

# STANDARDS COMMITTEE

Monday, 4 July 2011

Present: Brian Cummings (Chair)

Councillors	C Blakeley	L Rowlands
	WJ Davies	J Salter
	G Ellis	R Wilkins
	D Roberts	

Deputies Councillors P Gilchrist (In place of A Bridson)  
D Mitchell (In place of P Williams)

Independent Members Ken Harrison  
(Vice-Chair)

Apologies Independent Members Alex Nuttall Stella Elliott

## 1 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Councillor D Roberts declared a personal and prejudicial interest in Item No. 7 on the agenda – Review of a recent Standards Complaint (Minute No. 9 refers), by virtue of her being one of the subjects of the complaint. She left the meeting whilst this matter was under discussion.

## 2 MINUTES

### RESOLVED:

**That the Minutes of the meeting of the Committee held on 26 January 2011 be confirmed as a correct record.**

## 3 CUSTOMER FEEDBACK - ANNUAL REPORT 2010/2011

The Director of Finance presented the Annual Report 2010/2011 on performance in dealing with customer feedback, which provided an analysis of contacts received over the period 1 April 2010 to 31 March 2011. It highlighted trends and described some of the challenges faced in ensuring that all feedback was recorded and responded to consistently. Feedback was primarily recorded through the Customer Relationship Management (CRM) System (although a separate application (Respond) was used to support the distinct statutory complaints process) and the report informed that each department had a designated co-ordinator to record, assign, progress, chase and update contacts with resolution details. Customer Care Standards had been created to ensure that expected standards were met and their adoption had resulted in a marked improvement in the approach to customer feedback.

Members discussed the System's tracking ability and the need to simplify access to it. The Head of Revenue, Benefits and Customer Services was in attendance at the meeting and informed that he wanted to make CRM easier to use, that a major upgrade would be necessary to achieve this but, hopefully, this could be done. He also explained that once an eight digit number was generated through this System the information would go into officers' mail boxes the following day.

The Committee considered the report in detail and drew attention to the graph at paragraph 4.16 of the report and in particular, its title, Councillor/MP Contacts – Average Working Days to Resolve 01/04/10 - 31/03/11. It was pointed out that, in this instance, the word Resolve meant the department had responded to inform that it was now progressing the matter. It did not mean that the process had been completed. The Head of Revenue, Benefits and Customer Services acknowledged that Respond was a better word to use to describe what was happening and agreed it would be used in future for the purpose of this report.

Concerns were raised over the Department of Adult Social Services (DASS) respond rates which where, on average, 25 working days, when the corporate standard was 10 working days. The Head of Revenue, Benefits and Customer Services reported that this may reflect the depth and complexity of the queries DASS received. However, Members took the view that if this was the case a holding response, acknowledging receipt of the query, at least, should be sent within the 10 working days.

The report also listed a number of service improvements and it was noted that some had come about as a result of complaints received. Members enquired about the use of mystery shoppers and were told that they were used but that they were not external appointments but Council Officers. The Head of Revenue, Benefits and Customer Services agreed to provide Members with a break down of the mystery shopper returns.

**RESOLVED: That**

- (1) the report be noted; and**
- (2) this Committee expresses its disappointment over the Department of Adult Social Services taking so long to acknowledge queries and considers that it should aim to do this within ten working days which is the corporate standard.**

**4 THE FUTURE OF THE STANDARDS REGIME**

Further to Minute No. 24 of the Committee's meeting on 26 January 2011, when a report summarising the main provisions of The Localism Bill and the implications for the Standards Committee had been received, Members received a further report by the Director of Law, HR and Asset Management which served to updated them on the future of the Standards regime.

The Director reported that the Government considered it was the right and the responsibility of the electorate to determine who represented it and that the abolition of the Standards regime would restore power to local people. However, until such time as appropriate legislation had been passed, the current statutory framework

remained operative. Subject to Parliament approving the necessary legislation, the changes were summarised as follows:

- The Relevant Authorities (General Principles) Order 2001, which sets out the principles which govern the conduct of members and co-opted members of relevant authorities in England, will be revoked.
- The Local Authorities (Model Code of Conduct ) order 2007 which prescribes the model code of conduct to apply to members of relevant authorities will be revoked.
- The requirement for local authorities to have standards committees will be abolished.
- The Standards Board for England will be abolished.
- The First-tier Tribunal (Local Government Standards in England), the independent judicial tribunal established as a disciplinary body to hear and determine references and appeals concerning the conduct of local authority councillors, will lose its jurisdiction over the conduct of local authority members.

