

AGENDA

STANDARDS COMMITTEE MEETING



Date: Wednesday 8 June 2011

Time: 2.30 p.m.

Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors: FitzGerald, Mrs Hinder, Parvin,
Mrs Robertson, Mrs Stockell and
Vizzard

Independent Members: Ms Hunt, Mrs Phillips,
Mr Powis and Mr Wright

Parish Representatives: Councillors Butcher,
Mrs Riden, Stead and
Younger

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members

Continued Over/:

Issued on 31 May 2011

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**Alison Broom, Chief Executive, Maidstone Borough Council,
Maidstone House, King Street, Maidstone, Kent ME15 6JQ**

4. Election of Chairman
5. Election of Vice-Chairman
6. Disclosures by Members and Officers
7. Disclosures of Lobbying
8. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
9. Minutes of the meeting held on 27 April 2011 1 - 5
10. Matters arising from the Minutes of the meeting held on 6 April 2011 6 - 11
11. Appointment of Political Group Spokespersons
12. Discussion Item - Localism Bill - Update
13. Forward Plan 2010/12 12 - 16
14. Report of the Monitoring Officer - Code of Conduct Complaints - 1 September 2010 to 31 May 2011
15. Reference from the Corporate Services Overview and Scrutiny Committee - Corporate Services Overview and Scrutiny Committee - Chairman 17
16. Report of the Head of Change and Scrutiny - Review of Complaints January to March 2011 18 - 26
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18. Applications for Dispensations (if any)
19. Chairman's Announcements

Agenda Item 9

MAIDSTONE BOROUGH COUNCIL

STANDARDS COMMITTEE

MINUTES OF THE MEETING HELD ON 27 APRIL 2011

Present:

Councillors: Mrs Hinder, Marchant, Parvin,
Mrs Stockell and Vizzard

Independent Members: Mrs Phillips (Chairman),
Mr Powis and Mr Wright

Parish Council Representatives: Councillors Mrs Riden
and Stead

Also Present:

Councillors FitzGerald and Mrs Wilson

89. APOLOGIES FOR ABSENCE

Apologies for absence were received from Ms Hunt and Councillors Butcher, Mrs Robertson and Younger.

90. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

91. NOTIFICATION OF VISITING MEMBERS

Councillors FitzGerald and Mrs Wilson indicated that they wished to speak on the joint report of the Head of Democratic Services and Monitoring Officer on the Review of Committees.

92. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures.

93. DISCLOSURES OF LOBBYING

Councillors Marchant and Vizzard indicated that they had been lobbied in respect of the report on the Review of Committees.

94. EXEMPT ITEMS

RESOLVED: That the items on the agenda be taken in public as proposed.

95. MINUTES OF THE MEETING HELD ON 6 APRIL 2011

RESOLVED:

1. That the Minutes of the meeting held on 6 April 2011 be approved as a correct record and signed subject to Minute 80 being amended so

that the words "and all Independent Members" are added after "Mr Wright" in the last sentence.

2. That any matters arising be considered at the next meeting.

96. REVIEW OF COMMITTEES

The Committee considered the joint report of the Head of Democratic Services and Monitoring Officer on the review of Committees and in particular the recommendations included in the report to Council which was attached. The Committee agreed the response to each of the individual recommendations to Council.

RESOLVED: That the evaluation of the Committee in respect of the following recommendations being presented to the Council is as follows:-

Overview and Scrutiny Committees

That option 3 of 3 Committees based on the Council's new strategic priorities as detailed in the attached Terms of Reference be adopted as described in section 1.3.3.

Evaluation

The Committee agreed with the recommendation with the amendments that Health and Partnerships be added to the terms of reference of the Communities Overview and Scrutiny Committee and that all the Committees would have the power to call in decisions for their Committee delegations.

Planning Committee

That, with effect from the start of the Municipal Year 2011/12, the number of Members on Planning Committee be reduced from 13 to 11.

Evaluation

The Committee did not support the reduction in the number of Members on the Committee from 13 to 11.

Licensing and Licensing Act 2003 Committees

That no changes are made to the Licensing and Licensing Act 2003 Committees.

Evaluation

The Committee supported the recommendation.

Employment and Development Panel

That the terms of reference of the Employment and Development Panel be expanded to include responsibilities currently undertaken by the Joint Consultative Committee and the Investigatory Committee.

That the functions set out below delegated to the Employment and Development Panel be dealt with as follows:-

- (a) Appraisals - to be delegated to a Sub-Committee of 5 Members
- (b) Acting as an Investigatory Committee in disciplinary matters for staff on the JNC Conditions of Service for Chief Officers of Local Authorities - to be delegated to a Sub-Committee of 5 Members
- (c) Hearing and determining of appeals under the disciplinary procedures for staff on the JNC Conditions of Service for Chief Officers of Local Authorities – to be delegated to a Sub-Committee of 5 Members who must be different to those Members appointed to serve on (b) above.

That the delegation to the General Purposes Group as set out below be transferred to the Employment and Development Panel:-

“To advise the Cabinet Member for Corporate Services and the Head of Human Resources on Member development priorities where appropriate.”

That to accommodate the additional delegations and to appoint the Sub-Committees the membership of the Employment and Development Panel increase from 8 Members to 12 Members and include at least 2 Members of the Executive.

Evaluation

The Committee supported the recommendations.

Local Development Document Advisory Group

That the Local Development Document Advisory Group is disbanded and that its role of giving advice to the Cabinet and the Cabinet Member for Regeneration on the Local Development Documents and Local Development Framework is transferred to the appropriate body within the Overview and Scrutiny function.

That a Task and Finish Panel, appointed by the appropriate Overview and Scrutiny Committee and which is politically balanced by nominations from Group Leaders, is established to take on the advisory function to the Executive during the Local Development Document process as well as the role of Overview and Scrutiny within the policy framework process.

Evaluation

The Committee supported the recommendations.

Strategic Housing Advisory Committee

That the Strategic Housing Advisory Committee is disbanded.

