

County Council Meeting – 23 March 2010

REPORT OF THE STANDARDS COMMITTEE

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

*+ Mr Nicolas Davies LVO JP DL
* Eber Kington
* Mrs Angela Fraser DL
* 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

A REVIEW OF LOCAL STANDARDS FRAMEWORK

1. Standards Committee reviewed the operation of local assessments and local determinations and identified that there were areas where improvements could be made.
2. The Committee noted that by law Members could not be informed of the nature of a complaint until after the initial assessment and agreed that Members would have differing views about whether they wanted to receive notice of a complaint in advance of the detail of it being available to. It was agreed that the Monitoring Officer would write to Members to ask for their individual preference, with an understanding that the final decision on each case would rest with the Monitoring Officer.
3. 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.
4. The Committee considered whether Members should be able to attend confidential initial assessments into complaints about a Member, as the subject member was not permitted to attend. It was agreed that if the subject Member

was not permitted to attend consideration hearings 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.

Recommendation to Council:

The Constitution should be amended as set out below to reflect that Members are not given an automatic right to attend meetings of the Standards Committee or its Sub Committees where the public has been excluded because confidential or exempt material is being discussed unless there was a compelling “need to know” argument for their attendance:

Article 2 – Members of the Council

2.03 Roles and functions of all councillors

(b) Rights and duties

Attendance at meetings

- (i) *Members of the Council may attend any meeting of the Cabinet of any committees of the Council of which they are not appointed Members and may remain for items containing exempt information provided they can demonstrate a compelling “need to know” reason that their attendance enables them to fulfill their role as a county councillor.*

B STANDARDS OF CONDUCT SURVEY 2010

1. The Committee discussed whether to repeat the Standards of Conduct Survey in 2010. It was felt that as all Members of the Council should have attended training on the Code of Conduct during their induction, it would be a good time to carry out the survey to see if any action needed to be taken to increase awareness of the Code. The questions should be directed at what the individual knew about the Code rather than speculating about how aware their colleagues were of it.
2. This decision was based on the understanding that this would be the only survey undertaken on the Code within the authority. Since this meeting the Council has been informed that the Audit Commission wants to undertake a similar survey. This raised concerns that carrying out both surveys would duplicate work and potentially lead to a lower response rate. To resolve this, the Chairman of Standards Committee has negotiated with the Audit Commission to include questions within its survey to cover all areas from the proposed Standards of Conduct Survey, and obtained agreement that the Committee will have access to the results when they are known. He has therefore agreed that the Committee will not carry out its own survey this year as using the results from the Governance survey, it will be able to review any issues arising and agree further actions as necessary.

C GUIDANCE ON MEMBERS' CORRESPONDENCE

1. In November 2009, the Committee agreed guidance for Members on handling correspondence. This was circulated to all Members in December 2009. At its meeting on 15 February 2010, the Committee considered the feedback given its possible alignment with the similar Local Government Ombudsman guidance.
2. It was noted that the Local Government Ombudsman guidance related to unreasonable complainants, but the Committee wanted to provide guidance on how to handle reasonable correspondence. However it was advised that the Council's guidance note was approved subject to it being updated to reflect best practice and include more information on the Customer Relations Team.

D COMPLAINTS HANDLING PERFORMANCE

1. On 15 February 2010, Standards Committee considered a report on complaints handling performance during October to December 2009. It heard that 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.

10 March 2010

Simon Edge
Chairman