The Committee noted that the Department for Communities and Local Government (DCLG) in its announcement advising that the current standards regime was to be abolished in its entirety had stated that

“councillors will have to register certain personal interests in a publicly available register; this could include anything that could be reasonably regarded as likely to influence or affect their actions, conduct when on business for the authority, or voting.”

The Director set out the transitional arrangements for considering; investigating and determining allegations of misconduct. They would be in place from a fixed date (“the appointed day”) which was still to be determined but would be after the Bill had received Royal Assent. It was noted that this Committee would remain established until the last complaint, which had been in the system up until the appointed day, had been dealt with.

The Government had indicated that it was committed to maintaining high standards of conduct in office and would ensure that, in the absence of a statutory code of conduct, councillors did not abuse their office for personal gain by putting their personal interests before those of the general community or local area that they represented. Members noted that they would continue to be required to register and declare personal interests and would not be allowed to use their personal position improperly for personal gain. The Government intended that wilful failure to comply with these requirements would constitute a criminal offence. However, the requirement for local authorities to adopt a model code of conduct and for local authority members to abide by that code of conduct would be abolished but local authorities could, if they wished, adopt their own voluntary code of conduct.

The requirement to maintain a standards committee would be abolished but local authorities would be allowed, if they wished, to establish voluntary standards

committees to consider complaints about the conduct of elected and co-opted members. Such committees would, according to councils' local constitutions, be able to censure but would not be able to suspend or disqualify members from council membership.

Members raised concerns that local standards committees may be 'toothless'. However, they also recognised an opportunity to work in partnership, by taking a regional approach and jointly constituting a Standards Committee made up of members, from across all of the Merseyside Authorities. It was also considered appropriate to explore the possibility of producing a Merseyside Members' Code of Conduct to which all of the Merseyside Authorities could sign up. It was also proposed that Neighbouring Authorities could be requested to look into any complaints received about elected Members.

The Director advised the Committee that the proposals for a Merseyside approach to any new Standards regime could be explored once the Localism Bill had been enacted and the regulations that would underpin the new legislation became available.

**RESOLVED: That**

- (1) the content of the report be noted;**
- (2) the Monitoring Officer be requested to continue to examine the provisions of the Bill and present proposals to a future meeting of the Committee with regard to how the Council may respond to the Bill once it is enacted; and**
- (3) the Director of Law, HR and Asset Management be requested to explore the possibility of constituting a Merseyside Standards Committee, made up of Members from all of the Merseyside Authorities, once the detail of the new legislation and the regulations that would underpin it were known, and bring a report to a future meeting of the Committee.**

**5 BRIBERY ACT 2010**

A report by the Director of Finance outlined the Bribery Act 2010, and set out the actions required to ensure compliance. The report also set out the sanctions which were applicable to the Council, in the event of a prosecution under the Act.

The Committee noted that a period of consultation had preceded the implementation of the Act, which had initially been planned for 1 April 2011. Following the consultation period the implementation date had been delayed. On 30 March 2011 the Ministry of Justice had published long awaited Guidance relating to the Act and announced that the implementation date would be 1 July 2011.

A draft Ant-Bribery Policy was attached to the report at Appendix 1. This had been prepared in accordance with CIPFA best practice. An action plan had now been prepared to ensure that the Council implemented appropriate actions to comply with the requirements of the Act. This was attached to the report at Appendix 2. Section 1 of the Appendix identified the current situation within the Council; and section 2 identified the actions required.

**RESOLVED:**

**That the report be noted.**

**6 LETTER FROM JOHN BRACE TO STANDARD COMMITTEE MEMBERS**

The Chairman announced that Committee Members had each been handed a letter at the beginning of the meeting, by a member of the public, John Brace. The letter had requested Members' views. It was Members' intention to consider the letter in detail and to provide answers at the next meeting of the Committee.

