

MINUTES of the meeting of the **STANDARDS COMMITTEE** held at 10.00am on July 2012 at County Hall, Kingston upon Thames.

Members:

- *+ Mr Simon Edge (Chairman)
- *+ Mrs Marion Roberts (Vice Chairman)
- *+ Mrs Sally De La Bedoyere
- * Eber Kington
- * Mr Geoff Marlow
- * Mr David Munro
- A Mrs Dorothy Ross-Tomlin
- * Mrs Lavinia Sealy
- * Mr Colin Taylor

* = Present

A = Apologies

+ = Independent Representative

In attendance:

Helen Rankin, Committee Manager

Allan Wells, Lead Manager Legal Services

PART 1
IN PUBLIC

09/12 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]

Apologies were received from Mrs Dorothy Ross-Tomlin

It was noted that as of 1 July 2012 the statutory requirement to have a standards committee was abolished through the Localism Act. It was reported that until the Council adopts new arrangements, the current standards committee would continue as one of the Council's standing committees. However, due to the change in legislation members of the committee who were not county councillors no longer had any voting rights, as these rights were provided for in the statutory regime.

It was confirmed that the minutes of this meeting would be confirmed by the Chair of the Committee but signed off by Council as there were no further standards committee meetings scheduled.

10/12 MINUTES OF THE PREVIOUS MEETING: 17 February 2012 [Item 2]

The minutes were agreed as an accurate record of the meeting.

11/12 DECLARATIONS OF INTERESTS [Item 3]

There were none. It was reported by the Chairman that since publication of the agenda the legislation regarding interests had changed. The following was noted:

DECLARATIONS OF INTEREST

To receive any declarations of disclosable pecuniary interests from Members in respect of any item to be considered at the meeting.

Notes:

- In line with the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, declarations may relate to the interest of the member, or the member's spouse or civil partner, or a person with whom the member is living as husband or wife, or a person with whom the member is living as if they were civil partners and the member is aware they have the interest.
- Members need only disclose interests not currently listed on the Register of Disclosable Pecuniary Interests.
- Members must notify the Monitoring Officer of any interests disclosed at the meeting so they may be added to the Register.
- Members are reminded that they must not participate in any item where they have a disclosable pecuniary interest.

12/12 QUESTIONS AND PETITIONS [Item 4]

There were none.

13/12 ACTIONS TRACKER [Item 5]

Declarations of Interest:

None.

Key Points Raised During the Discussion:

1. The Committee noted that the final outstanding items on the actions tracker could be considered complete on adoption of new standards arrangements.

Actions/Further Information to be Provided:

None.

Recommendations:

The Committee noted the tracker.

Committee Next Steps:

None.

14/12 THE STANDARDS COMMITTEE: ANNUAL REPORT (MAY 2011 – APRIL 2012) and HANDOVER REPORT [Item 6]

Declarations of Interest:

None.

The meeting was adjourned for 10 minutes for Members to read the paper, as it had been published as a late supplementary.

Key Points Raised During the Discussion:

1. The Standards Committee Chairman introduced the report, and drew particular attention to the 'Lessons Learnt' section on page 12 of the report. There were 4 areas of recommendations, 3 of which had been incorporated into the proposals for the new regime.
2. It was confirmed that there were 2 allegations of misconduct that would be handed over to the new regime.
3. It was noted that before submission to Council, a typo on page 4 (the use of 'ascent' instead of 'assent') would be corrected.

Actions/Further Information to be Provided:

Error on page 4 of the report to be amended.

Recommendations:

1. The Committee noted the report.
2. The report be commended to County Council.

Committee Next Steps:

None.

**15/12REPORT OF THE ETHICAL STANDARDS WORKING GROUP
[Item 7]**

Declarations of Interest:

None.

Key points raised during the discussion:

1. Mr David Munro introduced the item and explained that the report before Committee had been produced following meetings of a working group set up by Group Leaders. The group consisted of Mr Colin Taylor, Mr Eber Kington and Mr David Munro (Chairman) and was supported by the Monitoring Officer. The group unanimously agreed on the final recommendations put forward in the report.
2. It was noted that the Members on the working group had consulted their individual groups and so far no adverse feedback had been received.
3. It was reported that legislation required all local authorities to have a Code of Conduct, a public procedure for dealing with allegations of member misconduct and an appointed independent person who must be consulted before a sanction is imposed.
4. The working group had considered that there had not been a general problem with member conduct at Surrey County Council and therefore felt that a 'light touch' regime would be appropriate. It was felt that the previous regime had been very fair, but very resource intensive due to the appeal and review procedures available at every stage of the complaint.
5. In the proposed regime the Monitoring Officer would decide initially if there was a case and there would be no appeal against this decision. If it was decided that there was a case then informal resolution would be sought, however, it was acknowledged that both the complainant and the subject member would have to agree to this.
6. The working group did not feel that it was necessary to offer a lengthy appeal process. However, they did conclude that the subject member would be eligible to appeal against the sanction imposed if they were found to have breached the Code of Conduct. It was noted that there were very limited sanctions available under the new regime.
7. The working group would be recommending to County Council that there should be a Member Conduct Panel of three, appointed from a wider floating

panel of Members, to conduct hearings into allegations of Member misconduct, where informal resolution was not appropriate. Feedback from Group consultation had suggested that the Chairman and Vice Chairman of the County Council be appointed as the permanent Chairman and Vice Chairman of the Member Conduct Panel. The working group saw no role for a standards committee in the new regime and proposed that all non-case related standards work should be transferred to the remit of the Audit & Governance Committee.

