

MINUTES of the meeting of the **STANDARDS COMMITTEE** held at 10.30am on Wednesday 19 December 2007 at County Hall, Kingston upon Thames.

These minutes will be confirmed by the Standards Committee at its next meeting on 20 February 2008

Members:

*+ Mr Nicolas Davies LVO JP DL (Chairman)
x Mrs Angela Fraser DL (Vice-Chairman)

* Mr Victor Agarwal
*+ Ms Karen Heenan
* Mr Daniel Kee
* Mr Geoff Marlow
* +Mr SFI Rutter
* Mr Chris Slyfield
* Mrs Jean Smith

+ = Independent Representatives
* = Present
x = Present for part of the meeting

PART 1

IN PUBLIC

37/07 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]

There were no apologies for absence.

The Chairman informed the Committee that there would be a change to the order of the meeting. Item 6 'Compliments and Complaints report' would now follow Item 4 'Questions and Petitions'.

38/07 MINUTES OF THE PREVIOUS MEETING: 26 September 2007 [Item 2]

The minutes were agreed as an accurate reflection of the meeting.

39/07 DECLARATIONS OF INTEREST [Item 3]

There were no declarations of interest.

40/07 QUESTIONS AND PETITIONS [Item 4]

There were no questions or petitions.

41/07 COMPLIMENTS AND COMPLAINTS REPORT [Item 6]

Declarations of Interest:

There were no declarations of interest.

Witnesses: (name, job title, service/organisation)

Nigel Bartlett-Twivey (Customer Relations Manager, Services for Communities), Mike Geernaert (Head of Safeguarding Services, Services for Families) and Belinda Newth (Customer Relations Service Manager, Services for Families).

Key Points Raised During the Discussion:

- There had been a distinct improvement in Surrey Highways' performance, especially in the East area. There is a lot of energy around improving performance in Surrey Highways.
- Mike Geernaert and Belinda Newth spoke to the Committee about performance in Services for Families. The situation was complicated. A manual assessment of the current situation showed that it was very different to the data in the database. The current database does not reflect the complaints process and its complexities. For example, while statutory complaints have a timescale of ten days for a response, there is flexibility to extend this to 20 days; however, this is not reflected in the database. There also appears to be a problem with staff inputting data in a timely fashion. The following actions are to be taken:
 - The timeliness of data inputting needs to be improved. Teams are being chased regularly so eventually the task becomes automatic.
 - Data needs to be more reflective of the work being done, for example using a rolling measure of responses.
 - Many complaints will not be completed within the statutory ten-day timeframe and the database needs to reflect that.
 - A cultural change needs to be instigated, for example through the use of complaints workshops for staff.
- A report was tabled on the issues in Services for Families.
- Officers welcomed the Standards Committee interest in the complaints handling performance. It helped to raise complaints as a priority. Customer Relations Managers are fully aware that a report goes to Standards Committee on a regular basis.

- Members were concerned about complaints not being logged. Officers assured Members that the public should be able to log their complaints straight with the service, through the Contact Centre and on the Website. Nigel Bartlett-Twivey asked members to bring any specific concerns to him for investigation.
- Officers assured Members that where a complaint is complicated, it can be escalated straight to Stage 2 and an easy answer will not be sought.
- Jean Smith highlighted the great strides made by Surrey Waste Management with regard to the way it handles the local depot in her division and relations with the public. She asked for her thanks to be passed on.

Select Committee Next Steps:

- To receive the third quarter Compliments and Complaints report at its meeting on 20 February 2008.
- Further feedback on Services for Families' performance to be sought through Nigel Bartlett-Twivey unless there is significant cause for concern.

**42/07 CHAIRMAN'S REPORT ON STANDARDS BOARD CONFERENCE
[Item 5]**

The Chairman briefed the Committee on his visit to the Standards Board Conference. Parmjit Dhanda MP, Parliamentary Under Secretary of State at the Department for Communities and Local Government, thanked Standards Committees for their work. He was aware of the problem of funding the expanding work of Standards Committees.

The Conference heard that there were some committees carrying out pilot arrangements for the local filter which all Standards Committees were to take on as a responsibility during 2008.

Since the conference, the Chairman had asked the Monitoring Officer to arrange meetings biannually for them to meet with the Chief Executive and Leader of the Council to discuss Standards issues.

At the conference it was suggested that Standards Committees work with Overview and Scrutiny Committees and Audit Committees. At Guildford Borough Council, the Standards Committee had taken on the role of the Audit Committee.

