

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE
19TH JUNE 2012

SUBMITTED TO THE COUNCIL MEETING – 17TH JULY 2012

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

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| * David Wheatley (Chairman) | Karen Heenan |
| * Nicolas Davies (Vice-Chairman) – in the Chair | * Cllr Diane James |
| * Cllr Kevin Deanus | * Cllr Janet Somerville |
| * Cllr Michael Goodridge | * Cllr Patrick Stewart |
| Cllr Stephen Hill | * Cllr John Ward |
| * Cllr Simon Inchbald | |

*Present

1. APPOINTMENT OF CHAIRMAN (Agenda Item 1)
David Wheatley was appointed as Chairman of the Standards Committee until the new arrangements came into force on 1st July 2012.
2. APPOINTMENT OF VICE-CHAIRMAN (Agenda Item 2)
Nicolas Davies was appointed as Vice-Chairman of the Standards Committee until the new arrangements were in place on 1st July 2012.
3. APOLOGIES FOR ABSENCE (Agenda Item 4)

Apologies for absence were received from Karen Heenan and Cllr Stephen Hill. In the Chairman's absence at the start of the meeting, Nicolas Davies Chaired the meeting and until it concluded.
4. MINUTES (Agenda Item 5)
The Minutes of the Standards Committee held on 5th March 2012 were confirmed.
5. DISCLOSURE OF INTERESTS (Agenda Item 6)
Nicolas Davies declared a personal interest in item 10, Monitoring Officer report on investigation LDC WAV006, as he knew the subject of the complaint.

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

6. UPDATE ON ETHICAL STANDARDS REGIME (Agenda Item 8)

The Monitoring Officer provided the Committee with an update on the new arrangements for Standards. Members were reminded that the Localism Act abolished the detailed prescription set up under the Local Government Act 2000 and gave the Council much more discretion in setting a more appropriate and simplified standards regime. Members noted that the operative date for the changes was 1 July 2012, although the final Regulations were only received from Government on 8 June 2012.

The Committee was advised that there was an obligation on the Council to adopt a Code dealing with the high standard of conduct that was expected of Members when acting in their official capacity. The Code had to include such provision as the Council considered appropriate for the registration and disclosure of pecuniary and other interests. It also set up a new category of disclosable pecuniary interests which involved very strong sanctions, and made failure to disclose a criminal offence.

The Committee noted that the Government had not prescribed what local Codes had to contain, other than stipulating that they had to be consistent with the principles of holding public office first set out by Lord Nolan's Committee on standards in public life. Officers had been working through the Surrey Secretaries Group to aim to have broadly consistent Codes of Conduct across Surrey which would benefit, in particular, those Members who were dual and triple hatted. A draft Code was being considered by the Executive on 3rd July and would be considered by Council on 17th July 2012.

The Committee was advised that the Council had to appoint at least one Independent Person whose views had to be sought by the Council before it took a decision on an allegation. Officers were working jointly with Guildford, Spelthorne and Mole Valley Councils to select independent persons jointly who can be recommended to the Councils for appointment. Interviews were scheduled for 4th July 2012.

The Executive would also be considering arrangements for dealing with complaints and the intention was to provide substantially simpler and clearer procedures than existing arrangements.

Noting that this would be the last meeting before the new arrangements were in place, Councillors thanked the independent appointees who had served on the Committee for a number of years for all their hard work in helping maintain high standards of conduct in Waverley.

RESOLVED that the Monitoring Officers oral update be noted.

7. EXCLUSION OF PRESS AND PUBLIC (Agenda Item 9)

At 5.35 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 paragraphs of the revised Part I of Schedule 12A to the Act, namely:-

Information relating to an individual (Paragraph 1);

8. MONITORING OFFICER REPORT ON INVESTIGATION LDC WAV006 (Agenda Item 10; (Exempt) Appendix A)

The Committee received a report outlining the action taken by the Monitoring Officer in implementing the decision of the Standards Assessment Sub-Committee that other action should be taken following a complaint about a Waverley Borough Councillor.

The report also outlined observations from the subject Member about the current process which they felt should be taken account of when putting in place future arrangements for handling complaints. In particular, the Member felt that the subject should be given details of a complaint from the onset of being told a complaint has been made against them and should be able to attend a sub-committee to explain their position and clarify any misunderstandings. The Monitoring Officer advised the Committee that the process under the new arrangements was likely to be less complex and involve the Members being involved at an earlier stage so that they had more of an opportunity to be aware of the allegations against them and to put their case.

The Committee accordingly

RESOLVED that the Monitoring Officers report be received.

9. MONITORING OFFICER REPORT ON INVESTIGATION LDC WAV007 (Agenda Item 11; (Exempt) Appendix B)

The Committee received the investigation report from the Monitoring Officer on LDC WAV007.

The Committee considered the report and the findings from the investigation and agreed that there was a case of a failure to comply with the Code of

Conduct which should proceed to a hearing. Members noted that the Localism Act 2011 introduced new arrangements for the investigation of allegations of a breach of an authority's Code of Conduct. These new arrangements come into force on 1 July 2012, and existing allegations that were being investigated in accordance with the Standards Committee (England) Regulations 2008 would continue under the new arrangements. Consequently, under the old rules, if there was a breach of the Code, the regulations required that a hearing was held within three months of completion of the investigation.

The Committee, however, felt strongly that a hearing was not necessary to settle this complaint. Members asked the Monitoring Officer, to speak with the parties involved and see if the process for a hearing could be avoided, noting that, under the new arrangements, which would be considered for adoption by Waverley Borough Council on 17th July 2012, the Monitoring Officer, would have the discretion to apply other action if he did not consider a hearing was the appropriate way forward for promoting and maintaining high standards of conduct.

The Committee accordingly

RESOLVED that there was a case of a failure to comply with the Code of Conduct and, unless the Monitoring Officer could speak with both parties and agree other action, a hearing be arranged under the new arrangements in respect of investigation LDC WAV007.

The meeting commenced at 5pm and concluded at 7pm.

Chairman