

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE –  
24 MARCH 2009

SUBMITTED TO THE COUNCIL MEETING – 21 APRIL 2009

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

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

37. APOLOGIES FOR ABSENCE (Agenda Item 2)

Apologies for absence were received from Mr Nicolas Davies.

38. MINUTES (Agenda Item 3)

The Minutes of the Standards Committee held on 11 March 2009 were confirmed and signed.

39. DISCLOSURE OF INTERESTS (Agenda Item 4)

There were no interests raised under this heading.

**PART I – RECOMMENDATIONS TO COUNCIL**

40. REVIEW OF APPOINTMENT OF INDEPENDENT APPOINTEES TO THE STANDARDS COMMITTEE (Appendix B; Agenda Item 9)

- 40.1 The Committee considered a report setting out a new arrangement for the appointment of Independent Appointees to the Standards Committee for a staggered term of office.
- 40.2 Waverley's Constitution currently allows for the appointment of 3 independent appointees to the Standards Committee. The former Chairman had suggested that in the interest of ensuring continuity of knowledge and experience of these members, it would be more effective if they were to be appointed on a staggered term of office. Surrey County Council have also recently introduced a revised structure.
- 40.3 It was therefore suggested that future independent member appointments should be for a term of four years, with two independent appointees being appointed in the first year of a Council term and the third in the third year. The Committee did not feel that it was necessary to increase the number of Independent Appointees from three to four.

- 40.4 In terms of implementing the new system, the current terms of office of the three independent appointees all expire in 2009. To facilitate the transition to rolling appointments, the terms of office of two current independent members could be extended for two or four years (until May 2011 and 2013) and the third appointment could be re-advertised for a full term of four years. The Chairman indicated that he would be happy to continue for a further term of four years and this was supported by the Committee.
- 40.5 A timetable would be prepared to set out how the new arrangements, if supported, could be implemented. The Constitution would need to be amended to reflect any new arrangement, as set out in Annexe 1.
- 40.6 By law, the Standards Committee must have at least one Independent Appointee who should also chair the meetings. It has recently been identified that it is also good practice for the Vice-Chairman of the Committee to be an Independent Appointee to ensure that in the absence of the Independent Chairman, an Independent Appointee still chairs the meeting. The Committee was supportive of this proposal and it is proposed that this arrangement could be implemented to take effect from the Annual Council Meeting in May 2009.
- 40.7 The Committee accordingly

**RECOMMENDS that**

- 14. a new staggered term of office be introduced for Independent Appointees to the Standards Committee;**
- 15. preparations be commenced to implement the new arrangements through an appropriate combination of re-appointment and/or new appointments;**
- 16. the position of the Vice-Chairman of the Committee be undertaken by an Independent Appointee with effect from May 2009; and**
- 17. the constitution be amended, as set out in Annexe 1.**

Background Papers (CEx)

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**

There were no matters falling within this category.

**Part III – Brief summaries of other matters dealt with**

41. **CHAIRMAN/MONITORING OFFICER UPDATE** (Agenda Item 7)
- 41.1 The Monitoring Officer reminded the Committee about the concerns he had raised at the last meeting about the procedures in place at a Parish Council and informed the Committee that their register of interests had now been received. As requested by the Committee, the Monitoring Officer and Deputy Monitoring Officer had visited the new Clerk of the Parish Council on 9 March 2009 and it was reported that he was new to local government and new to the position but that he planned to ensure that the Parish Council complied with the necessary processes. The Monitoring Officer had been invited to attend the next meeting of the Council to give a presentation on Code of Conduct issues.
- 41.2 The Monitoring Officer also agreed to contact the Clerk to Farnham Town Council to discuss current practice with regard to planning matters and agreed to report back to a future meeting.
- 41.3 The Committee agreed that it was appropriate for the Chairman of the Committee, the Monitoring Officer and the Deputy Monitoring Officer to attend the Annual Standards Board Conference in October 2009 and that the Investigating Officer should also attend for one day.
42. **PROCESS FOR HEARINGS OF FAILURES TO COMPLY WITH THE CODE OF CONDUCT** (Agenda Item 8; Appendix A)
- 42.1 The Committee considered a report setting out the process for dealing with hearings and to agree a revised procedure for their conduct. The Committee agreed that references to cross-examining should be replaced with questioning throughout the procedure and that with regard to the exclusion of the press and public, the presumption should always be that the hearings would take place in public.
- 42.3 It was also suggested that the procedure should follow a similar order of events to County Court proceedings in that the investigating officer should give evidence and then be questioned by the subject member and/or their legal representative and then by the Hearing Panel. The same principle would be applied to other witnesses giving evidence. Similarly, the subject councillor should give evidence and then be questioned by the Investigating Officer and then the Hearing Panel. It was agreed that the Monitoring Officer and the Principal Solicitor would re-write the appropriate paragraphs of the procedure (namely 8.8 and 8.10). It was suggested that a checklist setting out the order of events should be prepared for Hearings, similar to those used in Licensing Sub-Committee meetings.

RESOLVED that the Committee adopt the revised procedure for hearings, as set out at Annexe 1 to the report and as amended to reflect the comments set out above.

43. DRAFT IT ACCEPTABLE USE GUIDE FOR COUNCILLORS (Agenda Item 10; Appendix C)

The Committee considered a draft IT Acceptable Use Guide relating to the use of IT facilities and equipment provided by Waverley. The Committee recognised that it was a work in progress and that this was an early opportunity to comment upon how they wanted to see the document evolve.

The Committee was invited to pass any detailed suggestions or comments to the Deputy Monitoring Officer for consideration and it was agreed that it would be helpful if the Guide was extended further to become a comprehensive IT package for councillors which should also include details of IT equipment and consumables that were available to councillors, security measures, training available and forthcoming upgrades.

RESOLVED that officers continue to develop the IT Acceptable Use Guide for Councillors and bring it back to a future meeting at the appropriate time.

**The meeting commenced at 7.00 p.m. and concluded at 7.57 p.m.**

Chairman