

MINUTES of the meeting of the **STANDARDS COMMITTEE** held at 10am on Friday 3 July 2009 at County Hall, Kingston upon Thames.

These minutes will be confirmed by the Standards Committee at its next meeting on 2 October 2009.

Members:

- *+ Mr SFI Rutter (Chairman for part of item 1)
- x Mrs Angela Fraser DL (Vice-Chairman for part of item 1)

- *+ Mr Nicolas Davies LVO JP DL
- *+ Mr Simon Edge (Chairman for part of item 1-14)
- x+ Ms Karen Heenan (Vice-Chairman for part of item 1-14)
- * Eber Kington
- * Mr Geoff Marlow
- x Mr David Munro
- Mrs Lavinia Sealy
- * Mr Colin Taylor

- + = Independent Representatives
- * = Present
- x = Present for part of the meeting

PART 1

IN PUBLIC

26/09 ELECTION OF CHAIRMAN AND VICE-CHAIRMAN OF STANDARDS COMMITTEE [Item 1]

Simon Rutter took the Chair and welcomed the new members of the Committee. He indicated that he would not be standing for re-election as Chairman and called for nominations.

Geoff Marlow proposed that Simon Edge be appointed as Chairman. This was formally seconded by Nicolas Davies and unanimously agreed.

Simon Edge took the Chair and the Committee offered its thanks to Simon Rutter for the way he led the Committee over the past year.

Simon Edge called for nominations for the Vice-Chairmanship.

Members asked the Monitoring Officer for clarification on whether an Independent Representative could be Vice-Chairman. The Monitoring Officer explained the Standards Board for England guidance recommends that the Vice-Chairman be an Independent Representative.

Nicolas Davis proposed that Karen Heenan be appointed as Vice-Chairman. This was formally seconded by Simon Rutter and unanimously agreed.

The Committee discussed how the Committee would report to Council meetings with both Chairman and Vice-Chairman of the Committee now Independent Representatives. There was a suggestion that the Committee should appoint a representative from amongst the elected Members to speak at Council meetings. The Monitoring Officer clarified that at many Councils it is usual for the Independent Chairman to present the Committee report at Council meetings. The Chairman of the Council could take a view on how he wished to run the Council meeting and any constitutional issues dealt with through the proper channels. It was argued that the Independent Chairman should attend Council meetings to raise the profile of the Standards Committee and that disallowing it would send a strange message about the importance the Council places on Standards.

Karen Heenan took the Vice-Chairmanship and the Committee offered its thanks to Angela Fraser for her work on the Committee.

Recommended (to County Council):

(a) To appoint Mr Simon Edge as Chairman of the Committee for the 2009/10 municipal year.

(b) To appoint Ms Karen Heenan as Vice-Chairman of the Committee for the 2009/10 municipal year.

27/09 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 2]

Apologies for absence were received from Mrs Lavinia Sealy.

David Munro, Angela Fraser and Karen Heenan all offered their apologies as they would need to leave before the end of the meeting.

28/09 MINUTES OF THE LAST MEETING: 17 April 2009 [Item 3]

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

29/09 DECLARATIONS OF INTEREST [Item 4]

There were no declarations of interest.

30/09 QUESTIONS AND PETITIONS [Item 5]

There were no questions or petitions.

31/09 INITIAL ASSESSMENT SUB-COMMITTEES [Item 6]

Declarations of Interest:

There were no declarations of interest.

Officers present:

Ann Charlton (Monitoring Officer)

Key Points Raised During the Discussion:

- Of the new Members, Eber Kington, Colin Taylor and David Munro had all sat on Standards Committees elsewhere and so did not require training on initial assessments before sitting on the Sub-Committees.
- The Monitoring Officer was recommending continuing the system utilised in the previous year of two Sub-Committees meeting bimonthly, with Sub-Committee A chaired by the Chairman of Standards Committee and Sub-Committee B chaired by the Vice-Chairman of Standards Committee. The Committee supported the proposal as the system had worked well.
- The Monitoring Officer also recommended that the Committee add a clause to the terms of reference of the Sub-Committees, delegating authority to the Monitoring Officer, in consultation with the Chairman of the Sub-Committee, to substitute Members onto a Sub-Committee where necessary.