That a new Housing Consultative Board comprising 7 Members is created with terms of reference as recommended by the Cabinet on 9 March 2011 and that the Housing Consultative Board is established initially for a period of 12 months from May 2011 as an Advisory Sub-Committee to the Executive to be appointed by the Leader on the nomination of Group Leaders but with the Board being politically balanced.

Evaluation

The Committee supported the recommendations.

Joint Consultative Committee

That the Joint Consultative Committee is disbanded and that its terms of reference are transferred to the Employment and Development Panel.

Evaluation

The Committee supported the recommendation.

Investigatory Committee

That the Investigatory Committee be disbanded and its terms of reference are transferred to the Employment and Development Panel and that the function be delegated to a Sub-Committee of 5 Members as detailed in section 1.2.4 above.

Evaluation

The Committee supported the recommendation.

Joint Transportation Board

That the Joint Transportation Board be retained and reviewed in the context of the establishment of a Locality Board for Maidstone.

Evaluation

The Committee supported the recommendation.

General Purposes Group

That the General Purposes Group be retained, with a reduced membership of 6, and that its terms of reference be amended as set out in section 1.3.18.2.

Evaluation

The Committee did not support the proposed retention of the General Purposes Group albeit with a reduced membership and amended terms of reference, but favoured the option of disbanding the Group and reallocating its terms of reference to other bodies.

Planning Referrals Committee

That the Planning Referrals Committee be retained with a membership of 3.

Evaluation

The Committee supported the recommendation.

Audit Committee

That the Committee be retained.

Evaluation

The Committee supported the recommendation.

Standards Committee

That the future of the Standards Committee is looked at separately taking into account legislation currently being considered in parliament and what the Council would want to do locally.

Evaluation

The Committee supported the recommendation.

Constitution

In accordance with Article 15.02 (a) of the Constitution, the Standards Committee has evaluated the proposed amendments to the Constitution arising from the Review of Committees and believes that, subject to the points raised above, their implementation will help to ensure that the aims and principles of the Constitution are given full effect by putting in place a structure which will enable decisions to be taken efficiently and effectively and which creates an effective means of holding decision makers to public account.

97. DURATION OF MEETING

4.30 p.m. to 5.55 p.m.

Agenda Item 10

MAIDSTONE BOROUGH COUNCIL

STANDARDS COMMITTEE

MINUTES OF THE MEETING HELD ON 6 APRIL 2011

Present: **Councillors:** Mrs Gibson, Mrs Hinder, Marchant, Mrs Robertson and Vizzard

Independent Members: Mrs Phillips (Chairman), Ms Hunt, Mr Powis and Mr Wright

Parish Council Representatives: Councillors Butcher and Mrs Riden

Also Present: **Councillor Garland**

72. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Parvin, Stead, Mrs Stockell and Younger.

73. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Mrs Gibson was substituting for Councillor Mrs Stockell.

74. NOTIFICATION OF VISITING MEMBERS

It was noted that Councillor Garland, the Leader of the Council, had been invited to address the meeting.

75. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

76. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying at this stage.

77. EXEMPT ITEMS

RESOLVED: That the items on the agenda be taken in public as proposed.

78. MINUTES OF THE MEETING HELD ON 10 FEBRUARY 2011

RESOLVED: That the Minutes of the meeting held on 10 February 2011 be approved as a correct record and signed.

79. ADDRESS BY COUNCILLOR CHRIS GARLAND - LEADER OF THE COUNCIL

At the invitation of the Committee, Councillor Garland, the Leader of the Council, attended the meeting to discuss his views on the proposals contained in the Localism Bill in relation to the ethical standards regime and how a local Standards Committee, if there was to be such a thing, would operate under the new arrangements for regulating the standards of conduct for Members and Co-opted Members. He commented that:-

- It was his understanding that Eric Pickles, the Communities Secretary, had moved to abolish the Standards Board regime being of the view that in future Councillors should expect to be judged by the electorate on their conduct/performance and not by a Standards Committee of a local authority.
- Clearly there was a view amongst Members that the Standards Committee had done a lot of good work since it was established, but there was a need for change. He subscribed to that view, but believed that caution was required in bringing about the changes.
- The public needed to be reassured that there was some degree of outside scrutiny of the behaviour and performance of Councillors. Maidstone had been fortunate in that there had been very few instances where Members had deviated from the standards of behaviour that the public expected from them. However, there was concern that sometimes there were complaints that could be dealt with in a less formal and less costly manner and sometimes the Standards Committee was obliged to investigate the conduct of a Councillor when, it could be argued, the matter might more appropriately be dealt with elsewhere; for example, by the electorate at the end of his/her term of office.
- It was anticipated that the Localism Bill would receive Royal Assent in late 2011 and the existing ethical standards arrangements would continue to function until a fixed date which was likely to be some two months later. In terms of what, if anything, would replace the current standards regime, his view was that there would need to be a Code of Conduct to guide Members and a small group of, say, three Independent Members should be established to meet as and when required to monitor compliance with the Code and deal with complaints of extreme misconduct. Complaints of a less serious nature could be dealt with by Group Leaders.
- In terms of the other functions currently undertaken by the Standards Committee, he felt that any replacement body should confine itself to Code of Conduct issues.

During the ensuing discussion, reference was made to:-

- The likely public reaction to the anticipated abolition of the requirement to have a Code of Conduct and the need to reassure the public that the Borough Council would have robust arrangements in place next year to promote and maintain high standards of conduct by Members and Co-opted Members.
- The need for some sort of locally agreed Code of Conduct to guide Members, but this should be less complex than the current Code.

