

COUNTY COUNCIL

COUNCIL MEETING – 17 JULY 2012

MINUTES of the Meeting of the County Council held at the County Hall, Kingston upon Thames on Tuesday 17 July 2012 commencing at 10:30am, the Council being constituted as follows:

Mrs Sealy – Chairman
Mr Munro – Vice-Chairman

	Mr Agarwal		Mr Ivison
*	Mr Amin		Mrs Kemeny
	Mrs Angell		Mrs King
	Mr Barker OBE		Mr Kington
	Mr Beardsmore		Mr Lake
	Mr Bennison		Mr Lambell
	Mrs Bowes		Mrs Lay
	Mr Brett-Warburton		Ms Le Gal
	Mr Butcher	*	Mr MacLeod
*	Mr Carasco		Mr Mallett MBE
	Mr Chapman		Mrs Marks
	Mrs Clack		Mr Marlow
	Mrs Coleman		Mr Martin
	Mr Cooksey		Mrs Mason
	Mr Cooper		Mrs Moseley
	Mr Cosser		Mrs Nichols
*	Mrs Curran		Mr Norman
*	Mr Elias		Mr Orrick
*	Mr Ellwood		Mr Phelps-Penry
	Mr Few		Mr Pitt
	Mr Forster		Dr Povey
	Mrs Fraser DL	*	Mr Renshaw
	Mr Frost		Mrs Ross-Tomlin
	Mrs Frost		Mrs Saliagopoulos
	Mr Fuller	*	Mr Samuels
	Mr Furey		Mrs Searle
	Mr Gimson		Mr Skellett CBE
	Mr Goodwin		Mrs Smith
*	Mr Gosling	*	Mr Sydney
	Dr Grant-Duff		Mr Colin Taylor
	Dr Hack		Mr Keith Taylor
	Mr Hall		Mr Townsend
	Mrs Hammond		Mrs Turner-Stewart
	Mr Harmer	*	Mr Walsh
	Mr Harrison		Mrs Watson
	Ms Heath		Mrs White
	Mr Hickman		Mr Witham
	Mrs Hicks		Mr Wood
	Mr Hodge		Mr Young

*absent

63/12 **APOLOGIES FOR ABSENCE (ITEM 1)**

Apologies for absence were received from Mr Amin, Mr Carasco, Mrs Curran, Mr Ellwood, Mr Gosling, Mr Renshaw, Mr Samuels, Mr Sydney, Mr Walsh

64/12 **MINUTES (ITEM 2)**

It was noted that the webcast of the last meeting had not yet been published on the Council's website. Mr Butcher queried whether it would be appropriate to defer the item until the next meeting, so that those who wished to do so could check the minutes against the webcast. The Chairman confirmed that the minutes were not intended as verbatim; however, if it became apparent that the minutes did not correspond with the webcast changes could be requested. The problem that caused the webcast not to be uploaded to the website was drawn to the attention of the Cabinet Member for Change & Efficiency.

The Minutes of the meeting of the County Council held on 12 June 2012, were submitted, confirmed and signed.

65/12 **CHAIRMAN'S ANNOUNCEMENTS (ITEM 3)**

Details of the Chairman's announcements are attached as Appendix A.

66/12 **DECLARATIONS OF INTEREST (ITEM 4)**

There were none.

67/12 **LEADER'S STATEMENT (ITEM 5)**

The Leader made a statement. A detailed copy of his statement is attached as Appendix B.

Members were invited to make comments and ask questions.

Mr Lake asked for assurance that those families at risk in the County would continue to be looked after following changes in criteria relating to those who can receive care. The Cabinet Member for Children and Families advised that criteria had been clarified following a recent consultation, however there had been no change to the thresholds.

Mrs Hicks asked whether the Leader would consider an award that would recognise businesses who take on apprentices. The Leader confirmed that there had been an award for apprenticeships at the

'Toast Surrey Business Awards' in 2012 and that he would support a further one in 2013.

Mr Beardsmore asked whether the Leader thought that the demolition of houses in Stanwell to build a fourth runway at Heathrow would be a benefit to the people of Surrey.

Mr Young invited the Leader to visit local businesses in Cranleigh, to which the Leader agreed.