Actions/Further Information to be Provided:

None.

Resolved:

1. That the Committee appoint Members to Sub-Committees A and B as recommended in the Committee report.
2. That the terms of reference of the Assessment and Review Sub-Committees include a clause delegating authority to the Monitoring Officer, in consultation with the Chairman of the Sub-Committee, to substitute alternative Standards Committee Members onto a Sub-Committee where necessary, for example where an existing Member has a conflict of interest.

Next Steps:

A schedule of dates to be agreed with the two Sub-Committees.

32/09 MEMBERS' CORRESPONDENCE [Item 7]**Declarations of Interest:**

There were no declarations of interest.

Officers present:

Ann Charlton (Monitoring Officer)

Cheryl Hardman (Democratic Services Officer)

Key Points Raised During the Discussion:

- The definition of correspondence was queried. It was suggested that emails could not be included as correspondence although the majority of Members on the Committee did consider this to be correspondence. It also appeared from the three complaints that had led to this report that the public also viewed emails as correspondence.
- There was concern expressed that it could be considered that not replying to all correspondence could be classed as a breach of the Code as Members have to deal with a number of vexatious complainants. Members also may receive a large number of emails associated with a particular campaign. It was felt that in some cases judiciously not replying could be justified.
- The Monitoring Officer clarified that the Council has a vexatious policy for Freedom of Information requests but no formal policy for other types of correspondence.
- Members pointed out that Standards Committee is not the only body that judges councillors' behaviour. The electorate also expressed its judgement on Election Day.
- There was recognition that the Standards Committee should not become involved in complaints about responding to correspondence unless there are aggravating circumstances.
- It was agreed that there can be no absolutes with regard to complaints about the alleged failure to respond to correspondence and it was suggested that each case be considered on its own terms.
- There was a request that the Standards Board for England view be established.

- With regard to the suggestion that failure to respond to correspondence may be treated as a breach of the paragraph of the Code of Conduct that is concerned with treating others with respect, it was pointed out that 'respect' was being treated as a very general term on to which anything could be hooked. It was recommended that Standards Committee return to the Nolan definition of 'respect':

"Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees".

This indicates that 'respect' was intended to have a narrow definition.

- Members argued that organisational skills was a competency issue and should be dealt with by the electorate at the ballot box.
- Members suggested that the Financial and Value for Money Implications of the Committee report should include recognition of the cost of an investigation, estimated at £8,000-£10,000.
- It was suggested that Members should take up workload management training.
- The Monitoring Officer offered to draft a policy statement for the Committee explaining that a failure to respond to correspondence was not necessarily a breach of the Code of Conduct but that evidence of gross or systematic refusal to engage in correspondence may lead to such a finding. The statement would also include advice on how to deal with vexatious complainants.

Actions/Further Information to be Provided:

- None.

Resolved:

1. Standards Committee does not agree that not responding to correspondence is always a breach of the Code of Conduct. A referral to the monitoring officer for investigation or other action would depend on the circumstances of the particular complaint.
2. That the Monitoring Officer draft a policy statement on responding to correspondence for approval by Standards Committee at a future meeting.

Next Steps:

- To receive the draft policy statement on responding to correspondence on 2 October 2009.

33/09 LOCAL COMMITTEES: CODE OF CONDUCT TRAINING [Item 8]

Declarations of Interest:

There were no declarations of interest.

Officers present:

Ann Charlton (Monitoring Officer)

Key Points Raised During the Discussion:

- A document detailing the numbers of attendees and non-attendees to the training on Local Committees and the Code of Conduct was tabled and is attached as Annexe 1.
- The Monitoring Officer and Legal Services had provided 12 training sessions in total, 11 at each of the Borough Councils and 1 additional session to catch anyone who could not attend any other sessions.
- The Monitoring Officer reported some push back on the training. Spelthorne Borough Members had refused to attend training and in Guildford very few Members had attended.
- An Independent Representative queried if a rumour he had heard that there had been objections at the Annual Council meeting was true. The Monitoring Officer confirmed that two Guildford Members had claimed to have been bullied by officers and would not be attending the training.
- The Monitoring Officer stressed the importance of the training to all Members but especially to co-opted or twin-hatted Members who need to declare an interest if there is a matter on a Local Committee agenda that concerns the Borough Council.
- Standards Committee Members reported having attended the training which was very good and also did not recognise any push-back at those sessions. The Monitoring Officer agreed that sessions went well. It was the absentees that concerned her.
- The Committee considered what action it could take. It was pointed out that training had been provided so if Councillors did not attend and subsequently made mistakes they should accept that they had clearly put themselves at risk. However, it was felt that putting the original case in proportion, there was not a big problem with regards to Councillor misconduct.
- There was a suggestion that in future training be packaged as a 'briefing' or 'update'. Also, training could be provided at the start of Committee sessions so Members do not have to attend on an additional date.

