

ITEM 2

MINUTES of the meeting of the **STANDARDS COMMITTEE** held at 10am on Friday 3 September 2010 at County Hall, Kingston upon Thames.

These minutes will be confirmed by the Standards Committee at its next meeting on 29 October 2010.

Members:

- +* Mr Simon Edge (Chairman)
- Ms Karen Heenan (Vice-Chairman)
- * Eber Kington
- +* Mrs Sally De la Bedoyere
- * Mr Geoff Marlow
- * Mr David Munro
- +* Mrs Marion Roberts
- Mrs Dorothy Ross-Tomlin
- Mrs Lavinia Sealy
- * Mr Colin Taylor

Also in attendance:

- * Mr Ben Carasco

+ = Independent Representatives

* = Present

x = Present for part of the meeting

PART 1 IN PUBLIC

37/10 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]

Apologies for absence were received from Ms Karen Heenan, Mrs Dorothy Ross-Tomlin and Mrs Lavinia Sealy.

The list of Members of the Committee was corrected by changing Epsom and Ewell 'South East' to read '**South West**'. Apologies were recorded to Mr Taylor in respect of this error.

38/10 MINUTES OF THE LAST MEETING: 14 JUNE 2010 [Item 2]

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

39/10 DECLARATIONS OF INTEREST [Item 3]

There were no declarations of interest.

40/10 QUESTIONS AND PETITIONS [Item 4]

There were no questions or petitions.

41/10 CHAIRMAN'S REPORT [Item 4A]

The Chairman welcomed Mrs Sally de la Bedoyere to her first meeting of the Committee.

In respect of the proposed amendment to the Constitution regarding members rights to attend Standards Sub-Committees. The Chairman reported that the recommendation of the Standards Committee had been deferred at the meeting of the Council held in July 2010 for the second time. It was understood that there continued to be some unease amongst some Members about the recommendation. The Chairman proposed to send a letter to all Members of the Council seeking to clarify the purpose of the proposed amendment. If there was no support for the amendment he felt that the Committee should not take up the Council's time by pressing the matter further. A draft letter had been circulated to all members of the Committee in advance of the meeting.

The Committee commented on the proposed letter and members' differing attitudes to the Standards Committee. It was felt that a letter to all members would be ineffective and that the recommendation to the Council should be postponed until the Chairman had contacted the Group Leaders and discussed the proposal with them.

Mr Carasco briefly addressed the Committee on the possible reasons for some Members opposition to the proposal. He felt that Members should be consulted on any amendments.

It was proposed that the Chairman and/or the Chairman of the Council should seek a meeting with the Group Leaders with a view to agreeing a way forward on this matter.

Resolved: That the Chairman would contact Group Leaders and any recommendation to Council should await feed back from him.

Next Steps:

That the Chairman and/or the Chairman of the Council should seek a meeting with the Group Leaders with a view to agreeing a way forward on this matter.

42/10 REVIEW OF MEMBER/OFFICER PROTOCOL REGARDING MEMBER/OFFICER BEHAVIOUR AND RELATIONS [Item 5]

Declarations of Interest:

There were no declarations of interest.

Officers present:

Ann Charlton, Head of Legal and Democratic Services
Allan Wells, Corporate Group Manager Legal Services

Key Points Raised During the Discussion:

- The Head of Legal and Democratic Services reported that in her opinion there was a need to ensure that both members and officers felt that the Protocol was a valuable framework for member/officer relationships. There was a risk that Members and Officers were not currently joined up in ownership of the document and so the Protocol would benefit from being offered for comment to councillors and staff before it was adopted. In order to address this it was suggested that the Member/Officer Protocol should be the subject of a Member/Officer consultation before being submitted to the Council for adoption and the recommendation was amended accordingly. The Committee concurred that this was a good approach and suggested consultations with trade unions or their representatives or the appropriate in-house group.
- It was noted that the Working Group's brief had been to look at paragraphs 16 to 18 of the Member/Officer Protocol and the emphasis on any consultation should be on whether these were an improvement. However, it should not prevent comments being made on the rest of the document.
- The Committee made the following comments:
Paragraph 17(a), this related to avoiding undue pressure of staff, it was felt that this could also relate to what was said in front of them and this may need to be reflected.
Paragraph 17(c), it was questioned whether 'tone of voice' could be addressed.
Paragraphs 17(e) and 18(c), it was felt that these should be expanded to include an element of agreement in respect of timescales and what was reasonable.
- It was important that both Members and Officers were made aware of their 'Boundaries' to ensure an appropriate professional relationship.

