

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE STANDARDS COMMITTEE - 12 MARCH 2019

SUBMITTED TO THE COUNCIL MEETING – 19 MARCH 2019

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

Present

Cllr Michael Goodridge (Chairman)
Cllr Kevin Deanus

Cllr John Gray
Cllr John Ward

Apologies

Cllr Mike Band, Cllr Carole Cockburn, Cllr David Else, Cllr David Hunter and Cllr Robert Knowles

STD 23/18MINUTES (Agenda item 1.)

The Minutes of the Meeting held on 21 January 2019 were confirmed as a correct record and signed.

STD 24/18APOLOGIES FOR ABSENCE (Agenda item 2.)

Apologies for absence had been received from Councillors Mike Band, Carole Cockburn, David Else, David Hunter, and Robert Knowles.

The Town & Parish representative, Mrs Joan Holroyd was not required for this meeting.

STD 25/18DISCLOSURES OF INTERESTS (Agenda item 3.)

There were no disclosures of interests.

STD 26/18QUESTIONS BY MEMBERS OF THE PUBLIC (Agenda item 4.)

There were no questions from members of the public.

STD 27/18QUESTIONS FROM MEMBERS (Agenda item 5.)

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 28/18 APPOINTMENT OF INDEPENDENT PERSONS - UPDATE (Agenda item 6.)

- 28.1 The Monitoring Officer updated the Committee on recruitment to the panel of Independent Persons with effect from May 2019. As previously reported to the Standards Committee, Waverley was participating in a joint recruitment process with Guildford, Epsom & Ewell, Mole Valley, Reigate & Banstead, Spelthorne, and Surrey Heath to appoint a panel of at least three Independent Persons for a 4-year term commencing May 2019, with any of the appointed Independent Persons being able to act for any of the councils.
- 28.2 Since the meeting of the Standards Committee on 21 January 2019, the positions had been advertised on the websites of the seven councils. Seven applications had been received: four from current Independent Persons to Surrey districts, who had applied to continue in their role; and three new applications.
- 28.3 The respective Monitoring Officers recommended the re-appointment of the four current Independent Persons for a further term. The three new applicants had been interviewed by a panel of Monitoring Officers from the participating councils, and all three were recommended for appointment.
- 28.4 As a result of the joint recruitment exercise, therefore, the Monitoring Officers of the seven Surrey districts recommended that the following be appointed as Independent Persons, with any of the councils able to use any of the Independent Persons:

**Recommended for re-
appointment:**

Vivienne Cameron
Roger Pett
Bernard Quorroll
John Smith

**Recommended for
appointment:**

Paul Eaves
Bill Donnelly
Liz Lawrence

- 28.5 The Committee was pleased to see that there had been a good response to the advertisement and felt that the number of Independent Persons recommended for appointment was sufficient for the number of councils they would be supporting. The Committee noted that the Independent Persons were not paid an allowance under the Scheme of Allowances, but were able to claim expenses incurred whilst acting for a council.
- 28.6 The Standards Committee RESOLVED to recommend to Council that the above named be appointed as Independent Persons for Waverley, for a 4-year term from May 2019.

STD 29/18 MEMBERS' CODE OF CONDUCT (Agenda item 7.) (Pages 7 - 16)

- 29.1 The Standards Committee reviewed the proposed changes to the Members' Code of Conduct at its meeting on 21 January 2019. The Committee had noted that the proposed amendments aimed to provide additional clarification on the core principles of the Code, and address some procedural matters on

which the Code was currently silent in relation to recording sensitive information on the Register of Interests, removal of entries from the Register, and dispensations.

