

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE –
25 FEBRUARY 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 David Munro |
| * Cllr Victor Duckett | * Cllr John Savage |
| * Cllr Tony Gordon-Smith | * Cllr Richard Terry |
| Ms Karen Heenan | |

*Present

24. ELECTION OF CHAIRMAN (Agenda Item 2)

RESOLVED that David Wheatley be appointed Chairman of the Standards Committee for the remainder of the 2008/09 Council year. The Committee thanked Nicolas Davies for chairing the Standards Committee over the last eight years.

25. APOLOGIES FOR ABSENCE (Agenda Item 3)

There were no apologies for absence.

26. MINUTES (Agenda Item 4)

The Minutes of the Standards Committee held on 3rd November 2008, the Assessment Sub-Committee held on 25th July 2008 and the Review Sub-Committee held on 28th August 2008 were confirmed and signed.

27. DISCLOSURE OF INTERESTS (Agenda Item 5)

All Waverley Borough Councillors declared personal interests on Item 12, the Monitoring Officer report on investigation LDC WAV002, as they knew the subject of the complaint. Councillors Victor Duckett and John Savage also declared personal interests because they knew the Complainant.

PART I – RECOMMENDATIONS TO COUNCIL

28. PLANNING CODE OF CONDUCT (Agenda Item 12, Appendix C)

- 28.1 The Committee was presented with a revised draft of the Planning Code of Good Practice for Councillors which had been refreshed to take into account recent issues that had arisen relating to planning matters. The Code should be considered alongside the Waverley Code of Conduct. The revised Planning Code is attached at Annexe 1.

Standards 60
25.02.09

- 28.2 Whilst councillors who are involved in taking planning decisions have already undertaken training, it is proposed that specific training sessions will be offered to update councillors on the good practice elements contained within this document.
- 28.3 The Standards Committee was asked to comment on the suggested code of Good Practice before it was agreed that officers would ensure that wording was consistent between the Code of Conduct and this Code of Good Practice.
- 28.4 The Committee accordingly

RECOMMENDS that

- 13. the Councillors' Planning Code of Good Practice be adopted by the Council.**

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

29. CHAIRMAN'S/MONITORING OFFICER UPDATE (Agenda Item 7)

At 7.12 p.m. it was

RESOLVED that pursuant to Procedure Rule 20 and in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during these items there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the description specified in the following paragraph of the revised Part I of Schedule 12A to the Act, namely:-

3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

- 29.1 The Monitoring Officer raised a concern with the Committee about a Parish Council with a newly appointed clerk and whether Members of the Council were familiar with the requirements placed upon them with regard to returning register of interests and proceedings undertaken at public meetings. The Committee agreed that the Monitoring Officer and Deputy Monitoring Officer should, in the first instance, speak informally with the Clerk of the Parish Council before taking further action. The Monitoring Officer would report back on this issue at the next meeting.

- 29.2 The Committee agreed to return to open session at 7.28pm.
- 29.3 The Deputy Monitoring Officer reported to the Committee that she had attended a Monitoring Officer Conference on 18th February 2009. Members were advised that a revised Code of Conduct will be issued shortly. The revised Code would clarify issues around Members working in their official and private capacities. The conference also raised issues around consistency and appropriateness of sanctions applied following local investigations and training for Town and Parish Councils.
30. PROCESS FOR DETERMINATION OF COMPLAINTS (Agenda Item 8, Appendix A)
- 30.1 The Committee was reminded that it had been several years since the last hearing to determine a complaint and there had been significant changes to the Standards Committee procedures since that date. Therefore, it was necessary to review the process the Committee should follow for the consideration and hearing of investigation reports.
- 30.2 The Monitoring Officer outlined the process to be undertaken following receipt of a complaint and the Committee was advised that this report dealt with the final stage of the process. Members reviewed the Standards Board guidance and noted that the Committee could determine its own arrangements for the consideration and hearing of investigation reports.
- 30.3 The Committee discussed the report and agreed that it was more efficient to appoint separate Consideration and Hearing Sub-Committees to carry out the process of considering the investigation report and, if required, a hearing.
- 30.4 The Committee agreed that the composition of the two Sub-Committees should follow the same groupings that were agreed for the Assessment and Review Sub-Committees. The membership of each group is noted below:
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|-------------------|-----------------|
| <u>Group 1</u> | <u>Group 2</u> |
| Mr Davies | Mr Wheatley |
| Miss Heenan | Cllr Terry |
| Cllr Morris | Cllr Mrs Maines |
| Cllr Duckett | Cllr Goodridge |
| Cllr Gordon-Smith | Cllr Munro |
| Cllr Mrs King | Cllr Savage |
- 30.5 The Committee also agreed that the Monitoring Officer, in consultation with the Chairman of the Standards Committee, be authorised to agree which group should meet to carry out the Consideration of the investigation report, and if required, the membership from this group for the hearing. The guidance suggested that only three Members were permitted (or in exceptional circumstances five Members). Members asked that in agreeing this process, the Committee be kept informed of complaints by receiving agendas for all of the Sub-Committee meetings.
- 30.6 The Committee considered whether or not the consideration and hearing of the investigation reports should be in closed session and was advised that the Standards Board guidance indicated that transparent decision-making would

usually outweigh the subject member's interest in limiting publication. Members agreed that this issue should be considered at the start of the Consideration Sub-Committees, prior to the consideration of the investigation report and that they should also agree, at that stage, whether the papers and meeting of the Hearing Sub-Committee should be in open session.

30.7 The Committee

RESOLVED that

- (i) A Consideration Sub-Committee and a Hearing Sub-Committee to deal with the consideration and hearing of investigation reports be appointed.
- (ii) The Monitoring Officer, in consultation with the Chairman of the Standards Committee, be authorised to determine the membership of the Consideration and Hearing Sub-Committees (from within the groups referred to in paragraph 30.4).
- (iii) Determination of whether investigation reports should be held in open session at Consideration and Hearing Sub-Committees should be considered by the Consideration Sub-Committee at its meeting.
- (iv) All Members of the Standards Committee receive copies of the agendas for all Sub-Committees regardless of their involvement.
- (v) A flow chart of the process for hearing complaints be provided to all Standards Committee Members.

31. MONITORING OFFICER REPORT ON INVESTIGATION LDC WAV001 (Agenda Item 10; (Exempt) Appendix B)

31.1 The Committee received the investigation report from the Monitoring Officer. Members were advised that due to a procedural requirement to send the final report to the subject of the complaint, it was necessary to defer consideration of the investigation report to a later date. Members agreed that this report be deferred to a meeting to take place on 11th March 2009 at 6pm.

RESOLVED that the consideration of the report be deferred

Part III – Brief summaries of other matters dealt with

There were no matters falling within this category.

The meeting commenced at 7.00 pm and concluded at 8.40 pm

Chairman