

STANDARDS COMMITTEE

Tuesday, 3 July 2012

	Councillors	WJ Davies L Rowlands C Blakeley T Harney	RL Abbey J Salter
<u>Deputies</u>	Councillors	A Leech B Mooney S Williams	
<u>Apologies</u>	Councillors	L Fraser M McLaughlin D Roberts	

5 ELECTION OF CHAIR

It was noted that the Council, at its meeting on 21 May 2012, had elected Councillor Bill Davies as Chair of the Standards Committee even though the Committee's terms of reference indicated that the Chair would be determined by the Committee itself at its first meeting in the Municipal Year.

6 MINUTES OF PREVIOUS MEETINGS

In considering the Minutes, Members proposed that the proceedings of the Committee's meetings should be recorded in future. Consequently, Members asked that the proposal to record meetings and the associated cost implications be investigated by the Member Equipment Steering Group, especially as the Key Line of Enquiry 6 would lead to a review of the Council's IT arrangements and infrastructure.

RESOLVED: That

- (1) **the Minutes of the meeting of the Committee held on 16 April 2012 be confirmed as a correct record;**
- (2) **subject to the following amendments, the Minutes of the Special Meeting of the Committee held on 3 July 2012 be confirmed as a correct record:**

Minute No. 27 – New Standards Regime

– second paragraph on page 2

Delete – It was noted that as there had not been a consensus across the three Political Groups to this request, the Working Party could not be reconvened.

Replace with – The three Political Groups had agreed that there would be a Special meeting of the Standards Committee.

- fifth paragraph on page 2

Delete – adopting

Replace with – considering

and

- (3) the Members' Equipment Steering Group be requested to investigate the possibility of recording the proceedings of Standard Committee meetings and the associated costs and bring a report to the next meeting.**

7 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Advice was sought from the Head of Legal and Member Services on whether Members, who had sat on a Panel to consider complaints against Members or had been the subject of a complaint, were required to declare an interest in Item No. 7 on the agenda – Standards Complaints – Monitoring (Under the Old Standards Regime). The report had been written in a way that Members could not be identified, as it was being considered in Part 1 of the meeting, in the presence of the press and public. The Head of Legal and Member Services reminded Members that it would be inappropriate to reveal confidential information in front of the press and public.

Councillor C Blakeley declared a personal interest in Item No. 7 as he was one of the Councillors complained about and the finding, following an investigation, was that he had not breached the Members' Code of Conduct.

The Head of Legal and Member Services informed that the regulations obliged the Council to issue a notice or press release setting out the finding that no further action was required, unless the Councillors concerned objected. The notice would be factual and indicate the detail of and the nature of the complaint and relevant parts of the Members' Code of Conduct.

The Head of Legal and Member Services also informed that there was no requirement, under access to information regulations, for Members, who had sat on Standards Committee's Panels, to consider complaints against other Councillors, to declare an interest in Item No. 7 on the agenda.

8 ADDITIONAL REIMBURSEMENTS PAYMENT

A report by the Director of Adult Social Services informed the Committee of an ex gratia payment of £2,693 to a service user. The service user resided in a supported living placement and the payment was made to address an outstanding issue with regard to personal finances.

RESOLVED:

That the decision to make an ex gratia payment of £2,693 to a service user be endorsed.

9 CUSTOMER FEEDBACK ANNUAL REPORT 2011/2012

A report by the Acting Chief Finance Officer provided the Committee with an annual update on the Council's performance in dealing with customer feedback. The report included an analysis of contacts received over the period 1 April 2011 to 31 March 2012, highlighted issues and described some of the challenges faced in ensuring all feedback was recorded and responded to consistently. A scrutiny of corporate complaint trends over the period 1 April 2007 – 31 March 2012 was offered for review.

The Committee noted that there had been an increase in the average response rate for complaints with 15 working days taken to respond to all complaints in 2011/12 compared to 14 working days in 2010/11. Corporate complaints, which were measured against a target of responding within 15 working days, recorded an average of 10 working days, maintaining performance from 2010/11. As a proportion of the total corporate complaints received, 9% of complainants expressed dissatisfaction with stage 1 resolution and raised either a stage 2 or stage 3 complaint. Statutory complaints (DASS and CYPD Children's Social Care) recorded an average of 34.5 working days to respond, compared to 24 working days in 2010/11.

Responses to recorded councillor/MP enquiries took on average 7 working days in 2011/12 compared to 6 working days in 2010/11. This was still within the corporate target of 10 working days.

Members queried why corporate complaints were measured against a target of responding within 15 working days whilst the target Councillor/MP enquiries was 10 working days. The Head of Benefits Revenues and Customer Services informed that the difference in the targets was to build in time for Councillors/MPs to respond back to their constituents.

Members noted that the Children and Young Persons Department and the Department of Adult Social Services were not responding to complaints in less than a month and were told that this was because of the complexities involved.

RESOLVED: That

- (1) the contents of the report be noted; and**
- (2) the Head of Benefits Revenues and Customer Services and his team be congratulated on putting together such a good report.**

10 **REVIEW ON THE COUNCIL'S POLICY ON UNREASONABLY PERSISTENT COMPLAINANTS AND UNREASONABLE COMPLAINANT BEHAVIOUR**

A report by the Acting Chief Finance Officer sought approval to the proposed changes to the Council's policy on unreasonably persistent complainants and unreasonable complainant behaviour.

Attached as Appendix 1 to the report were the current policies in respect of unreasonably persistent complainants and unreasonable complainant behaviour. The revised policy on unreasonable complainant behaviour was attached to the report as Appendix 2.