- 29.2 The Committee had noted that the proposed amendments did not impose any additional burdens on Members, and they had been broadly supportive of the clarifications proposed. However, there had been three parts of the proposed changes that the Committee had felt needed more clarification.
- 29.3 The new text at paragraphs 1(7) and 1(8) had previously been presented as one paragraph. At the request of the Committee, the separate elements had been split across two paragraphs.
- 29.4 The wording of Paragraph 5(6), relating to recording of sensitive interests on the Register of Interests, had been simplified as far as possible. The inclusion of this paragraph was important, as it made clear to councillors that there were circumstances when an interest legitimately might not be included in the published Register of Interests; and it made clear to the public that there were situations when with the agreement of the Monitoring Officer, a councillor might withhold the detail of a specific interest from the published Register. The Minister for Local Government, in his letter to Local Authority Leaders dated 7 March 2019, had encouraged Monitoring Officers to look sympathetically on requests by councillors to treat interests as 'sensitive' where there were legitimate concerns about abuse or intimidation.
- 29.5 At the previous meeting, Committee members had been concerned that the wording of Paragraph 7 would preclude them from taking part in any decisions other than those of the types specified. Officers explained that this paragraph had to be read in the context of previous paragraph 5(1) which stated that councillors should not participate in decisions where they could be reasonably seen as having an interest. For example, a councillor who has registered an interest (ownership) of a property in Waverley might be seen as having an interest in the setting of council tax. For the avoidance of any doubt, Paragraph 7 provided a dispensation to all members to take part in decisions on setting council tax, setting councillor allowances, and setting council house rents.
- 29.6 The Committee was satisfied with the further clarification provided on these parts of the Code of Conduct.
- 29.7 The Committee noted that at the end of January 2019, the Committee on Standards in Public Life published its long-awaited report on Local Government Ethical Standards. Officers would be reviewing the Code of Conduct, the Members' Planning Code of Good Practice, and the Arrangements for dealing with complaints against councillors, in the light of the recommendations in the report and recent experience of applying the Arrangements, and bringing forward a report to a future meeting of the Committee.

- 29.8 The Committee RESOLVED to RECOMMEND to Council that the revised Members' Code of Conduct (attached) be approved, and that all Waverley Town and Parish Councils be sent the revised Code of Conduct and encouraged to adopt the changes in their own Codes in order to maintain consistency with their Principal Authority.

STD 30/18 REVIEW OF SCHEME OF DELEGATION (Agenda item 8.) (Pages 17 - 48)

- 30.1 The Standards Committee reviewed the proposed changes to the Scheme of Delegation to Officers, which officers had requested in the light of experience since the revision of the Scheme in 2017. The Committee had reviewed the proposals at its meeting on 21 January 2019 and had been broadly supportive. However, there were three aspects of the proposed revisions on which the Committee had asked for further information.
- 30.2 New Paragraph 8A (Delegation to the Section 151 Officer) would avoid the need to take new or revise fees and charges to Council mid-year, such as the new Animal Welfare (Licensing of Activities Involving Animals) fee schedule that had been approved by Council in December 2018, and so avoid potential loss of income whilst waiting for Council approval. The delegation to the S151 Officer would be in consultation with the Portfolio Holder for Finance, and Council would still retain responsibility for approving the complete Schedule of Fees and Charges as part of the annual budget-setting. The Committee noted that setting of car parking charges was outside the scope of the Fees and Charges Schedule.
- 30.2 The Committee had asked for Officers to review the wording for the delegation to the Head of Customer and Corporate Service on administration of the Council's estate and property portfolio, at Paragraph 17, as it did not reflect the role of the Investment Advisory Board in making recommendations to the Executive on acquisitions or disposals of land or property.
- 30.3 The Committee noted that a distinction had been made in the new proposals between administration of the Council's ownership of land or property (in Paragraph 17A) and the Council's other interests in land or property, such as easements or leases, that fell outside of the remit of the Investment Advisory Board (in Paragraph 17B).
- 30.4 The Committee suggested some further amendments to the wording, subject to which they were happy to recommend the revisions to Council. The Committee also noted that the Scheme would need to be updated to reflect the changes in responsibilities of the Senior Management Team with effect from 1 March 2019, and the opportunity would be taken to tidy up the numbering of the sections and paragraphs within the Scheme.
- 30.5 Subject to the further clarification of Paragraphs 17A and 17B, the Standards Committee RESOLVED to RECOMMEND to Council that the revised Scheme of Delegation to Officers (attached) be approved.

PART II - MATTERS OF REPORT

There were no matters of report.

The meeting commenced at 4.00 pm and concluded at 4.45 pm.

Chairman