

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE STANDARDS COMMITTEE - 1 FEBRUARY 2021

SUBMITTED TO THE COUNCIL MEETING – 23 FEBRUARY 2021

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

Present

Cllr John Robini (Chairman)	Cllr Jerry Hyman
Cllr Michael Goodridge (Vice Chairman)	Cllr Robert Knowles
Cllr Brian Adams	Cllr Penny Marriott
Cllr Paul Follows	Cllr Peter Marriott
Cllr John Gray	Tom Hughes (Co-optee)
	Stefan Reynolds (Co-optee)

STD 36/20 MINUTES (Agenda item 1.)

The minutes of the meeting on 5th October 2020 were confirmed. These would be signed at a later date.

STD 37/20 DISCLOSURES OF INTERESTS (Agenda item 3.)

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

STD 38/20 QUESTIONS BY MEMBERS OF THE PUBLIC (Agenda item 4.)

There were no questions.

STD 39/20 QUESTIONS FROM MEMBERS (Agenda item 5.)

There were no questions.

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 40/20 LGA NEW MODEL CODE OF CONDUCT (Agenda item 7.)

The Head of Policy and Governance reported that the Local Government Association (LGA) had published a new code of conduct. He advised that the Council adopt this new model code on the basis that it had been subject to extensive consultation by the LGA during its development, and reflected the best practice recommendations of the Committee for Standards in Public Life.

There was clarification about the statement that the code would be reviewed annually and the Deputy Monitoring Officer stated that it would be the LGA who would review the code, not Waverley Council.

RESOLVED

The Standards Committee recommends to Council that the new LGA model code of conduct be adopted by Waverley Council without any local amendments, and asks the Monitoring Officer to arrange councillor briefings on the new model code (once adopted).

STD 41/20 AMENDMENTS TO THE WAVERLEY CONSTITUTION - SCHEME OF DELEGATION AND VIRTUAL MEETING PROCEDURE RULES (Agenda item 8.)

The Head of Policy and Governance introduced a report regarding two recommended amendments to the Waverley constitution, namely:

1. Scheme of Delegation - The committee asked officers to draft a possible form of wording that would ensure that once any decision was referred to a committee either by choice or because of a listed scheme exception in relation to any particular decision, then all future decisions relating to that matter must then be taken by the committee rather than being taken by the officer (even if those other decisions would have otherwise been allowable under the scheme without reference to a committee).
2. Virtual Meeting Procedure Rules – it proposes an addition to the Virtual Meeting Procedure Rules, to require that participants and observers at council and committee meetings refrain from using the Zoom chat facility other than to draw the attention of the chairman or committee officers to any technical issues.

The proposed change to the Scheme of Delegation had been discussed at the Committee's previous meeting, and officers had been asked to bring back draft wording that would address the problem identified by some councillors. The Committee debated the implications of the proposed change, and whether it was necessary.

There was a vote on the issue of limiting the scope of delegation to officers. 4 councillors voted for and 4 against with one abstention. The Committee Chairman used his casting vote to defeat the proposal.

With regards to the second proposal about the Virtual Meeting Procedures, the Committee agreed that it was helpful to retain the Zoom chat function in order to raise operational issues with the meeting; but noted the lack of transparency and distraction of comments being posted in the chat relating to business under discussion.

There was a discussion of other items of virtual meetings such as councillors switching off their videos. Councillors were reminded that the legal requirement for attendance was for a councillor to hear proceedings, and to be heard; there was no absolute requirement to also be seen, and sometimes technical issues prevented

this. The Deputy Monitoring Officer stated that officers had to trust councillors were present for all of the items on which they were voting.

Councillors agreed that members who were attending meetings where they were not members of the committee should have their pictures off.

Nine councillors voted in favour of not using the chat function in Zoom during meetings with none against and no abstentions.

RESOLVED

The Standards Committee recommends to Council that the Virtual Meeting Procedure Rules be amended to include VMPR 9, to require that participants and observers at council and committee meeting refrain from using the Zoom chat facility other than to draw attention of the chairman or committee officers to any technical issues.

