

Annual report of Waverley Borough Council's Standards Committee for the year 2009/10

Introduction

1. The Standards Committee is constituted in accordance with statutory requirements. Its membership accords with, and exceeds, the minimum statutory requirement for an independently appointed chairman and town and parish council representatives. Membership includes three of each of these categories of members, and there are also 6 members of the Council.
2. The Committee is responsible for:
 - the maintenance and promotion of high standards of conduct,
 - overseeing the application and compliance with the Council's Code of Conduct
 - receiving and dealing with complaints about councillor conduct through to determination and imposition of sanctions
 - provision of training to members on standards issues; and
 - all the above in respect of town and parish councils within the geographical area of the borough.

Complaints

3. The second complaint received by the Council in 2008 concerning an Alfold Parish Councillor was referred by the Committee for investigation by the Monitoring Officer. The investigating officer concluded that there had been a failure to declare a personal interest. A hearing was subsequently held in May 2009 at which the decision was that there had been a failure to declare a personal interest but no sanction should be imposed other than censure.
4. The councillor appealed against the determination, and the Adjudication Panel for England considered this in August 2009. The Adjudication Panel upheld the Committee's determination.
5. One other complaint was received concerning a Godalming Town Councillor. The Committee referred this complaint for investigation by the Monitoring Officer, who appointed the Monitoring Officer of Surrey Heath Borough Council to undertake the work of investigation. The investigation concluded that there had been no failure to comply with the Godalming Town Council Code of Conduct, and the Committee made a finding of acceptance of this conclusion.
6. A further complaint was received concerning comments made by a Waverley councillor at a meeting of Waverley's Joint Planning Committee in February 2010. Whilst the complaint was received during March 2010, the Committee was not able to consider it until April 2010. Whilst this is strictly after the financial year 2009/10, it is pertinent to record here that the Committee decided not to refer it for investigation, and to date no request to review the assessment decision has been received from the complainant.

2009 Annual Assembly of Standards Committees

7. The Committee's Vice-Chairman, the Monitoring Officer and the Deputy Monitoring Officer attended the Assembly of Standards Committees hosted by Standards for England in October 2009. This again provided an excellent opportunity to consider parts of the Code of Conduct, the new complaints procedure and ethical standards generally in more detail.
8. Feedback was given to the Committee by the Vice-Chairman and the Officers at its meeting in November 2009. One of the key developments was the launch at the Assembly of the Standards for England's Annual Review. The Monitoring Officer studied the examples of best practice being employed by other authorities were reported to the Committee in March 2010.
9. Arising from consideration of this report the Committee agreed that it should raise the profile of its work through greater information made available electronically (through the Council's website) and to establish closer links with the town and parish councils.

Standards for England quarterly and annual returns

10. The requirement for Monitoring Officer to submit a quarterly return was supplemented in 2009 by an annual return. Standards for England amended its approach in 2010 and provided advanced notice of the questions to be asked. This was to give the Committee an opportunity to have an input to the responses ahead of the deadline. Draft responses were considered at the March 2010 meeting and comments made, and Cllr Gordon-Smith assisted the Monitoring officer in the finalisation of the responses.
11. All returns were made on time. Standards for England had agreed to send data to the Audit Commission for use in its Use of Resources and Comprehensive Area Assessment work; however, this work has been curtailed following the coalition government's announcement of its intentions to reduce the level of inspection of local authorities. As it stands, there is no clear indication whether the information will be used.

Advice and training

12. The Monitoring Officer, supported by the Deputy Monitoring Officer, was available for consultation by members of both Waverley and the town and parish councils. Various pieces of advice were given, the most common type of request remaining about planning applications. Overall, the number of requests for advice reduced during 2009/10 compared to the previous year. A major piece of advice, concerning Cranleigh Parish Council's consideration of alternative planning applications for healthcare provision in Cranleigh, involved the Monitoring Officer attending a meeting at the Parish Council's offices and subsequently providing advice to those Cranleigh Parish Councillors who are also members of Waverley Borough Council and sit on the Area Planning Committee.
13. Training on the new Waverley Planning Code of Conduct was given to members. This was well received by those attending and considerable debate was generated.
14. Requests for dispensations were received from members of Farnham Town Council in connection with both the proposed transfer of assets from Waverley to the Town Council and regarding the Town Council's trustee status of the South

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15. Street Trust. Dispensations were duly granted after taking account of the criteria for granting a dispensation.
16. Requests for dispensations were also received from members of Godalming Town Council regarding both the potential transfer of property from Waverley Borough Council to the Town Council and the funding of the Godalming Wi-Fi project. However, the committee concluded that the criteria for granting dispensations were not met and therefore declined to grant dispensations.

Changes to statutory provisions

17. The Committee considered changes to the statutory provisions during the year:
- Joint standards committees: new provisions to allow authorities to form joint committees were considered. The Committee decided that it was helpful to have the provision, but saw no case to seek to form such a joint committee in the foreseeable future.
 - Revisions to the criteria for granting dispensations: the changes to the criteria and associated provisions for granting a dispensation to councillors who consider that they have a personal and prejudicial interest were reported to the Committee, and the Committee adopted the guidance from Standards for England as its policy.
18. Additionally, it was reported to the Committee that there were changes to the Code of Conduct being prepared by the then Government. However, now that the new coalition Government has made its announcement that it intends to abolish Standards for England, it is uncertain what, if any, changes will now be made.

Committee membership

19. The period of appointment of the Committee's independent members were coming to the end, and the Committee agreed to reappoint all three. The decision was made at its meeting in September 2009 to reappoint Mr Wheatley and Ms Heenan for a second period of 4 years, and in view of the fact Mr Davies had already served two four-year terms that his reappointment should be for 2 years.
20. The Committee also adopted a policy that no independent members should be appointed for more than two 4-year periods unless there were exceptional reasons to vary this.

Corporate governance issues

21. The Committee considered two items that were ultimately adopted by the Council in April 2010 as supplementary guidance to the Council's Code of Conduct:
- Members' IT Acceptable Use Policy, which would be referred to in appropriate circumstances should there be a complaint received; and
 - Guidance for members regarding partnership working. Partnership working is an aspect of service delivery that is growing in both importance and volume, and it is important that members are aware of their duties and responsibilities.

Conclusions

22. The Committee has had a varied range of issues to consider throughout the year. It is reassuring to note that its conclusions at the hearing of the complaint against the Alfold Parish Councillor were found to be sound and appropriate by the Adjudication Panel.
23. The Committee has responded to changes in statutory provisions in the way that is appropriate to Waverley, and has contributed to the governance arrangements of Waverley through its recommendation to Council of the IT Use Policy and the partnerships guidance.
24. The Committee will continue to conduct its work in accordance with the legislative framework, will respond to legislative changes as and when they occur and awaits national developments that the new coalition Government makes in due course.