Mrs Turner-Stewart asked whether the Leader agreed that by using his network across the Country, other Council's could follow Surrey's lead and adopt the same approach to the benefit of young people. The Leader confirmed that he would be speaking with other Council Leaders about Surrey's innovative approach.

68/12 **MEMBERS' QUESTION TIME (ITEM 6)**

Notice of 9 questions had been received. The questions and replies are attached as Appendix C.

A number of supplementary questions were asked and a summary of the main points is set out below:

(Q1) Mrs Watson asked whether an urgent review could be carried out to ensure that those young people running away from the Council's care continued to be looked after. The Cabinet Member for Children and Families assured the Council that the matter was a top priority for Children's Services and was being addressed by the Corporate Parenting Board. In addition, a safeguarding sub-group meet on a monthly basis to analyse data about young people missing from care; all cases are tracked and risk assessed, and the reasons for absconding are considered.

(Q2) Mr Lambell asked whether the outcomes of the consultation (that resulted in the decision to close The Beeches facility) could be shared. The Cabinet Member for Children & Families advised that NHS Surrey would be closing down the facility as it was no longer funded, however, families would be offered services at Applewood. The Cabinet Member advised that all social workers should now be fully briefed on the situation.

(Q4) Mr Colin Taylor said that originally it had been reported that changes to library services would result in savings. This claim was subsequently withdrawn, however, the most recent Cabinet report suggested that there would be savings. He asked whether the Cabinet Member felt that this would be confusing to the public. The Cabinet Member for Community Services and the 2012 Games advised that the lengthy report to Cabinet included an easy-to-read introduction, which all Members were encouraged to read. It was

noted that at the Cabinet meeting there would be discussions about the level of savings.

(Q8) Mr Colin Taylor understood that if not satisfied with public lending rights there was a danger that authors would refuse their books to be distributed in libraries. The Cabinet Member for Community Services and the 2012 Games explained that the library service was found to be satisfactory by authors.

69/12 **SURREY POLICE AUTHORITY (ITEM 7)**

No questions were received for the Surrey Police Authority.

70/12 **REPORT OF THE SURREY POLICE AUTHORITY (ITEM 8)**

A written statement on the work of the Surrey Police Authority had been included in the agenda.

71/12 **STATEMENT BY MEMBERS (ITEM 9)**

There were two local Member statements:

- Mr Young in relation to the Safer Waverley Partnership. (Appendix Di)
- Mr Beardsmore in relation to the recent proposal that a third and fourth runway should be built at Heathrow. (Appendix Dii)

72/12 **REPORT OF THE STANDARDS COMMITTEE (ITEM 10)**

a) Minutes of the Standards Committee

The Council was asked to formally agree the minutes of the last Standards Committee meeting, held on 2 July 2012.

RESOLVED:

That the minutes of the Standards Committee meeting, held on 2 July 2012 be approved.

b) Handover report from the Standards Committee

RESOLVED:

That the report of the Standards Committee be noted.

73/12 **CHANGES TO THE STANDARDS REGIME (ITEM 11)**

Mr Munro, Chairman of the Ethical Standards Working Group introduced the report. He started by advising that the membership

of the working group included Mr Kington and Mr Colin Taylor and that he was speaking on behalf of the group. The group met 6 times and were united on the underlying principles.

Mr Munro offered the working group's thanks to the other Members and officers who had submitted comments, confirming that all points had been carefully considered.

It was reported that unlike the highly prescriptive previous standards regime that ended on 1 July 2012, the new legislation allowed the Council to develop its own procedures for Member complaints handling. Mr Munro advised that the working group agreed that there was a general confidence amongst Surrey residents about the individual behaviour and probity of County Councillors and therefore the group did not recommend an elaborate resource-heavy solution. It was noted that one of the features of the old regime was that the option for appeal and review at all stages made it time consuming and resource intensive. The proposed regime had been simplified, only allowing for an appeal at the final stage where a Member faced a sanction.

Mr Munro confirmed that the working group had concluded that there was no role for a Standards Committee under the new regime. Instead, it was recommended that a Member Conduct Panel be drawn from a floating panel of Members. It had been suggested, although not by the working party, that the Panel should be chaired by the Chairman and Vice Chairman of the Council.

