

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE STANDARDS COMMITTEE - 5 OCTOBER 2020

(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	

**Apologies**

Cllr Tom Hughes and Reynolds, Elstead Parish Council (Co-opted Members)

**Also Present**

Councillor David Beaman and Councillor Mark Merryweather

STD 2: MINUTES (Agenda item 1.)

The minutes of the meeting held on 21 May 2020 were confirmed. These would be signed at a later date.

STD 2: DISCLOSURES OF INTERESTS (Agenda item 3.)

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

STD 3: QUESTIONS BY MEMBERS OF THE PUBLIC (Agenda item 4.)

There were no questions.

STD 3: QUESTIONS FROM MEMBERS OF THE COUNCIL (Agenda item 5.)

There were no questions.

STD 3: LGA MODEL MEMBER CODE OF CONDUCT (Agenda item 6.)

Robin Taylor, the Monitoring Officer, gave a verbal update on the status of the Local Government Association's development of a new Model Code of Conduct for local government members. A draft had been consulted on over the summer and the final draft would be put to the LGA AGM on 22 October for adoption. He explained that the Committee would need to consider Waverley's Code of Conduct against the final model code and consider whether any changes were required.

It was suggested that the parishes adopt Waverley's Code of Conduct as the Monitoring Officer also acted for them. The Monitoring Officer stated that their codes mirrored Waverley's in almost every way and it was a recommendation from the Committee on Standards in Public Life that parishes adopted their principal authority's Code but they could not be forced to do so without a change to primary legislation.

The Democratic Services Manager agreed to ensure the updated Code of Conduct was available on the Waverley website. She further suggested that breaches of the Code of Conduct on social media was an area that the Committee might want to investigate in the future.

**The Committee noted the update.**

**STD 3: REVIEW OF VIRTUAL MEETING ARRANGEMENTS (Agenda item 7.)**

The Committee received a report that summarised the virtual meeting arrangements adopted by Council to enable committee meetings to continue with remote attendance by Members, including the streamlined planning committee arrangements. Given the worsening Covid situation, it was proposed that the Committee recommended to Council that the streamlined planning committees be confirmed through to the end of the Council year.

Cllr David Beaman had registered to speak on this item in his capacity as Chairman of the Western Planning Committee. He wanted the decision on going back to five planning committees postponed and he wanted a long-term solution which would provide the best way forward for the whole Borough which would not put those Councillors making decisions at risk of predetermination.

Cllr Follows thanked the Democratic Services staff for their work in managing meetings. He stated that he felt that the arrangements during lockdown had shown that two Planning Committees was a workable arrangement for the longer-term.

Some Councillors felt that there had been technical problems with online meetings and breakout sessions had not always worked. Some felt that there had been difficulties hearing and understanding what other Councillors were saying in online meetings. They also felt it was not good for residents and the press if they could not see who was speaking. Daniel Bainbridge, the Borough Solicitor, clarified that the ability to hear and be heard was the minimum requirement to be present at a meeting, and the YouTube webcast showed the 'speaker view' so it was clear who was speaking. He further stated that no one had challenged the decisions made in any of the remote meetings.

Cllr Knowles stated that back in 2007, when the Council had had A and B Planning Committees, they had been unpopular with residents who had wanted local councillors making decisions. Cllr Follows felt that 2007 was a long time ago and there were different Councillors, so the discussion needed to be had again.

The Committee noted that the streamlined planning committees, WESTERN and EASTERN, had been agreed until December 2020. There was a discussion around whether to review these arrangements in December 2020 or to continue through to the end of the Council year on 7 May 2021. Whilst Members were keen to return to meeting in person as soon as possible, and some wanted to go back to the previous planning committee arrangements the Committee agreed that the COVID 19 situation appeared to be getting worse which necessitated continuing until May 2021 with the current arrangements.

