

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE STANDARDS PANEL - 29 JANUARY 2018

SUBMITTED TO THE COUNCIL MEETING – 20 FEBRUARY 2018

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

Present

Cllr Carole Cockburn
Cllr Kevin Deanus
Cllr David Else
Cllr Pat Frost

Cllr Michael Goodridge
Cllr Stephen Hill
Cllr David Hunter
Cllr John Williamson

In Attendance

Cllr Joan Holroyd (Elstead Parish Council)

Apologies

Cllr Mike Band

9. MINUTES (Agenda item 1.)

The minutes of the meeting which took place on 3 October 2018 were confirmed and signed.

10. APOLOGIES FOR ABSENCE (Agenda item 2.)

Apologies for absence were received from Councillor Band.

11. DISCLOSURES OF INTEREST (Agenda item 3.)

There were no disclosures of interest.

PART I – RECOMMENDATIONS TO THE COUNCIL

12. AUDIT COMMITTEE TERMS OF REFERENCE (Agenda item 7.)

12.1 The Panel was advised that the Audit Committee, at its meeting on 20 November 2017, had reviewed its terms of reference and changes had been proposed to make it easier to read and that the Committee's remit clearer. The proposed changes are attached at Annexe 1.

12.2 The Panel considered the proposed changes with no comments to add and accordingly

RECOMMENDS that

8. the highlighted changes to the Audit Committee's Terms of Reference, as attached at Annexe 1, be adopted.

PART II – MATTERS OF REPORT

The background papers relating to the following items are as set out in the reports included in the original agenda papers.

13. REVIEW OF THE SCHEME OF DELEGATION (Agenda item 6.)
 - 13.1 The Panel received a copy of the Scheme of Delegation and was advised that when the Scheme was adopted by Council in April 2017, this had adopted a new approach of operating as an 'exception' scheme, wherein all powers and functions were delegated down to officers with the exception of any powers and functions that either had to remain with a specific Committee, or which had previously decided had to rest with Members. Members were reminded that with this new approach they had agreed that the Scheme must be regularly reviewed and any proposed adjustments reported back.
 - 13.2 Since the new Scheme had been approved the Panel considered a few initial amendments at its meeting in June 2017. Members were presented with some further amendments which reflected some areas where officers had identified issues which could now be addressed and these were shown as track changes in the report and there was an additional paper tabled with some further amendments.
 - 13.3 The Panel reviewed the amendments and were in agreement with all the minor changes proposed that were in relation to changes/updates to legislations and Acts. Robin Taylor, the Head of Policy and Governance, advised that the changes proposed in the tabled paper proposed specific changes in relation to Planning. These were to give the Head of Planning general discretion to support late call ins where there were sound reasons; that applications which generated 5 or more objection letters or 5 or more support letters would not be agreed by way of delegated authority unless the Ward Member confirmed that they were happy it did not need to go to Committee; and that, the description of what should go to a JPC including applications of 1000sqm or more where the Chief Executive and Chairman agreed this was contentious, which was already in the Constitution also be included verbatim in the Scheme of delegation.
 - 13.4 The Committee discussed the three additional proposed changes in particular points 43 (b) and (c) in relation to calling in a planning application. There was confusion over the wording that had been used and it was questioned whether these two paragraphs could be combined, or made clearer. Members also asked about the wording around "any Councillor from the relevant Area Committee could request to refer an application to Committee" as it was thought that any member of that Ward (or neighbouring with one Councillor Wards) regardless of whether they were on a Area Committee could call in an application. The wording also referred to the Town or Parish Council being in support of a call in but occasionally the Ward Councillor, having heard representations directly from residents, wanted something called in so might not receive the Town or Parish Councils support. Robin Taylor would liaise with the Head of Planning regarding these issues and would look at how the wording could be clarified.

- 13.5 Having discussed the changes to the Scheme of Delegation, the Panel accordingly

RESOLVED to recommend to the Executive that the revised Scheme of Delegation be approved and adopted subject to the wording of 43 (b) and (c) being clarified.

14. REVIEW OF COMPLAINTS SUBMITTED TO THE MONITORING OFFICER
(Agenda item 5.)

- 14.1 The Panel received a report of complaints submitted to the Monitoring Officer under the Member Code of Conduct. The report summarised the complaints received since July 2016 when Robin Taylor, Head of Policy and Governance, was appointed as the Monitoring Officer.

- 14.2 The Panel was advised that since the last report, himself, Emma McQuillan and Daniel Bainbridge, the Deputy Monitoring Officers, had dealt with 19 complaints. 14 of these had been about Borough Councillors and 5 about Town or Parish Councillors. A large majority of these were dealt with and resolved informally and a few were closed after investigation and it was resolved that there was no breach of the code. There were currently 4 live complaints (1 for a Town and Parish Councillor and 3 for Borough Councillors) which were at different stages in the process. There had been 1 complaint which was submitted anonymously. The identity of the complainant was requested and the complainant was given the opportunity to put forward any reasons why their identity should not be disclosed but neither request was granted by the complainant and it was not judged that there was a clear public interest in investigating it anonymously. The Monitoring Officer had provided informal advice or support on a number of occasions where there had been no complaint or where complaints had been withdrawn at the complainants request.

- 14.3 The Panel thanked the Monitoring Officer for the update and asked whether in all situations that he received an anonymous complaint these would not be investigated. He advised that it would depend on the complaint and whether there was a public interest in taking it further but assured Members that all would be taken seriously.

- 14.4 Members asked whether the procedures that were still in place were still fit for purpose. He confirmed that they were and reflected national good practice. The Monitoring Officer confirmed that he and the Deputy Monitoring Officers had visited those Town and Parishes who had requested that they come and speak to them for advise and they were always open to visit. There was a networking session being run by the new Chief Executive, Tom Horwood shortly, and he would possibly use this to do an update.

- 14.5 The Panel asked whether there needed to be more guidance, or workshops run for Members as they received a session when they started but some of the advice seemed to be forgotten at times. The Monitoring Officer advised that they did run an update annually but they would look into running a refresher session shortly.

Standards Panel 4
29.01.18

RESOLVED that the report of the Monitoring Officer into complaints received be noted.

The meeting commenced at 4.30 pm and concluded at 5.15 pm

Chairman