Actions/Further Information to be Provided:

None

Recommendations:

None

Next Steps:

None

34/09 CODE OF CONDUCT: MEMBER KNOWLEDGE [Item 9]

Declarations of Interest:

There were no declarations of interest.

Officers present:

Ann Charlton (Monitoring Officer)

Cheryl Hardman (Democratic Services Officer)

Key Points Raised During the Discussion:

- The Monitoring Officer clarified that Members probably thought that they had to comply with the Code of Conduct at all times rather than just when they act or claim to act or give the impression of acting as a Councillor as they had not picked up on the change to the Code following the Livingstone case by the time the survey was completed.
- Members pointed out that attendance at training and seminars was poor.
- Standards Committee agreed that short briefing notes on areas of the Code that Members most often get wrong and on case studies were effective ways of providing training. This could be provided as a quarterly update.
- The Monitoring Officer informed the Committee that during an investigation Members are asked if they have attended training. That a Member has read a briefing note is difficult to prove. It was suggested that further training be provided mid-term (2011) at the start of each Select Committee meeting.

Actions/Further Information to be Provided:

None.

Resolved:

1. That further training be provided in 2011 and a quarterly briefing note be published.
2. That a survey combining questions from the Standards of Conduct survey and the Audit survey be undertaken in 2010 to measure the effectiveness of training on the Code of Conduct.

Next Steps:

None.

35/09 LGC STANDARDS AND ETHICS AWARD: LEARNING POINTS [Item 10]

Declarations of Interest:

There were no declarations of interest.

Officers present:

Ann Charlton (Monitoring Officer)

Cheryl Hardman (Democratic Services Officer)

Key Points Raised During the Discussion:

- Members acknowledged that taking on board all the good practice detailed in the report would result in a heavy workload. It was necessary to consider whether any particular action would make a difference to standards in the Council and reassure the public. Packaging such as the use of slogans like 'Serious About Standards' was not as important as ensuring good conduct. Actions should improve the infrastructure.
- Members were impressed by the work that had already taken place or was under way within the County Council.
- Concern was expressed that Standards could become an inappropriate growth industry and that value for money implications should always be considered.

Actions/Further Information to be Provided:

None

Resolved:

1. That Standards Committee produce an annual report, reporting it to Annual Council, circulating it to officers and publishing it on the Surrey County Council website.
2. That the Chairman should hold regular meetings with the leadership of the Council, including Group Leaders.
3. That e-learning options be researched further and reported back to Committee.

4. That in-house publications such as Surrey Matters and Jigsaw be approached to include articles on Standards Committee

Next Steps:

None.

36/09 BRINGING STANDARDS INTO FOCUS: 2009 ANNUAL ASSEMBLY OF STANDARDS COMMITTEES [Item 11]

Declarations of Interest:

There were no declarations of interest.

Officers present:

Ann Charlton (Democratic Services Officer)

Actions/Further Information to be Provided:

None

Resolved:

That Simon Edge attend the Annual Assembly of Standards Committees, with Karen Heenan as second substitute and Nicolas Davies as third substitute.

Next Steps:

None.

37/09 COMPLAINTS HANDLING PERFORMANCE [Item 12]

12A Complaints Handling Performance: April to May 2009

Declarations of Interest:

There were no declarations of interest.

Officers present:

Loulla Woods (Customer Relations Manager, Customer and Communities Directorate)

Key Points Raised During the Discussion:

- The Customer Relations Manager reported excellent performance across the organisation. However, she highlighted Adults Service as having performance below target. The Families Directorate's Customer Relations Manager had sent a message explaining that this was due to a new process bedding down. Officers were needing to agree a timescale for responding in advance with a complainant. This was taking some time to get right.

