

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE –
3 NOVEMBER 2008

SUBMITTED TO THE COUNCIL MEETING –16 DECEMBER 2008

(To be read in conjunction with the Agenda for the Meeting)

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| * Mr Nicolas Davies (Chairman) | * Cllr Mrs Janet Maines |
| * Cllr Michael Goodridge (Vice-Chairman) | Cllr David Munro |
| * Cllr Tony Gordon-Smith | * Cllr John Savage |
| * Cllr Victor Duckett | * Cllr Richard Terry |
| Ms Karen Heenan | Mr David Wheatley |
| * Cllr Mrs Carole King | |

*Present

10. APOLOGIES FOR ABSENCE

Apologies for absence were received from Ms Karen Heenan, Mr David Wheatley and Councillor Munro.

11. MINUTES

The Minutes of the Meeting held on 1 July 2008 were confirmed and signed.

12. DISCLOSURE OF INTERESTS

Councillor Michael Goodridge declared a personal and prejudicial interest in respect of Item 10, 'Requests for Dispensations'. He left the room during discussion on this item and did not take part in the debate or vote.

PART I – RECOMMENDATIONS TO COUNCIL

13. REVIEW OF OFFICER/MEMBER PROTOCOL AND INTRODUCTION OF A MONITORING OFFICER PROTOCOL (Agenda Item 7; Appendix A)

13.1 Waverley's Corporate Governance is underpinned by the Code of Corporate Governance, which was adopted earlier this year on the recommendation of the Audit Committee. One of the strands within that Code is "members and officers working together to achieve a common purpose with clearly defined functions and roles". Sound guidelines are key to ensure the Code is properly underpinned, which would meet the requirement of the Code that says Waverley will set out a clear statement of the respective roles and responsibilities of Executive members, other members and officers.

13.2 The current Officer/Member Protocol was considered and commended to the Council in July 2003. It has now been reviewed and officers have identified areas where it needs to be updated (such as to reflect the Council's

Standards 33

03.11.08

restructuring in January this year) or strengthened. The proposed new Protocol, showing the additions and deletions, is attached at Annexe 1.

13.3 Some authorities have also adopted a Monitoring Officer Protocol. At present Waverley does not have one, and officers have drafted a first version for the Committee's consideration. This is attached at Annexe 2.

13.4 Both the Standards Committee and Staffside have considered the revised Officer/Member Protocol. Comments made by Members have been incorporated into the attached Annexes.

13.5 The Committee accordingly

RECOMMENDS that

12. the revised Officer/Member Protocol and the new Monitoring Officer Protocol be approved for adoption.

Background Papers (DCEx)

There are no background papers (as defined by section 100D(5) of the Local Government Act 1972) relating to this report.

PARTS II AND III – MATTERS OF REPORT

Background Papers

The background papers relating to the following reports in Parts II and III are as specified in the Agenda for the meeting of the Standards Committee.

Part II – Matters reported in detail for the information of the Council

14. CHAIRMAN'S/MONITORING OFFICER UPDATE (Agenda Item 6)

14.1 The Chairman welcomed the new Town and Parish Representative, Councillor Nick Morris, and the Committee's legal advisor, Daniel Bainbridge to the meeting.

14.2 The Committee received feedback from the Chairman, Monitoring Officer and Customer Relations Officer following the Annual Standards Board Conference in Birmingham.

14.3 The Monitoring Officer updated the Committee on work he had completed since the last meeting. Members were advised that over the summer he had received fewer enquiries and requests for advice from Members than in previous months. However, those he had received were predominantly regarding declaring interests at planning meetings.

14.4 Since the last meeting, the Monitoring Officer had visited Haslemere Town Council to discuss matters in relation to the Code and about the new complaints arrangements. He had received similar invitations from

Chiddingfold Parish Council and Godalming Town Council. The Clerk to Farnham Town Council had advised that the Town Council did not currently require training as a majority of its Members were also Members of the Borough Council and those that were not had already received training. Members noted that the Monitoring Officer was still waiting for two completed registers of interest, of which, he was assured would be completed shortly.

14.5 The Monitoring Officer advised the Committee that the new complaints leaflet had been circulated to all Town and Parish Councils. He had received no new complaints since Members had last met.

14.6 The Committee accordingly

RESOLVED that the updates from the Chairman and Monitoring Officer be noted.

