

MINUTES of the meeting of the **STANDARDS COMMITTEE** held at 10am on Monday 15 February 2010 at County Hall, Kingston upon Thames.

These minutes will be confirmed by the Standards Committee at its next meeting on 12 April 2010.

Members:

- +* Mr Simon Edge (Chairman)
- + Ms Karen Heenan (Vice-Chairman)

- +* Mr Nicolas Davies LVO JP DL
- * Mrs Angela Fraser DL
- * Eber Kington
- * Mr Geoff Marlow
- * Mr David Munro
- +* Mr SFI Rutter
- Mrs Lavinia Sealy
- * Mr Colin Taylor

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

PART 1
IN PUBLIC

01/10 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]

Apologies for absence were received from Ms Karen Heenan and Mrs Lavinia Sealy.

02/10 MINUTES OF THE LAST MEETING: 30 November 2009 [Item 2]

Clarification was requested on why the number of individuals on the selection panel for the Independent Representatives was different to that agreed by the Standards Committee. The Monitoring Officer reported that when the Council had considered the report of the Committee, it had resolved to amend the membership of the interview panel.

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

03/10 DECLARATIONS OF INTEREST [Item 3]

There were no declarations of interest.

04/10 QUESTIONS AND PETITIONS [Item 4]

There were no questions or petitions.

05/10 REVIEW OF LOCAL STANDARDS FRAMEWORK [Item 5]

Declarations of Interest:

There were no declarations of interest.

Officers present:

Ann Charlton (Monitoring Officer)

Rachel Crossley (Deputy Monitoring Officer)

Sarah Baker (Acting Principal Solicitor)

The Committee watched the Standards Board for England DVD on Local Investigations to inform this item.

Key Points Raised During the Discussion:

- Fourteen complaints against County Councillors had been processed since May 2008. One case had been discontinued due to the ill health of the subject Member, and one had resulted in a finding of a breach of the Code and one had been referred for other action.
- There was a discussion on whether Members should be informed when a complaint was made against them before an assessment sub-committee had considered it. The general consensus was that the Monitoring Officer should write to all Members and ask them to indicate whether they would like to know. However the final decision would rest with the Monitoring Officer.
- It was agreed that the majority of Members were not aware that the Monitoring Officer or the Committee could not inform them of the nature of the complaint until after the initial assessment of the complaint. It was agreed that an explanation of this should be included when the Monitoring Officer wrote to the Members.
- The Committee requested that the Monitoring Officer find out whether the decision not to inform subject Members of the nature of a complaint against them in the initial stages was a decision of the Standards Board or was set out within Statute. If the Standards Board had made the decision, the Committee requested that the Monitoring Officer feed back to the Standards Board that the Committee did not agree with this process, as it was considered that it this was against natural justice.
- There was a discussion on the difference between a complaint about a councillor's performance, which should be taken through the

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complaints procedure, and one about the behaviour of a councillor, which was a standards issue.

- It was agreed that if the subject Member was not permitted to attend assessment sub-committees into a complaint about them (which was held in private session), there should be a general presumption that no other Member of the Council should be able to attend the hearing without a compelling “need to know” argument. The Committee would write to Council to request a change in the Constitution to reflect this.
- There was a discussion on whether the Council should purchase insurance cover to provide legal support to members faced with a complaint about conduct. The Committee was against providing such insurance. If the decision of the Committee was that the Member had breached the Code, the law required the Member to repay the actual cost of any legal advice/representation provided to them, not merely the insurance premium. This could be very costly for the Member involved. Also, the Council should not be seen to be promoting an uneven playing field by providing legal support for Members in this situation, as it would not be doing so for the complainant. It was agreed that this was not something that the Standards Committee could endorse. The Chairman agreed to inform the Group Leaders of the Committee’s views.

Actions/Further Information to be Provided:

None

Resolutions:

- a) The Monitoring Officer should write to all Members of the Council to ask them whether they would prefer to have early notice of a complaint (and their responses held in the members’ database); and
- b) If the decision not to inform subject Members of the nature of a complaint against them at the assessment sub-committee stage was made by the Standards Board, the Monitoring Officer should feedback to the Standards Board that the Committee did not agree with this process, as it was against natural justice.

Recommendation to Council:

The Constitution should be amended to reflect that Members are not given an automatic right to attend confidential or exempt meetings unless there was a compelling “need to know” argument for their attendance

Next Steps:

None

06/10 STANDARDS OF CONDUCT SURVEY 2010 [Item 6]

Declarations of Interest:

There were no declarations of interest.

Officers present:

Ann Charlton (Monitoring Officer)

Sarah Baker (Acting Principal Solicitor)

Key Points Raised During the Discussion:

- Audit and Risk Assurance would not be repeating their survey in 2010. The Governance Task Group had supported the inclusion of questions from the Audit and Risk Assurance survey into the Standards Committee survey.
- It was agreed that the questions within the survey should be personalised so that Members were asked to give their views on what they knew about the Code rather than conjecture about what other Members may know.
- If the questions were personalised, it would be harder to compare the results of the 2009 survey to the 2010 survey but it would provide the Committee with more relevant information.
- There was a discussion on whether the survey should be carried out in 2010, or wait a year until the new Members were used to the Council processes. The Committee agreed that, as all Members were required to attend Code of Conduct training during their induction to the Council; they should be aware of what was set out within the Code.
- The Committee agreed that survey would be carried out in 2010 and that the Chairman would approve the revised questions on behalf of the Committee.