- The need for a protocol for dealing with complaints of Member misconduct quickly and cost effectively, but with a “lighter touch”, and the arguments for and against involving elected Members in the process.
- The merits of establishing a small, non-statutory Committee of Independent Members to monitor compliance with the Code and to look into complaints of Member misconduct as and when required.
- The implications for Parish Councils, particularly in terms of whether to adopt a voluntary Code of Conduct and, if so, its contents; monitoring compliance with the Code; training; dealing with complaints of Member misconduct; and the need to indemnify Members against the costs of action about breaches of the Code.
- The training which would be required by Members on any locally agreed voluntary Code of Conduct given that it was likely to be simpler and that what constituted a criminal offence under the new arrangements (for example, failure to register or declare an interest) would be clearly defined.
- The process for implementing the provisions of the Localism Bill, including the transitional arrangements.
- How the functions of the Standards Committee otherwise than in relation to the Code of Conduct for Members would be dealt with.
- Whether or not the Borough Council should seek to impose any regulatory function over Parish Councils.

The Committee thanked the Leader for an interesting discussion.

80. LOCALISM BILL - UPDATE

The Committee gave further consideration to the implications of the provisions of the Localism Bill in so far as they related to the standards regime. It was noted that:-

- The Chairman and the Head of Legal Services had attended a meeting of the Maidstone Area Committee of the Kent Association of Local Councils which had expressed an interest in a joint Code of Conduct for Parishes and the Borough Council.
- The Independent Members who had attended the meeting of the Liaison Group of Kent and Medway Independent Standards Committee Members on 22 February 2011 had reported that their Councils were interested in/would consider supporting a new standards regime and there was a general consensus for Committees to be retained, the exact role of which to be defined once the legislation was in place. The Group had debated whether there should be a strategic plan for Kent and the Independent Members were asked to put a number of questions to their Councils: was there a need for a Code of Conduct; was there a need for Standards Committees and, if so, should Independent Members be involved; and how could the public be made more aware/re-assured of ethical standards in local government?
- In general, therefore, there appeared to be growing interest in maintaining a Code of Conduct with a non-statutory Committee to advise on the Code and sanctions and provide training.

- Thanet had suggested lobbying for the continuation of full voting rights for Independent Members on any voluntary Standards Committees which might be established.

On this latter point, the Committee was mindful that under the new arrangements, Co-opted Independent Members would only have voting rights if acting in an advisory capacity. However, the only decision likely to have to be made would be whether to investigate a complaint of Member misconduct and there would be no statutory sanctions available in any event to take against an offending Member.

RESOLVED: That the position be noted and that no action be taken on the suggestion that representations be made calling for the continuation of full voting rights for Co-opted Independent Members.

Note: Mr Wright stated that he had been lobbied regarding the continuation of full voting rights for Independent Members.

81. FORWARD PLAN 2010/2012

The Committee considered the position with regard to the activities set out in the Forward Plan 2010/12. It was noted, inter alia, that the Training Officer had provided a short report evaluating feedback about the training provided for Borough and Parish Councillors and Parish Clerks on the Code of Conduct. The report showed that the sessions had been well attended and well received.

RESOLVED: That the position with regard to the activities set out in the Standards Committee Forward Plan 2010/12 be noted.

82. ANNUAL REPORT TO COUNCIL 2010/11

The Committee considered its draft Annual Report to the Council. The Committee agreed the Report for submission to the Council subject to minor amendments.

A copy of the amended version of the Annual Report is attached as an Appendix to these Minutes.

RESOLVED to RECOMMEND to the COUNCIL: That the Standards Committee's Annual Report to Council 2010/11, a copy of which is attached as an Appendix to these Minutes, be noted.

83. REFERENCE FROM CABINET - FUTURE ROLE OF THE STRATEGIC HOUSING ADVISORY COMMITTEE

The Committee was asked to evaluate the amendment of the Constitution as a consequence of a proposal to disband the Strategic Housing Advisory Committee and create a new body to be called the "Housing Consultative Board" to advise the Cabinet and Cabinet Members on housing matters. It was noted that, in the light of major changes to housing statute and policy proposed by central government, it was considered that there was merit in having a body to advise the Cabinet and Cabinet Members on

matters relating to housing. However, it was also felt important to differentiate this body from the role of the Strategic Housing Advisory Committee, which was in effect to monitor the progress of the promises made prior to the housing stock transfer.

The Committee supported the proposed amendment of the Constitution as a process would be put in place which would enable decisions to be taken efficiently and effectively and which would create a powerful and effective means of holding decision makers to public account.

RESOLVED to RECOMMEND to the COUNCIL: That it be noted that, in accordance with Article 15.02 (a) of the Constitution, the Standards Committee has evaluated the amendment of the Constitution as a consequence of the proposal to disband the Strategic Housing Advisory Committee and create a new body to be called the "Housing Consultative Board", and believes that its implementation will help to ensure that the aims and principles of the Constitution are given full effect by putting in place a process which will enable decisions to be taken efficiently and effectively, and which creates a powerful and effective means of holding decision makers to public account.

84. REFERENCE FROM CABINET - EXECUTIVE PROCEDURE RULES - PETITIONS

The Committee was asked to evaluate suggested amendments to the Executive Procedure Rules relating to petitions to remove the age limit on who can sign a petition or present a petition to the Cabinet or a Cabinet Member. It was noted that at the Council meeting on 22 September 2010, it was agreed that the Council's Petition Scheme should be amended so that there is no age limit on who can sign a petition or present a petition to Council. The amendment made by the Council to the Council Procedure Rules did not change the rules for the presentation of petitions to the Cabinet which are dealt with separately in the Executive Procedure Rules. On being made aware of this anomaly the Cabinet determined that the changes should be made in order to have consistency across the Council.

The Committee supported the proposed amendments to the Executive Procedure Rules within the Constitution believing that their implementation would create an effective means of holding decision makers to public account.

RESOLVED to RECOMMEND to the COUNCIL: That it be noted that, in accordance with Article 15.02 (a) of the Constitution, the Standards Committee has evaluated the proposed amendments to the Executive Procedure Rules within the Constitution and believes that their implementation will help to ensure that the aims and principles of the Constitution are given full effect by creating an effective means of holding decision makers to public account.

