

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE
27 JUNE 2011

SUBMITTED TO THE COUNCIL MEETING – 19 JULY 2011

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

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| * Mr David Wheatley (Chairman) | Ms Karen Heenan |
| * Mr Nicolas Davies (Vice-Chairman) | * Cllr Diane James |
| * Cllr Michael Goodridge | * Cllr Janet Somerville |
| * Cllr Stephen Hill | * Cllr John Ward |
| * Cllr Simon Inchbald | |

*Present

1. APPOINTMENT OF CHAIRMAN (Agenda Item 1)

Mr David Wheatley was elected as Chairman of the Standards Committee for the Council Year 2011-12.

2. APPOINTMENT OF VICE-CHAIRMAN (Agenda Item 2)

Mr Nicolas Davies was elected as Vice-Chairman of the Standards Committee for the Council Year 2011-12.

3. APOLOGIES FOR ABSENCE (Agenda Item 4)

Apologies for absence were received from Ms Karen Heenan.

4. MINUTES (Agenda Item 5)

The Minutes of the Standards Committee held on 6 July 2010 were confirmed and signed.

5. DISCLOSURE OF INTERESTS (Agenda Item 6)

There were no Declarations of Interest raised under this heading.

PART I – RECOMMENDATIONS TO COUNCIL

6. STANDARDS COMMITTEE MEMBERSHIP (Agenda Item 8)

- 6.1 The Committee was provided with the current position on the future of Standards for England and what this meant for the future of the Standards Committee. As a consequence of this, Members were advised that the process of appointing Town and Parish Councillors to the Committee had been delayed and asked whether or not action should be taken to appoint to these positions.

- 6.2 The Committee discussed the need to continue the normal running of the Standards Committee until further guidance was provided by Government. As such, the Committee felt that it was important to appoint three Town and Parish Councillors in case the need arose to deal with a dispensation or complaint about a Town or Parish Councillor.
- 6.3 The Committee was advised that another issue in relation to the Committee membership related to the appointment of independent nominees. It was agreed in November 2009 that there should be a staggered process of appointments, of which, the appointment of Mr Nicolas Davies, who had already served two terms, would come to an end in November 2011. However, considering the uncertainty of the future of the Standards Committee, Members were asked if this appointment should be extended for a further six months. The Committee agreed it was important to maintain expertise on the Committee and felt that his appointment should be extended until the end of the Council Year 2011/12. Consequently, the Standards Committee

RECOMMENDS that

1. **officers begin the process of asking for nominations from Town and Parish Councils for membership to the Standards Committee;**
2. **the Monitoring Officer, in consultation with the Chairman of the Committee and the Leader of the Council, be authorised to appoint three Town/Parish Councillors onto the Committee; and**
3. **the appointment of Mr Nicolas Davies to the Standards Committee be extended until the end of the Council Year 2011-12.**

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

7. **STANDARDS COMMITTEE AND THE LOCALISM BILL** (Agenda Item 8)
- 7.1 The Committee received an update on the progress with the Localism Bill which was anticipated to be enacted in late 2011. Members were advised that in the Localism Bill, the Government would abolish the Standards Board regime and the requirement for local authorities to have standards committees.
- 7.2 The Committee was advised that the only replacement for the regime was the requirement of Councillors to continue to declare interests. It would become a criminal offence for Councillors to deliberately withhold or misrepresent a personal interest. The Government felt that this meant that Councils would no

longer be obliged to spend time and money investigating what were sometimes trivial complaints. However, Councillors involved in serious misconduct would face appropriate sanctions and Councils would still have a duty to maintain high standards of ethical conduct.

- 7.3 The Committee noted that the requirement for local authorities to adopt a model code of conduct for Members to abide by would also be abolished. However, they were free to adopt their own voluntary code of conduct if they wished to. Furthermore, the Council was also free to establish a Standards Committee to consider complaints about the conduct of elected and co-opted members, but it seemed that the primary sanction available would be censure of the member involved.
- 7.4 The Committee felt strongly that to maintain public confidence in the Council and elected Members, as well as for openness and transparency, the Council should still maintain a Standards Committee to deal with complaints. And, Members also felt that the membership should continue to include independent nominees.
- 7.5 Members noted that the present conduct regime would continue to function for the consideration, investigation and determination of allegations of misconduct until a date fixed by Government. Members of the Committee were keen to be fully involved in setting up any future local arrangements for dealing with standards issues at Waverley.

Part III – Brief summaries of other matters dealt with

8. ANNUAL REPORT OF THE STANDARDS COMMITTEE (Agenda Item 9, Appendix A)
- 8.1 The Committee received the Annual Report 2010/11 which summarised the activities of the Standards Committee over the last year. Members were asked to consider the report prior to its formal publication on the Council's website.
- 8.2 The Committee reviewed the Annual Report and agreed that in reference to dispensations there should be more detail of these included in the report as well as information about assistance provided by the Deputy Monitoring Officer to a Town Council. Members agreed that the Annual Report, attached at Annexe 1 for information, be placed on the Council's website.

RESOLVED that the Annual Report be approved.

The meeting commenced at 5.30 pm and concluded at 6.17 pm.

Chairman

ANNEXE 1

Annual report of Waverley Borough Council's Standards Committee for the year 2010/11

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 but currently has vacancies for 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.

Advice and training

3. 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 potential interest issues in relation to planning applications.
4. A request for a dispensation was received and granted from a member of Farnham Town Council in connection with the Town Council's trustee status of the South Street Trust. A member of Dunsfold Parish Council suggested that the Parish Council might want to apply for a dispensation relating to setting up a community shop but the Parish concluded that this was not necessary at present.
5. The Deputy Monitoring Officer spent some time assisting a Town Council with a staffing issue which was brought to the attention of Waverley in accordance with the Town Council's Member/Officer Relations Policy. This states that if any breach of the protocol occurs, the matter should be raised with the Monitoring Officer at Waverley Borough Council who will be consulted and submit a report containing his/her recommendations to the Council. The Deputy Monitoring Officer supported the Town Council throughout the process until a satisfactory outcome was achieved.

Changes to statutory provisions

6. The Government announced major changes to the framework on ethical standards and the proposed abolition of Standards for England. The Committee has been reappointed and met to agree the Annual Report and agreed that once the position becomes clearer the Committee will consider how best to help the Council respond to legislative changes contained in the Localism Bill.

Committee membership

7. The period of appointment of the Committee's Town and Parish Members has come to an end. The Committee has agreed to begin the process of reappointing three representatives for the interim period until the position on legislation is clearer.