeting on 14 July 2008, namely amendments to the Committee's Terms of Reference which also included new terms of reference for Initial Assessment, Review and Hearings Panels as required under the Act.

The Committee had previously expressed dissatisfaction with delays in dealing with Standards complaints. In response to this, the Director of Law, HR and Asset Management had submitted a report which had been considered by the Committee at its meeting on 26 January 2011 seeking approval for a Local Protocol on Local Assessment and Investigation of Allegations of Misconduct by Members (Minute No. 28 refers). The aim of the Local Protocol had been to improve the manner in which allegations and complaints were handled and processed.

The Committee had gone on to express concern that delays in dealing with standards complaints were unacceptable for all parties concerned. However, Members had been of the view that the timescales within the draft Local Protocol were not sufficiently clear and that there was a need for 'non-complex' complaints to be dealt with within six months of receipt of the complaint. Members had also questioned, notwithstanding any amendments required, whether adoption of a Local Protocol should be deferred whilst clarity on the implications of the current Localism Bill was provided. Members had also suggested that officers should explore possible collaborative working arrangements in respect of standards matters with neighbouring local authorities. In the light of these considerations the Committee had resolved:

'That this matter be deferred for a further report to a future meeting of the Committee in order that amendments to the protocol can be made to address

- (i) the need for greater clarity on timescales;
- (ii) the implications of the Localism Bill; and
- (iii) if possible, any collaborative working arrangements with neighbouring Councils.

This Local Protocol had not been referred back to this Committee because of the uncertainties as to the future of the Standards regime under the Localism Bill. However because of the continuing concerns being raised by Members about delay the Committee was again recommended to consider adopting a Local Protocol with immediate effect. The Director emphasised that, if it did this it would ensure that there was in place, a clear timescale for progressing complaints. A revised draft

Local Protocol was attached at Appendix 2 to the report and reflected the Committee's comments on the original document.

The Committee was informed that the Scrutiny Programme Board had requested that details of all complaints received in pursuance of the revised ethical framework be provided and that this had been done at the Board's meeting on 8 September 2011 in table form, substantially as in Appendix 1 to the report. The Board had consequently resolved:

- “(1) That the Scrutiny Programme Board is alarmed and disappointed to note the amount of time it is taking to determine Standards complaints, with some complaints taking almost two years to complete, and believes that this is unfair to both complainants and to those complained against.
- (2) That the Scrutiny Programme Board is also concerned about the amount of time being taken from the registration of a complaint to allocating to an Initial Assessment Panel and notes that, in one reported case this was in excess of 16 weeks.
- (3) That the Scrutiny Programme Board is aware that individual Members of the Council as well as the Standards Committee have made repeated representations to the Director of Law, HR and Asset Management and his Department about their concerns because of delays and have asked for the process to be speeded up.
- (4) That the Scrutiny Programme Board notes that despite repeated requests to the Director of Law, HR and Asset Management, no apparent improvements have been made to the way in which Standards complaints are being handled and unacceptable delays are still being allowed to occur.
- (5) That the summary of complaints received by the Council, set out in the appendix to the report now submitted, in relation to alleged breaches of the Council's Members' Code of Conduct, be noted.
- (6) That the Standards Committee be recommended to put in place proper timescales and a monitoring regime for dealing with complaints.”

It was also reported that the Board had requested some additional information which had been incorporated in a revised table. This was circulated electronically after the meeting and incorporated in Appendix 1 to the report.

The Committee had previously suggested that officers should explore possible collaborative working arrangements concerning standards matters with neighbouring local authorities. It was reported that discussions had taken place at officer level with Chester and Cheshire West Council and two current matters (three complaints) were now being investigated by a solicitor from that authority.

Members once again expressed their dissatisfaction over the length of time it was taking to deal with Member complaints. They made reference to the various delays

that had occurred throughout the process and informed that they considered this to be appalling.

The Director of Law, HR and Asset Management was in attendance at the meeting and acknowledged that the timescales for dealing with Member complaints had been unacceptable. He informed that the scale of resources available for this work area was modest but acknowledged that he was unable to justify the levels of delay. He apologised unreservedly, promised to bring about improvements and recommended that the revised Local Protocol on Local Assessment and Investigation of Allegations of Misconduct be adopted to assist this by setting clear timescales to be adhered to in future. He pointed out that the revision to this Protocol set out an over-arching paragraph which stated that a complaint would normally be dealt with within six months; but that if this was not possible then the Chair and Group Spokespersons would be informed of the reasons and kept updated as to progress.

A proposal was put forward to reallocate responsibility of dealing with Member complaints. The Director of Law, HR and Asset Management explained that part of his Monitoring Officer role was to handle such complaints and this would require a decision by Council. Accordingly, to do what was proposed would mean relieving him of his Monitoring Officer role. He told the Committee that he would now leave the meeting whilst Members discussed this proposal in detail and did so.