85. REFERENCE FROM THE AUDIT COMMITTEE - ELECTRONIC TENDERING - AMENDMENT TO CONTRACT PROCEDURE RULES

The Committee was asked to evaluate suggested amendments to the Contract Procedure Rules within the Constitution arising from the purchase of an electronic tendering system. It was noted that the proposed amendments related to the deletion of the specific reference to an email address as the new system was web-based and that it was the intention to use the new system for the submission of tenders in respect of contracts in excess of £75,000.

The Committee supported the proposed amendments to the Contract Procedure Rules within the Constitution as any decision not to make the amendments would prevent tenders being submitted using the new system, and thus hinder the efficient and effective taking of decisions.

RESOLVED to RECOMMEND to the COUNCIL: That it be noted that, in accordance with Article 15.02 (a) of the Constitution, the Standards Committee has evaluated the proposed amendments to the Contract Procedure Rules within the Constitution and believes that their implementation will help to ensure that the aims and principles of the Constitution are given full effect, as any decision not to make the amendments would prevent tenders being submitted using the new electronic tendering system, and thus would hinder the efficient and effective taking of decisions.

86. APPLICATIONS FOR DISPENSATIONS

There were no applications for dispensations.

87. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that since this was the last meeting of the Standards Committee before the elections in May, she would like to take the opportunity to thank all Members and Co-opted Members of the Committee for their hard work and support throughout the year, and to express her thanks in particular to Councillor Marchant, a long-standing Member of the Committee, who would not be standing for re-election.

88. DURATION OF MEETING

2.00 p.m. to 3.40 p.m.

Agenda Item 13

Standards Committee – Forward Plan 2010/2012

To promote and maintain good governance in Maidstone

Activity	Action/Progress	Timescale
CODE OF CONDUCT		
<p>To consider the changing requirements of central government in respect of the ethical standards regime.</p>	<p>To comment on and thereby influence future government legislation and guidance.</p> <p>Send letter to the Secretary of State urging effective consultation process.</p> <p>Reply received confirming there would be no consultation process. Localism Bill published mid-December.</p> <p>All Members and Co-opted Members of the Committee have been sent a summary of the Bill and extracts of the relevant chapters.</p> <p>Chairman and Monitoring Officer to attend meeting of Maidstone KALC on 5 April 2011 to discuss the implications of the Localism Bill.</p>	<p>Comment within time limits set by any consultation process keeping Members up-to-date at Committee meetings and by e-mail when necessary.</p> <p>Agreed at September 2010 meeting.</p> <p>Chairman and Monitoring Officer reported back to Committee on 6 April 2011.</p>
<p>To liaise with other local standards networks on good practice.</p>	<p>Independent Co-opted Members to attend Kent/Medway Independent Standards Committee Liaison Group, work with other local authorities and report back to the Committee.</p> <p>No further action to be taken on the "Working with Parishes" Protocol in</p>	<p>New developments e.g. toolkits to be reported to and discussed by the Committee.</p> <p>Agreed at December 2010 meeting.</p>

	light of lack of comments from KALC and the Society of Parish Clerks.	
Monitoring the role and effectiveness of the Committee.	Monitoring take up and effectiveness of training, monitoring complaints, reviewing practice against national best practice advice.	Ongoing.
Annual Return to SfE (or other national body).	No longer required.	
Chairman's Annual Report.	Discussion in Committee in April 2011. Consider wider circulation within MBC. Circulated to Parish Clerks and added to MBC's website.	Submitted to and noted by Council on 27 April 2011.
Forward Plan.	Regular monitoring.	Include as a standing item on the agenda for Committee meetings.
Consider dispensation requests from Parish and Borough Councillors.	Deal with requests expeditiously when received. Urgent requests to be determined by Sub-Committee. Promote the use of the pro forma.	Ongoing.
COMPLAINTS PROCESS	(CODE OF CONDUCT)	
Operate the local complaints process.	To carry out the work efficiently, choosing the most effective and economical means to fulfil the Committee's statutory duties.	Ongoing.
Consideration of complaints and 6-monthly returns.	Monitoring.	MO to prepare 6-monthly report to Committee in June 2011.
Monitor progress of investigations.	MO to agree work plan for each investigation in	Agreed at September 2010 meeting.

	consultation with Chairman of Sub-Committee.	
TRAINING		
Regular training for Borough, Parish Representatives and Independent Members and Parish Members and Clerks on the Ethical Framework.	Training for Borough, Parish Representatives and Independent Members and Parish Members and Clerks.	Continue the bi-monthly programme started on 4 October 2010 until June 2011. Decision on whether to continue training – June 2011
Training for Members of the Standards Committee on the work of the Assessment Sub-Committees.	Training for new Members to include refresher training for existing Members.	New Member training as required. Refresher training on annual basis.
Guidance for MBC Officers on how to complain about Members' conduct.	Review MBC complaints and grievance advice for MBC Officers.	Ongoing.
Review and monitor training on the Code of Conduct.	Identify further training and evaluate feedback from training sessions. Training Officer to provide a summary of feedback about the training provided over the last two years.	Training Officer to report feedback annually to Committee. Agreed at February 2011 meeting. Reported to 6 April 2011 meeting.
Consider recommending to Council that it ask all Borough Councillors to undergo initial and periodic refresher training on the Code of Conduct.	Discussion in Committee.	2011-2012.
To consider how to integrate Equality Act 2006 and Human Rights Act 1998 into the training.	Discussion in Committee.	2011-2012.
WORKING WITH MBC		
Chairman of Standards Committee to meet the	To promote and enhance the ethical agenda, raise	Meet on a quarterly basis.

