

STANDARDS COMMITTEE

MINUTES OF A MEETING of the Standards Committee held on Monday 9 March 2009 at 4 pm in the Executive Meeting Room, Floor 3 of the Guildhall, Portsmouth.

(NB These minutes should be read in conjunction with the agenda for the meeting.)

Present

Councillors Leo Madden
Paula Riches
Simon Boshier
David Fuller (deputising for Councillor
Jim Fleming)

Independent Members

Peter Wyles (Chair)
Andrew Mackay

Officers

Michael Lawther, City Solicitor
Carol Cunningham, Corporate Complaints Investigative
Link Officer

5 Apologies for Absence (AI 1)

Apologies for absence were received from Councillor Darron Phillips, Councillor Jim Fleming, Mr Peter Parham, Mr Jon Wood, Mr Mervyn Cowdrey and Councillor David Yates.

6 Declaration of Members' Interests in accordance with Standing Order 14 (AI 2)

There were no declarations of interests.

7 Minutes of the Standards Committee Meetings held on 3 November 2008, 24 November 2008 and 23 January 2009 (AI 3)

The City Solicitor explained that items to be brought forward to future meetings mentioned in the various sets of minutes are in hand.

RESOLVED that the minutes of the Standards Committee meetings held on 3 November 2008, 24 November 2008 and 23 January 2009 be confirmed and signed by the Chair as a correct record.

8 Update Report (Verbal) on Councillors' CRB Disclosures from the City Solicitor

The City Solicitor reported that all Portsmouth City Councillors except for one have completed the CRB forms. The person who has not yet completed a form may not be able to carry out all the duties expected of a Councillor and the City Solicitor will discuss the implications with the Safeguarding Officer.

All independent members of the Panel have completed the necessary forms except for Mr Mervyn Cowdrey who has been on secondment abroad, but who will complete a form on his return.

Southsea Town Councillors who are members of the Standards Committee have completed their CRB forms and a letter has been sent on behalf of the Standards Committee to the Clerk of the Southsea Town Council recommending that all Southsea Town Councillors complete the CRB check forms.

During discussion, the following points were made –

- Members of the Committee expressed their shock, surprise and disappointment that a Portsmouth City Councillor had refused to complete the CRB check form.
- The Committee were anxious to ensure that all appropriate safeguards are in place and this may mean that the Councillor concerned will be unable to carry out some of the duties which would be expected. For example, a Councillor is likely to come into contact with vulnerable adults and children.
- The City Solicitor advised that he had spoken to the Leader of the Group to which this Councillor belongs and the Group Leader concerned has agreed to speak again to the Councillor. The City Solicitor believes that the identity of the Councillor concerned will become obvious as it is likely that the person will not be allowed to fulfil some of the duties expected of a Councillor. Members of the Committee felt that consideration should be given to changing the Constitution so that a person cannot become a Portsmouth City Councillor without agreeing to complete CRB check forms.
- The City Solicitor said that at present there is no legal requirement but it may be possible to write a requirement for a CRB check to be undertaken in the Councillors' Code of Conduct.
- The City Solicitor confirmed that the Councillor concerned can still participate in decision making. It is only physical contact with certain groups in society that would be curtailed.

- The City Solicitor said that he would prefer to seek to persuade the Councillor concerned to complete a CRB check form and the Standards Committee agreed to give their backing to this approach.

RESOLVED that the Committee –

- (1) Notes the further report from the City Solicitor;**
- (2) Supports the City Solicitor's suggestion that a further approach be made to the Councillor concerned to request that a CRB check form is completed;**
- (3) The City Solicitor undertakes to provide the Committee with a verbal update at the next meeting.**

9 Update Report (Verbal) from the City Solicitor on the Number of Members who have met with HR to Consider Training

The City Solicitor advised the Committee that Councillors who sit on Standards Committee, Licensing Committee and Development Control Committee have all received training. However, the internal arrangements for training seem to be rather vague and he made the suggestion that someone from Human Resources should prepare a report to bring back to this Panel on various training options. During discussion the following points were made:

- There are often instances of Councillors changing the Committees they are on, during the year and where this happens, training should be provided.
- There is no training offered for sitting on various Committees such as Governance & Audit.
- All 42 Councillors tend to turn up for Council Meetings and therefore it may be a good time to hold training before these meetings.
- Often where training is provided, for example the ASB (Anti-Social Behaviour) course held at Chaucer House, they are not well attended by Councillors.
- With regard to the Standards Sub-Assessment Committees, it was suggested that group training could be given and the City Solicitor agreed to look at setting up some sessions to go through this process.
- Councillor Boshier said that he would like specific training to be given to all Members of the Governance & Audit Committee.
- The City Solicitor said that he would bring a further update on training to the meeting on the 17 March.

RESOLVED that Members note the update report to request further information to be brought to the 17 March meeting of the Standards Committee.

10 Local Government Ombudsman Report on the Investigation into Complaint No 07/B/14737

(TAKE IN REPORT)

The Corporate Complaints Investigative Link Officer introduced the report and explained the details of the case. The Committee heard about actions which had been taken to prevent a similar occurrence happening in the future. The matter has now been concluded and the person dealing with the concessions at the time of this incident was no longer dealing with concessions now.

Councillor Boshier felt that this incident should be looked at further by the Governance & Audit Committee and that Internal Audit should be involved also.

