

**REPORT OF THE STANDARDS COMMITTEE**

- \*+ Mr Simon Edge (Chairman)
- \*+ Mrs Marion Roberts (Vice-Chairman)

- + Mrs Sally De la Bedoyere
- + Ms Karen Heenan  
Eber Kington
- \* Mr Geoff Marlow
- \* Mr David Munro  
Mrs Dorothy-Tomlin  
Mrs Lavinia Sealy  
Mr Colin Taylor

## Substitutes:

- \* Mr Chris Frost
- \* Mr David Ivison

+ = Independent Members

\* = Present at the Standards Committee meeting on 28 October 2011

Two Independent Members of the Standards Committee are approaching the end of their current four-year term of office. The Standards Committee met on 28 October and considered the options for appointing Independent Members.

The Council is asked to consider and approve the recommendation of the Standards Committee regarding the appointment of Independent Members.

**BACKGROUND:**

1. Current legislation (the Standards Committee (England) Regulations 2008) require that, where an authority's Standards Committee has more than three Members, at least 25% of them should be Independent Members (that is people appointed to the committee, who have not been Officers or Members of the authority within the last five years, nor their close friends or relatives). Standards Committees and any sub-committees investigating complaints that a member had breached the Code of Conduct must be chaired by an Independent Member.
2. Currently the Standards Committee has 10 members. Four of these are Independent Members who each serve a four year term: two with effect from the first year of the Council and two whose term commences from the third year of the Council. The Council's Constitution states that a person who has served two terms as an Independent Member on Surrey County Council's Standards Committee will be ineligible to make a further application to serve on the committee.
3. On 15 November 2011 the Localism Act received Royal Assent. The provisions of the Act relating to Standards include provisions removing

the requirement for a council to have a Standards Committee which includes Independent Members. These provisions will be brought into force on a date to be appointed by the Secretary of State. In meantime there is a continuing duty on the Council to maintain a Standards Committee in accordance with previous legislation.

4. Mrs Karen Heenan is approaching the end of her second term of office and Mr Simon Edge is approaching the end of his first term of office, both terms expiring at the Annual Meeting of the Council in May 2012. Mr Simon Edge would therefore be eligible to apply to serve a second term but under the current arrangements Mrs Heenan would not be considered for a third term.

#### **CONTEXT:**

5. The Localism Act 2011 (the Act) will abolish the Standards Board regime, whilst still requiring councils to promote and maintain high standards of conduct. It will give councils more power to decide locally what arrangements they need to promote high ethical standards. There will not be a requirement to retain a Standards Committee and no requirement that independent members be part of any such committee. The Act does require local authorities to develop and adopt a code of conduct for members based on the principles for conduct in public life, which are set out in the Act: selflessness, integrity, objectivity, openness, honesty and leadership. There is also a requirement to have in place arrangements to investigate written allegations that a member has failed to comply with this local code and to take decisions on any such allegations. These arrangements will be agreed locally, but need to include at least one 'independent person' whose views must be sought and taken into account before the authority decides whether the code has been breached. The independent person cannot be or have been a Member or officer of the Council within the previous five years, nor a relative or close friend of such a person.
6. The Localism Bill underwent some late changes in the House of Lords during November and the County Council has not yet had an opportunity to fully consider how it intends to meet its continuing duty to promote and maintain high standards of conduct, what it would wish to include in a code of conduct for its Members, whether it would wish to have a Standards Committee and what role Independent Members would play.

#### **REPORT:**

7. On 28 October 2011 the Standards Committee considered a report of the Monitoring Officer, which set out the options for ensuring that the Committee remains quorate and able to deal with ongoing complaints, pending any new arrangements. The options put before the Committee were as follows:

- i. Conduct a recruitment exercise to appoint one or two new independent representatives, or
  - ii. Invite one or both of the two Independent Representatives nearing the end of their current term to extend their term of office for a fixed period of time (e.g. one year), or
  - iii. Reduce the number of Members on the Standards Committee to 8, by not reappointing independent representatives, resulting in a requirement to have only 2 independent representatives.
8. Following a discussion, the majority of the Committee agreed to recommend to Council that Mr Edge be reappointed. The Committee did not recommend a change to the Constitution that would allow Mrs Heenan to apply for an extension to her second term of office. The majority agreed that there should not be a recruitment exercise at this stage to replace Mrs Heenan due to the cost of recruitment and the uncertainty in terms of future standards arrangements at the Council. Given the new freedoms provided by the Localism Act, the Council may wish to use this opportunity to review its approach to Standards and therefore it was resolved that the vacancy should be carried for the time being and reviewed in due course depending on the outcomes of these discussions. The current members of the Standards Committee remain committed to supporting the Council in any review.
9. Under the current arrangements, complaints about Member conduct are dealt with by sub-committees which require at least three members (one of whom must be an independent representative) to be quorate. If the number of independent representatives on the Committee was reduced to two, the Committee agreed that it would be difficult to guarantee a quorum at sub-committees, as conflicts of interest could restrict elected Members dealing with complaints about their peers. The vacancy for an Independent Member would not arise until May 2012 and the Committee felt that given the low number of complaints and potential for a wider review of the Standards process, it would be possible to manage short-term with 3 Independent Members across the 2 sub-committees if new arrangements had not been agreed by the Annual meeting. However, if the Council was not minded to change the current arrangements in the foreseeable future, the Council could choose to recruit to the vacancy at this time.
10. As the Council has not yet considered whether there will be a formal Standards Committee following the abolition of the Standards Regime, the Committee needed to consider whether to reappoint Mr Edge for the full period of four years, or a shorter fixed term.
11. Mr Edge has been a member of the Standards Committee since 2008 and the Chairman since July 2009 and therefore has substantial experience of the current Council arrangements for maintaining high standards of conduct. If the Council agrees to retain a Standards Committee in some form it would be beneficial to maintain knowledge and expertise during any transition to new arrangements. Therefore,

it was agreed by the majority that Mr Edge should be appointed for a full second term of four years.

12. As the Council will be required to decide upon a process for dealing with complaints about Member conduct with the involvement of an 'independent person', there is potential for experienced independent members to continue to play an important role.
13. There are currently two other independent members appointed to the Standards Committee until 2014; it should be noted that these appointments and the reappointment of Mr Edge would be terminated prior to the end of their respective terms, in the event that the Council adopts an approach that does not require independent members in their current form.

**Therefore,**

12. **The Standards Committee RECOMMENDS to County Council that Mr Simon Edge be appointed as an independent representative on the Standards Committee for a further term of 4 years (May 2012 – May 2016).**

28 November 2011

Marion Roberts  
*Vice Chairman*