- The Customer Relations Team was working with services to improve the quality of responses as well as timescales. It was also helping services to embed a culture of logging all complaints, comments and compliments. Estate Planning and Management had achieved a 100% response within timescale. However, it had only logged two complaints during the time period so the Customer Relations Team was working with the service Customer Relations Manager to see how the logging of complaints, comments and compliments was being administered.
- In response to a query about Schools and Learning, the Customer Relations Manager informed the Committee that she had requested an explanation but had not received one.
- The Customer Relation Team was working with services to help them manage continuous correspondence with a complainant
- A new Members' Hotline had been established in the Contact Centre, including a designated email address for Members. If a member receives a complaint about service delivery they should send it there. The Monitoring Officer offered to include mention of this in the policy statement on Members' Correspondence that she will draft.
- The Committee discussed whether it should be involved in monitoring the complaints process. The Customer Relations Manager informed the Committee that the portfolio-holder had requested a written briefing outlining whether there was a more appropriate Committee for the complaints process to go to. The Customer Relations Manager assured the Committee that any proposals to amend its terms of reference with regard to complaints would be fully discussed with the Committee.

Actions/Further Information to be Provided:

An explanation about below target performance in Schools and Learning to be circulated to Standards Committee members.

Recommendations:

None.

Next Steps:

None.

Mr David Munro left the meeting.

12B Standards Committee Concerns About Responses to Complaints in Surrey Highways

Declarations of Interest:

There were no declarations of interest.

Officers present:

Loulla Woods (Customer Relations Manager, Customer and Communities Directorate)

Key Points Raised During the Discussion:

- The Committee viewed the response received from the Head of Highways in response to concerns raised by the Committee as inadequate. The Committee felt that it had not been given appropriate consideration.
- Members estimated that over 90% of the complaints they received were about Highways matters.
- Members were not in the position to give specific examples
- The Customer Relations Manager explained that the contractors to Surrey Highways have to be compliant with the Council complaints process. Customer Services had recently audited complaint handling and made recommendations which were being taken forward.

Actions/Further Information to be Provided:

None.

Resolved:

That the Head of Surrey Highways and Head of Customer Services be requested to attend the meeting on 2 October to discuss the Committee's concerns.

Next Steps:

None.

38/09 ACTIONS TRACKER AND WORK PLAN [Item 13]

Declarations of Interest:

There were no declarations of interest.

Officers present:

Ann Charlton (Monitoring Officer)
Cheryl Hardman (Democratic Services Officer)

Key Points Raised During the Discussion:

- The Committee welcomed the Actions Tracker and Work Plan.
- In response to a query, the Monitoring Officer informed the Committee that Guidance had been published on Joint Committees, so she would talk to Surrey Police Authority about the proposal for a Joint Committee.
- The Democratic Services Officer also informed the Committee that the recently published Guidance on Joint Committees, dispensations and other action would be scheduled for the October meeting of Standards Committee.
- The Monitoring Officer informed the Committee that 3 July 2009 was the deadline for Members to return their Register of Interests. Chasers had been sent. Prior to the start of the meeting, 16 forms had not been returned although 7 were reportedly en route. The Executive Business Manager had been asked to send another reminder informing Members that a list of names of those who had not sent in their Register of Interests would be sent to the Monitoring Officer on 6 July (i.e. following the weekend). The Monitoring Officer would then write to Members explaining that she would report names to the next meeting of the Initial Assessment Sub-Committee.

Actions/Further Information to be Provided:

That a reminder about the Register of Interests be sent to relevant Group Leaders.

Resolved

1. That completed actions be retained for 12 months, collated at the back of the Tracker.
2. That any Members who had not returned their Register of Interests would be reported to the next Initial Assessment Sub-Committee meeting.

Next Steps:

None.

12/09 DATES OF FUTURE MEETINGS [Item 12]

The next meeting of the Committee will be on 2 October 2009 at 10am.

Future meetings will be on:

Monday 30 November 2009

Monday 15 February 2010

Training on Initial Assessment would be provided one on one to Members who needed it. Training on determinations would be scheduled.

[Meeting ended: 12.20pm]

Chairman