

**MINUTES** of the meeting of the **STANDARDS COMMITTEE** held at 10am on Friday 2 October 2009 at County Hall, Kingston upon Thames.

These minutes will be confirmed by the Standards Committee at its next meeting on 30 November 2009.

**Members:**

- \*+ Mr Simon Edge (Chairman)
- + Ms Karen Heenan (Vice-Chairman)
  
- \*+ Mr Nicolas Davies LVO JP DL
- \* Mrs Angela Fraser DL
- Eber Kington
- \* Mr Geoff Marlow
- \* Mr David Munro
- \*+ Mr SFI Rutter
- Mrs Lavinia Sealy
- \* Mr Colin Taylor

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

**PART 1**

**IN PUBLIC**

**43/09 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]**

Apologies for absence were received from Eber Kington.

**44/09 MINUTES OF THE LAST MEETINGS: 3 July 2009 and 4 September 2009 [Item 2]**

The minutes of the 3 July 2009 meeting were agreed as an accurate reflection of the meeting subject to two amendments:

- (i) Resolution 2 under Minute 31/09 to include the words “alternative Standards Committee” after “to substitute”.
- (ii) After section 12A of Minute 37/09 to include the phrase “Mr David Munro left the meeting”.

The minutes of the 4 September 2009 meeting were agreed as an accurate reflection of the meeting.

#### **45/09 DECLARATIONS OF INTEREST [Item 3]**

Mr David Munro declared a personal and prejudicial interest in Item 11 "Surrey Highways: Standards Committee Concerns About Responses to Complaints" as he was the Executive Member for Transportation during the period under scrutiny.

#### **46/09 QUESTIONS AND PETITIONS [Item 4]**

There were no questions or petitions.

#### **47/09 ASSESSMENT AND REVIEW SUB-COMMITTEES: REPORT BACK [Item 5]**

##### **Declarations of Interest:**

There were no declarations of interest.

##### **Officers present:**

Ann Charlton (Monitoring Officer)

##### **Key Points Raised During the Discussion:**

- The Monitoring Officer reported that since the last meeting of Standards Committee, there had been one meeting of Assessment Sub-Committee A on 6 August 2009. The Sub-Committee had dealt with two initial assessments of complaints, one had been referred to the Monitoring Officer for investigation and the Sub-Committee had decided to take no further action with the other. The Sub-Committee had reviewed a previous decision not to take further action. The decision was upheld. Finally, the Sub-Committee had been informed that Members of the Council had completed all Register of Interest forms.

##### **Actions/Further Information to be Provided:**

None.

##### **Resolutions:**

None

##### **Next Steps:**

None

## **48/09 CHAIRMAN'S REPORT TO STANDARDS COMMITTEE [Item 6]**

### **Declarations of Interest:**

There were no declarations of interest.

### **Officers present:**

Ann Charlton (Monitoring Officer)

### **Key Points Raised During the Discussion:**

- The Chairman informed the Committee that during the summer he had met with the Interim Chief Executive, the Leader and Deputy Leader of the Council, and the two opposition Group Leaders to discuss how Members perceive Standards Committee and how the Committee could improve its workings. It was agreed that further meetings should be held periodically, and that the Group leaders seek feedback from the Group's Members of the Standards Committee on the activities of the Committee.
- The Chairman had been told that Members welcomed Standards Committee reporting to Council. The speed of the complaints handling and investigation process was an issue. The experience of being complained about was a stressful experience and the Committee was asked to do what it could to speed up the process and support the Subject Member.
- The Monitoring Officer informed the Committee that there was no resources in Legal Service to provide advocacy support to Members. However, a briefing note had been prepared to provide to any Member subject to an investigation outlining the process. A senior member of Legal Services was also offered to talk through the process with the Member. She agreed that some investigations do take a long time but that there were a number of factors that contributed to the time an investigation took. As the process bedded in, timescales would improve.
- In response to a query, the Monitoring Officer explained that an external investigator would be funded through the legal expenses budget. She also confirmed that no funding had been passed down to Councils when they were given responsibility for complaints about Member Conduct.
- The Chairman went on to inform the Committee that Group Leaders would welcome guidance generally, and specifically on new technology and the Code of Conduct, citing Facebook and Twitter as examples of where Councillors could accidentally breach the Code.
- The Chairman reported that training opportunities had been appreciated. The use of cases studies would be welcomed in future training exercises and when promulgating good practice in relation to Standards.

**Actions/Further Information to be Provided:**

None.

**Resolved:**

Standards Committee to review the briefing note on the investigation process at its next meeting and contribute its views.