Actions/Further Information to be Provided:

That the Member/Officer Protocol be subject of Member/Staff Consultation as detailed above, the Chairman to discuss this initially with the Chief Executive.

Resolved:

That subject to the views expressed during the consultation, a revised Member/Officer Protocol be presented to the Committee for later submission to the Council for adoption.

Next Steps:

The Head of Legal and Democratic Services would consult the Head of Human Resources and Operational Development on the best way of consulting staff and then action.

43/10 AUDIT COMMISSION ETHICAL GOVERNANCE SURVEY [Item 6]

Declarations of Interest:

There were no declarations of interest.

Officers present:

Rachel Crossley, Democratic Services Lead Manager

Key Points Raised During the Discussion:

- A copy of the report prepared for the Audit and Governance Committee, 6 September 2010 had been circulated to all members of the Committee for information.
- The Committee noted that 197 Officers had been surveyed in 2010 as opposed to 30 in 2009.
- There was a clear mismatch of views between Cabinet Members and non-Cabinet Members as to whether Cabinet Members treated non-Cabinet Members with respect (page 8) and whether Cabinet Members treat officers with respect (page 9). In this respect it was suggested that some Cabinet Members were likely to have been reflecting on views formed over a period of a year but many officers may have been reflecting over a much longer period. Despite this, it was noted that all these areas had shown an improvement since the 2009 survey.
- In respect of page 29, 'The work of the Standards Committee adds value', it was a concern that 25% of Cabinet Members did not think that the Standards Committee added any value.
- A lot of work had gone into promoting the work of the Standards Committee but this appeared to have not had the desired impact.
- The issues arising out of the survey, and general behaviour issues, could be addressed as part of the discussion on the Member/Officer Protocol.
- There were some concerns that the survey was flawed as there was an ability to answer 'don't know' to a lot of the questions.
- It was noted that at present Member and Officer training on the Code of Conduct and Protocol was held separately. It was suggested that it may help to run joint training. It was agreed that this could be looked at in the future.

Actions/Further Information to be Provided:

- (1) Consideration be given to holding joint Member/Officer training on the Code of Conduct and Member/Officer Protocol.
- (2) Issues arising from the Survey and general behaviour issues be considered as part of the proposed consultation on the Member/Officer Protocol.

Resolved:

The results of the Ethical Governance Survey be used to inform further development work on the role of the Committee.

Next Steps:

None.

44/10 POLITICALLY RESTRICTED POSTS [Item 7]

Declarations of Interest:

There were no declarations of interest.

Officers present:

Allan Wells, Corporate Group Manager Legal Services

Key Points Raised During the Discussion:

- It was noted that the changes were being made to the protocol to reflect the national position.
- The Committee requested that the document be reviewed for consistency before being submitted to the Council. References to the Local Government and Housing Act 1989 should be amended to read the '**Local Government and Housing Act (as amended)**' where appropriate.
- It was noted that anyone could apply to have a post included in the list of politically restricted posts.
- The Committee asked that Mr Michael Gosling be advised that they were unable to do anything further to address his concerns about officers disclosing 'other' interests via the designation of posts.

Resolved:

That the Council be recommended to approve the revised Politically Restricted Posts and Exemptions from Political Restriction which form part of the Constitution (Part 6 - Codes and Protocols) as set out in Appendix A of the report, which reflects the legislative changes relating to the designation of politically restricted posts and the role of the Standards Committee in dealing with exemptions and directions arising from this process.

Next Steps:

A report to be submitted to the Council on 12 October 2010.

45/10 WORK PROGRAMME AND ACTION TRACKER [Item 8]

Declarations of Interest:

There were no declarations of interest.

Officers present:

Ann Charlton, Head of Legal and Democratic Services
Rachel Crossley, Democratic Services Lead Manager
Elaine Bayfield, Democratic Services Officer

Key Points Raised During the Discussion:

- The dates for meetings of the Council/Conservative Group in February 2011 be checked to ensure that there would be no clash with the meeting of the Committee to be held on 18 February 2011.

Actions/Further Information to be Provided:

- The date of the February 2011 meeting be confirmed to Members.