PART II - MATTERS OF REPORT

STD 42/20 REVIEW OF ARRANGEMENTS FOR DEALING WITH STANDARDS ALLEGATIONS AGAINST COUNCILLORS AND CO-OPTED MEMBERS UNDER THE LOCALISM ACT 2011 (Agenda item 6.)

The Head of Policy and Governance, Robin Taylor, presented a report proposing changes to the Council's arrangements as set out in the Constitution, for dealing with complaints submitted to him in his capacity as Monitoring Officer, alleging breaches of the Councillor Code of Conduct.

There was a discussion around the timescale in which it was permissible to make a complaint. Some Councillors felt two months was too short and suggested three months. They felt it was unfair on the subject of the complaint if too much time had passed as they might no longer have the relevant paperwork and might struggle to recollect the incident in detail. It was felt that as soon as someone thought there had been a breach they should complain. Some councillors felt the whole process might take 6 months as it could take 3 months for the process to get started as the Monitoring Officer might have to go back for clarification.

Councillors also discussed the issue of accountability if a complaint was made about a speech and somebody other than the person who made the speech had actually written it.

Some councillors felt that there should be other forms of redress which could be options for people as a conduct investigation would cost public money.

There were some typos and issues of clarification in the report which councillors discussed:

- Paragraph 3 of the report appeared to have words missing
- Paragraph 4.5 item vi should read without not with

- Item 6 of the arrangements for dealing with Standards allegations against Councillors and Co-opted Councillors appeared to have words missing in the first paragraph
- In item 9 of the arrangements for dealing with Standards allegations against Councillors and Co-opted Councillors the person was referred to as a “Chairman” in one place and a “Chair” in others. It was felt that it needed to be consistent.
- In the first paragraph of item 11 of the arrangements for dealing with Standards allegations against Councillors and Co-opted Councillors it should read members of the community not councillors of the community.
- There was a discussion about whether a town or parish councillor at a conduct hearing had voting rights as the arrangements for dealing with Standards allegations against Councillors and Co-opted Councillors seemed to contradict the Waverley Borough Council constitution
- There was a discussion regarding item 8.7 as some felt it was unfair to deprive the Councillor who was subject of an allegation of IT equipment as they would be cut off from communication.
- Some councillors felt that the Monitoring Officer needed to report back if there were to be a significant delay before a conduct hearing got underway.
- With regard to item 4.7 there was a discussion around whether the subject of the complaint had the right to know why anonymity had been granted to the complainant. Some councillors felt the complainant had a right to challenge this or that at the very least the Monitoring Officer should explain why anonymity was granted.
- It was felt some of the timescales quoted within the document might contradict or that it needed to be made clear if they were overlapping

One councillor wanted to bring a motion that there needed to be a system to establish the validity of officers’ statements and that councillors should have the right to obtain a written answer from the Chief Executive or Monitoring Officer. There was no seconder for the motion so it was not brought. Some councillors suggested that there was nothing in the code of conduct to suggest that if a councillor received an answer that they did not like that this constituted a breach of the code of conduct as advice was open to interpretation. The Borough Solicitor also suggested that the proposal in the motion wasn’t appropriate for the process in question.

The Chairman proposed a motion, seconded by the Vice Chairman, that before the changes to the arrangements for dealing with Standards allegations against Councillors and Co-opted Councillors were agreed at Council it should be passed to the Independent Person and Parish Clerks for comment. This motion was passed by 9 for, 1 against and no abstentions.

Resolved

- That complaints against councillors should be made to the Monitoring Officer within three months of the alleged incident.

- That before the changes to the arrangements for dealing with Standards allegations against Councillors and Co-opted Councillors were agreed at Council it should be passed to the Independent Person and Parish Clerks for comment.

The meeting commenced at 6.02 pm and concluded at 7.28 pm.

Chairman