**Next Steps:**

None

Item 8 was brought forward and considered prior to Item 7.

**49/09 DISPENSATIONS: GUIDANCE FROM STANDARDS FOR ENGLAND  
[Item 8]****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 supported the optional use of a standard form to make a request for dispensation to the Monitoring Officer.
- There was a discussion about the need for an urgency procedure. It was felt that Members should not be encouraged to make requests at the last minute and that they should look forward to issues that may arise. It was however acknowledged that Members may not realise they have a prejudicial interest until an agenda was issued and so officers should receive advice on prejudicial interests and the potential to request a dispensation.

**Actions/Further Information to be Provided:**

1. Officers to produce a standard form for Members to make requests for dispensation to the Monitoring Officer. Use of the form will be optional.
2. Democratic Services Officers and Local Committee and Partnership Officers to be advised on the dispensation procedure.
3. That the statement provided in Annexe 2 be amended to state that "A dispensation expires after a maximum of four years".

**Resolved:**

- a) That Standards Committee agree the process for making a request for dispensation as outlined in Annexe 2 to the report.

- b) That Standards Committee agree the process to determine the granting of dispensations as outlined in Annexe 2 to the report, including:
  - (i) that the granting of dispensations be delegated to Sub-Committee A and Sub-Committee B;
  - (ii) that provision be made for allowing oral representations to the Committee by the Member making the request for dispensation.
- c) That Standards Committee adopts the local criteria against which requests for dispensation will be considered, as outlined in Annexe 2 to the report.
- d) That Standards Committee will make the process for making requests for dispensations, the criteria that will be applied and the process that will be followed when the request is considered known to Members and co-opted Members of the Council through inclusion in the constitution and by making it available on the Standards Committee web pages.

**Next Steps:**

1. Officers to make the process for making requests for dispensations, the criteria that will be applied and the process that will be followed when the request is considered known to Members and co-opted Members of the Council through inclusion in the constitution and by making it available on the Standards Committee web pages.
2. Terms of reference of the Sub-Committees to be amended.

**50/09 DETERMINATION HEARINGS SUB-COMMITTEE [Item 7]**

**Declarations of Interest:**

There were no declarations of interest.

**Officers present:**

Ann Charlton (Monitoring Officer)

**Key Points Raised During the Discussion:**

- The Monitoring Officer suggested that the Committee needed to consider how it will address any determination hearings that arise. She put forward the following options for consideration:
  - Standards Committee retains responsibility for determination hearings. This would have the advantage of all Members on the Committee have involvement and ensuring consistency in approach. However, the Subject Member would face ten Members at the hearing, which could be intimidating.

- Delegate responsibility to a Determination Hearings Sub-Committee, made up of half of Standards Committee. This would have the advantages of being a smaller panel and could be called together more quickly. However, it would be an ad hoc panel and so there would be a delay as dates were sought.
- Delegate responsibility to the existing Assessment Sub-Committees and rename them 'General Purpose Sub-Committees'. This has the advantage of dates already being in the diary. There would need to be processes in place to ensure consistency in approach between the two Sub-Committees.
- Members were anxious that delays be minimised and felt that retaining responsibility to the whole Committee would embed delays.
- The Monitoring Officer confirmed that Standards Committee would not need to ratify a decision by a Sub-Committee if responsibility was delegated.
- It was confirmed that the Sub-Committee did not need to be politically proportionate and that Standards Committee was not politically proportionate.
- There was discussion about whether a particular Sub-Committee should undertake the determination hearing, e.g. the original Assessment Sub-Committee or the Sub-Committee that undertook the consideration hearing. The Monitoring Officer clarified that Standards for England had confirmed that Members who had been involved in previous stages of a complaint could be involved in the determination hearing. The Committee agreed that as speed was important, the Monitoring Officer should decide which Sub-Committee should undertake the determination in consultation with the Chairman of Standards Committee.
- There was discussion about the size of a Sub-Committee. Five Members on a panel was felt to be potentially intimidating. It was suggested that responsibility should be delegated to the Monitoring Officer, in consultation with the Chairman of the Sub-Committee, to agree on three Members of the Sub-Committee to undertake a determination hearing.

**Actions/Further Information to be Provided:**

None.

**Resolved:**

1. That responsibility for determination hearings be delegated to the existing Assessment Sub-Committees, which will be renamed General Purpose Sub-Committees.
2. That responsibility be delegated to the Monitoring Officer, in consultation with the Chairman of Standards Committee, to decide which General Purposes Sub-Committee should undertake a determination.