43/07 THE LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007 [Item 7]

Ann Charlton informed the Committee that the Local Government and Public Involvement in Health Act had been given Royal Assent on 30 October 2007. However, the statutory instruments to bring in the ethical standards sections of the Act were expected to take effect from April 2008. The Act had the following impacts on Standards Committees:

- It will require all Standards Committees to have an independent representative as Chairman.
- It introduces the local assessment of whether to investigate a complaint.
- It abolishes the role of the Independent Adjudicator. At present if a politically restricted officer wishes to be involved in political activities they have to go to the Independent Adjudicator. In future they will need to come to Standards Committee for an exemption. Ann did not think this would add significantly to the work of the Standards Committee.

At present, the Standards Board for England assesses whether if the facts of a complaint were correct, they would amount to a breach of the Code of Conduct. If they would, the Standards Board delegates the complaint for investigation. This would be a significant increase in the Committee's workload as Council members have more complaints made against them than the Standards Board have delegated for investigation and determination. Ann estimated that that the Committee would have to assess five to six complaints a year. A further complication was that if a complainant was unhappy that the Standards Committee decides not to investigate, they could appeal. The Standards Committee would need to establish a review panel that was not involved in assessing the complaint originally. The new regulations were yet to be seen. Once these were published the Committee would require training.

Nicolas Davies tabled the model process shared at the Standards Board Conference as a starting point for consideration.

Members were concerned that while it was public knowledge that a Member had been complained about, the complainant had anonymity and this could encourage malicious complaints. Ann informed the Committee that this had not changed but that if the complaint goes to public determination, the complainant would be called as a witness. Ann pointed out that delay was something to be avoided and asked that the Committee be flexible and make itself available when needed.

Members were assured that the Committee would continue with the use of an ad hoc Sub-Committee to determine complaints. This helps avoid a Member's party colleague being involved in determination of complaint against them.

In response to a question Ann explained that sensitive as well as complex cases would be retained by the Standards Board. If, for example, a Chief Executive were to complain about a Leader of the Council, it would be referred straight to the Standards Board for England as it would put both the Monitoring Officer and the Committee in a very difficult position.

Victor Agarwal expressed concern that Independent Representatives and senior officers were not representative of Surrey residents. Ann informed Mr Agarwal that were rules about who can be involved in appointing senior officers. The appointments panel must be politically balanced.

44/07 REPORT ON COMPLIANCE WITH THE CODE OF CONDUCT [Item 8]

Ann Charlton informed the Committee that all Members apart from two had completed the Register of Interests form. It was

Resolved:

That the Chairman should write to the two Members concerned giving a timetable for complying with the Code of Conduct. If the Register of Interests form is not completed in time, the Members would be reported to the Standards Board for England.

Ann informed the Committee that a complaint had been made to the Standards Board for England about a County Councillor but that it had been retained for now.

Geoff Marlow informed the Committee that he had received a desk diary and pocket diary from Ringway which he had declared as a gift. Mr Marlow was reminded that only gifts of more than £25.00 value needed to be declared and if this fell into that category he would need to declare the gift whenever Ringway was discussed in a meeting.

45/07 APPOINTMENT OF INDEPENDENT MEMBERS [Item 9]

Ann Charlton informed the Committee that in May 2005, Karen Heenan had been appointed for a three-year term, while Nicolas Davies and Simon Rutter had been appointed for four year terms. This had been so as to ensure a rolling membership of experienced Independent Representatives. Karen Heenan's term expires on the date of the Annual Meeting of Council in May 2008.

The Committee heard that the Monitoring Officer would take a report to Full Council in January 2008 to seek agreement to the appointment of a selection panel to short list and interview applicants with a view to that panel making a recommendation of appointment to Full Council at or before the next Annual Meeting.

An Equality Impact Assessment would be made on the recruitment process. It was important that the Committee membership be diverse. Advertising would need to be focussed in the right places. Victor Agarwal suggested that Members write to their local paper inviting people to come forward. Ann informed the Committee that there would need to be a report to full Council before any advertising for applicants can go forward.

Karen Heenan suggested that a fixed term of exit would be a useful guide for interested individuals, for example two terms maximum. Ann responded that this was not addressed in the Constitution but that she could discuss it with the How the Council Manages its Business Group. Further suggestions included:

- A fourth Independent representative to help with the increased workload that was anticipated in 2008.
- There should be a four-year security of tenure – both for the terms of Independent Representatives and for elected Members appointed to Standards Committee.

46/07 DATES OF FUTURE MEETINGS [Item 10]

The next meeting of the Committee will be on 20 February 2008 at 10.30am. There would be a training session in the afternoon on determinations

Future meetings will be on:

29 April 2008
25 June 2008
17 September 2008

The Chairman wished the Committee a happy Christmas.

[Meeting ended: 12noon]

Chairman