

MINUTES: of the meeting of the Standards Committee held at 10.30 am on Wednesday 21 February 2007 at County Hall, Kingston upon Thames

Members

*Mr David Davis (Chairman)
*+Mr SFI Rutter (Vice-Chairman)

*Mr Victor Agarwal
*+Mr Nicolas Davies LVOJPDL
*Mrs Angela Fraser DL
*Mr Chris Frost
*+Ms Karen Heenan
*Mr Daniel Kee
*Mr Chris Slyfield

* = Present
+=Independent Member

Also in attendance

Mr David Ivison

PART ONE

IN PUBLIC

[All references to Items refer to the Agenda for the meeting]

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01/07 **APOLOGIES FOR ABSENCE AND SUBSTITUTIONS** [Item 1]

There were no apologies for absence.

02/07 **MINUTES OF THE LAST MEETING: 13 December 2007** [Item 2]

The minutes were confirmed and signed by the Chairman of Standards Committee.

03/07 **DECLARATIONS OF INTERESTS** [Item 3]

There were no declarations of interests.

04/07 **PROCEDURAL MATTERS** [Item 4]

There were no petitions or questions either from members of the Council or from members of the public.

05/07 **CONSULTATION ON AMENDMENTS TO THE MODEL CODE OF CONDUCT FOR LOCAL AUTHORITY MEMBERS** [Item 5]

The Chairman reminded the Committee that all Members of the Council had been invited to attend for this item and he welcomed Mr David Ivison to the meeting. The Committee were also directed to written submission from Mr David Munro that had been tabled (and is attached as Appendix 1 to the Minutes).

Ann Charlton (Monitoring Officer) outlined key points in the consultation document on amendments to the Model Code of Conduct for Local Authority Members. Ann explained that the consultation period was relatively short, ending on 9 March, which meant that she was not able to consult as widely as she would have liked on a response. On 7 March 2007 the final response, as agreed by the Standards Committee, would be reported to full Council. During the subsequent discussion, the following points were made:

- Members were concerned that the threshold of £25 for gifts and hospitality to be declared was too low and that the requirement to declare receipt of such gifts and hospitality at meetings for five years was too long. However, there was an acceptance that declaration of some gifts and hospitality aids public perception of transparency in local government. It was suggested that MPs only declared gifts and hospitality of £500 and over and that proportionately, as County Councillors receive one sixth of the allowance of an MP, perhaps they should only have to declare gifts and hospitality at one sixth of the threshold of an MP, i.e. £75. It was suggested that a threshold of £75 and its justification be suggested in the Council's response to the consultation. It was also suggested that two years was long enough to have to declare gifts and hospitality at meetings and it was queried as to how long MPs have to declare a particular gift or hospitality.
- Members were concerned about other problems with regard to declaring gifts and hospitality received: difficulty in identifying the value of a gift or hospitality on the open market; and confusion over where Members stand when they are invited to functions as a representative of the County Council but pay for tickets out of their own pocket. It was also pointed out that attending functions was a duty for many Members. Members discussed whether it was necessary to register gifts and hospitality given rather than received. It was concluded that it was unnecessary to register this, as giving away gifts and hospitality would not influence Members. With regard to whether it meant Members

were soliciting support, this was seen as acceptable as long as it was for the Council and not for personal gain.

- There was support for David Munro's statement on the revised provisions of the Code that will allow a Member with a prejudicial interest, with the consent of the relevant Committee, to attend to make representations. Members with a prejudicial interest would now be able to attend a planning committee to represent their constituents, which they are not allowed to do at present. Ann suggested that Nolan requirements would still mean that Members of a Committee would need to withdraw if they have a personal and prejudicial interest.
- Monitoring Officers have been informed that standards Committees should not give dispensations at present as the legislation governing it is flawed. The rules around dispensations only allow them to be given in certain circumstances, ie. When so many Members on a Committee have a prejudicial interest in an item that the meeting becomes inquorate.
- "Bullying and harassment" is the phrase more commonly used in industry than "bullying" alone.
- Very clear guidance is required on what is in the public interest with regard to disclosing confidential information. Clear definitions of other concepts such as bullying and "close personal association" are also necessary.
- The Committee debated the proposal that the Code will limit the private conduct that would breach the Code to acts that have resulted in a criminal conviction. Members were concerned with the principle that this would apply to events that took place before the Member took office but where a criminal conviction does not take place until after taking up office. It was suggested that the main issue was whether a Member's actions brings his or her office into disrepute and that this would happen when a conviction is made public. It was felt that the extension of the scope of the Code would enable the Standards Committee to have the debate about whether the Code of Conduct has been breached.

Mr David Ivison left the meeting at 11.15am.

It was **RESOLVED:**

That authority be delegated to the Monitoring Officer to revise the response to the consultation in accordance with the Committee's discussion, in consultation with the Chairman and Vice-Chairman of the Committee.

