

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE STANDARDS PANEL - 3 OCTOBER 2017

SUBMITTED TO THE COUNCIL MEETING – 17 OCTOBER 2017

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

Present

Cllr Michael Goodridge (Chairman)	Cllr Pat Frost
Cllr Mike Band	Cllr David Hunter
Cllr Kevin Deanus	Cllr John Williamson
Cllr David Else	

Apologies

Cllr Carole Cockburn and Cllr Stephen Hill

5. MINUTES (Agenda item 1.)

The minutes of the meeting of the Standards Panel which took place on 6 June 2017 were confirmed and signed.

6. APOLOGIES FOR ABSENCE (Agenda item 2.)

Apologies for Absence were received from Councillors Stephen Hill and Carole Cockburn.

7. DISCLOSURES OF INTEREST (Agenda item 3.)

Councillor Mike Band declared a non-pecuniary interest in the item on the agenda as he was a Member of the Audit Committee which was being considered in the report.

PART I - RECOMMENDATIONS TO THE COUNCIL

Background Papers

Unless specified under an individual item, there are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to the reports in Part I of these minutes.

8. CONSTITUTIONAL REVISIONS (Agenda item 4.) (Pages 8 - 11)

8.1 The Panel was reminded that, at its last meeting, Members had reviewed the Scheme of Delegation and revisions to the constitution. At that meeting, it was recommended that further work be undertaken on the following three areas:

1. The deadlines for giving apologies for meetings and calling substitutes
2. The application of political proportionality rules for committee members and substitutes at quasi-judicial meetings; and

3. The formatting/numbering of substitution rules in the Constitution.
- 8.2 The Panel received a report detailing proposals for the above areas. They were also asked to review the size of the Audit Committee because it only consisted of 7 members and as it did not allow for substitutes, occasionally it had been close to being inquorate. The Panel was also asked to consider revisions to the Overview and Scrutiny Informal Working Group protocol, a copy of which was tabled at the meeting.
- 8.3 The Panel first considered the **deadlines for giving apologies for meetings and calling substitutes**. This was particularly pertinent to Joint Planning Committees and other regulatory meetings where reports were detailed and lengthy, and site visits took place. It was important that substitutes were called with sufficient time to read the reports and attend the site visits. The current policy was that Members needed to call by 12noon on the day of the meeting and a member of the Democratic Services Team would try to arrange for a substitute to be arranged.
- 8.4 The Panel agreed that this was not sufficient notice and should be changed. It was recommended that a Member should give a minimum of 4 clear working days notice if they could not attend a meeting in order to enable substitutes to be arranged, if applicable (i.e. if the meeting was on a Wednesday, the apologies should be received by the end of the Wednesday before this). After this time, late apologies could still be given as it was inevitable that an urgent matter might arise or because of illness but a substitute would not be called. It was agreed that an example should be included within the constitution of how and when apologies should be given, and that on agendas, the exact deadline for giving apologies to enable a substitute to be arranged, would be stated.
- 8.5 The Panel also considered the timing of site visits and suggested that these take place 1 clear working day before a meeting (i.e. the Monday if the meeting was on a Wednesday) which would allow the Members, including any substitutes, to have read the agenda report and enough time for officers to look into any matters raised during the visit.
- 8.6 During discussion, Members expressed their frustrations with Joint Planning Committee meetings being rearranged or cancelled at short notice. They expressed a preference for them to take place on a regular evening, preferably, on a Wednesday, as this had become the evening that was always generally used for all planning meetings. Members were advised that there had recently been a high number of major planning applications which needed to be determined and that it was an exceptional period which required the Committee to be convened on other days of the week.
- 8.7 It was agreed that the above change to the giving of apologies and arranging a substitute should apply to all quasi-judicial meetings and the constitution be amended to reflect this.
- 8.8 The Panel moved on to consider the application of **political proportionality rules for committee members and substitutes at quasi-judicial meetings**. The current constitution stated:

“PR 4.2 For each Committee, the Council will appoint the agreed number of substitutes in respect of each political group in proportion to the number of ordinary seats as that group holds on that Committee, Sub-Committee or Panel”.