It was reported that the working group had carefully considered the Code of Conduct, the IT Code and the Member/Officer Protocol. The main change to the IT Code was the proposal that computers loaned to Members by the Council could be used for limited personal use, provided that it does not cost the taxpayer any money or involve its use for party political or private business means.

Mr Munro acknowledged that a review of the process would need to be carried out in due course, however, the working group had now concluded their review. Mr Munro thanked his fellow Members on the working group and the Monitoring Officer and her team for their support.

Before opening the report to debate, the other members of the working group were invited to address the Council.

Mr Kington thanked Mr Munro, Mr Taylor and officers who had supported the working group. He advised that the group had not seen it as their role to resubmit elements of the old regime which had been removed from process by legislation. There had been the need to address two key concerns: openness from the very start and the cumbersome nature of the previous regime. Mr Kington

explained that the group believed that the arrangements before Council were much shorter, quicker and fairer for both Member and complainant.

Mr Colin Taylor confirmed that the recommendations before Council were unanimous. In addition, he drew Members' attention to the Council requirement to appoint an Independent Representative.

Points raised during the debate included:

1. It was noted that the Council's values were not referenced in the Code of Conduct. Mr Munro advised that the working group considered this point seriously, however, on balance concluded that it was not appropriate for the values of the organisation to be included in the Code of Conduct. This was based on the argument that those values were part of a majority group political statement and therefore should not be included in a code which deals with individual Member behaviour.
2. Members pointed out that there was no reference to the role or use of Blackberries in the IT Code.
3. It was suggested that Members who do not wish to use the Council's equipment should confirm this in writing.
4. In relation to the use of equipment provided by the Council during election time, Members queried how they should respond if they receive a political email to their Surrey email address during the election period. Mr Munro confirmed that further guidance would be issued around election time.
5. During the discussion, one Member raised the concern that there was a lot of information included in the papers and he felt that he had not had sufficient time to read it.
6. There was some debate about the revised IT Code for Members. It was noted that in the past a number of Members had refused to sign the document as it was considered that the terms were intrusive. In particular, concerns were raised around paragraphs 2e (attaching devices) and 2i (reimbursing the Council on all costs and expenses). The Chairman confirmed that the points raised in relation to IT would be noted and considered.
7. During the debate, one Member raised his concern about the working group's decision not allow an appeal process for the complainant.
8. The Leader tabled three proposed amendments (Appendix E), two of which related to the Member/Officer Protocol (recommendation 3) and the third proposing a new recommendation requesting that the new Member Conduct Panel review the changes proposed in the papers and report back in May 2013.
9. General agreement was sought and established on recommendations 1, 2, 4, 5, 6 and the proposed

recommendation 7, before moving on to further discussion on recommendation 3.

10. Mrs Watson moved an amendment to the amendment proposed by the Leader (Appendix F). The proposed amendment referred to the common law rights of Members to access information.
11. Mrs White seconded Mrs Watson's amendment on the basis that there should be a presumption of Members' right to information, with the responsibility falling on Members to respect the nature of confidential information.

A vote was taken and carried on the adoption of the Leader's proposed amendments, with 34 voting in favour, 20 voting against and 2 abstaining.

The Chairman moved to a vote on Mrs Watson's proposed amendment to the Leader's amendment, which had been adopted. The vote was not carried with 12 voting in favour, 47 voting against and 1 abstaining.

RESOLVED:

1. That the proposed Member Code of Conduct be commended to County Council for adoption and inclusion into the Constitution.
2. That the proposed IT Code for Members be commended to County Council for adoption.
3. That the revised Member/Officer Protocol, as amended, be commended to County Council for adoption and inclusion into the Constitution.
4. The revised arrangements for dealing with standards allegations under the Localism Act 2011, be approved and adopted.
5. A Member Conduct Panel be appointed
6. The Monitoring Officer be tasked to make amendments to the Council's Constitution and other relevant documents, to give effect to the proposals set out above.
7. The new Member Conduct Panel to review the changes that have been proposed in these papers and the discussion that has taken place today and prepare a new set of papers to be taken to each Group independently and the final recommendations, after agreement by the relevant Groups, to be brought back to Council by March 2013.