Leader of the Council, Group Leaders and CEO with Monitoring Officer.	status of work of the Committee, outline ways by which the Committee can support the Council as part of MBC's accountability to the public.	Next meeting to be arranged to take place early in August. Chairman to report back to Committee.
Chairman of Standards Committee to meet Chairmen of Audit/Overview and Scrutiny Committees.	Exchange information to complement and not duplicate effort, and to review arrangements for dealing with complaints.	Meet on a six monthly basis. First meeting held on 14 January 2011.
Standards for England Partnership Behaviour Protocol.	To consider the ethical governance aspects of the partnership arrangements entered into by the Council.	MBC Partnerships Protocol endorsed at December 2010 meeting.
Publication of the Members' Register of Interests, Gifts and Hospitality on Council's website.	Consider public accessibility on website and data protection issues. Decision to proceed.	Agreed by Council on 2 March 2011.
Appointment of Independent Chairman, and Vice-Chairman.	Independent Chairman, and Vice-Chairman to be appointed annually.	To be appointed at first meeting after Annual Council Meeting.
Review policy and practice of recruiting Independent and Parish Members.	Consider standardising recruitment procedure and length of service of Independent and Parish Members.	Chairman and Monitoring Officer met with KALC to discuss appointment of Parish representatives.
Recruitment of 2 Independent Members and 1 Parish Member at end of 3 year term.	Recommendation to Council to extend existing terms of office until Annual Council Meeting in May 2012.	Agreed by Council on 27 April 2011.
Deputy Monitoring Officer/legal support.	Consider ways the new shared legal working arrangements can provide effective support to Committee and can minimise delay in dealing with complaints and investigations.	Raised by Chairman at meeting with Group Leaders, CEO and Monitoring Officer – in hand.

Consideration of MBC complaints and quarterly reports.	Monitoring.	Officers to prepare quarterly reports to Committee on regular basis.
Undertake an audit of the awareness of ethics and standards amongst Officers and Members at the Borough and Parish Councils.	Discuss with Audit Committee and Leaders/CEO whether an internal ethical questionnaire would be beneficial given cost.	Raised at meeting with Leaders/CEO and at joint meeting with Audit and Overview and Scrutiny Committee Chairmen.
Standards Committee Independent and Parish Members encouraged to attend Council meetings.	To obtain greater understanding of the workings of the Council.	For individual Members to decide according to personal preference and availability.
DISSEMINATION OF INFORMATION		
Disseminate information, guidance, toolkits to Committee to raise awareness and stimulate discussion of current issues at Committee meetings.	Reports to Committee, monitoring and updating website, issuing standards bulletins, introduction of speakers at Committee meetings to stimulate discussion.	To be considered at regular intervals at Committee meetings. Leader of the Council, Leader of the Opposition and CEO have addressed the Committee. Leader of the Independent Group to be invited in due course.
RAISING AWARENESS		
Promoting awareness of role and work of the Standards Committee both internally and with the public.	Press releases, increased and up-to-date information on website to show importance of standards in public life, integrated with MBC media strategy.	Ongoing. Develop media strategy to fit in with MBC's media plans.

MAIDSTONE BOROUGH COUNCIL

STANDARDS COMMITTEE

WEDNESDAY 8 JUNE 2011

REFERENCE FROM CORPORATE SERVICES OVERVIEW AND SCRUTINY COMMITTEE

CORPORATE SERVICES OVERVIEW AND SCRUTINY COMMITTEE – CHAIRMAN

1. Background

At its meeting on 24 May 2011 the Corporate Services Overview and Scrutiny Committee considered the appointment of Chairman for the municipal year 2011- 12.

At the meeting some Members expressed concern that the current overview and scrutiny procedural rules as set out in the constitution at paragraph 7 point 3 do not allow all non executive members to be considered for the position of Chairman and exclude the group(s) currently holding the executive positions:

“The Chairman of the Corporate Services Overview and Scrutiny Committee shall come from a political group not represented on the executive, except where all political groups are represented on the executive.”

The Committee have agreed that a report be sent to Council requesting that paragraph 3 of Overview and Scrutiny procedure rule 7 be deleted. Standards Committee are asked to evaluate this in-line with the constitution.

2. Recommendation

Resolved: That

- c) The Council be recommended to delete the third paragraph of Overview and Scrutiny Procedure Rule 7 the effect of which is to remove the requirement that the Chairman of the Corporate Services Overview and Scrutiny Committee should come from a political group not represented on the executive, except where all groups are represented on the executive; and
- d) The Standards Committee be asked to evaluate the proposed recommendation to change the constitution set out in (3) above and submit their views to Council.

Agenda Item 16

MAIDSTONE BOROUGH COUNCIL

STANDARDS COMMITTEE

8 JUNE 2011

REPORT OF THE HEAD OF CHANGE AND SCRUTINY

Report prepared by Ellie Kershaw

1. REVIEW OF COMPLAINTS JANUARY-MARCH 2011

1.1 Issue for Decision

1.1.1 To consider the Council's performance in dealing with complaints during January to March 2011 and to note the areas identified for improvement.

1.2 Recommendation of the Head of Change and Scrutiny

1.2.1 That the Standards Committee endorse the recommendations made in this report.

1.2.2 That the broad categories of complaint are noted as well as the service area to enable easier trend analysis.

1.2.3 That staff are reminded of what constitutes a complaint.

1.3 Reasons for Recommendation

1.3.1 In order to ensure that complaints are being answered within corporate timescales and to a high standard it is important that a monitoring mechanism is in place.

1.3.2 Details of the complaints received, broken down by service area, category and performance against the Council's published service agreement is shown in **Appendix A**

1.3.3 A summary of the analysis of the complaints data for the period October to December 2010 is set out below:;

- During the period under review a total of 89 stage one complaints were processed of which 78 (88%) were processed in time;
- Of the 11 complaints processed out of time six related to housing options, two to Council tax or business rates, one to

Community safety, one to Development control and one to Property, procurement and projects;

- This is the 3rd consecutive quarter that housing has had a poor closure rate;
- During this period the most complaints (19) related to Waste control, the majority of which were policy related. 10 of these concerned the change to fortnightly collections, four the change from using green sacks and one about the bank holiday calendar;
- A further 14 complaints related to Development control, 10 of these concerning the standard of service from the department;
- 12 complaints related to Housing options and covered a number of different issues;
- 14 stage two complaints were processed in this period, 93% (13) of which were processed in time;
- Four of the stage two complaints related to Development control, two to Planning enforcement and one each to eight individual services;

1.3.4 A summary for the same period of 2009/10 is below;

- A total of 79 complaints were processed of which 76 (96%) were processed in time;
- The services with the most complaints were Waste collection (15), Development control (14), Council tax or business rates (10) and Parking enforcement (10)
- Whilst the number of complaints about waste are high in both years, the 2009/10 figure relates mainly to complaints about service during the bad weather;
- Complaints about Development control covered a number of topics;
- 12 stage two complaints were processed, 83% (10) of which were in time;
- The stage two complaints covered a variety of areas;
- There is no clear correlation between complaints over the two years

1.3.5 CMT commented that the number of complaints about a service should be taken in the context of the number of customers receiving the service particularly in areas such as waste management.

