

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE STANDARDS COMMITTEE - 1 JULY 2019

SUBMITTED TO THE COUNCIL MEETING – 16 JULY 2019

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

Present

Cllr John Robini (Chairman)	Cllr John Gray
Cllr Michael Goodridge (Vice Chairman)	Cllr Jerry Hyman
Cllr Brian Adams	Cllr Robert Knowles
Cllr Paul Follows	

Apologies

Cllr Penny Marriott and Cllr Peter Marriott

STD 1/19 APPOINTMENT OF CHAIRMAN (Agenda item 1.)

After being nominated by Cllr Paul Follows, and seconded by Cllr Michael Goodridge, it was RESOLVED that Cllr John Robini be appointed as Chairman of the Committee for the Council year 2019/20.

STD 2/19 APPOINTMENT OF VICE-CHAIRMAN (Agenda item 2.)

After being nominated by Cllr Robert Knowles, and seconded by Cllr John Gray, it was RESOLVED that Cllr Michael Goodridge be appointed as Vice-Chairman of the Committee for the Council year 2019/20.

STD 3/19 MINUTES (Agenda item 3.)

The Minutes of the meeting held on 12 March 2019 were agreed as a correct record of the meeting.

STD 4/19 DISCLOSURES OF INTERESTS (Agenda item 5.)

There were no disclosures of interests in relation to items on the agenda.

STD 5/19 QUESTIONS BY MEMBERS OF THE PUBLIC (Agenda item 6.)

There were no questions from members of the public.

STD 6/19 QUESTIONS FROM MEMBERS OF THE COUNCIL (Agenda item 7.)

There were no questions from Members.

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.

STD 7/19 CONSTITUTION AND SCHEME OF DELEGATION - PROPOSED AMENDMENTS
(Agenda item 8.) (Pages 5 - 8)

- 7.1 Robin Taylor, Head of Policy & Governance, introduced the report setting out proposed changes to the Constitution and Scheme of Delegation. The Leader and Executive had made a commitment to developing a more collaborative form of governance at Waverley, and increasing the level of engagement with residents. Whilst a governance review of the Council's decision-making and procedure arrangements had been initiated, a number of specific issues had arisen that it was preferable to address immediately.
- 7.2 With regards to the definition of the Principal Opposition Group which was proposed to be added to the Constitution, Cllr Goodridge advised that he had worked with Robin Taylor to draft the wording set out on Annexe 1 to the report. The Committee agreed that the wording provided helpful clarification of political positions and roles within the Council, and agreed to recommend the necessary amendments to the Constitution to Council for approval.
- 7.3 Cllr Knowles queried the reasoning for the proposed amendment to the Overview & Scrutiny committee remits. Robin Taylor advised that this was to align the committee remits better with the responsibilities of Heads of Service. The Committee had no particular view on the proposed change, and were content to put the recommendation to Council.
- 7.4 As a demonstration of the new Executive's intent to engage with residents, they had asked officers to draw up amendments to the Constitution to reinstate informal questions before meetings of the Executive. The proposed amendments to Council Procedure Rule 10 and Executive Procedure Rule 2.9 were set out on Annexe 1. The Committee had no objection to the proposed amendments, which they noted would not extend to any committees other than the Executive without further amendments to the Constitution.
- 7.5 The Committee discussed its role in the Governance Review. Cllr Follows explained that this would be undertaken by a cross-party working group of Members, supported by officers. Any proposals to make changes to the Constitution would be submitted to the Standards Committee for consideration. The Committee agreed that it would be practical for recommendations on changes to the governance arrangements of the Council to be submitted to Full Council via the Executive in the first place. If the recommendations on the principles were agreed, then the Standards Committee's role would be to oversee the process of translating these in the Constitution. Since Cllr Follows would be leading the Governance Review, he would be able to update the Committee on progress of the review.
- 7.6 With regard to the proposed change to the arrangements for Members to call-in a planning application to a Planning Committee, the Committee noted that the proposed amendment addressed the ambiguity raised by the Local Government and Social Care Ombudsman, and brought the Scheme of Delegation into line with working practice. The Committee had no objection to

the proposed amendment, and were content to put the recommendation to Council.

- 7.7 The Committee discussed a point raised by Cllr Adams in relation to the complaint that had been investigated by the Ombudsman, and the way in which the planning enforcement matter had been resolved without reference to the ward councillor. It was noted that the retrospective planning application would have been on the weekly list, so the ward councillor would have had an opportunity to call it in to committee. The Committee noted that the Ombudsman had found no fault with the approach the Council had taken in considering the merits of the planning application submitted to address the enforcement matter; and, it was not practical to have exceptions to the Scheme of Delegation to cover every possible eventuality.

(Cllr Hyman arrived at this point in the Committee proceedings).

- 7.8 The Committee had no further comments, and **RESOLVED to endorse the proposed amendments to the Constitution and Scheme of Delegation to Council for approval, to effect the following:**

1. **Definition of the Principal Opposition Group, as set out on Annexe 1 to these Minutes;**
2. **Reinstatement of informal questions before meetings of the Executive, as set out on Annexe 1 to these Minutes;**
3. **Amendments to the remits of Environment and Community Wellbeing Overview and Scrutiny Committees as set out in Article 6 of the Constitution, to:**
 - **move Licensing from Community Wellbeing Overview and Scrutiny Committee to Environment Overview and Scrutiny Committee; and**
 - **move Parks, Countryside and Open Spaces from Environment Overview and Scrutiny Committee to Community Wellbeing Overview and Scrutiny Committee.**
4. **Clarification of councillor call-in arrangements within the Scheme of Delegation to the Head of Planning and Economic Development (as shown in *italics and underlined* below):**

“(g) planning applications which, by the expiry of the 21 day consultation period, have received 5 or more letters of objection or 5 or more letters of support (but not a combination of both and not from the same individual or the same household) shall only be determined under delegated powers following written confirmation from the relevant ward member(s) to the Head of Planning and Economic Development (or their nominee) that they do not wish the matter to be determined by the relevant Planning Committee.”