In order to give effect to the Ethical Standards Working Group's recommendations (as amended), the County Council agreed to:

1. abolish the current Standards Committee with immediate effect and establish a Member Conduct Panel of 10 Members, politically proportionate to the Council (7 Conservatives, 2 Liberal Democrats and 1 Residents' Association/Independent.)
2. authorise the Chief Executive to appoint Members to serve on the Member Conduct Panel and make changes to the membership of the Panel as necessary during the council year in accordance with the wishes of the political groups.
3. delegate selection of an Independent Person (as defined by the Localism Act 2011) to a panel of 3 Members, comprising a member from each group, nominated by Group Leaders, from within the membership of the Member Conduct Panel.
4. until an Independent Person is appointed by the Council, authorise the Monitoring Officer to explore identifying an appropriate interim Independent Person, appointed by a Surrey District or Borough Council to fulfil the role should the need arise.
5. approve the proposed changes to the Constitution set out in Appendix 1 and delegate any further Constitutional changes arising from decisions made by the Council in relation to the Standards Regime at this meeting to the Monitoring Officer, in consultation with the Chairman of the Council

74/12 ORIGINAL MOTIONS

(ITEM 12(i))

Under Standing Order 12.3, the Council decided it wished to hear further before agreeing whether or not to debate this motion.

Mr Kington made a short statement giving the reasons why the motion should not be referred. He said that this issue had not been debated in the Council Chamber for some time. Since the last time it was debated there had been some significant developments such as the High Court Ruling that part of the original decision was unlawful. Community Partnership Libraries was on the agenda for the next Cabinet meeting and therefore Cabinet Members should be entitled to hear the voice of the Chamber before it was debated at Cabinet.

The Leader made a short statement stating that it would be inappropriate to debate this matter ahead of the Cabinet meeting next week. Therefore, the Leader put forward that the statement should be deferred to Cabinet.

19 Members voted for debating the motion today but the majority of Members voted against debating it today.

Therefore, it was:

RESOLVED:

That this motion be referred to the Cabinet, for determination. Under Standing Order 12.6, the Cabinet must report back to County Council at the earliest possible meeting.

75/12 **(ITEM 12(ii))**

Mr Kington declared an interest in this item as he had been involved in fundraising for Epsom and Ewell Citizens Advice Bureau. Mr Kington left the Chamber for the debate and vote.

Under Standing Order 12.3, the Council agreed to debate this motion.

Under Standing Order 12.1, Mrs Fiona White moved the motion standing in her name which was:

‘This Council recognises that there is high demand by Surrey residents for advice and support because:

- i) significant numbers of people are struggling to pay their bills and are in debt, and:
- ii) changes to the benefits system will have an impact on Surrey residents.

This Council agrees that voluntary organisations in Surrey that provide advice about coping with debt problems and welfare benefits are generally best placed to help Surrey residents and requests the Cabinet consider the provision of additional funding of £100,000 to such organisations.’

Mrs White began by saying that the government had announced various benefit reforms including the ‘universal benefit’ proposal. A recent report to the Adult Social Care Select Committee had shown the impact on Surrey residents in terms of potential loss of benefits. The Committee had agreed that Surrey residents should be well advised on the benefits available to them and know where and how to apply. It was felt that with the right advice and help, the people of Surrey would be less likely to face having their benefits removed. Mrs White noted that one of the ways in which Surrey had sought to mitigate adult social care costs was to maximise benefit take up.

It was noted that the benefit changes were only just coming into force, yet many voluntary organisations were already feeling

stretched. Mrs White stressed the importance in ensuring that staff were fully up to date on changes to benefits, including changes that had not yet come into force. She stated that it was in the interests of both the Council and Surrey's most vulnerable people to ensure that additional support was achieved.

Mrs White asked the Council to support the motion, noting that the amount requested was small in terms of overall budget levels.

The motion was formally seconded by Mrs Diana Smith. Mrs Smith explained that the 'universal credit' system was likely to cause major problems to those who use Surrey's services. There was an expectation that all payments would be made online, however, this would need substantial support. Mrs Smith stated that people who genuinely need the benefits should be entitled to them and that the importance of voluntary organisations was highlighted by the fact that success rates rise to 68% at appeal stage, for those who receive support. Mrs Smith concluded by saying that through determination to work effectively with voluntary organisations, everybody would benefit.

