

*County Council Meeting – 20 July 2010*

**REPORT OF THE STANDARDS COMMITTEE**

- \*+ Mr Simon Edge (Chairman)  
Ms Karen Heenan (Vice-Chairman)  
Mrs Sally De la Bedoyere
- \* Eber Kington  
Mr Geoff Marlow
- \* Mr David Munro
- \* Mrs Marion Roberts
- \* Mrs Lavinia Sealy  
Mr Colin Taylor

+ = Independent Representatives

\* = Present

x = Present for part of the meeting

**A. THE FUTURE OF THE STANDARDS REGIME**

1. The Committee noted the receipt of a letter from the Standards Board for England. The Government had recently announced plans to 'abolish the Standards Board regime'. It was noted that until further information was received the present framework would continue. Members agreed that a Standards Committee was required to consider internal investigations under the Code of Conduct, even if the Standards Board was abolished.
2. With regard to the possible shape of future standards arrangements, the Committee felt that, in the interests of transparency and public accountability, and to support the good governance arrangements within bodies, there was an ongoing need for arrangements to exist at the local level to handle the business currently conducted by standards committees.
3. Some form of co-ordination arrangements, to promote consistency in and the application of determinations at the local level will remain essential. The committee noted that in Wales this arrangement was provided via the Local Government Ombudsman, and that a similar arrangement could work in England by transferring functions from Standards for England to the local Ombudsman.

**B. APPOINTMENT OF STANDARDS SUB-COMMITTEES**

4. The Committee appointed two Sub-Committees to act as either an Assessment Sub-Committee or a Review Sub-Committee as follows:

**Sub-Committee A** – Mr Simon Edge (Chairman), Mr David Munro, Mrs Marion Roberts, Mrs Dorothy Ross-Tomlin and Mr Colin Taylor.

**Sub-Committee B** – Ms Karen Heenan (Chairman), Mrs Sally De la Bedoyere, Mr Eber Kington, Mr Geoff Marlow and Mrs Lavinia Sealy.

**C. COMPLAINTS HANDLING PERFORMANCE – YEAR END 2009/10**

5. The Committee considered complaints handling reports for the following services: Adults Social Care; Children’s Schools and Families; and Corporate Complaints.
6. The Committee commented on the inclusion of the monitoring of complaints in the Committee’s terms of reference, which some felt would be more appropriate for Select Committees’ attention rather than for the Standards Committee.
7. In respect of Adults Social Care, the Committee noted that the service had met its ‘79% of complaints to time’ target but would now aim for 88-100%. The service would also aim to ensure accountability at senior manager level and make them aware that they could re-negotiate time frames for resolution of the complaint. The Committee requested that future reports should include a statement from the ‘Manager Service’ to ensure accountability.
8. With regard to Children’s Schools and Families, the Committee noted that whilst more complaints were going to Stage 2 of the process, most were resolved before escalating to Stage 3 complaints. Work was being undertaken with Schools and Learning to improve performance.
9. Corporate Complaints had achieved the overall Surrey County Council complaint performance target of 88%. The agreed performance target for 2010/2011 had been reduced to 10 working days and set at 90%. A report would be submitted to the 23 July meeting of the Standards Committee on the improvements to be made to the customer complaints procedure.
10. Overall the Committee noted the continued improvements being made in meeting timescales for responding to complaints and the learning points to be addressed. It was given assurances that reports would be submitted to the relevant Select Committee where problem areas were identified.

**D. POLITICALLY RESTRICTED POSTS**

11. The Local Democracy, Economic Development and Construction Act 2009 has changed the approach for identifying posts that are politically restricted. New requirements, which came into effect on 12 January 2010, removed the universal restriction on the holders of posts earning above a nominated salary (most recently total remuneration above £37,206 per annum).
12. Instead politically restricted posts now fall into one of two categories, as set out below :

**Specified posts**

- Head of Paid Service (HoPS).

