

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE
9TH SEPTEMBER 2009

SUBMITTED TO THE COUNCIL MEETING – 20TH OCTOBER 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 | * Cllr Mrs Janet Maines |
| * Mr Nicolas Davies (Vice-Chairman) | * Cllr Nick Morris |
| * Cllr Victor Duckett | * Cllr David Munro |
| Cllr Tony Gordon-Smith | * Cllr John Savage |
| * Ms Karen Heenan | * Cllr Richard Terry |
- *Present

7. APOLOGIES FOR ABSENCE (Agenda Item 2)

Apologies for absence were received from Cllr Tony Gordon Smith.

8. MINUTES (Agenda Item 3)

The Minutes of the Standards Committee held on 20th May 2009 were confirmed and signed.

9. DISCLOSURE OF INTERESTS (Agenda Item 4)

Nicholas Davies, Karen Heenan and David Wheatley declared personal and prejudicial interests in item 9, re-appointment of Independent Appointees of the Standards Committee and withdrew from the meeting during consideration of this item.

PART I – RECOMMENDATIONS TO COUNCIL

10. RE-APPOINTMENT OF INDEPENDENT APPOINTEES TO THE STANDARDS COMMITTEE (Agenda Item 9)

10.1 The Committee considered a report recommending the Council's approval of the re-appointment of its three independent Appointees for a staggered term of two and four years to facilitate the transition to rolling appointments.

10.2 The Committee considered the proposal and noted that all three appointments would come to an end in November 2009. Members also noted the Standards for England's guidance that good practice was that an Independent Member should not serve for more than two terms (or eight years). Furthermore, Members also noted that attendance by and availability of Independent Members was particularly important because of the additional requirements of them to serve as Chairmen of Sub-Committees dealing with complaints. All three Independent Appointees had indicated their willingness and availability to continue in post.

- 10.3 The Standards Committee agreed that it wanted to continue and retain the experience of its long serving Members but also agreed that, in future, it should follow good practice and Independent Members should not serve more than two terms. Therefore, it was recommended that Nicholas Davies should serve for a further two years only and Karen Heenan and David Wheatley should serve for a further term of four years.
- 10.4 The Committee accordingly

RECOMMENDS that

- i) **The three independent appointees, David Wheatley, Karen Heenan and Nicholas Davies be re-appointed**
- ii) **The two appointees, David Wheatley and Karen Heenan be re-appointed for a period of four years and the third appointee, Nicholas Davies, be re-appointed for a period of two years.**
- iii) **For future appointments of independent appointees, the Committee would expect the maximum period of appointment to be two terms (or eight years).**

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

11. MONITORING OFFICER/CHAIRMAN'S UPDATE (Agenda Item 6)
- 11.1 Mark Hill, the Monitoring Officer, advised Members that Derek McManus from Surrey Heath Borough Council would be acting as Deputy Monitoring Officer to provide cover if he was ever away. Mr McManus is the current Monitoring Officer at Surrey Heath and Councillors had been informed to contact him in his absence. Should both Mr Hill and Mr McManus be absent at the same time, cover would be provided by Mr McManus's Deputy Monitoring Officer, Ms Lesley Dolan. This arrangement extends for the period of Mrs McQuillan's absence on maternity leave.
- 11.2 The Committee was advised that the adjudication panel had considered the appeal by Mrs Ames in relation to the complaint which was heard by the Hearing Sub-Committee in May 2009.. The decision had been upheld and Members were presented with a full copy of the panel decision. As a consequence of this situation, the Monitoring Officer would be writing to all Town and Parish Councils reminding them that at any meeting of the Council, particularly those that appeared informal, such as Public Consultation

meetings, it was important that there was still an item on the agenda requesting declarations of interests.

- 11.3 Members asked whether in the case that a Member, subject to a complaint, had been subject to a hearing before, whether or not any previous complaint should be taken into account during sanctioning. Officers would look into this but the Committee considered that a previous complaint should only be considered once a hearing had determined failure to comply with the code and was considering a sanction. The Committee also noted that information regarding previous complaints dealt with by other authorities may not be known at the time of the hearing.
- 11.4 Both the Monitoring Officer and Chairman confirmed that they were attending the Standards for England's Conference in October and feedback would be brought back to the next meeting.
12. ANNUAL REPORT OF THE STANDARDS COMMITTEE (Agenda Item 7)
 - 12.1 The Committee received the Annual Report of the Standards Committee which summarised the activities of the Standards Committee for the Council. The report would form an item of evidence in the Use of Resources assessment in future years and centred on the financial year 2008/09.
 - 12.2 The Committee considered the Annual Report and endorsed its contents except it was agreed that the future work programme should be a separate document and not form part of the report. Officers were asked to remove this part of the report, circulate the report to the Chairman for comment following the meeting and a future work programme be brought to a future meeting of the Committee to consider.
 - 12.3 In consideration of the future work programme, members highlighted the need for a more intensive training programme with Town and Parish Councils and agreed that this should be put in place as soon as possible.
 - 12.4 The Committee RESOLVED that the Annual Report be agreed and a future work programme and action plan be brought to a future meeting.
13. CHANGES TO DISPENSATION REGULATIONS (Agenda Item 8)
 - 13.1 The Committee received a report summarising the recent amendments to the Regulations relating to the granting of dispensations. The report detailed the main changes to the Regulations; in particular, the need only to consider requests for situations where there was no public speaking, ignoring any dispensations previously granted, noting that dispensations would now only have a 4 year duration, dispensations were now not available to executive members with a prejudicial interest in an item of executive business that is delegated to them to decide upon on their own (unlikely to occur at Waverley under current delegations) and not allowing dispensations to be granted to a member allowing them to vote at an overview and scrutiny committee about decisions made by any body of which they were a member at the time the decision was taken.

Standards 6
09.09.09

13.2 The Committee noted that the new Regulations made provision for the setting up of joint standards committees, and the Monitoring Officer confirmed there was new guidance published in relation to this. Further information would be circulated to members and discussed at the next meeting.

13.3 The Committee RESOLVED to

- i) Note the changes to statutory requirements; and
- ii) Adopt the set of criteria for dispensations as contained in Annexe 1 to the report.

The meeting commenced at 7pm and concluded at 8.15pm

Chairman