RESOLVED that the Standards Committee –

- (1) Note the report;**
- (2) Note that the Council has implemented the actions agreed with the Local Government Ombudsman;**
- (3) Note the further actions taken by the Council as a result of this complaint;**
- (4) Refers the report to the Governance & Audit Committee via Internal Audit.**

11 Revision of the Corporate Complaints Policy

(TAKE IN REPORT)

The Corporate Complaints Investigative Link Officer introduced the report and advised the Committee that the Corporate Complaints Policy will bring the City Council into line with current best practice. During discussion, the Committee questioned the definition of a complaint included on the first page of the policy. The Committee felt that the definition was not very explicit. The Committee felt that dissatisfaction about a service is a separate point from dissatisfaction about someone acting on behalf of the Council. The Corporate Complaints Investigative Link Officer explained that the intention is that the definition covers all complaints. The Committee suggested that the Complaints Steering Group should revisit the definition in light of the Standards Committee's comments.

Clarification was requested on the three stages of the complaints procedure and it was explained that the time limits were cumulative.

The Committee also suggested that the Complaints Group Committee could look again at the definition of harassment.

RESOLVED that the Standards Committee requests that the Complaints Steering Group look again at the definitions of (1) a complaint and (2) harassment and discrimination with a view to providing clarification and that a revised report be brought to this Committee at a future meeting.

12 Introduction of the Corporate Compensation Policy and the Persistent Complainants Policy

(TAKE IN REPORT)

The Corporate Complaints Investigative Link Officer introduced the report which will enable best practice in complaint investigation and complaint management. During discussion the following points were made:

- The Committee felt that it was good to have these policies but it may be difficult for a member of staff to actually put the policy into practice. If there is a persistent complainant, that person needs to be dealt with at manager level.
- There is a register of people who are known to be violent or abusive. This information is exempt although it may be possible to provide a snap shot sample of the register if the Committee wishes the City Solicitor to do so.
- With regard to the compensation policy, Councillor Madden asked whether there would be a report to Members about the amounts of compensation that had been paid out. The City Solicitor confirmed that an annual report could be made available and that rather than this coming to the Standards Committee it may be better going to the Governance & Audit Committee. There could also be an annual report about the use made of the Persistent Complainants Policy which again could be dealt with by the Governance & Audit Committee rather than by the Standards Committee. On a general point the City Solicitor explained that the Equality Impact Assessment which is included in all reports means that each report is monitored to check that anything that is needed to be done to make the report fair is done. However the City Solicitor agrees that it would be helpful if any action that had been taken as a result of the Equality Impact Assessment should be detailed.

The City Solicitor also said that he felt it would be helpful if the terms of reference for Governance & Audit Committee and Standards Committee were revisited to ensure that there is no duplication of work.

RESOLVED that the Standards Committee -

- (1) Approve the Corporate Compensation Policy and the Persistent Complainants Policy for use across Portsmouth City Council;**

- (2) **Agree that Annual reports be prepared for Governance & Audit Committee relating to:**
- (i) **details of compensation payments made**
 - (ii) **details of persistent complainants;**
- (3) **Agree that the terms of reference for both the Standards Committee & Governance & Audit Committee be considered with a view to eliminating duplication of work.**

13 Quarterly Report on Progress in Relation to Complaints made Relating to Alleged Breaches of the Code of Conduct by Members

The City Solicitor advised the Committee that the purpose of the report is to advise on progress with regard to complaints relating to alleged breaches of the Code of Conduct by Members.

(TAKE IN REPORT)

The City Solicitor advised the Committee that there has been a general trend in that fewer complaints are being made. A revised Schedule of Complaints was circulated at the meeting and the City Solicitor asked the Committee whether it wished to receive full historic details on every occasion or perhaps have a three-year cut off.

During discussion the following points were made –

- If a schedule is to be circulated, then the way in which matters are reported should be uniform.
- The Committee felt that there is little point in sending out the same information repeatedly and that it will be sufficient for the Committee to receive details of current complaints and those occurring in the past year only.
- The Committee felt that detailed reports could be reserved for live complaints as the Standards Board for England keeps details of all past complaints under reference numbers.
- The Chair said that most complaints from now on will be dealt with in-house and not by the Standards Board for England.

RESOLVED

- (1) **That the Standards Committee continue to receive reports on progress in relation to complaints made relating to alleged breaches of the Code of Conduct by Members;**
- (2) **That the schedule listing complaints referred to the Monitoring Officer as shown in the attached appendix, be revised so that only the complaints made in the current and previous year are shown and that all entries onto the schedule follow the same style.**

14 Update from the City Solicitor on the Recruitment of Independent Standing Deputies for the Standards Committee (AI 10)

(TAKE IN REPORT)

The City Solicitor introduced the report and explained that both the candidates that the interview panel wished to put forward for selection are women. The Committee heard that the reason for proposing that two independent standing deputies are appointed rather than one is that the independent members of the Standards Committee have an increasingly important part to play following revisions to the code in 2008. Each meeting of the Standards Committee and the Standards Assessment Sub-Committees must be chaired by an Independent Member. If a Sub-Committee meets initially to consider a complaint, in several instances a completely new Standards Sub Assessment Committee must meet which cannot use any of the same members of the previous sub-committee. During discussion the following points were made:

- The Committee recognised the need for independent members;
- A request was made that attendance records for Standards Committee are kept from the beginning of the next Municipal Year.
- It was agreed that copies of the applications of the two proposed candidates will be circulated to all members of the Standards Committee.

RESOLVED that the Standards Committee supports the following recommendations to go to Council on 24 March 2009, that Council

- 1. agrees the appointment of two independent standing deputies for the Committee and**
- 2. agrees the appointment of Ms Alyson Watts and Ms Janice Andrews as independent standing deputies for a term of 4 years from 24 March 2009 being the two candidates who were selected by the Panel on 13 January 2009.**

15 Date of Next Meeting (AI 11)

The date of the next scheduled meeting is 8 June 2009 at 4 pm, but an extra meeting will be held on 17 March 2009 at 4 pm in the Executive Meeting Room, Floor 3 of the Guildhall, Portsmouth.

The meeting ended at 5.50 pm.

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Chair