The Cabinet Member for Community Services and the 2012 Games tabled an amendment, which was:

'This Council recognises that there is high demand by Surrey residents for advice and support because:

- i) significant numbers of people are struggling to pay their bills and are in debt, and:
- ii) changes to the benefits system will have an impact on Surrey residents.

This Council agrees that voluntary organisations in Surrey that provide advice about coping with debt problems and welfare benefits are generally best placed to help Surrey residents and requests the Cabinet consider appropriate funding and support for welfare benefits advice services as part of the Council's ongoing budget process.'

Mrs White was not satisfied with the amendment tabled by the Cabinet Member, and therefore it was agreed that the debate would continue after lunch.

ADJOURNMENT

The meeting adjourned for lunch at 12.50pm and resumed at 2.15pm, with all those present who had been in attendance in the morning except for Mr Agarwal, Mr Brett-Warburton, Mrs Coleman, Mr Cooksey, Mr Cooper, Mr Forster, Mrs Frost, Mr Goodwin, Mrs Hammond, Ms Heath, Mrs Hicks, Mr Hickman, Mr Kington, Mr

Lake, Mrs Mason, Mrs Moseley, Dr Povey, Mrs Saliagopoulos, Mr Townsend, Mr Witham, Mr Young

On reconvening the meeting, the Chairman formally handed over the Chairmanship to the Vice Chairman of the Council, Mr Munro.

Mrs Sealy and Mrs Clack left the room at 2.05pm.

76/12 **ITEM 12(ii) continued**

Mr Cosser formally seconded the amendment tabled by Mrs Clack, but reserved his position.

Mrs White responded to the proposed amendment stating that she was not happy to accept the amendment due to the urgency of the situation. She stated that it was essential that advisers were properly trained ahead of benefits changes coming into force. Mrs White said that leaving this until the next budget round would create an unhelpful delay. She concluded by saying that she hoped that the Cabinet and members of the Conservative Group would take on the intention of the motion and try to find a way of making resources available ahead of next year's budget.

Mr Cosser responded in Mrs Clack's absence, stating that the consensus in the Chamber was that the work of voluntary organisations was valued. He said that there needed to be discipline to the budget process, but was confident that the Leader and Cabinet would consider the points raised by Mrs White in her motion. He urged the Chamber to accept the amendment.

After the debate, the amendment put forward by Mrs Clack was put to the vote. 38 Members voted for and 9 Members voted against it. There were no abstentions.

Therefore, the motion was carried with the amendment.

77/12 **REPORT OF THE CABINET (ITEM 13)**

The Leader presented the reports of the Cabinet's meetings held on 29 May and 19 June 2012.

(1) Statements / Updates from Cabinet Members

Two statements from the Cabinet Member for Community Services and the 2012 Games on (i) the Olympics and (ii) Woking Library were tabled at the meeting. (Appendix G)

(2) Reports for Information / Discussion

The following reports were received and noted:

- One County, One Team: People Strategy 2012 - 2017
- Local Government Ombudsman Report with a finding of Maladministration
- Quarterly report on decisions taken under Special Urgency Arrangements – 1 April – 30 June 2012

Members had an opportunity to ask questions and comment on both the statements from Cabinet Members and the Reports for Information. Following a question from Dr Hack, the Cabinet Member for Change & Efficiency agreed to report back to clarify the arrangements taken to ensure that the Council's energy bills decreased whilst the building was empty.

RESOLVED:

That the report of the meeting of the Cabinet held on 29 May and 19 June 2012 be adopted.

78/12

**REPORT OF THE AUDIT AND GOVERNANCE COMMITTEE
(ITEM 14)**

The Chairman of Audit and Governance presented the report.
It was:

RESOLVED:

That the Code of Corporate Governance (Annex1 to the submitted report) be approved and included in the Council's Constitution to replace the Code of Corporate Governance currently included in the Constitution and dated May 2011.

[The meeting ended at 2.20pm]

Chairman