- 8.9 They were advised that legal advice had been obtained and this interpretation was consistent with legislation under which the committees were appointed, namely Section 15 of the Local Government and Housing Act 1989. Consequently, the Panel noted that no changes were required to the Constitution in relation to this.
- 8.10 The Panel moved on to consider the changes proposed to the **Substitutions section of the Constitution**. It was suggested that the two separate elements within the section would be better combined as one so that the rules were consistent to all Committees operating a substitute scheme. Members agreed with this proposal. The revised wording is set out at Annexe 1.
- 8.11 Moving on to the proposal to change the **membership arrangements of the Audit Committee**, the Panel was advised that the Committee consisted of seven councillors with no ability to appoint substitutes. Due to its size, occasionally the Committee was close to being inquorate and the Panel was asked whether the size of the committee should be increased and/or they allowed for substitutes. Members agreed that the Audit Committee needed consistent attendance because there was a lot of knowledge and understanding required and that many of the matters considered at the Committee were ongoing and cyclical. The use of substitutes would limit the ability of those members to obtain and build up the basic knowledge of the role of the Committee and the topics being discussed. Consequently, Members felt that there should continue to be a fixed membership without substitutions and recommended that the Committee be increased to eight members. They noted that this would not change the current political proportionality of the Committee.
- 8.12 The last issue for the Panel to consider was changes to the **Informal Working Group Protocol**. Informal Working Groups were established by the new Overview and Scrutiny Committees to look into and make recommendations on particular subject areas. Since these had been established, it had been recognised by the Coordinating Board that there was a misalignment between how members wished to operate the Informal Working Groups and how this was set out within the constitution. The Panel considered whether the meetings should be held in open or closed session. Officers tabled a revised protocol for Members to consider, a copy of which is attached as Annexe 2. Members agreed that the meetings should be confidential and closed to the press and public. In terms of membership, the Panel agreed that those who attended an Informal Working Group should be those with the best skills and knowledge of the subject matter. Therefore, on occasions this might mean members from another O&S Committee should be permitted to attend, as well as a member of the Audit Committee. Members also agreed that the suggested wording for the Chairman inviting other members to attend a meeting should be inserted, and, therefore, the wording about giving notice to speak could be deleted. It was agreed that the

Protocol should specify that there should be no more than 6 Members on the Informal Working Group. The proposed amendments to the wording are shown as tracked changes in Annexe 2.

- 8.13 The Chairman thanked Members for their contributions to the meeting and accordingly the Panel

RECOMMENDS that:

4. the Constitution be amended to specify that apologies for all Committees with a substitute scheme in place be submitted at least 4 clear working days before a meeting takes place in order to facilitate a substitute being arranged;
5. the Audit Committee be increased in size from seven to eight Members;
6. the Constitution be amended to reflect the decisions above, as attached at Annexe 1; and
7. the revised Informal Working Group protocol be amended as attached at Annexe 2.

PART II - MATTERS OF REPORT

There were no matters for consideration in Part II.

The meeting commenced at 4.00 pm and concluded at 4.53 pm

Chairman

Minute Item 8.

ANNEXE 1

4. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES

4.1 Allocation

As well as allocating seats on committees, the Council will allocate seats in the same manner for substitute members.

4.2 Number

For each Committee, the Council will appoint the agreed number of substitutes in respect of each political group in proportion to the number of ordinary seats as that group holds on that Committee, Sub-Committee or Panel.

4.3 Powers and duties

Substitute members will have all the powers and duties of any ordinary member of the Committee but will not be able to exercise any special powers or duties exercisable by the person for whom they are substituting.

4.4 Substitution

The following procedure will apply to the appointment of substitutes when members are not able to attend a meeting of a Committee or Sub-Committee, including in the case of a vacancy:

- (a) The member unable to attend a Committee or Sub-Committee meeting will submit their apologies to the Head of Policy and Governance at least four clear working days in advance of the meeting to enable a substitute to be arranged, if applicable [eg. by the end of Wednesday for a meeting the next Wednesday]. by noon at the latest on the day of the meeting and ask that a substitute be appointed.
- (b) The Head of Policy and Governance will then approach substitutes from the appropriate political group in the order agreed by the Council or the parent Committee.
- (c) Substitute members must be from the same political group as the member giving the apology, and in the event that no substitute is available, no substitute will be made for that member.
- (~~d~~e) The Head of Policy and Governance will notify the Committee or Sub-Committee of any substitutions at the start of the meeting.