Actions/Further Information to be Provided:

None

Resolved that:

- a) The Standards Survey be carried out in 2010;
- b) The questions within the survey be merged with those from the Audit and Risk Assurance 2009 survey;
- c) The questions be amended so that Members were asked to comment on their personal experiences; and
- d) The Chairman of the Committee be appointed to approve the revised questions on behalf of the Committee.

Next Steps:

The survey be carried out and the results be reported to the Committee.

07/10 GUIDANCE ON MEMBERS' CORRESPONDENCE [Item 7]

Declarations of Interest:

There were no declarations of interest.

Officers present:

Ann Charlton (Monitoring Officer)
Rachel Crossley (Deputy Monitoring Officer)
Sarah Baker (Acting Principal Solicitor)
Michelle Grieve (Democratic Services Officer)

Key Points Raised During the Discussion:

- The Local Government Ombudsman guidance was aimed at officers rather than Members, although it did provide evidence of best practice for Members.
- The Local Government Ombudsman guidance focused on how to deal with unreasonable behaviour, but the Committee wanted to provide guidance on reasonable behaviour.
- Any guidance should have more clarification on the role of the Customer Relations Team within the Contact Centre. It should include the dedicated Contact Centre phone number for Members.
- The Chairman had thanked the County Councillor who raised this issue with him for doing so.

Actions/Further Information to be Provided:

None

Resolved:

That the Guidance be APPROVED subject to it being updated to reflect best practice within the Local Government Ombudsman guidance, and to include more information on the Customer Relations Team.

Next Steps:

The revised Guidance on Members' Correspondence be circulated to Members.

08/10 COMPLAINTS HANDLING PERFORMANCE [Item 8]

Declarations of Interest:

There were no declarations of interest.

Officers present:

Jessica Brooke, Customer Relations Officer (Children, Schools & Families)
Loulla Woods, Customer Relations Officer (Customer and Communities)

Key Points Raised During the Discussion:

- Most of the Departments were above target in responding to complaints within the relevant timeframe.
- The Environment Service had fallen below target but this was due to a couple of complaints that legitimately required more time to respond.
- The Customer Relations Team were revisiting the triggers for escalating Stage 1 complaints to Stage 2 where it would be impossible for services to respond to complaints within 10 days. Workshops on the revised criteria had recently taken place and the Customer Relations Team were waiting for feedback on the revisions before taking this forward.
- There was a discussion on whether the first time a resident contacted the Contact Centre about a service should be recorded as a complaint or a service request. It was generally agreed that this should be regarded as a service request unless specifically identified otherwise.
- The Customer Relations Teams were expecting an increased number of complaints regarding the severe weather and the impact this had on the Council's services between January – March 2010.
- The figures indicated that the Adults Service had not been reaching the required targets for responding to complainants, however further research by the Customer Relations Officer had found that the responses had been robust. There had been few requests to escalate complaints to the Local Government Ombudsman and those that had been were not because delayed responses.
- The indications were either
 - a) That the Service had not been agreeing timescales with the complainants for responses or if they had then the Customer Relations Team had not been informed of the agreed response date. As a result, the performance of the Service had been measured against the default response target of 20 days, rather than a realistic deadline; or
 - b) Officers had been responding to the complainants but they had not informed the Customer Relations Officer that this had been completed.

The Adults Policy, Partnerships and Performance Unit had taken an action to improve reporting responses and in consultation with Families Customer Relations Team had developed a recording and monitoring tool, which was being piloted ahead of roll out on 1 April 2010. It was anticipated that this would have a positive impact on performance.

- It was agreed that often responses in the Adults and Childrens Service could be complex and therefore required longer to respond to than the required response deadline. However, the complainant in Childrens Services needed to be notified of this within the 10 days standard response target if an extension was to be agreed.
- The Customer Relations Team had started to be stronger on monitoring whether corrective actions had been completed.

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- Complaints made against the Schools and Young People Service were dealt with through the Corporate complaints process and not the Statutory process. The Customer Relations Team was currently building relationships with the officers within this service to assist in improving performance against response targets
- It was agreed that the corrective action for Surrey Highways on Controlled Parking Zones be brought back to the Standards Committee for consideration.

Actions/Further Information to be Provided:

Information on the corrective action for Surrey Highways on Controlled Parking Zones

Resolved:

That Standards Committee notes the report.

Next Steps:

To continue to monitor complaints handling performance at future meetings.

09/10 ACTIONS TRACKER AND WORK PLAN [Item 9]

Declarations of Interest:

There were no declarations of interest.

Officers present:

Michelle Grieve (Democratic Services Officer)

Key Points Raised During the Discussion:

- There was a discussion on the merit of the Committee monitoring compliance with complaints targets at every meeting. It was agreed that this could be done every 6 months to view trends.
- The work programme should be updated to include a date for training the new Independent Representatives in May.
- The Chairman would liaise with the Monitoring Officer regarding the action on considering how to address partnership-related complaints.
- It was not sufficient for the Surrey Matters Editorial Team to decide not to include articles on the Standards Committee. The Committee should look at this again.
- The Chairman explained that he had asked for completed actions to be kept on the actions tracker for 12 months so that the Committee could see whether issues were reoccurring. It was therefore agreed that the completed actions be kept separate to the outstanding actions for ease of reference.

Resolved:

The Actions Tracker and Work Plan were noted.

10/10 DATES OF FUTURE MEETINGS [Item 10]

The next meeting of the Committee will be on 12 April 2010 at 10am.

Future meetings will be on:

Monday 14 June 2010

Friday 23 July 2010

Colin Taylor gave apologies for the meeting on 12 April 2010.

[Meeting ended: 12.50pm]

Chairman