15. MONITORING OFFICER INVESTIGATION REPORTS AND THE PRE-HEARING PROCESS (Agenda Item 8; Appendix B)

15.1 The Committee was advised that there were two investigations currently underway into Member conduct. Consequently, it was timely to consider the process for dealing with the investigation reports that would be prepared by the Monitoring Officer for the next meeting.

15.2 The Committee noted the officer's report which detailed the pre-hearing process. Members were advised that the process had been distilled from the Standards Boards guidance "Standards Committee Determinations" but the report did not include reference to the conduct of a hearing. It was proposed that this would be arranged in advance of a hearing being required.

15.3 The Monitoring Officer went through the process with Members from when the Committee first receives the Monitoring Officer's investigation report to what happens once the decision is taken to hold a hearing. The Monitoring Officer agreed to write an easy to follow procedural guide for Members, which would cover the whole process from receipt of a complaint to determination.

15.4 The Committee considered the process, and noted the arrangement. Members agreed that it would be beneficial for officers to book a date in the diary every month in case an Assessment Review Hearing or Sub-Committee was required.

15.5 The Committee accordingly

RESOLVED that

1. the content of the report be noted;
2. the pre-hearing decision process be delegated to the Chairman of the Hearing Sub-committee after consultation with the Monitoring Officer and the Committee's Legal Adviser;

Standards 35

03.11.08

3. a training session be held in advance of a Hearing, for Members of the Hearing Sub-Committee at which the hearing process will be explained; and
4. the membership of the Hearing Sub-Committee(s) be determined at the meeting when the Monitoring Officer's Investigation report is considered.

16. CONSULTATION FROM DEPARTMENT OF COMMUNITIES AND LOCAL GOVERNMENT – REVISIONS TO THE CODE OF CONDUCT (Agenda Item 9; Appendix C)

16.1 The Committee was advised that the Department of Communities and Local Government had issued a consultation paper on 1 October 2008 on proposed revisions to the Model Code Of Conduct for Councillors. Members noted that the principal proposed change intended to clarify the application of the Code to Councillors acting in a non-official capacity.

16.2 The Committee was provided with a draft response to the twelve questions asked by the Department of Communities and Local Government for consideration. Members considered the draft response and, subject to a number of minor changes, agreed that it be sent in response to the consultation document.

16.3 The Committee

RESOLVED that the Monitoring Officer respond to the consultation paper on revisions to the New Code of Conduct for Councillors issued by the Department of Communities and Local Government, subject to the amendments made at the meeting.

17. REQUESTS FOR DISPENSATIONS (Agenda Item 10)

17.1 The Committee was reminded that where more than 50% of a Council Committee had a personal and prejudicial interest, Members of that Committee may apply for a dispensation to participate in and vote at that meeting. This power was delegated to the Council's Standards Committee in regulation 3 of the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002.

17.2 The Committee was advised that dispensations had been received from Churt Parish Council and Waverley Borough Council.

Churt Parish Council

17.3 The Committee considered an application which had been received from a Member of Churt Parish Council who sought permission to make decisions regarding Churt recreation ground at meetings of the full Council. Members noted that dispensations had already been granted to three other Members of Churt Parish Council to consider matters in relation to the recreation ground in Churt.

17.4 The Committee considered the application and

RESOLVED that the applicant, Councillor Fraser, be granted a dispensation, under Regulation 3 of the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002, at meetings of the full Council only, to consider issues concerning Churt Recreation Ground.

Waverley Borough Council

17.5 The Committee considered applications from a number of Members of Waverley's Area Planning Committee (Central) for a dispensation to consider a series of planning applications that had been received in connection with the site of the Godalming District Constitution Club. Requests had been received from 11 of the 13 Members of the Central Area Planning Committee.

17.6 The Committee was advised that the Constitution did not allow for planning applications to be considered by another Area Planning Committee and, unless they were major developments, they could not be put to the Joint Planning Committee. Although, even if this were permitted, the same situation would arise at that Committee because of the nature of the application.

17.7 The Committee carefully considered the application and, accordingly

RESOLVED that Councillors Mrs Cable, Connolly, Ellis, Holder, Hubble, T Martin, Morgan, Reynolds, Taylor-Smith, Ms Thomson, Mrs Wheatley and Wilson be granted a dispensation, under Regulation 3 of the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002, to consider the following planning applications WA/2008/1425, 1458 and 1459 for a maximum period of six months, from the date of this meeting of the Standards Committee.

Part III – Brief summaries of other matters dealt with

There were no matters falling within this category.

The meeting commenced at 5.30 pm and concluded at 7.36 pm

Chairman