3. That responsibility be delegated to the Monitoring Officer, in consultation with the Chairman of the General Purposes Sub-Committee, to agree on three Members of the Sub-Committee to undertake a determination hearing.
4. That the agreed approach to determination hearings be reviewed after three hearings have taken place.

**Next Steps:**

Terms of reference of the Sub-Committees to be amended.

**51/09 OTHER ACTION GUIDANCE [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:**

- It was suggested that the Monitoring Officer should be able to delegate responsibilities to the Deputy Monitoring Officer and therefore the Assessment Sub-Committees should be able to consult the Deputy Monitoring Officer about referring complaints for other action.
- There was a discussion about criteria 6 and whether senior Members should be treated differently to other Members. The Monitoring Officer explained that there ought to be an assumption that senior Members should be aware of the rules and so cannot claim ignorance. They should also be open to scrutiny. David Munro expressed his disagreement with the criteria, arguing that Standards Committee should not be seen to treat senior Members differently. A vote was taken on criteria 6. Six Members voted in favour and one voted against. Criteria 6 was retained.

**Actions/Further Information to be Provided:**

None

**Resolved:**

1. That Standards Committee notes the guidance by Standards for England on other action.
2. That the criteria to be taken into account if the assessment sub-committees are considering referring a complaint to the monitoring officer for other action, as outlined in Annexe 2 be agreed subject to the following amendment:
  - a. Add "or Deputy Monitoring Officer" to the end of criteria 8.

**Next Steps:**

To publish the agreed criteria to be taken into account if the assessment sub-committees are considering referring a complaint to the monitoring officer for other action.

**52/09 THE STANDARDS COMMITTEE'S ROLE IN THE GRANT AND SUPERVISION OF EXEMPTIONS FROM POLITICAL RESTRICTION [Item 10]****Declarations of Interest:**

There were no declarations of interest.

**Officers present:**

Ann Charlton (Monitoring Officer)

**Key Points Raised During the Discussion:**

- In response to concerns expressed about how active participation in party politics is defined, the Monitoring Officer explained that politically restricted posts were introduced by the Local Government and Housing Act 1989. At the time there were concerns about the potential for corruption where someone was involved in politics and was also a senior officer in local government. The Monitoring Officer suggested that attending social events behind closed doors could not be defined as being politically active.
- In response to a query about political assistants, it was confirmed that they were restricted from being involved actively in party politics.
- It was confirmed that a large proportion of council officers are in politically restricted posts.

**Actions/Further Information to be Provided:**

None

**Resolved:**

1. That the protocol attached at Appendix A to the report be approved and it be recommended to Council that it is included in the Constitution and published on S-Net.
2. That the function be delegated to Sub-Committee A and Sub-Committee B.

**Next Steps:**

1. The Committee will implement arrangements for granting and supervising exemptions from political restriction.
2. The Monitoring Officer will liaise with the Head of Human Resources to ensure that the protocol is made widely available to staff and HR professionals in the Council.



## **53/09 SURREY HIGHWAYS: STANDARDS COMMITTEE CONCERNS ABOUT RESPONSES TO COMPLAINTS [Item 11]**

### **Declarations of Interest:**

Mr David Munro declared a personal and prejudicial interest in Item 11 "Surrey Highways: Standards Committee Concerns About Responses to Complaints" as he was the Executive Member for Transportation during the period under scrutiny and withdrew from the meeting at 11.20am.

### **Officers present:**

Simon Pollock (Head of Customer Services)

Nigel Bartlett-Twivey (Customer Service Improvement Manager)

### **Key Points Raised During the Discussion:**

- The Head of Customer Services clarified that his original letter, considered by Standards Committee on 3 July 2009, had responded to the Committee based on his understanding of the Committee's remit around complaints procedures. Members argued that the Committee's concerns did fall within its remit as public perception did not seem to match the statistics it was receiving.
- There was a discussion about the definition of a complaint as Members were concerned that the service were viewing as a request for service what the public perceived to be a complaint. The Head of Customer services outlined three categories of contacts for Surrey Highways:
  1. A request for service, e.g. to fix a pothole
  2. A complaint e.g. the pothole was filled in badly or the customer has had to chase a previous request for service.
  3. An insurance claim – these would be dealt with through Legal Services.
- Members stressed that they receive frequent contacts from people who had contacted the Council about potholes but who had received no response or the pothole had not been filled.
- Potholes constituted only a third of 1% of call volumes to the Contact Centre. A variety of statistical measures showed no corroboration of the anecdotal evidence. However, there was a high level of emotion around the issue of potholes.
- In response to further questions, the Head of Customer Services informed the Committee that the majority of contacts about Surrey Highways were about streetlights. Following this, contacts were about vegetation, then potholes, and finally an 'other requests' category, which includes speed humps and requests for pedestrian crossings. Of calls to the Contact Centre, 15-20% were about Surrey Highways, with only 2% of those being about potholes.
- A mapping system was being developed to identify potholes so that multiple people would not report the same one.