**The Standards Committee accordingly RESOLVED to recommend to Council for approval the following:**

- i) That the current arrangements for EASTERN and WESTERN Planning Committees continue to the end of the Council year on 7 May 2021.**

The Standards Committee agreed that the Head of Planning and Democratic Services Manager should develop a protocol for the use of breakout rooms in Planning meetings and until such time as this protocol was developed, not to use them.

### STD 3-SCHEME OF DELEGATION (Agenda item 8.)

The Committee noted that this item had been added to the agenda to respond to two matters raised by a number of Councillors in relation to the Scheme of Delegation.

Cllr Mark Merryweather, Portfolio Holder for Finance, Assets and Commercial Services, reminded the Committee that the Audit Committee minutes of November 2019 were included in full in the Council agenda for 10 December 2019, and clearly stated that the delegation included car park fees, so he was disappointed that some Members now felt that this was not clear. On the matter of when there should be exceptions to the Scheme of Delegation, Cllr Merryweather felt that the Executive decision of 4 December 2018 had been compiled with, and there was no matter to be debated. However, the Executive could always add a condition to any decision that a matter be referred back to the Executive for further decisions, even when they could be made under delegation.

Cllr Follows asked who these Councillors were and whether they were members of the Standards Committee. Robin Taylor, the Monitoring Officer, stated that some were and some were not. Cllr Goodridge said he was one of the Councillors who had raised the issue as a number of Councillors had approached him. He felt that the Council should decide fees and charges at the budget meeting and the decisions needed to stay with them. Some Councillors were also concerned about transparency of the S151 Officer being able to make changes to fees and charges under delegation..

Some Councillors did not support changes to the scheme of delegation as they felt there was no need for them. Some Councillors also felt that it was a dangerous precedent to bring decisions of another Committee – Audit – to the Standards Committee when the Committee did not like the decision which had been made.

In relation to the delegation to the S151 Officer in relation to fees and charges Cllr Goodridge proposed a recommendation to Council that the Section 151 Officer be given delegated authority to approve minor changes in relation to fees and charges including car parking fees between budgets but the fees and charges were decided by Full Council at budget time.

This motion was seconded by Cllr Gray.

Robin Taylor, the Monitoring Officer, clarified that the Committee always had primacy of decision making. Some Councillors felt that the word “minor” was ambiguous and that pan-Waverley car parking decisions at the start of the year did not work. Some

Councillors felt that the trust between Councillors and Officers meant that delegation to officers should be possible.

The Committee voted on whether it was felt necessary to make any recommendation to Full Council to amend the extant delegation to the S151 Officer.

**On the Chairman's casting vote, the Committee RESOLVED that there was no change necessary to the delegation to the S151 Officer in relation to fees and charges.**

With regard to the second matter, on exceptions to the Scheme of Delegation, the Committee RESOLVED that a change to the Scheme of Delegation was needed and that Officers should bring back to the Committee a form of words that had been agreed with the Chairman and Vice-Chairman.

The Committee noted that the Audit Committee would be reviewing its terms of reference and potential areas of overlap with the terms of reference of the Standards Committee and Overview and Scrutiny, and the Chairman and Vice-Chairman of the Standards Committee would contribute to this review.

### STD 3: GOVERNANCE REVIEW (Agenda item 9.)

Cllr Paul Follows gave a verbal update on the Governance Review. The Governance Review Working Group had met three times in 2019 and considered the key differences between the Strong Leader and Cabinet model and the Committee system of governance. Members had concluded that either system could work, but there was no great benefit of one over the other that would drive a change at Waverley at this time. The work on the Governance Review had been overtaken by the Covid situation, but Cllr Follows was discussing with the Head of Policy & Governance the best way of progressing this work.

Some Councillors asked to see the terms of reference of the Governance Group and the Democratic Services Manager agreed to make them available as the group was a cross party group.

**The meeting commenced at 7.00 pm and concluded at 9.07 pm**

**Chairman**