1.3.6 There were 47 complaints surveys sent out in Q4, 16 of which were returned. Whilst at 34% this is lower than Q3, it is still a higher return than previous system where surveys were sent out at the end of the quarter rather than monthly.

1.3.7 Of the surveys returned 5 people were satisfied, 5 dissatisfied and 6 very dissatisfied. In 6 instances of dissatisfaction the complaint was

not answered within the correct timescale. A breakdown of the surveys returned can be found at Appendix C.

- 1.3.8 No one service had more than two surveys returned so no trend can be seen here.

1.4 Issues

- 1.4.1 The Head of Housing and Community Safety has commented that the recent economic downturn has resulted in a significant increase in MP enquiries and complaints from users of the service. Not all complaints received by the housing service relate to the actual service provided. There remains a grey area where applicants frustrated by not being able to acquire social housing make a complaint as to how their application has been dealt with. The complaints procedure permits a period of 10 days in which to investigate and respond to complaints of this type. This compares to the 56 days permitted by the statutory framework for reviews of similar matters, acknowledging the complexity of some of the issues involved. Unlike the statutory process the council's complaints procedure does not allow both parties to agree an extension of time. So even where an extension is agreed it appears on the database as being out of time.

Unfortunately the increase in complaints received coincided with a number of important projects being undertaken. These included organisation change, CCTV tendering, the West Kent LIP and review of the capital programme; all of which diverted away resources that would normally have dealt with complaints. The Housing Service has now changed its methodology for recording and responding to complaints, which together with the completion of the some of the major projects should result in improvements to the time taken to respond to complaints.

- 1.4.2 The Head of Development Management said that the number of complaints this quarter shows a continuation of a long standing pattern. This relates to some people being dissatisfied with the outcome and complaining about the outcome AND the way the application was considered.

- 1.4.3 The Waste Collection Manager made the following comments;

Fortnightly collections: In January 2011, weekly food waste collections were introduced and the refuse service was changed to fortnightly collections. These changes affected over 55,000 households within the borough. Ten official complaints relating to these changes were received between January and March 2011, which considering the number of properties affected was much lower than anticipated. The complaints were made by residents who had concerns about fitting

their waste into their refuse bin or were not aware of the reasons behind the decision to make these changes. In the majority of cases the complaints were resolved through discussions with the residents about their particular situation and advice about recycling.

Garden waste: In July 2010, it was decided to replace the old style green plastic garden sacks with more sustainable compostable ones. Although this was publicised through the garden sack retailers and the old plastic sacks were removed from sale in September 2010, many residents were not aware of the changes when the plastic sacks were no longer accepted in January 2011. The complaints received highlighted that residents had stockpiled more plastic sacks than originally anticipated and identified the need to extend the exchange process and make arrangements for the plastic sacks to be collected with the refuse service. The extension of the exchange period resolved the complaints which have been received.

- 1.4.4 The out of target complaint assigned to Property, procurement and projects was answered out of target as it was an extremely complex complaint requiring a home visit and further investigation following that visit.
- 1.4.5 Seven of the complaints registered should not have been logged as complaints as one was about a Councillor, one was about Golding Homes and five were requests for service. These have not been included in the figures reported. It is therefore recommended that staff are reminded what constitutes a complaint.
- 1.4.6 The IT Team has now developed a specification for the correspondence system. The next phase of this is for them to meet with stakeholders to ensure the specification meets user need after which development will commence.
- 1.4.7 As a number of complaints were still out of target and the new system will not be functional for some time it is recommended that the policy team flag complaints nearing their target to Heads of Service on a weekly basis.
- 1.5 Alternative action and why not recommended
 - 1.5.1 The Council's complaints management follows the Local Government Ombudsman's best practice. Managing complaints is a key means of ensuring the council's services are delivered to a consistently high standard.
- 1.6 Impact on Corporate Objectives

1.6.1 Customer service is a core value and improving complaints' management is critical to the success of this objective.

1.7 Risk management

1.7.1 Failure to manage complaints represents both a financial and reputational risk to the Council. Regular reports are produced for management and Heads of Service are reminded of their responsibilities. The process is overseen by the Head of Change and Scrutiny and the Head of Legal Services supported by the Policy and Research Officer.

1.8 Other Implications

1.8.1

1. Financial	x
2. Staffing	
3. Legal	
4. Equality Impact Needs Assessment	
5. Environmental/Sustainable Development	
6. Community Safety	
7. Human Rights Act	
8. Procurement	
9. Asset Management	

1.8.2 Compensation in the amount of £30 was paid on one complaint in relation to the late delivery of a concessionary fares permit.

1.9 Relevant Documents

1.9.1 Appendices

Appendix A Breakdown of stage 1 complaints Q4 January to March 2011

Appendix B Breakdown of stage 1 complaints Q4 January to March 2010

Appendix C Complaints surveys returned Q4 January to March 2011

IS THIS A KEY DECISION REPORT?

Yes

No

If yes, when did it first appear in the Forward Plan?

.....

This is a Key Decision because:

.....

Wards/Parishes affected:

.....

