

**STANDARDS COMMITTEE:
(FIRST) ANNUAL REPORT (May 2009 – April 2010)**

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Foreword by the Chairman



I am pleased to present this, my, and Surrey County Council's, first Annual Report on the work of the Standards Committee.

The work of the Standards Committee is designed to promote compliance with the Code of Conduct. Our role is therefore central to Surrey County Council's governance arrangements. We provide assurance to the public that members and co-opted members of Surrey County Council, act appropriately in line with the Code of Conduct; and we support members with training and guidance. The Committee does not do 'witch-hunts', nor does it do 'white-washes', it acts independently to do the right thing by the people of Surrey and by members of the Council.

Over the last year we have been reaching out to members via regular meetings with Group Leaders, and with individual members who want to discuss Standards related matters. We have provided new pieces of guidance, training, and have streamlined the operation of the Committee and its Sub-Committees to make the assessment and (if necessary) investigation processes as brisk as possible – commensurate with properly discharging our role.

I fully intend that the approach of engagement and proper application of process should continue.

I should like to thank my Deputy Chair and members of the Committee for their hard work and support during the year. I would particularly like to thank Nicholas Davies and Simon Rutter for their contribution over the last nine years, as they stand down from the Committee having completed two consecutive terms of office. We wish them both well.

The Standards Committee's role is central to Surrey County Council's governance arrangements

This has been a year of change for the Council, with new leadership and council elections, which resulted in thirty people elected to Surrey County Council for the first time. The Standards Committee has played a full role, participating in and supporting that change.

The main role of the Standards Committee is to promote and maintain high standards of member conduct. To enable it to do this it has been entrusted with the following roles and functions:

- Assisting Members and co-opted Members in observing the Members' Code of Conduct;
- Advising the Council on the adoption or revision of the Members' Code of Conduct;
- Monitoring the operation of the Members' Code of Conduct;
- Promoting advice, guidance and training for Members and co-opted Members on matters relating to the Code of Conduct;
- Granting dispensations to Members (including co-opted Members) from requirements relating to interests set out in the Members' Code of Conduct;

The Committee has two other statutory functions and one function added by the Council. These are:

- Considering whether any council post should be exempt from political restriction (on the application of the post-holder);
- Considering applications that the Council be directed to include any post in the list of politically restricted posts maintained by the Council;
- Ensuring that the Council's complaints procedures operate effectively, and receiving any findings of maladministration by the Local Government Ombudsman.

The Committee has two Sub-Committees, each consisting of five members of Standards Committee. They alternate meeting dates, allowing each to meet approximately bi-monthly.

Membership of the Committee is balanced and includes Independent Representatives

The Standards Committee is composed of four Independent Representatives and six elected Members from across the political spectrum.

Independent Representatives:



- Simon Edge, a member of Standards Committee since May 2008 (will serve until 2012), has been Chairman of the Committee since July 2009.
- Karen Heenan, a member of Standards Committee since May 2005, having been reappointed in May 2008 (will serve until 2012), has been Vice-Chairman of the Committee since July 2009.
- Nicolas Davies LVO JP DL, a member of Standards Committee since October 2001, having been re-appointed in May 2005 for four years and receiving an extension on his second term to May 2010.
- Simon Rutter, a member of Standards Committee since October 2001, having been re-appointed in May 2005 for four years and receiving an extension on his second term to May 2010.

Elected Members:

- Geoff Marlow, Chairman of the County Council. A member of Standards Committee since May 2007.
- Lavinia Sealy, Vice-Chairman of the County Council. A member of Standards Committee since June 2009
- Angela Fraser DL, a member of the Conservative Group. A member of Standards Committee since June 2005.
- Eber Kington, a member of the Residents' Association Group. A member of Standards Committee since June 2009.
- David Munro, a member of the Conservative Group. A member of Standards Committee since June 2009.
- Colin Taylor, a member of the Liberal Democrat Group. A member of Standards Committee since June 2009.

Officers support the Committee within defined roles

The Standards Committee and its Sub-Committees are advised and supported by the Monitoring Officer and Deputy Monitoring Officer. A Democratic Services Officer services the Committee and Sub-Committees and makes arrangements for the distribution of agendas, reports and minutes.

The Monitoring Officer

The Monitoring Officer provides key support to the Committee. Under the provisions of the Local Government and Housing Act 1989, councils have a duty to appoint a Monitoring Officer to ensure the lawfulness and fairness of Council decision-making. The Monitoring Officer effectively serves as the guardian of the Council's Constitution and the decision-making process.