There were no matters of report.

The meeting commenced at 5.00 pm and concluded at 5.25 pm

Chairman

Definition of Principal Opposition Group

Constitution, Part 1 (Summary and Explanation)

4.0 How decisions are made

- The largest political group, or a combination of groups, shall form the administration of the Council (the Executive).
- The largest political group not represented on the Executive shall be the Principal Opposition Group.
- The Executive is the part of the Council which is responsible for delegated decisions.
- The Executive is made up of the Leader and up to nine councillors appointed by the Leader (including the Deputy Leader) with the Executive's responsibilities divided into areas of responsibility (portfolios), each member leading on a specific group of policy issues.
- When major decisions are to be discussed or made, these are published in the Executive's Forward Programme of Key Decisions in so far as they can be anticipated.
- If these major decisions are to be discussed with council officers at a meeting of the Executive, this will generally be open to councillors and the public to attend except where personal or confidential matters are being discussed.
- The Executive has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

5.0 Overview and Scrutiny Committees

- 5.3 In the event of a single party Executive, the Chairmen of the four Overview and Scrutiny Committees shall be elected from nominations put forward by the largest minority political group on the Council (this can include non-members of the largest minority group or members of the majority group); The Chairmen of the four Overview and Scrutiny Committees shall be elected from nominations put forward by the Principal Opposition Group of the Council (this can include non-members of the Principal Opposition Group or members of the administration group(s)) subject to the total number of Opposition members on the Council exceeding 10% of the overall membership (in the current composition of the Council, this would equate to 6 members). The Vice-Chairman of each Overview and Scrutiny Committee shall usually not be from the same political group as the Chairman. Without

consent of the Council, no member can be Chairman or Vice-Chairman of more than one Overview and Scrutiny Committee.

NB. Amended Paragraph 5.3 to replace the equivalent wording in paragraph 1 of the Overview and Scrutiny Procedure Rules in Part 4 of the Constitution.

Reinstatement of Informal Questions

Council Procedure Rules

10. QUESTIONS BY THE PUBLIC

10.1 General

Members of the public who have a legitimate interest in the Borough, by way of work or residency, may ask a question at ordinary meetings of the Council, Executive and Committees. Questions by the public will not be included as an agenda item on agendas for Special or Extraordinary meetings. The rules for asking a **written** question are set out in Procedure Rules 10.2-10.7 below.

Written questions

10.2 Notice of **written questions**

A **written** question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Head of Policy and Governance no later than close of business (5.00pm), 4 clear working days before the day of the meeting. Each question must give the name and address of the questioner.

10.3 Order of questions

Questions will be asked in the order notice of them was received, except that the Mayor **or Chairman** may group together similar questions.

10.4 Number of questions

At any one meeting no person may submit more than 1 **written** question and no more than 1 such question may be asked on behalf of one organisation.

10.5 Scope of questions

The Chief Executive may reject a question if it:

- is not a matter in relation to which the Council has powers or duties or which affects the Borough;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Council in the past six months;

- requires the disclosure of confidential or exempt information;
- is not substantially in the form of a question, or the length of the preamble is disproportionate to the question.

10.6 Record of **written** questions

The Chief Executive will immediately send a copy of the question to the Chairman of the Executive and relevant Portfolio Holder. Where the Chief Executive recommends that the question be rejected, reasons for rejection will be stated.

Copies of all questions will be circulated and made available to councillors and the public attending the meeting. All **written** questions submitted will receive a prepared answer.

10.7 Reference of question to the Executive

Unless the Mayor decides otherwise, no discussion will take place on any question, but any member may move that a matter raised by a question be referred to the Executive or the appropriate named Committee or Sub-Committee. Once seconded, such a motion will be voted on without discussion.

Informal questions at the Executive

10.8 Members of the public may ask informal questions of the Executive before the start of each ordinary meeting of the Executive, in accordance with the arrangements at Executive Procedure Rule 2.9

Petitions

10.9 Presentation of petitions

Members of the public can submit petitions electronically through the Waverley website or in hard copy addressed to the Chief Executive. The petition will be dealt with in accordance with the Waverley Petition Scheme.

Executive Procedure Rules

2.9 Questions by the Public

Written questions

2.9.1 Members of the public may ask **written** questions at ordinary meetings of the Executive in accordance with the provisions in **Council** Procedure Rules **10.2 – 10.7**. The Leader and/or the Deputy Leader or appropriate Portfolio Holder should be invited to respond to the question.

Informal questions

2.9.2 Informal questions may be asked of the Leader, Deputy Leader or an appropriate Portfolio Holder before the start of each ordinary meeting of the Executive for up to 15 minutes, including replies. No prior notice needs to be given. Questions will be taken in the order in which questioners register with the Democratic Services Officer prior to the start of question time. When read out, each question must be concluded within 2 minutes. In the event that it is not possible to give a verbal response, a written response will be provided following the meeting.