APPENDIX A Breakdown of Stage 1 complaints Q4 January-March 2011

Service	Total	On time	Late	Target met	Lack of Info/contact	Time taken	Policy	Discrimination	Service	Staff
Bereavement services	1	1	0	100%	0	0	0	0	1	0
Building surveying	1	1	0	100%	0	0	0	0	0	1
Community safety	1	0	1	0%	0	0	0	0	0	1
Contact centre	8	8	0	100%	0	0	2	1	3	2
Council tax or business rates	5	3	2	60%	0	0	1	0	4	0
Customer services	2	2	0	100%	0	0	0	0	1	1
Development control	14	13	1	92%	0	0	2	0	10	2
Housing and council tax-benefits issues only	2	2	0	100%	0	0	0	0	1	1
Housing options/private sector housing/housing policy	12	6	6	50%	1	0	4	0	4	3
Parking enforcement	5	5	0	100%	0	0	2	0	3	0
Planning enforcement	6	6	0	100%	0	2	0	1	2	1
Planning policy	1	1	0	100%	0	0	0	0	1	0
Pollution (litter enforcement)	7	7	0	100%	0	0	1	0	1	5
Property, procurement and projects	1	0	1	0%	0	0	1	0	0	0
Public toilets	1	1	0	100%	0	0	0	0	1	0
Street sweeping	3	3	0	100%	0	0	1	0	1	1
Waste collection	19	19	0	100%	0	0	15	0	4	0
Total	89	78	11	88%	2	2	28	2	37	18

Appendix B Breakdown of Stage 1 complaints Q4 January- March 2010

25

Service	Total	On time	Late	Success	Lack of Info/contact	Time taken	Policy	Discrimination	Service	Staff
Contact centre	6	6	0	100%	0	0	0	1	5	0
Council tax or business rates	10	9	1	90%	0	0	2	0	6	2
Democratic services	1	1	0	100%	0	0	0	0	0	1
Development control	14	14	0	100%	4	2	4	0	2	2
Grounds maintenance	1	1	0	100%	0	0	1	0	0	0
Hazlitt Theatre	1	1	0	100%	0	0	0	1	0	0
Housing and council tax-benefits issues only	3	2	1	67%	0	0	0	0	2	1
Housing options/private sector housing/housing policy	5	4	1	80%	2	0	1	0	2	0
Legal conveyancing/litigation	1	1	0	100%	0	0	0	0	0	1
Leisure	2	2	0	100%	0	0	0	0	2	0
Parking enforcement	10	10	0	100%	0	0	6	0	1	3
Planning enforcement	4	4	0	100%	2	0	2	0	0	0
Planning policy	2	2	0	100%	0	0	1	0	1	0
Pollution	3	3	0	100%	0	0	0	0	2	1
Street sweeping	1	1	0	100%	0	0	0	0	1	0
Waste collection	15	15	0	100%	0	0	0	0	13	2
Total	79	76	3	96%	8	2	17	2	37	13

Appendix C Complaints surveys returned Q4 January-March 2011

Service	Very satisfied	Satisfied	Neither	Dissatisfied	Very dissatisfied	Total
Community safety	0	0	0	0	1	1
Contact centre	0	0	0	2	1	2
Council tax & business rates	0	2	0	0	0	2
Development control	0	2	0	0	0	2
Housing & council tax benefits	0	0	0	1	0	1
Housing options	0	0	0	0	2	2
Parking enforcement	0	0	0	1	1	2
Planning enforcement	0	0	0	0	1	1
Public toilets	0	0	0	1	0	1
Waste collection	0	1	0	0	1	2
Total	0	5	0	5	6	16

MAIDSTONE BOROUGH COUNCIL

STANDARDS COMMITTEE

8 JUNE 2011

REPORT OF THE HEAD OF CHANGE AND SCRUTINY

Report prepared by Ellie Kershaw

1. REVIEW OF COMPLAINTS 2010-2011

1.1 Issue for Decision

1.1.1 To consider the Council's performance in dealing with complaints for the period 1 April 2010 to 31 March 2011.

1.1.2 In order that this information may be considered in a timely fashion a further report detailing the results of the Ombudsman's report will be brought at a later date.

1.2 Recommendation of the Head of Change and Scrutiny

1.2.1 That the Committee endorses the recommendations outlined in this report.

1.3 Reasons for Recommendation

1.3.1 Over the last 12 months Maidstone Borough Council has taken a more robust approach to complaints monitoring. The purpose of this is to improve the overall customer experience by using complaints not only to measure dissatisfaction but as an improvement tool.

1.3.2 All complaints are now categorised not only by area but by the broad type of complaint as shown at Appendix A. This allows the Council to note any trends in complaints. For example, a high number relate to policy decisions which can be expected when new policies such as the food waste collection are implemented. Continued monitoring can show whether this is an initial reaction to change or whether a policy may require some evaluation.

1.3.3 In order to ensure that complaints are being answered within corporate timescales and to a high standard it is important that a monitoring mechanism is in place. The Council also monitors customer satisfaction with complaints handling through a monthly survey.

1.3.4 During the year the Council received a total of 292 stage 1 complaints of which 90% were answered within 10 working days. This is lower than the 96% recorded in 2009-2010 and is due in large part to the complexity of some complaints, particularly housing related ones.

1.3.5 The services with the highest number of complaints were;

Service	Complaints	% answered in timescale
Waste collection	34	100%
Housing options	33	58%
Parking enforcement	33	100%
Development management	30	88%

1.3.6 The services with the lowest performance for answering complaints within 10 days were;

Service	Complaints	% answered in timescale
Communications	1	0%
Community safety	1	0%
Property, procurement and projects	1	0%
Housing options	33	58%
Council tax and business rates	26	81%

1.3.7 There were a total of 48 stage 2 complaints over the year, 36 of which (75%) were answered on time. The services with the most stage 2 complaints were Development control (10), Parking enforcement (6) and Planning enforcement (6).