Members welcomed the report as it represented a brilliant step forward in respect of vexatious complaints received.

Members referred to Appendix 2 and noted that under Options for Action it did not state that the extent of identified unreasonable behaviour of complainants may mean that the Council would decide not to communicate any further. The Head of Benefits Revenues and Customer Services agreed to include this in the policy as it was in accord with the Local Government Ombudsman's draft policy.

Members also proposed that the word vexatious be added to the policy along with Officers have the ability to say no in certain circumstances, especially when complainants wrote to different Council Departments on the same subject.

RESOLVED:

That subject to the inclusion of the additions put forward by the Committee and set out above, the revised policy on unreasonable complainant behaviour as set out in Appendix 2 to the report be approved as Council policy.

11 **STANDARDS COMPLAINTS - MONITORING (UNDER THE OLD STANDARDS REGIME)**

The Committee considered a summary of complaints made against Wirral Councillors where it had been alleged that the Council Members' Code of Conduct had been breached, under the old Standards Regime. Members noted the detail of these complaints. All complaints had been considered by Standards Committee Panels but two decisions were still to be confirmed and work was ongoing in this regard.

Further to Minute No. 7 Councillor C Blakeley referred to a complaint against himself where a Consideration Panel had been found that he had not breached Council Members' Code of Conduct. Councillor Blakeley informed the Committee that he failed to understand why the Independent Investigator's Report could not be placed in the public domain. The Head of Legal and Member Services informed that this would only be possible if the complaint had been the subject of a Final Hearing.

Councillor Blakeley proposed that the Committee ask for the Independent Investigator's Report in respect of the complaint made against him to be made public.

However, the Head of Legal and Member Services advised that it would be appropriate for the Committee to ask him to look in to this given that complainants were also involved. He also informed that he was happy to bring a full report outlining the regulations, to the next meeting of the Committee on the disclosure of complaint details under the old Standards Regime.

RESOLVED: That

- (1) the updated summary of standards complaints under the old Standards Regime be noted; and**
- (2) the Head of Legal and Member Services be requested to bring a detailed report, to the next meeting of the Committee, on the confidentiality of findings on complaints made about Councillors under the old Standards Regime.**

12 NEW STANDARDS REGIME - UPDATE

A report and supporting Appendices by the Director of Law, HR and Asset Management reminded the Committee that on 21 May 2012 the Council had approved new arrangements in relation to the promotion and maintaining of high standards of conduct by Members. The changes had included:

- (a) changes to the Article 9 (Terms of Reference of the Standards Committee (and its Panels)) of the Council's Constitution;
- (b) a new Members' Code of Conduct;
- (c) a new Protocol dealing with arrangements for investigating and making decisions in relation to allegations made under the Members' Code of Conduct;
- (d) the new Complaint Form that is to be used in relation to complaints relating to the Members' Code of Conduct; and

The Council also authorised the Monitoring Officer to make arrangements to enable the Council to appoint 'Independent Persons' to support the effective administration of standards complaints and decisions, in accordance with the requirements of the Localism Act 2011.

The Committee had been informed previously that it had been confirmed that the Localism Act 2011 prevented relevant authorities (including the Council) from appointing people who had been appointed as Independent Standards Members (under the old Standards regime) to the new role of Independent Person under the new Standards regime. However, Regulations issued in June 2012 enabled authorities to appoint prior to 2013, former Independent Members to serve as Independent Persons.

RESOLVED: That the Standards Committee:

- (1) notes this report;**

- (2) **agrees to a Standards Working Group being convened in accordance with the Terms of Reference set out at Appendix 2 to the report; and**
- (3) **agrees to the recruitment exercise for Independent Person to be extended until 6 July 2012 to enable any Independent Members under the old Standards Regime to apply for the role of Independent Person. and authorises the Head of Legal and Member Services to recommend to Council, for approval and appointment, all suitable persons for the role of Independent Person.**

13 MEMBERS' ICT POLICY (USE OF COUNCIL FACILITIES)

The Committee considered the Members' Code of Practice in relation to their use of the Council's IT Facilities. Members were expected to adhere to this policy.

Members raised a number of issues on the content of the current Code. They were particularly concerned over paragraphs 10 (regarding the Council's ICT Security Policy and requirements of the Government's Code of Connection to Public Services Networks) and 16 (regarding forwarding of emails from their Wirral email accounts to another email account in a lower classification domain).

The Committee agreed that there had to be restrictions and limitations on the use of the Council's ICT facilities but the current policy did not give Members the freedom to use their laptops when they were not at home. They considered that the policy should be more flexible so Members could use their laptops at wifi "hotspots" around the Country, in a similar way to Councillors in other local authorities were able to do. Consequently, the Committee proposed that the Members' Equipment Steering Group be requested to review this policy.

The Committee also took the view that wifi should be available within Council buildings and requested that the Members' Equipment Steering Group explore the possibilities of this and its associated costs.

RESOLVED: That

- (1) **the content of the Members' Code of Practice in relation to their use of the Council's IT Facilities be noted;**
- (2) **in the light of the Committee's concerns, set out above, the Members' Equipment Steering Group be requested to review the Members' Code of Practice in relation to their use of the Council's IT Facilities and present a report to the Committee's next meeting on 24 September 2012;**
- (3) **the Members' Equipment Steering Group be requested to focus on the issues and concerns raised by this Committee in respect of Members' IT at their next meeting; and**
- (4) **to assist the Members' Equipment Steering Group's work, Officers be requested to set out options and a vision on how they can deliver what Members' require and detail the costs involved.**