- Statutory chief officers (including the Director of Children’s Services; the Director of Adult Services, the Chief Officer of a Fire Brigade and Chief Finance Officer).
- Non-statutory chief officers (officers reporting to the HoPS excluding secretarial / clerical support staff).
- Deputy chief officers (officers reporting to a Chief Officer, excluding secretarial / clerical support staff).
- The Monitoring Officer.
- Officers exercising delegated powers.
- Assistants to political groups.

All specified post holders are politically restricted, **without** rights of appeal for exemption.

### **Sensitive posts**

Posts that meet one or more of the following criteria:

- giving advice on a regular basis to the Authority, to any committee or sub-committee of the authority or to any joint committee on which the Authority is represented.
- speaking on behalf of the authority on a regular basis to journalists or broadcasters.

13. For such sensitive posts, local authorities are now required to assess whether a post should be politically restricted by virtue of the duties performed.
14. These post-holders can appeal to the Standards Committee to be exempted from the list if they feel that they are unable to influence policy or that the criteria have been wrongly applied. The Government has not as yet issued guidance on the application of the criteria.
15. The new legislation will reduce considerably the number of officers whose political activities are restricted by virtue of their employment with the Council and who may therefore apply for exemption from that political restriction.
16. Plans are in hand to ensure compliance with the new legislation.
17. Arrangements will be made to update the Council’s intranet site, to reflect the new legislative requirements and to issue a Stop Press Notice providing a link to the Council’s Code of Conduct Policy.
18. Human Resources and Organisational Development will review and update the list that it holds of politically restricted posts by reference to the new requirements.
19. The Standards Committee at its meeting on 23 July will receive a report reviewing the procedures to be followed for granting exemptions to reflect this change in legislation.

20. The Chairman hoped that the action to be taken by the Committee and Human Resources and Operational Development would address the question put to him by Mr Gosling at the Annual Meeting of the Council.

**E. PROPOSED AMENDMENT TO THE CONSTITUTION REGARDING MEMBERS' RIGHTS TO ATTEND STANDARDS SUB-COMMITTEES**

21. At its meeting on 15 February 2010, the Standards Committee considered a report on the Local Standards Framework to review the operation of local assessments and local determinations and identify any areas where the committee felt further improvements could be made.
22. As part of this discussion, the Committee considered a number of issues, including 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.
23. The Committee agreed to recommend a change in the Constitution to reflect this and the Standards Committee report to Council dated 23 March 2010 made an appropriate recommendation.
24. During the debate at Council, Members expressed concern that the amendment as suggested was broader than just the Standards Committee and could impact on the Cabinet or other committees in a way not intended. As a result, the Deputy Leader, David Hodge, proposed, and Hazel Watson formally seconded that the Standards Committee consider the issue further. The recommendation of the Standards Committee was therefore not accepted and it was resolved that it be referred back to the Standards Committee for further consideration and brought back to a future meeting of the County Council.
25. The main concern of Members was the wider implications of the proposed amendment rather than the committee's recommendation that Members not be given an automatic right to attend Sub-Committees, particularly where the subject Member was not permitted to attend (most likely due to a prejudicial interest.)
26. The Standards Committee was asked to consider making an alternative recommendation to the Council, amending the relevant Article in such a way that it specifically relates to Standards Sub-Committees.
27. The Standards Committee at their meeting on 14 June considered this matter again and after further consultation with the Head of Legal and Democratic Services is recommending the following changes to the Constitution:

**28. RECOMMENDATION to Council:**

That Article 2 of the Council's Constitution be amended as set out below (amendment shown in bold text) to reflect that Members are not given an automatic right to attend meetings of the Standards Committee's 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. The recommended amendment to the Constitution refers only to Sub-Committees of the Standards Committee as the parent Committee cannot deal with individual cases; they have to be handled by a Sub-Committee under the Regulations:

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 or any committees of the Council of which they are not appointed members, **but will be required to withdraw from a Standards Sub-Committee if requested to do so where the Sub-Committee is considering any exempt information falling within category 7C in Article 3.02(k) of this Constitution and when the Sub-Committee passes a resolution excluding members of the public and members of the Council.**

7 July 2010

Simon Edge  
**Chairman**