Resolved:

The Actions Tracker and Work Programme were noted.

Next Steps:

None.

46/10 COMPLAINT PERFORMANCE REPORT 1ST QUARTER 2010/2011 [Item 9]

Declarations of Interest:

There were no declarations of interest.

Officers present:

Loulla Woods, Customer Relations Manager, Customer Services

Key Points Raised During the Discussion:

- The Customer Relations Manager reported that Children and Adults were reporting below target and if this trend continued the Council's overall performance would not meet the annual target.
- It was noted that a report was being considered for submission to the Corporate Leadership Team with a view to breaking down accountability to the three areas: Corporate Complaints, Adults and Childrens. It would be proposed that representatives from the respective areas would only attend the Standards Committee when their service was reporting below target. This would ensure that the appropriate officers were available to answer the Committee's questions. The Chairman expressed his disappointment that no one was available from Families Customer Complaints on this occasion.
- Future reports to the Committee should include a statement from the appropriate Head of Service to give some assurance to the Committee that performance issues were recognised and were being addressed.
- The Chairman expressed his reservations about only asking officers to attend the Committee when reporting below target, as he was concerned about the 'negative overtone' that this might create.
- The Committee had previously expressed their concerns that they did not feel it was entirely appropriate for them to monitor the complaints system and that this should be more appropriately done by the relevant Select Committee. In this respect they asked that when the next review of Committees was undertaken this be looked at.

- The Committee agreed that the performance of Families should be reported to the Children and Families and Adult Social Care Select Committees.

Further Information to be Provided:

None.

Resolved:

- (1) That the performance report be noted.
- (2) That the Performance of Families be drawn to the attention of the Children and Families and Adult Social Care Select Committees and the appropriate Strategic Directors.
- (3) The role of the Standards Committee in the monitoring of Customer Complaints be considered at any future review.

Next Steps:

The Customer Services teams to follow up the actions identified above.

47/10 APPLICATIONS FOR DISPENSATION: SPELTHORNE BOROUGH COUNCILLORS AND HEATHROW AIRTRACK [Item 10]

Declarations of Interest:

There were no declarations of interest.

Officers present:

Ann Charlton, Head of Legal and Democratic Services
Rachel Crossley, Democratic Services Lead Manager

Key Points Raised During the Discussion:

- Two further applications for dispensation were tabled at the meeting - Vivienne Leighton and Hussein R Jaffer.
- The Committee noted the legal criteria for granting dispensations. It was noted that more than 50% of the members of Spelthorne Local Committee could have a prejudicial interest in the Airtrack item in relation to the effect of the proposed Order and Scheme on Spelthorne Borough Council's financial interest, and, therefore, granting of a dispensation would be appropriate.
- Members agreed that it was essential for the members of the Local Committee to be able to speak and vote. The majority of the Committee agreed that a dispensation for a period of two years was appropriate.

Actions/Further Information to be Provided:

None.

Resolved:

- (1) That a dispensation from the requirements relating to interests set out in the Members' Code of Conduct be granted to the Members listed below to allow them speak and vote (in line with their normal rights as set out in Surrey County Council's Constitution) at any meeting of Spelthorne Local Committee in relation to Airtrack and the Heathrow Airtrack Order from 3 September 2010 up to and including 3 September 2012:**

Gerald Forsbrey, Denise Grant, George Trussler, Ian Beardsmore, Isobel Napper, Vivienne Leighton and Huseini R Jaffer.

- (2) That authority be delegated to the Monitoring Officer and a requirement imposed on her to process applications received from members of Surrey County Council's Spelthorne Local Committee to speak and vote at any meeting of Surrey County Council's Spelthorne Local Committee in relation to Airtrack and the Heathrow Airtrack Order and to grant dispensation for a period up to 3 September 2012 in the case of any application relying on the same grounds as the dispensations granted at this meeting.**

Next Steps:

The grant of any further dispensations, in accordance with (2) above, to be reported to the Standards Committee for information.

48/10 DATES OF FUTURE MEETINGS [Item 11]

The next meeting of the Committee will be on Friday 29 October 2010 at 10am.

Future meetings will be on: Friday, 13 December 2010, Friday 18 February 2011 (subject to confirmation), Monday 28 March 2011.

[Meeting ended: 12:02pm]

Chairman