The Monitoring Officer and Deputy Monitoring Officer work closely with Standards Committee to assist it in its role of promoting and maintaining high standards of conduct amongst Members and co-opted Members of the Council. They are responsible for ensuring that decisions of the Committee are implemented. If the Standards Committee refers an allegation for investigation, the Monitoring Officer must arrange for it to be investigated and for the investigator's report to be brought back to the Committee. She is the main point of contact with Standards for England and submits quarterly returns on the complaints received and dealt with by Standards Committee.

In addition to advising the Committee the Monitoring Officer is keen to assist members in understanding and interpreting the Code of Conduct and has a dedicated email address for queries on Code of Conduct or Standards issues: askthemo@surreycc.gov.uk

Surrey County Council's record compares well with other councils and the Standards Committee has worked effectively during 2009/10

Surrey's track record is good

Since May 2009, the Standards Committee has received four new complaints against Members of the Council. This compares favourably with other County Councils, and other authorities across the country. In 2008/9 the average number of complaints received by County Councils was 7, District Councils without parishes received 4 complaints on average and London Boroughs received an average of 5 complaints

Within Surrey, the Standards Committee decided to take no further action on two of the complaints it received in 2009/10 and to refer two for investigation. One of the complaints that was referred for investigation, led to a hearing, where it was determined that there had been a breach of Paragraph 6(b) of the Code of Conduct for which the Member had apologised. The Member

was formally censured and no further action was considered necessary. The fourth case is currently awaiting review.

The Committee also considered and dealt with two complaints received just before May 2009. It was agreed to take no further action on one of the complaints. The case was subject to a review by a second Sub-Committee, consisting of different Members and the decision to take no further action was upheld. The second complaint was referred for investigation. A Sub-Committee subsequently accepted the Monitoring Officer's finding that no breach of the Code of Conduct had occurred.

We have engaged with the Leadership/Council

The Chairman of Standards Committee committed to meeting with the Council leadership every six months to discuss the standards and ethics agenda. During summer 2009, the Chairman met with the Interim Chief Executive, the Leader and Deputy Leader of the Council and two opposition Group Leaders. He followed this up with meetings with the new Chief Executive, the Leader and Deputy Leader of the Council and two opposition Group Leaders during February/March 2010.

The Chairman also met with five other members to discuss their views of the past operation of the Standards Committee and their thoughts on how the process could be improved. All those meetings have proven very helpful in developing ideas for future action by the Standards Committee.

The Chairman was also pleased to be invited, along with other members of Standards Committee, to sit on the Governance Task Group, which considered the role of Member/Officer relations in ensuring a healthy organisation in the future.

The Standards Committee reports the outcomes of their meetings to the Council. On 23 March 2010, the Chairman attended the meeting of the Council to present his report.

We have provided guidance and support

Induction for New Councillors

The Standards Committee was keen to be actively involved in ensuring that incoming Councillors were aware of their responsibilities to register interests, gifts and hospitality and understood the conduct expected of them. To achieve this:

- The Chairman of the Standards Committee wrote to each new member and this letter was included in inductions packs
- The Chairman of Standards Committee joined the Members and officer buffet lunch on 8 June 2009 to meet new Members informally.

- The Monitoring Officer provided training on the Code of Conduct on 15 June 2009, with input from the Chairman of Standards Committee. Feedback on this training session was positive.

Other training in 2009/10

- Twelve training sessions were provided at venues around the county to address some difficult issues emerging from the Code of Conduct and membership of the Local Committees.
- Standards Committee members had a training session on local assessment of complaints.

Ongoing Development of Complaints Process

May 2008 saw the start of the second year of locally assessed complaints about Member conduct. Standards Committee focussed on learning from its first year and continuing to make improvements to the process:

- The Sub-Committees established to undertake initial assessment of complaints and reviews of initial assessments were combined and renamed Standards Sub-Committees.
- The information provided to Members subject to an investigation into an allegation that they have breached the Code of Conduct was reviewed and a more detailed briefing note was drafted and agreed by the Committee.
- Standards Committee considered guidance published by Standards for England on referring a complaint to the Monitoring Officer to take action other than carrying out an investigation. Subsequently the Committee drew up assessment criteria which detail the matters that will be taken into account if a Sub-Committee is considering referring a complaint to the Monitoring Officer for other action. This criteria was published on the Standards Committee web pages alongside the initial assessment criteria and criteria against which requests for confidentiality will be considered.

