

MINUTES of the meeting of the **STANDARDS COMMITTEE** held at 10am on Friday 12 December 2011 at County Hall, Kingston upon Thames.

These minutes will be confirmed by the Standards Committee at its next meeting.

Members:

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

Substitutes:

- * Mr John Furey

+ = Independent Representatives

* = Present

A = Apologies

Officers present:

Ann Charlton (Monitoring Officer)

PART 1
IN PUBLIC

38/11 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]

Apologies were given for Ms Karen Heenan, Mrs Sally De La Bedoyere, Mr Geoff Marlow and Mr David Munro.

Mr John Furey was a substitute for Mr Geoff Marlow.

39/11 MINUTES OF THE LAST MEETINGS:28 October 2011 & 18 November 2011 (Sub Committee A) [Item 2]

The minutes were agreed as a true and correct record. However, it was noted that the County Council agenda for 13 December 2011 incorrectly recorded Mr Colin Taylor as absent from the meeting on 28 October 2011. The error was acknowledged and would be amended on the website.

Eber Kington joined the meeting at 10.05am.

40/11 DECLARATIONS OF INTEREST [Item 3]

There were none.

41/11 QUESTIONS AND PETITIONS [Item 4]

None were received.

42/11 RECOMMENDATIONS TRACKER AND FORWARD WORK PROGRAMME [Item 5]

Key Points Raised During the Discussion:

1. It was noted that the Internal Audit review of the Member register of interests would be reported at the next meeting.

RESOLVED:

The recommendations tracker and forward work programme be noted.

43/11 REVIEW OF THE MEMBER/OFFICER PROTOCOL [Item 6]

Declarations of Interest:

None.

Officers:

Ann Charlton, Head of Legal & Democratic Services/Monitoring Officer

Key Points Raised During the Discussion:

1. The Monitoring Officer advised that since the Committee had last reviewed the Member/Officer Protocol senior officers, including the Corporate Board, had been consulted on their views of the Protocol. The response included concern that the Protocol had too much jargon and was not written in plain English. Others thought that the tone was not supportive enough and that the document was too long and repetitive. Taking the feedback into account, the final version of the Protocol was included at appendix 1 to the report.
2. It was agreed that paragraph 7 of the Protocol should be updated to include Members' role in scrutiny and challenge.
3. Members agreed that paragraph 5 of the Protocol should be amended to make it clear that the definition of 'Member' included co-opted members.
4. The use of the phrase 'political neutrality' was questioned (paragraph 15 (d) of the Protocol). It was considered that 'will not favour one political individual or party' was potentially more suitable. This point was raised with particular reference to the language used in media and press releases and it was noted that paragraph 34 – 39 specifically covered 'release of information to the media'.
5. Members queried whether paragraph 15 (e) of the Protocol should be expanded to include 'groups or associations' that members of staff had

connections with. It was suggested that the paragraph could be linked to the existing register of 'related party transactions'.

6. It was considered whether paragraphs 20 and 28 of the Protocol should include recognition that officers are entitled, if they feel it necessary, to check with Legal Services before releasing confidential information to a Member. There was some discussion about whether it would be necessary to include this information, but the majority of Members agreed that it would offer some protection to members of staff.
7. It was suggested that paragraph 28 be amended to read 'Monitoring Officer', instead of 'Democratic Services Lead Manager'.
8. There was some discussion about whether paragraph 22 should be amended to read 'attention **must** be drawn'. Whilst it was agreed that local Members should be notified of significant local issues, it was difficult to enforce, particularly due to the ambiguity of the term 'significant'. After some discussion, officers were asked to consider the following revised wording for paragraph 22:
'Members, **working together with officers**, can expect to be fully informed on matters which affect their divisions. Local Members' attention **should** be drawn to any **issue that is attracting significant public interest or increasing concerns**'.
9. It was agreed that paragraph 29 (b) should be expanded to read:
'will notify **any** other groups'.
10. It was agreed that the last sentence of paragraph 30 should read:
'They **should** never be used in connection with...'
11. Members asked officers to consider revising paragraph 35 to clarify that accountability lies with Cabinet Members.
12. It was agreed that paragraph 42 should make reference to changes being required under new legislation and clarify that the Protocol would be subject to continuous review.

Actions/Further Information to be Provided:

The Monitoring Officer to update the Member/Officer Protocol, taking into account the Committee's comments and suggestions, and circulate to the Committee for approval.

RECOMMENDATION:

The Committee **RECOMMEND** to County Council that the Member/Officer Protocol be adopted.

Committee next steps:

None.

44/11 The Localism Act 2011 [Item 7]

Declarations of Interest:

None.

Officers:

Ann Charlton, Head of Legal & Democratic Services/Monitoring Officer

Key Points Raised During the Discussion:

1. The Monitoring Officer advised that the Localism Bill had been given Royal Assent and become an act on 15 November 2011. The Act abolished the Standards Regime and Standards for England would not continue past 31 March 2012. The Act included provisions that would abolish the code of conduct in model form and standards committees with independent members would no longer be a requirement.
2. It was clarified that the Localism Act legislation would set out the minimal requirements, but that the Council was entitled to make local arrangements to do more than the minimum. There would need to be arrangements in place to deal with allegations that Members had breached the code of conduct. This would include a process for investigating complaints, with the involvement of an 'independent person'.
3. It was noted that under the new legislation it would be a criminal offence for a Member to fail to declare or register a pecuniary interest.
4. It was reported that authorities were expected to be able to make their own arrangements for standards at a local level by May 2012.
5. The Committee agreed that a framework needed to be written with a cross-party political consensus. It was suggested that one option would be to set up a task and finish group populated by Members and potentially some Members of the Standards Committee to provide oversight and advise officers about a new framework. The responsibility of the Standards Committee was now considered very limited and Members felt that their role should be to advise Council of the requirements and deadlines.
6. The Monitoring Officer reported that it was not yet clear whether the new legislation would allow existing co-opted members to continue in the role of 'independent person'.
7. It was noted that any financial and value for money implications (paragraph 12) could not yet be fully understood.

Actions/Further Information to be Provided:

None.

RESOLVED:

The Committee noted the contents of the report.

Committee next steps:

Bring the requirements and deadlines associated with the Standards chapter of the Localism Act to the attention of the Council and offer an advisory role during the development of a new framework.

45/11 DATE OF FUTURE MEETINGS [Item 8]

The next meeting is on 17 February 2012.

Meeting closed: 11.34am

Chairman