06/07 **CHANGES TO THE ETHICAL STANDARDS REGIME: PROPOSALS IN THE LOCAL GOVERNMENT WHITE PAPER AND THE LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH BILL 2006** [Item 6]

Allan Wells (Deputy Monitoring Officer) introduced the report, highlighting key points. During discussion, the following points were raised:

- Members felt that the Annual Meeting of Council should be asked to change Standing Orders to ensure the appointment of an Independent Member as Chairman. An Independent Member should then be appointed as Chairman for the 2007/08 Municipal Year. The necessity of the Vice-Chairman to also be an Independent Member was discussed and it was suggested that it would be difficult for an elected Member to take that role as they would have to take the Chair if the original Chairman was absent. The difficulty associated with an Independent Member reporting back to Council was flagged up as another issue to resolve.
- Nicolas Davies queried the functions of Standards Committee as outlined in the Constitution under Article 8; specifically Article 8.04 (h) and (i). Ann Charlton agreed that the functions of the Committee may need to be revised and suggested passing this to the How the Council Manages its Business Group.
- Nicolas Davies also suggested that politics be removed from Standards Committee, with only one Member of each political group being appointed to the Committee alongside the Independent Members. Ann informed Members that the Standards Committee was not politically proportionate at present as it had been decided to ensure that all political groups had a representative on the Committee. Members pointed out that there had been no problems with politics so far on Standards Committee but it was felt that the point of principle was worth considering.
- The appropriateness of substitutes on Standards Committee was queried as Members of the Committee are trained in their duties. Members highlighted that Planning and Regulatory Committee have a pool of trained substitutes.

It was **RESOLVED**:

To refer to the How The Council Manages its Business Group the following issues for consideration:

- Changing Standing Orders to ensure the appointment of an Independent Member as Chairman and any implications of such a change.
- Role and function of Standards Committee.
- Political appointments to Standards Committee
- Appropriateness of substitutes on Standards Committee.

07/07 COMPLIMENTS AND COMPLAINTS REPORT: APRIL TO DECEMBER 2006/07 [Item 7]

Nigel Bartlett-Twivey (Customer Relations Manager) introduced the report. He highlighted the recent survey of customer facing staff conducted by Customer Relations, which indicated that only a third of staff always registered complaints, comments and compliments. This suggests that a lot of work needs to be undertaken to ensure that staff recognise complaints.

Nigel also addressed the rise in the number of stage 1 complaints in Customer Services and Transportation over the last quarter. During that period, Customer Services took on library calls. There was some dissatisfaction at first with the new route to accessing information about libraries, which led to an increase in complaints. It is envisaged that the number of complaints will reduce as the public get used to the new approach. The backlog of work in Transportation is generating complaints. Transportation is also achieving poor performance in responding to stage 1 complaints within the timescale. It is intended that the review of Transportation, headed by Jenny Isaac, will lead to improved performance.

During discussion, the following points were raised:

- Members were concerned that it is not always clear what constitutes a complaint. Nigel assured the Committee that there is a clear definition of a complaint in Transportation, although it is accepted that judgement is often required.
- It was accepted that if all complaints were to be registered that it would lead to a big increase in the numbers reported to the Committee. The organisation was encouraged to see complaints as an opportunity improve levels of service.
- Members requested that future reports include the results of previous quarters to enable comparisons to be made and a trend analysis. It was also suggested that some of the data could be presented as charts. Members asked that compensation figures be given for each case upheld.

- Customer Services is engaged with one of the work streams of the How the Council Manages its Business Group to look at a consistent approach for Members to follow when dealing with complaints. In the meantime, it was suggested that Members could ask for the complaint reference number when passing a complaint to officers to ensure that the complaint is logged.
- Members were concerned about a leaflet entitled *Defects on the Highway* that suggested that compensation claims took 90 days to be decided upon. The leaflet was circulated and it was requested that a copy of the leaflet be passed to the Chief Executive.
- As the Committee is concerned with the effectiveness of the complaints process, it was agreed that Members should visit the Contact Centre to listen to how complaints are dealt with in the first instance.

08/07 DATE OF NEXT MEETING [Item 8]

The Committee noted that the next meeting of the Standards Committee is on Wednesday 18 April 2007 at 10.30am.

The Chairman informed the Committee of an invitation to attend the Standards Board for England roadshow during June. A letter providing further detail would be circulated to Members.

Chairman

[Meeting Ended: 12.35pm]

Appendix 1

Submission from Mr David Munro

“Unfortunately, I cannot attend the 21 Feb meeting of the Standards Committee because I have the SLGA (which will presumably also affect the Executive and minority group leaders). I have the following comment.

I quite agree that the current Code goes too far in preventing individual members representing their residents on e.g. planning applications and must be changed. But it should be remembered that the situation before this part of the code came into force was also very undesirable since it allowed members to champion one particular aspect of an issue without regard to any broader perspective. Of course, most members - dare I say all members in Surrey - did not abuse this but I have heard horror stories from other parts of the country. Nolan was right to address this.

In my view however, the amendment as it stands goes too far in the other direction. To take an example from the planning field, the amendment seems to allow a councillor on the relevant planning committee merely to say: 'the majority of my residents oppose this application for this block of flats, therefore I will oppose it too'. The councillor will not be obliged to consider any other issue, for instance the need to provide affordable housing in the area. If he does publicly explore any wider issues, this will be at his own initiative and he could come under pressure from his residents for not championing their cause.

The solution I think lies in a counterbalancing protocol which obliges councillors to consider all aspects of an issue and come to a reasonable decision. Behaving unreasonably should also be grounds for an appeal”.