

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE
30TH NOVEMBER 2009

SUBMITTED TO THE COUNCIL MEETING – 15TH DECEMBER 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 Nicholas 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

12. APOLOGIES FOR ABSENCE (Agenda Item 2)

Apologies for absence were received from Cllr John Savage.

13. MINUTES (Agenda Item 3)

The Minutes of the Standards Committee held on 9th September 2009 were confirmed and signed.

14. DISCLOSURE OF INTERESTS (Agenda Item 4)

Councillor Tony Gordon-Smith declared a personal and prejudicial interest in item 8, Dispensations – Godalming Town Councillors, and withdrew from the meeting during consideration of this item.

PART I – RECOMMENDATIONS TO COUNCIL

There were no matters falling within this category.

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

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

- 15.1 Mr Hill, the Monitoring Officer, introduced the Committee to Mr McManus from Surrey Heath Borough Council who has been acting as Deputy Monitoring Officer whilst Mrs McQuillan has been on maternity leave. Members were advised that Mr McManus, and his team at Surrey Heath, would be carrying out the investigation for the Council into the complaint against a Town Councillor.
- 15.2 The Committee was provided with feedback from the Standards for England Annual Assembly which was attended by the Monitoring Officer, Deputy Monitoring Officer, Customer Relations Officer and the Vice-Chairman.
- 15.3 The Committee was advised that the Annual Review was launched at the Assembly which had been prepared taking account of the quarterly and annual returns submitted by authorities across the country. Members noted that the Monitoring Officer would be considering the conclusions arising from the Annual Review and, in consultation with the Chairman, drawing upon the points made in the Review when preparing a future work programme which it is hoped will be presented for the Committee to consider at its next meeting.
- 15.4 The Committee noted that 158 of 220 of complaints investigated across the country had resulted in a decision of no failure to comply with the Code. Standards for England was concerned that this could indicate that assessments were not distinguishing effectively between those worthy of investigation and those that were not and also the cost implications of carrying out this further work. Subsequently, the Monitoring Officer had received a DVD on assessment and Members agreed that further copies be purchased and circulated. Furthermore, guidance had been issued when deciding to take "no further action" and this would also be circulated to Members in due course when it has been received.
- 15.5 The Committee also noted that there would be revisions to the Code in 2010; the changes would mainly affect the matter of criminal actions and clarifying when a Councillor was or was not acting as a Councillor. The new Code is expected around May 2010 and would be brought to the Committee for consideration should there be an opportunity to comment on a draft.
- 15.6 The Chairman suggested to the Committee that it could be advantageous to extend the representation of the Committee attending the Assembly, although noting the cost implications of this. Members agreed that a Town and Parish Councillor should be invited to attend if the budget allowed for this.
- 15.7 The Chairman invited Members to raise any relevant issues with the Committee. Councillor Morris raised a concern about guidance containing no limit on the period that a previous failure to comply with the Code remains relevant when a Hearing Sub-Committee considers any subsequent investigation report. The Committee was advised by the Legal Adviser that there is no time limit within the legislation or guidance, and that it would be for the Sub-Committee to make a judgment on the relevance and seriousness of any previous failure to comply (and sanction, where one had been imposed), bearing in mind how much time may have elapsed, when considering whether to impose any sanction.

- 15.8 The Monitoring Officer advised the Committee that a report on the IT Acceptable Use Policy for Members would be brought to a meeting of the Committee for consideration in due course, once the further work on it has been completed.
- 15.9 The Committee was also advised that the investigation into a Town Councillor was being carried out and it is hoped that it will have been completed before the next meeting. Members reaffirmed the decision made at a previous meeting of the Committee in February 2009, that the initial consideration and any decision on the investigation report be brought to a meeting of the Consideration Sub-Committee.
16. JOINT STANDARDS COMMITTEE (Agenda Item 7)
- 16.1 The Committee considered a report summarising the recent new Regulation relating to the setting up of Joint Standards Committees. Standards For England had issued guidance for establishing these Committees and Members' views were sought on how to take this forward.
- 16.2 The Committee discussed the advantages and disadvantages of setting up a Joint Standards Committee with neighbouring Authorities, noting that it had already started to work with Surrey Heath Borough Council at officer level for investigations and cover for the Deputy Monitoring Officer role. Members agreed that, in principle, joint committees this could be a good way forward, particularly because it could help avoid conflicts of interest and allow enhanced objectivity. However, Members also felt that they did not want to lose ownership of standards and ethical issues and did not feel that working in partnership would be more efficient especially if the process was working well already. Furthermore, there was concern about the composition of the Joint Standards Committees and how this would be agreed as well as the bureaucracy of such a new arrangement.
- 16.3 The Committee carefully considered the proposals and agreed that it should foster its current working relationship with Surrey Heath Borough Council but should not ignore the principle for a Joint Standards Committee in the future.
- 16.4 The Committee RESOLVED that the proposal for Joint Standards Committees be acknowledged and the principle welcomed, but no further action be taken at the current time.
17. DISPENSATIONS – GODALMING TOWN COUNCILLORS (Agenda Item 8)
- 17.1 The Committee considered a request from Godalming Town Councillors who were also Members of Waverley Borough Council for dispensations to enable them to debate and vote on the proposals regarding the potential transfer of the Council Offices from Waverley to Godalming Town Council and to consider a request for grant funding made by Waverley in respect of the Godalming Wi-Fi project. Members were reminded that the Committee was authorised to grant dispensations in accordance with the Standards Committee (further Provisions) (England) Regulations 2009.

- 17.2 The Committee was advised that nine of the nineteen Members of the Policy and Management Committee considered that they held personal and prejudicial interests in these matters and had requested a dispensation. Members noted that the regulations stated that dispensations could only be granted when more than 50% of the persons who would otherwise be entitled to vote were prevented from doing so by virtue of their prejudicial interests. There was no provision to allow for possible absences. Consequently, this provision had not been met.
- 17.3 The Committee also noted that the Regulations made provision for dispensations to be granted if the political balance of the meeting would be affected. However, whilst Godalming Town Council organises its Committee Membership in proportion to the political proportions of the full Council, this was not a statutory requirement and therefore this provision did not apply to Godalming Town Council.
- 17.4 The Committee considered the request and taking into account that the criteria for granting a dispensation had not been met RESOLVED that the request for dispensations from Godalming Town Councillors, specifically Councillors Reynolds, P Martin, T Martin, Wilson, Hubble, Gordon-Smith, Connolly, Mrs Wheatley and Ms Thomson be declined.

The meeting commenced at 6pm and concluded at 7.30pm

Chairman