- A new phone line was being established for 'community champions' who would be filtered through to contact staff who had been specially trained on account management.
- The Deputy Monitoring Officer stressed that Safer and Stronger Communities Select Committee could scrutinise any issues aligned to the Customer Services.

## **ADJOURNMENT**

Standards Committee adjourned at 12 noon for 10 minutes. It then continued to discuss Item 11.

### **Actions/Further Information to be Provided:**

Chairman of Standards Committee to write to the Head of Customer Services to clarify that the primary concern of the Committee is whether contacts are accurately recorded as complaints.

### **Resolved:**

To note the Head of Customer Services' suggestion that if the Committee feels strongly about an issue affecting service delivery, the Chairman could write to the Chairman of the appropriate Select Committee and suggest it as an area for scrutiny.

### **Next Steps:**

None.

David Munro returned to the meeting at 12.20pm.

## **54/09 FAMILIES DIRECTORATE STATUTORY COMPLAINTS ANNUAL REPORT 2008/09 [Item 12]**

### **Declarations of Interest:**

There were no declarations of interest.

### **Officers present:**

Belinda Newth (Customer Relations Service Manager)

### **Key Points Raised During the Discussion:**

- In response to a query, the Customer Relations Service Manager informed the Committee that the number of complaints about Adults and Children's Service were similar to those received by other county councils. Complaints about Children's Services had risen slightly over the past few years.

- The Customer Relations Service Manager gave a brief update on the changes to the statutory complaints procedure for Adults Social Care. A report reviewing the changes would be brought to the 30 November meeting of the Committee.
- Relevant parts of the Annual Report would be taken to the relevant Select Committees.

**Actions/Further Information to be Provided:**

None

**Resolved:**

To note the contents of the report.

**Next Steps:**

None.

Geoff Marlow left the meeting at 12.30pm

**55/09 OUTCOMES FOLLOWING RESEARCH INTO CONTACTS MADE WITH THE SPECIAL EDUCATIONAL NEEDS (SEN) SERVICE [Item 13]**

**Declarations of Interest:**

There were no declarations of interest.

**Officers present:**

Belinda Newth (Customer Relations Service Manager)

**Key Points Raised During the Discussion:**

- The Chairman thanked officers for the report which answered the Committee's questions satisfactorily.

**Actions/Further Information to be Provided:**

None

**Resolved:**

To note the contents of the report.

**Next Steps:**

None.

## **56/09 LGC STANDARDS AND ETHICS AWARD 2010 [Item 14]**

### **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:**

- A draft of the first training bulletin on standards issues was tabled.
- Members felt that making a bid during 2008 would have been premature but that a lot of work had been undertaken in the past year.
- The Committee felt that putting its name forward this year would still be premature as a new Council had recently been elected and the evidence of the work of the Committee would not be clearly seen amongst new Members. The work of the past year should be consolidated over the next year before making a bid.

### **Actions/Further Information to be Provided:**

None

### **Resolved:**

To note the announcement that the LGC Awards 2010 is welcoming nominations for the Standards and Ethics category and to aim to make a bid in 2011.

### **Next Steps:**

None.

Geoff Marlow returned to the meeting at 12.45pm.

## **57/09 ACTIONS TRACKER AND WORK PLAN [Item 15]**

### **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:**

- A report on the recently published Guidance on Joint Committees had been postponed to November to the length of the October agenda.

- There was a discussion on the use of substitutes on Standards Committee. While there was a view that substitutes should not be allowed on Standards Committee, there was majority acceptance that substitutes should be allowed at Standards Committee but not at the Sub-Committees. Sub-Committees address all issues which require training while Standards Committee focuses on policy and should be treated the same as other Committees. It was also suggested that the use of substitutes would increase knowledge of Standards issues across the Council. According to Standing Orders, Standards Committee can have substitutes.

**Actions/Further Information to be Provided:**

None

**Resolutions:**

None

**Next Steps:**

None.

**58/09 DATES OF FUTURE MEETINGS [Item 16]**

The next meeting of the Committee will be on 30 November 2009 at 10am.

Future meetings will be on:

Monday 15 February 2010

Monday 12 April 2010

[Meeting ended: 12.55pm]

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**Chairman**