

**MINUTES** of the meeting of the **STANDARDS COMMITTEE** held at 10.30am on Wednesday 25 June 2008 at County Hall, Kingston upon Thames.

These minutes will be confirmed by the Standards Committee at its next meeting on 15 September 2008.

**Members:**

\*+ Mr SFI Rutter (Chairman for items 7 and 8)

\*x Mrs Angela Fraser DL (Vice-Chairman)

\* Mr Victor Agarwal

\*+ Mr Nicolas Davies LVO JP DL (Chairman for items 1-6)

\*+ Mr Simon Edge

\*+ Ms Karen Heenan

\* Mr Geoff Marlow

\* Mr Chris Slyfield

\* Mrs Jean Smith

+ = Independent Representatives

\* = Present

x = Present for part of the meeting

**PART 1**

**IN PUBLIC**

**17/08 ELECTION OF CHAIRMAN AND VICE-CHAIRMAN OF STANDARDS COMMITTEE [Item 1]**

Mr Davies took the Chair and indicated that he would not be standing for re-election as Chairman. He welcomed the newly appointed independent Members to the meeting. The Committee requested that its thanks be conveyed to Mr Daniel Kee for his work on the Committee.

**Recommended (to County Council):**

(a) To appoint Mr Simon Rutter as Chairman of the Committee for the 2008/09 municipal year.

(b) To appoint Mrs Angela Fraser as Vice-Chairman of the Committee for the 2008/09 municipal year.

The Committee agreed that Mr Davies should remain in the Chair until the conclusion of Item 6 as this related to work carried out when he was Chairman.

**18/08 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 2]**

There were no apologies for absence.

**19/08 MINUTES OF THE PREVIOUS MEETING: 29 April 2008 [Item 3]**

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

**20/08 DECLARATIONS OF INTEREST [Item 4]**

There were no declarations of interest.

**21/08 QUESTIONS AND PETITIONS [Item 5]**

There were no questions or petitions.

**22/08 CHAIRMAN AND MONITORING OFFICER UPDATE [Item 6]**

Mr Davies reported that in his role as the previous Chairman of the Committee he had, together with the Monitoring Officer, met with the Leader of the Council and the Chief Executive to discuss any issues of concern.

The meeting with the Chief Executive had revealed a potential issue if Members make critical or personal comments about officers in meetings or e-mails particularly if blind copies are used. Such behaviour could be seen as bullying or failing to treat others with respect under the Members Code of Conduct. The Chairman had, therefore, written to all Members of the Council asking them to keep these issues in mind in their work.

Mr Davies thanked the Monitoring and Deputy Monitoring Officers for their help and support during his time as Chairman.

The Vice-Chairman thanked Mr Davies for his work as Chairman. Mr Rutter took the Chair.

**23/08 LOCAL ASSESSMENT OF ALLEGATIONS OF MISCONDUCT BY A MEMBER: ESTABLISHING THE NEW REGIME [Item 7]**

**Declarations of Interest:**

There were no declarations of interest.

**Officers present: (name, job title, service/organisation)**

Ann Charlton (Monitoring Officer/Head of Legal Services, Corporate Services) Allan Wells (Deputy Monitoring Officer/Local Government Group Manager, Corporate Services)

**Key Points Raised During the Discussion:**

- Members felt that care should be taken in the level of publicity for the new procedures so that undue costs were not incurred and spurious complaints encouraged whilst people were made aware of the procedures.
- Members requested a flow chart setting out the new procedures. The Monitoring Officer reported that this was already available and undertook to send it to Members of the Committee.
- The Monitoring Officer reported that a Sub-Committee meeting must be held if required and it is not possible for a decision to be made by letter or telephone.
- In agreeing to have two Assessment Sub-Committees it was important that Members of one must not discuss cases under consideration with the other, as this may prejudice their decision if they need to consider the case at a later stage.
- There was not currently a requirement to publicise the summary of the decision of the Panel on the website as is currently done by the Standards Board, only to have it available for public inspection. However, it will be necessary to make a quarterly report of decisions to the Standards Board and it is not known if or where these will be published.
- In relation to Appendix C the Committee requested that they be notified of the numbers of cases that are received by the Monitoring Officer, but which do not appear to be a substantive allegation of misconduct or where the complainant does not wish the matter to be referred to the Standards Committee.
- The Monitoring Officer indicated that her current understanding was that if serious allegations were uncovered during the investigation that should be referred to other agencies, this could not be done until the conclusion of the investigation due to confidentiality requirements. However, she would consider this issue further.
- There is not a requirement for the complainant to know the names of the people on the Assessment and Review Sub-Committee.
- If following a Local Hearing there is found to be no breach of the code the Member may decide whether or not to publicise the decision.

**It was resolved:**

(1) That further publicity to the new procedures be given via the following:

- An article in Surrey Matters;
- A press release targeted at a range of free papers covering all Surrey areas and publications for minority groups;
- Provision of Information to libraries, Citizens Advice Bureaux and other appropriate voluntary organizations;
- Inclusion in County Council complaints literature when it is reprinted.

(2) That two Assessment Sub-Committees be established to meet alternately comprised of the following Members

Sub-Committee A

Simon Rutter (Chairman)  
Angela Fraser  
Karen Heenan  
Chris Slyfield  
Christine Stevens

Sub-Committee B

Nicolas Davies (Chairman)  
Victor Agarwal  
Simon Edge  
Geoff Marlow  
Jean Smith

(3) That the Terms of Reference of the Assessment Sub-Committee as set out in Appendix A to the report be agreed subject to the following amendments:

final paragraph of 1.3 to read “and shall agree a written summary and instruct the Monitoring Officer to take reasonable steps to notify the person making the allegation and the member concerned of that decision, in accordance with the Regulations.”

Insert in 1.4 iii “of the Standards Board” after “Adjudication Panel”.

(4) That the Review Sub-Committee be comprised of the Members of whichever Assessment Sub-Committee did not consider the initial assessment.

(5) That the Terms of Reference of the Review Sub-Committee as set out in Appendix B to the report be agreed.

(6) That the local protocol setting out the Monitoring Officer's role in handling complaints as set out in Appendix C to the report be adopted subject to the following amendments:

paragraph 1.1 "him/her" to be replaced by "the Monitoring Officer"  
paragraph 1.2 "register" to be replaced by "database"

(7) That the assessment criteria set out in paragraph 14 of the report be approved subject to the following amendments:

14.2 amend to read "**Anonymous Complaints:** The Assessment Sub-Committee will only consider these further if the complaint includes independently verifiable evidence of the matters to which the complaint relates.

14.3 add to end "unless there is new or substantial evidence that was not previously available.

(8) That the criteria for maintaining the confidentiality of a complainant as set out in paragraph 16 of the report be adopted subject to the following amendments:

first bullet point delete "physical"  
second bullet point after "the member and" add "has reasonable grounds for believing"

(9) That the Monitoring Officer be asked to recommend to the County Council any changes to the Council's Constitution required to give effect to the Committees new responsibilities.

**Select Committee Next Steps:**

- The arrangements will be put in place and will be reviewed after a year of operation.

## **24/08 DATES OF FUTURE MEETINGS [Item 8]**

The next meeting of the Committee will be on 15 September 2008 at 10.00am.

Future meetings will be on:

Monday 3 November 2008  
Monday 2 February 2009  
Friday 17 April 2009  
Friday 3 July 2009  
Friday 2 October 2009  
Monday 30 November 2009  
Monday 15 February 2010  
Monday 12 April 2010

All meetings to begin at 10.00am.

[Meeting ended: 12.30pm]

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**Chairman**