8. The working group also reported amendments to the Member/Officer Protocol. In particular, the wording describing Members' right to information had been strengthened. In addition, the IT Code for Members had been updated to clarify that Members can use their Surrey IT equipment for appropriate personal use.
9. During the discussion, Members of the Committee queried whether the Member Code of Conduct should make reference to Members who fail to carry out their duties. The working group advised that this was not something they felt that the regime should have a view on, unless their behaviour amounted to a breach against the seven principles of public life.
10. The Committee agreed that the Chairman and Vice Chairman of the Panel should be the Chairman and Vice Chairman of the Council. There was some concern voiced about officers always approaching the Leader directly, rather than working locally with other Councillors.
11. The Chairman of the working group advised that care had been taken to ensure that the short, high-level Code of Conduct had a clear audit trail to more detailed documents such as the Member/Officer Protocol. It was noted that a Member who did not comply with the Member/Officer Protocol could be liable for a breach of the Code of Conduct.
12. It was clarified that the Code of Conduct was for individual Members and not for Councillors as a group.
13. Members queried whether the Chairman and Vice Chairman of the Council would have the capacity to take on this additional role. It was noted that the normal practice would be for the Chair of a Member Conduct Panel to be the Chairman or Vice Chairman of the Council; however, if neither were available the Panel would decide between them who would chair the meeting.
14. Members asked what would happen to records of Standards hearings that happened under the old regime. The Lead Manager Legal advised that in the previous regime documents needed to be kept for six years. Arrangements would be made moving forward and this would be communicated to Members in due course.
15. Some Members were concerned that problems might be encountered due to the Monitoring Officer carrying out the initial assessment in all cases. In particular, there was concern that this would put unfair focus and pressure on the Monitoring Officer.
16. The Committee queried whether there was a danger that public perception could be that the 'light touch' approach was not accountable and transparent enough.
17. With reference to the complaints handling flowchart, Members of the working group explained that the Independent Person would be involved at three crucial stages. It was agreed that when the working group's report was presented to County Council on 17 July, this point should be made.

18. Members queried how much other Council's arrangements for a new standards regime had been reviewed. The Chairman of the working group explained that other Council's procedures had been informally reviewed, however it was acknowledged that many Council's were finalising their arrangements at the same time as Surrey, therefore making it difficult to compare during the planning stages. The Chairman of the Committee advised that some other Council's had voluntarily decided to maintain an independent member perspective on their standards committees.
19. Some Members were concerned that the new approach focussed only on the negative aspects of standards and felt that standards arrangements should be as much about promoting good, as well as holding Members to account.
20. Members asked how the Panel Members would be selected. It was confirmed that nominations would be made to Group Leaders to Council.
21. During the debate, Members debated whether there should be an appeal process for matters other than the sanction. For example, Members queried whether new facts that had emerged after the initial hearing should be considered cause for an appeal.
22. Members agreed that a judgement had to be made in terms of standards arrangements moving forward. It was considered appropriate that the arrangements should be reviewed after a year to check that they were fit for purpose.
23. The independent Chairman of the Standards Committee advised that in his opinion the proposed standards arrangements were not, as currently drafted, likely to be fit for purpose. This view was based on the concerns raised by him and the other independent members during discussion, principally:
 - the lack of independent member involvement with the process, to promote public trust and confidence in the new arrangements;
 - concerns over natural justice considerations in that the process had no effective appeal mechanism;
 - at the limited review of other authorities arrangements (or proposed arrangements) to benchmark Surrey's proposals; and
 - that the proposals had not been reviewed to confirm that they would be capable of resisting a judicial review challenge
24. Mr Colin Taylor circulated a paper (please see Annex A to the minutes), which included comments on the draft revised Member/Officer Protocol, the draft revised IT Code and the content of the working group's report. It was agreed that the working group would meet for a final time to discuss the matters raised in Mr Taylor's paper and to finalise their report to Council.

Actions/Further Information to be Provided:

None.

Recommendations:

1. The Committee noted the findings of the Ethical Standards Working Group.

Committee Next Steps:

None.

Before closing the final meeting of the Standards Committee the Chairman thanked the Committee and wished everybody good luck. The County Councillor Members thanked the independent members for their contribution. After closing the meeting, the Chairman asked that his thanks to the Committee Manager be noted.

Meeting closed: 11.50am

Chairman