The Committee was advised that there were various legal issues that needed to be considered in relation to the proposal and such issues should be before them before they considered the proposal.

After substantial deliberations it was

RESOLVED: That this Committee

- (1) is alarmed and disappointed to note the amount of time it is taking to determine standards complaints, with some complaints, with some complaints taking almost two years to complete, and believes that this is unfair to both complainants and those complained against;**
- (2) is also concerned about the amount of time it is taking from the registration of a complaint to allocating it to an Initial Assessment Panel and notes that in one reported case this was in excess of 16 weeks;**
- (3) is aware that individual Members of the Council as well as Members of this and previous Standards Committees have made repeated representations to the Director of Law, HR and Asset Management and his Department about their concerns because of delays and asked for the process to be speeded up;**
- (4) notes that despite repeated requests to the Director of Law, HR and Asset Management no apparent improvements have been made to the way in which standards complaints are being handled and unacceptable delays are still allowed to occur;**
- (5) therefore believes that a new approach is required in order to bring about a radical change to the way standards complaints are handled in**

order to bring about a much more efficient and speedy way in handling and bringing them to a conclusion;

- (6) notes the summary of the complaints received by the Council, set out at Appendix 1 to the report, in relation to alleged breaches of the Council's Members' Code of Conduct;**
- (7) requires the information set out in Appendix 1 to the report to be updated for and reported to all of its future meetings; and**
- (8) adopts the amended draft Local Protocol on Local Assessment and Investigation of Allegations of Misconduct, as set out in Appendix 2 to the report with immediate effect, to ensure that there is in place a clear timescale for progressing complaints.**

13 MYSTERY SHOPPING

A report by the Director of Finance set out details of the mystery shopper work undertaken to assess the quality of service at the Call Centre, Libraries and One Stop Shops which the Committee had requested at its meeting on 4 July 2011 (Minute No. 3 refers).

It was noted that the Call Centre and One Stop Shop services were rated as 'Good' or 'Excellent' and the Library Service was rated as either 'Good' or 'Average'. However, it had been identified that there were a number of areas requiring staff development and that there were some key environmental concerns. Members were told that these would now form part of the customer services development work over the coming year.

The work carried out had been successful and a rolling exercise of mystery shopping was planned across sections which would focus on customer care standards.

RESOLVED: That

- (1) the report be noted; and**
- (2) Members be provided with the detail of the number of people involved in this work.**

14 LOCAL GOVERNMENT OMBUDSMAN - ANNUAL LETTER AND CURRENT PERFORMANCE

The Committee considered a report by the Director of Finance which detailed the content of the 2010/11 Annual Review Letter, and the current performance, in this Financial Year, on response times. The Local Government Ombudsman's (LGO) Annual Review Letter for the year ending 31 March 2011 was appended to the report as Appendix 1. The Annual Letter had been published in June 2011 and set out the number of complaints made to the LGO about the Council, the outcomes, how they had been dealt with and response times.

Members, on the whole were very pleased with the improvements in performance that had been made since 2009/10. However, they noted that complaints in respect

of the Children and Young Peoples and Adult Social Services Departments historically could take longer to resolve than those in other Departments. It was proposed that some work be carried out to ascertain why the Council received so many complaints in these areas. The Head of Benefits, Revenues and Customer Services informed the Committee that such work could be carried out by the appropriate Overview and Scrutiny Committees.

The Committee considered the comparisons in performance with the other five Merseyside Authorities (Halton, Knowsley, Liverpool, Sefton and St Helens) and were delighted that Wirral had moved from sixth in 2009/10 to second only to Liverpool in 2010/11 when measured in the average days taken to respond to first enquiries.

RESOLVED: That

- (1) the content of the report and the LGO's Annual Review Letter be noted; and**
- (2) the staff be congratulated on their performance in comparison to the other Merseyside Authorities which has meant them moving from sixth in 2009/10 to second only to Liverpool in 2010/11 when measured in the average days taken to respond to first enquiries.**

15 URGENT BUSINESS - CORRESPONDENCE RECEIVED BY THE CHAIR

The Chair reported that he had received, by hand, some correspondence earlier in the day from the Whistleblower, Martin Morton along with a request that it be considered as Urgent Business at this evening's meeting.

Councillors D Roberts, J Salter and P Williams declared personal and prejudicial interests in the matter now under consideration because they had been involved in Mr Morton's complaint previously. They left the meeting whilst this item of business was discussed.

The Chair asked the remaining Members whether they considered they would have sufficient time during the meeting to consider and digest the content of the correspondence or whether they thought it more appropriate to consider the correspondence at the next meeting of the Committee scheduled for 30 November 2011.

RESOLVED:

That Mr Morton's correspondence be considered at the next meeting of the Committee scheduled for 30 November 2011 and he be informed of this decision.