



STANDARDS COMMITTEE
14 JUNE 2010

**PROPOSED AMENDMENT TO THE CONSTITUTION
REGARDING MEMBERS RIGHTS TO ATTEND STANDARDS
SUB-COMMITTEES**

PURPOSE OF REPORT:

To respond to the County Council's resolution at its meeting on 23 March 2010 that the Standards Committee's proposed amendment to article 2, paragraph 2.03 be considered further.

SUMMARY OF ISSUE:

1. At its meeting on 15 February 2010, the Standards Committee considered a report on the Local Standards Framework to review the operation of local assessments and local determinations and identify any areas where the committee felt further improvements could be made.
2. As part of this discussion, the Committee considered a number of issues, including whether Members should be able to attend confidential initial assessments into complaints about a Member, as the subject member was not permitted to attend. It was agreed that if the subject Member was not permitted to attend consideration hearings into a complaint about them (which was held in private session), there should be a general presumption that no other Member of the Council should be able to attend the hearing without a compelling "need to know" argument.
3. The Committee agree to recommend a change in the Constitution to reflect this and the Standards Committee report to Council dated 23 March 2010 included the following recommendation:

"The Constitution should be amended as set out below to reflect that Members are not given an automatic right to attend meetings of the Standards Committee or its Sub-Committees where the public has been excluded because confidential or exempt material is being discussed unless there was a compelling "need to know" argument for their attendance:

Article 2 – Members of the Council

2.03 Roles and functions of all councillors

(b) Rights and duties

Attendance at meetings

(i) *Members of the Council may attend any meeting of the Cabinet or any committees of the Council of which they are not appointed Members and may remain for items containing exempt information provided they can demonstrate a compelling "need to know" reason that their attendance enables them to fulfill their role as a county councillor.*

4. During the debate at Council, Members expressed concern that the amendment as suggested was broader than just the Standards Committee and could impact on the Cabinet or other committees in a way not intended. As a result, the Deputy Leader, David Hodge, proposed and Hazel Watson formally seconded that the Standards Committee consider the issue further. The recommendation of the Standards Committee was therefore not accepted and it was resolved that it be referred back to the Standards Committee for further consideration and brought back to a future County Council meeting.
5. The main concern of Members was the wider implications of the proposed amendment rather than the committee's recommendation that Members not be given an automatic right to attend Sub-Committees, particularly where the subject Member was not permitted to attend (most likely due to a prejudicial interest.) Therefore the Committee is asked to consider making an alternative recommendation to the Council, amending the article in such a way that it specifically relates to Standards sub committees.
6. In the Constitution, article 2, paragraph 2.03(b)(i) currently states, "Members of the Council may attend any meeting of the Cabinet or any committees of the Council of which they are not appointed Members." It is suggested that this could be expanded to include a provision whereby Members could be restricted in attending a subcommittee meeting. This could be achieved by amending the paragraph to read:

"Members of the Council may attend any meeting of the Cabinet or any committees of the Council of which they are not appointed Members but will withdraw from a Standards Sub-Committee if requested to do so where the Sub-Committee is considering any exempt information falling within category 7C in Article 3.02(k) of this Constitution."
7. This sets a presumption that attendance at assessment committee may be restricted but allows the Chairman of the Sub-Committee to exercise their discretion on a case-by-case basis. For example, the Chairman may agree to a Member attending a Sub-Committee where that Member has expressed an interest in being appointed to the Standards Committee and wishes to understand more about the process as part of their training.

CONCLUSIONS:

Financial and Value for Money Implications

8. None.

Equalities Implications

9. The Local Standards Framework has been subject to an equalities impact assessment at national level and officers follow the Standards Board Guidance to ensure that no group of complainants or Members is disadvantaged.

Risk Management Implications

10. In making decisions the Committee and Sub-Committee will generally take into account, public expectation and the council's reputation as well as the well-being of those involved in the process. Decisions about releasing information to the subject member are risk assessed by the assessment sub committee.

Implications for the Council's Priorities or Community Strategy/LAA Targets

11. An effective Local Standards Framework forms part of the Council's good governance arrangements

RECOMMENDATIONS:

To recommend to Council that:

The Constitution should be amended as set out below to reflect that Members are not given an automatic right to attend meetings of the Standards Committee or its Sub-Committees where the public has been excluded because confidential or exempt material is being discussed unless there was a compelling "need to know" argument for their attendance:

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REASONS FOR RECOMMENDATIONS:

To address early lessons from the implementation of the Local Standard Framework and to improve the process accordingly, in line with the views of the County Council.

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Sources/background papers:

Standards Committee Agenda – 15 February 2010
Standards Committee Report to Council – 23 March 2010
Minutes of the County Council meeting – 23 March 2010