1.4 Actions taken in 2010-11

1.4.1 Complaints are now categorised in reports to show if any service is receiving a high number of complaints about a particular subject. Where this is the case, the Head of Service is then made aware so that, if necessary, action can be taken to improve or change service delivery.

1.4.2 Complaints surveys are now sent to customers on a monthly basis rather than quarterly. This has improved the rate of return. Where a customer has raised issues on their survey these have been followed up by the Head of Change and Scrutiny to ensure that the Council has done as much as is possible to resolve the complaint.

- 1.4.3 As a result of complaints about litter enforcement staff actions have been taken to improve this service including members of MBC staff going out with the litter enforcement staff to see how they work.
- 1.4.4 Where complex complaints take longer than the target time to respond to, the reasons are noted in the quarterly reports so that the performance of a service is not judged according to this type of complaint.
- 1.4.5 Due to the high number of complaints about housing issues, the Head of Housing and Community Safety has nominated one member of staff to be responsible for answering all complaints. This should improve response times.
- 1.4.6 Due to a number of complaints being received about the change in garden refuse sacks the exchange period where customers could receive the new style bags in return for the old was extended.

1.5 Future plans

- 1.5.1 In order to improve and streamline complaints reporting a new correspondence system is under development. This system will enable the creation of customer records where all their written contact is registered, including compliments, complaints and general comments/enquiries, FOI and EIR requests. The specification for this system is currently being agreed.
- 1.5.2 A number of future actions are planned including a review of the complaints policy and staff training. Details of all actions currently planned can be found at Appendix B.

1.6 Impact on Corporate Objectives

- 1.6.1 Customer service is a core value for the Council and improving complaints management is critical to the success of this objective.
- 1.6.2 The Strategic Plan 2011-15 sets Corporate and Customer Excellence as one of the Council's 3 priorities. Moving forward robust management of complaints will help to deliver this priority.

1.7 Risk Management

- 1.7.1 Failure to manage complaints represents both a financial and reputational risk to the Council. Regular reports are produced for the

Corporate Management Team to ensure awareness of issues being raised by customers and what is being done in response to complaints.

1.8 Other Implications

1.8.1

1.	Financial	X
2.	Staffing	
3.	Legal	
4.	Equality Impact Needs Assessment	
5.	Environmental/Sustainable Development	
6.	Community Safety	
7.	Human Rights Act	
8.	Procurement	
9.	Asset Management	

1.8.2 The Council made compensatory payments of £655.65 in 2010-11;
Housing benefit: £525.65
Planning advice: £50
Planning enforcement: £50
Concessionary fares: £30

1.9 Relevant Documents

1.9.1 Appendices

Appendix A Complaints 1 April 2010-31March 2011

Appendix B Complaints action plan

IS THIS A KEY DECISION REPORT?

Yes No

If yes, when did it first appear in the Forward Plan?
.....

This is a Key Decision because:
.....

Wards/Parishes affected:
.....

Appendix A Complaints 1 April 2010-31 March 2011

Service	Total	On time	Late	% in target	Lack of Info/contact	Time taken	Policy	Discrimination	Service	Staff
Bereavement services	7	7	0	100%	0	0	2	0	5	0
Building surveying	4	4	0	100%	1	1	1	0	0	1
Chief Executives Secretariat	1	1	0	100%	0	0	1	0	0	0
Communications	1	0	1	0%	0	0	1	0	0	0
Community safety	1	0	1	0%	0	0	0	0	0	1
Concessionary fares	5	5	0	100%	0	0	0	0	2	3
Conservation and landscape	3	3	0	100%	1	0	2	0	0	0
Contact centre	15	15	0	100%	0	0	3	1	8	3
Council tax or business rates	26	21	5	81%	2	0	9	0	14	1
Customer services	3	3	0	100%	0	0	0	0	1	2
Development management	60	55	5	88%	6	2	9	1	21	4
Grounds maintenance	1	1	0	100%	0	0	0	0	1	0
Housing and council tax-benefits issues only	11	10	1	91%	1	0	0	0	7	3
Housing options/private sector housing/housing policy	33	19	14	58%	3	2	8	0	15	5
IT support	1	1	0	100%	0	0	0	0	1	0
Leisure	3	3	0	100%	1	0	1	0	1	0
Licensing	1	1	0	100%	0	0	0	0	1	0
Other	4	4	0	100%	1	0	0	0	2	1
Parking enforcement	33	33	0	100%	3	0	13	0	12	5
Planning policy	5	5	0	100%	1	0	0	0	2	2
Pollution (litter enforcement)	25	25	0	100%	0	0	2	0	5	18
Property, procurement and projects	1	0	1	0%	0	0	1	0	0	0
Public toilets	3	3	0	100%	0	0	1	0	2	0
Registration	3	3	0	100%	0	0	0	0	3	0
Street sweeping	5	5	0	100%	0	0	1	0	2	2
Waste collection	33	33	0	100%	0	0	16	0	15	2
Total	288	260	28	90%	24	7	76	3	124	54

Action Plan Objective: To Improve Satisfaction with Complaints

Action Plan Start Date: 1 June 2011 Action Plan End Date: 1 December 2011

Responsible Officer: Head of Change and Scrutiny

Activities	Allocated to Officer	Start date	Deadline	Progress	Comments
Introduce new correspondence system	Dave Lindsay	1 January 2011	1 September 2011	20%	Specification for in-house system has been developed by IT.
Revise and agree Complaints Policy and Procedures	Angela Woodhouse	1 June 2011	1 September 2011		A revised complaints policy will be developed with managers and others going to full council for final approval in September.
Training implemented for officers on dealing with complaints	Angela Woodhouse	1 September 2011	1 November 2011		Training to be set up following the revision of the policy and the new correspondence system
Monitor complaint responses to ensure complaint deadlines are met and responses meet required standards and target action as required by CMT	Ellie Kershaw	1 June 2011			The present system does not issue reminders for completions of complaints and whilst it is heads of service responsibility to ensure complaints are responded to within time it is felt that additional monitoring will ensure this happens and lead to improved responses.