**7 LEGAL ADVICE ON LIFTING THE EXEMPTION ON THE REPORT ENTITLED REVIEW OF RECENT STANDARDS COMPLAINT, ALLOWING IT TO BE CONSIDERED IN THE PRESENCE OF THE PRESS AND PUBLIC**

The Director of Law, HR and Asset Management informed the Committee that the report at Item No. 7 on the agenda – Review of a Recent Standards Complaint – had marked on it, in error, a paragraph (7c) of Part 1 to Schedule 12A of the local Government Act 1972 that did not exist. The report was considered exempt because it identified the identity of those who were the subject of complaints. However, as these Members names were already in the public domain, his advice to the Committee was that it could lift the exemption if it thought the public interest would be best served by doing so.

**RESOLVED:**

**That the exemption be lifted in respect of the report at Item No. 7 on the agenda - Review of a Recent Standards Complaint – and it be considered in the presence of the press and public.**

**8 REVIEW OF A RECENT STANDARDS COMPLAINT**

Councillor D Roberts left the room whilst this item of business was under discussion.

A report by the Director of Law, HR and Asset Management summarised the handling of a recent standards complaint (reference SfE 2010/04). The full chronology of what had happened was set out in the report. An administrative error had been made, when the original complaint form concerning three elected Members, had been appended to a covering report (which had accurately summarised the complaint) to the Initial Assessment Panel instead of a second, more detailed, complaint form which had been received and which concerned four Members. The second form had superseded the original complaint form. The Panel had considered this report at its meeting on 8 April 2010 and had adjourned the meeting so that further information could be provided. After considerable delay, the same Initial Assessment Panel of Members had reconvened on 3 March 2011 but, unfortunately, the same mistake had been repeated and the Panel, again, had received the original complaint form. The Panel had decided to refer the complaint to the Standards Board for England who on receipt of it had sought clarity as to the discrepancy between the covering report and the appended complaint form. Only the original complaint form had been on the file and the Standards Board for England

was advised accordingly. It then confirmed its decision, in writing to all concerned, on 6 May 2011.

On 9 May 2011 the complainant enquired why the Standards Board for England had made no reference to his complaint about the fourth Councillor. On consideration of this, the error had become apparent. The Director informed of the steps he had taken to rectify the mistake and retrieve the situation and the involvement of and advice received from the Standards Board for England. The Initial Assessment Panel had been convened again on 8 June 2011 and considered the revised complaint. It was referred to the Standards Board for England and although a decision had been promised within five working days, it was still awaited.

The Director apologised to the Committee for the Initial Assessment Panel receiving the wrong documentation and agreed that the administration of the Panel had not been at an acceptable standard. He informed that he had also apologised to the four Members who were the subjects of the complaint and to the complainant.

Councillor L Rowlands raised concerns as the mistake had been made twice and asked what process had been put in place to ensure it did not happen again and what improvements would be made. The Director informed that future reports would be cleared by himself or the Head of Legal and Member Services, before they were published in an agenda.

Councillor D Mitchell told the Committee that there had been a similar situation in another Council department in recent times. As a consequence there had been an independent review which had led to matters being dealt with in stringent chronological order. This meant staff carried out regular checks when completing tasks and he hoped a similar process could now be put in place to avoid mistakes.

**RESOLVED:**

**That the content of the report and the action the Director of Law, HR and Asset Management would be taking in future to prevent similar mistakes from occurring, be noted.**

**9 URGENT BUSINESS - DELAYS IN CONSIDERING STANDARDS COMPLAINTS**

Councillor C Blakeley was extremely unhappy and put on record his discomfort and distress over the amount of time it was taking to deal with Standards complaints. He referred to one complaint that was now 19 months old and still not resolved and to another where it had taken 15 weeks to appoint an investigating officer.

The Director of Law, HR and Asset Management informed that Councillor Blakeley's criticism was valid and fairly made and had been raised on numerous occasions. He knew he must find the necessary resources to progress the complaints that were in the system.

Councillor Blakeley told the Committee that the Scrutiny Programme Board had agreed, at its meeting on 9 June 2011, to undertake a piece of work on the

processes around Standards complaints and to look at how they should flow through the system and avoid blockages.

Mr K Harrison enquired whether the Director had sufficient staff to deal with Standards complaints or if there a problem in that the existing staff were not capable of the work involved. The Director informed that the problem was in part staff capacity and in part other conflicting priorities. However, he promised to ensure Standards complaints were given a higher priority from now on. Councillor C Blakeley proposed enlisting the help of other authorities to speed up the Standards complaints process.