Standards Brief

The annual survey of standards conducted in 2009 demonstrated that members wanted guidance and training to be more accessible, with an emerging theme that this should not always mean physically attending a course. Responding to the findings of the survey the Committee agreed to provide further training session in 2011 (mid-term) but to supplement this with a quarterly bulletin to offer guidance on the Code in bite-sized chunks and let Members know what Standards Committee and Standards for England are doing.

Guidance on Members' Correspondence

The Standards Committee wants to support Members in observing the Code of Conduct. Following a number of complaints from the public concerning correspondence from members (or a failure to reply to letters or emails), the Committee prepared guidance to help Members avoid such complaints. This guidance was circulated to Members and published on the Committee's web pages.

Corporate Complaints Procedures

The Committee has continued to monitor the effectiveness of the Council's corporate complaints procedures. In particular it has focussed on substantive responses by Surrey Highways to complaints and the new complaints procedure in Adults Social Care.

We have granted Dispensations

A Standards Committee may grant dispensations for Members allowing them to speak and vote at a meeting when they have a prejudicial interest. During 2009, the Committee agreed a standard process for making requests for dispensations and adopted criteria against which requests for dispensations will be considered. A form was produced to assist Members in making requests for a dispensation. Further information can be found on the Standards Committee web pages.

During 2009, a number of dispensations to speak and vote were granted to members of Spelthorne Local Committee in relation to Airtrack and the Heathrow Airtrack Order.

We have granted exemptions from Political Restriction

Recent changes in legislation have delegated to standards committees the role of considering requests to exempt council posts from political restriction. A standards committee can also direct its council to include any post in the list of politically restricted posts maintained by it. During 2009, the Committee agreed procedures for staff applying for a post to be exempt from the list of politically restricted posts. A protocol was published in the Constitution of the Council.

Standards Committee received and granted its first exemption from political restriction in late 2009.

External engagement – the Standards for England Conference

Two delegates attended the Standards for England Conference in October 2009 – Karen Heenan (Vice-Chairman of the Committee) and Cheryl Hardman (Democratic Services Officer). Another member of the Committee, Nicolas Davies, attended as a delegate for Waverley Borough Council. The delegates found the conference to be a useful opportunity to meet their counterparts from other Standards Committees and to share experiences. It also provided a useful opportunity for them to attend training sessions and hear more from the Standards for England.

Recruitment of Independent Representatives

In May 2010, Nicolas Davies and Simon Rutter will be retiring from Standards Committee after nearly nine years as Independent Representatives.

Standards Committee members past and present are extremely grateful to them for their commitment to the work of the Committee

There has been recruitment campaign to find two new Independent Representatives and 63 applications were received. The Council will be asked to ratify the selection panel's choices at its Annual Meeting on 11 May 2010.

Next Year's focus

[To be informed by the Committee's discussion at the meeting.]

Appendix

Meeting Statistics

Between May 2009 and April 2010, the following numbers of meetings were held:

Standards Committee	6
Standards Sub-Committee	9

Complaints Statistics – Surrey County Council

Since 8 May 2008, the Standards Committee has been responsible for receiving all complaints about alleged breaches of the Code of Conduct made against members and co-opted members of Surrey County Council
This is how we dealt with complaints received this council year:

Complaints

Number of complaints	Not referred for investigation	Referred for Other action	Referred for investigation
4	2		2

Outcomes

Other action agreed with subject member	No Breach of Code found	Breach of Code found	Under Investigation
		1	1

Contacts

For further information about the role of the Standards Committee or standards issues in general, please contact either of the following:

Ann Charlton (Monitoring Officer)

Tel: 020 8541 9001

Email: ann.charlton@surreycc.gov.uk

Rachel Crossley (Deputy Monitoring Officer)

Tel: 02085419993

Email Rachel.crossley@surreycc.gov.uk

Elaine Bayfield (Democratic Services Officer)

Tel: 0208541 9075

Email: elaine.bayfield@surreycc.gov.uk

Further Sources of Information

Standards for England

Fourth Floor

Griffin House

40 Lever Street

Manchester

M1 1BB

United Kingdom

Tel: 0161 817 5300

Email: enquiries@standardsforengland.gov.uk

Website: www.standardsforengland.gov.uk

Information can also be found on the Council's website: www.surreycc.gov.uk