(ed) Substitutes shall exercise the full voting rights of a member of a Committee or Sub-Committee when attending a Committee or Sub-Committee meeting.

~~(e) Substitute members shall be eligible for payment of travelling and subsistence allowances.~~

~~(f) Members on substitute lists will be sent the full agenda for meetings.~~

~~(g) For the Joint Planning Committee, all members of the Area Planning Committees who are not already members will be listed as substitutes and a substitute will be called from the same Area Planning Committee as the member giving their apology from the Joint Planning Committee.~~

~~(e) Substitute members shall be eligible for payment of travelling and subsistence allowances.~~

~~(f) Members on substitute lists will be sent the full agenda for meetings.~~

There are no substitute members appointed to the Audit Committee, Executive and Area Planning Committees.

~~For the Joint Planning Committee, the following procedure will apply to the appointment of substitutes when members are not able to attend a meeting:-~~

- ~~1. all members of the Area Planning Committees who are not already members will be listed as substitutes of the Joint Planning Committee;~~
- ~~2. upon receipt of any apology from a member of the Joint Planning Committee by 12 noon on the day of the meeting, substitute members will continue to be arranged by the Democratic Services Team;~~
- ~~3. a substitute will be called from the same Area Planning Committee as the member giving their apology from the Joint Planning Committee;~~
- ~~4. the substitute member must be from the same political group as the member giving the apology, and in the event that no substitute is available, no substitute will be made for that member.~~

Informal Working Group Protocol

Overview and Scrutiny Committees may appoint smaller Informal Working Groups (up to a maximum of 6 members) where they feel a smaller group of members is better suited to carry out a particular task, to assist with

- a. policy development;
- b. examining specific service proposals in depth;
- c. progressing major projects.

Meetings

~~All meetings will be held in open session with the press and public able to attend, except for the consideration of exempt or confidential information./Informal Working Groups are not public meetings. The Council will make copies of the agenda and reports open to the public available for inspection at the Council Offices, at least five clear working days before the meeting, and also on the Waverley website. Reports to Informal Working Groups will not normally be published, and both reports and discussion at meetings will be treated as confidential.-~~

Overview and Scrutiny Committees, ~~and Sub-Committees~~ and Informal Working Groups will be serviced by the **Democratic Services Team** and supported by the Scrutiny Officer. **Minutes** will be taken by the Democratic Services Officer present at each meeting ~~of the Committee or Sub-Committee, and published.~~

Membership of the Informal Working Group

The membership of an Informal Working Group will be selected from the members and substitute members of the main Committee, selecting those with the best skills and knowledge of the subject matter to contribute. An Informal Working Group can consist of members from any of the Overview and Scrutiny Committees and the Audit Committee when the subject matter would benefit from cross-Committee representation. Other members are able to attend meetings as an observer, or to speak if notice has been given by 12 noon on the day of the meeting (or 5pm on the day before in the event of a morning meeting). Any other member may be invited by the Chairman to attend a meeting of the Informal Working Group and their level of involvement in the meeting will be agreed in advance. —There is no provision for substitutes of Informal Working Groups.

The **Chairman** will be appointed at the first meeting from amongst the membership of the Informal Working Group.

External Representatives may be **co-opted** by the Council as non-voting members onto O and S Committees and invited to attend Informal Working Groups.

Business of the Meeting

Where the Overview and Scrutiny Committee (or Informal Working Group) conducts investigations in Select Committee mode (eg with a view to policy development), the Committee may also ask people to attend to give evidence at Committee meetings which are to be conducted in accordance with the following principles:-

- i. that the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;
- ii. that those assisting the committee by giving evidence be treated with respect and courtesy; and
- iii. that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

Outcome of a Review

Following any investigation or review, the Committee shall prepare a report, for submission to the Executive and shall make its report and findings public. This report will be drafted by the impartial Democratic Services/Scrutiny Officer who has been supporting the review. The Chairman of the Informal Working Group will be invited to prepare a foreword which will preface the final concluding report of the work of the Committee.

Can Informal Working Groups meet flexibly?

~~Within the overall framework of Waverley's Procedure Rules and Financial Regulations, Informal Working Groups will be able to develop flexible working arrangements best suited to their task. This may mean that published agendas are not required. Such meetings will be supported by a Democratic Services/Scrutiny Officer along with key relevant Officers, and will report back on a regular basis into the formal Sub-Committee process.~~