

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE STANDARDS COMMITTEE - 27 SEPTEMBER 2021

SUBMITTED TO THE COUNCIL MEETING – 19 OCTOBER 2021

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

Present

Cllr John Ward (Chairman)
Cllr Christine Baker
Cllr John Gray

Cllr Robert Knowles
Cllr Peter Nicholson

Stefan Reynolds (Parish
Council Co-optee)

Apologies

Cllr Michael Goodridge, Cllr Penny Marriott, Cllr Peter Marriott, Cllr George Wilson and
Thomas Hughes

Also Present

Councillor Jerry Hyman, Councillor Peter Martin and Councillor Richard Seaborne

STD 1/21 CONFIRMATION OF CHAIRMAN AND VICE CHAIRMAN (Agenda item 1.)

The Committee confirmed Cllr John Ward as Chairman and Cllr Michael Goodridge as Vice-Chairman of the Committee for the Council Year 2021/22.

The Chairman advised that as he would not be able to attend the Council meeting on 19 October, and Cllr Goodridge was not present at today's meeting, Cllr Nicholson had agreed to present the minutes of the meeting and any recommendations to Council.

STD 2/21 MINUTES (Agenda item 2.)

The Minutes of the meeting held on 1 February 2021 were confirmed as a correct record of the meeting.

STD 3/21 DISCLOSURES OF INTERESTS (Agenda item 4.)

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

STD 4/21 QUESTIONS BY MEMBERS OF THE PUBLIC (Agenda item 5.)

There were no questions from members of the public.

STD 5/21 QUESTIONS FROM MEMBERS OF THE COUNCIL (Agenda item 6.)

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 6/21 PROPOSALS FOLLOWING COUNCIL RESOLUTIONS ON 20 APRIL 2021
(Agenda item 8.)

The Head of Policy & Governance introduced the report setting out proposals for the implementation of Council's decisions on 20 April 2021 in relation to: overview and scrutiny committees; a new Housing Landlord Service Board; the Standards Committee remit; and, Executive Working Groups.

Before the Committee members considered the proposals, the Chairman advised that he would be proposing that the Overview and Scrutiny Co-ordinating Board be abolished as it was no longer needed with there being only two committees going forward.

The following councillors had registered to speak on this agenda item:

Cllr Peter Martin reiterated his unhappiness at the Council decision to reduce the number of overview and scrutiny committees from four to two. However, he was pleased that the proposals recommended in the report in relation to the overview and scrutiny committees reflected most of those put forward by the O&S Co-ordinating Board. He did have concerns regarding the balance of the workload between the two committees, based on the split between the Service Areas as shown in the report, and he asked that this be reviewed in order to achieve a better balance between the committees. Cllr Martin also expressed concerns about the remit of the Landlord Services Board, and how this related to the overview and scrutiny function.

Cllr Martin noted the intention to present the recommendations to Council on 19 October and asked that the appointment of members to the new overview and scrutiny committees be delayed to the December Council meeting to allow time for the Groups to select their members and for an orderly transition from the current arrangements.

Cllr Richard Seaborne also asked for careful consideration to be given to the transition between the current overview and scrutiny arrangements and the new structure, and for this not to be rushed. There was only a month between the date of the Council meeting and the next cycle of overview and scrutiny committee meetings, which would not allow much time for the new committees to prepare.

Cllr Jerry Hyman advised that he was generally supportive of the proposal to introduce some flexibility around the requirement for councillors to stand when speaking at meetings of Council, but was concerned about how a councillor would make a Point or Order or Point of Personal Explanation and ensure that they were heard by the Mayor.

With regard to the overview and scrutiny committees, Cllr Hyman noted that the review of the Corporate Performance Report by each committee took a great deal of time and suggested that this report could be dealt with in a different way to make better use of committee time. Cllr Hyman emphasised the role of scrutiny to ask questions and contribute to making improvements in council services, but this relied upon being given full and honest answers to questions.

The Chairman thanked the Overview & Scrutiny Board for their report and recommendations, and noted the concerns raised by Cllr Martin and Cllr Seaborne relating to the transition to the new arrangements, and the balance of the workload between the committees. He welcomed the Co-ordinating Board's proposal for a Scrutiny/Executive Protocol to define and improve the relationship between these two arms of the Council.

The Committee discussed the proposals for overview and scrutiny and generally welcomed the proposals, although there were concerns from individual councillors regarding the transition to the new arrangements, the proposed titles of the committees, and the lack of clarity around the role of the Audit Committee in the overall scrutiny of the council's business.

The Committee RESOLVED to recommend to Council that:

- 1. Two Overview and Scrutiny Committees be established with immediate effect: Policy and Services. Each committee will comprise 11 Members and meet a minimum of 5 times a year; and,**
- 2. Subject to approval of Recommendation 1, Article 6 of the Constitution and the Overview and Scrutiny Procedure Rules be amended as set out in Annexe 2 of the report.**

The Chairman invited comments on the proposed Landlord Services Advisory Board, which would be established as an Executive Working Group. He noted that there had been some discussion about whether this Board should be decision-making, and agreed with the proposed approach for the Board to be advisory to the Portfolio Holder and Executive in the first place. The Chairman also welcomed the separation of the governance and scrutiny of the Housing Landlord Service, which had previously been combined within the Housing Overview & Scrutiny Committee. This would avoid any conflict arising from councillors scrutinising policies they had helped to develop.

The Committee was broadly supportive of the proposal for a Landlord Services Advisory Board, which would include representatives of tenants and residents. There remained some concern about the relationship between this Board and the scrutiny function, which would continue to have a remit for scrutinising Executive decisions in relation to the Housing Service.

The Committee RESOLVED to recommend to Council that:

- 3. A Landlord Services Advisory Board be established under the Executive Working Group Protocol with Terms of Reference as set out in Annexe 3 to the report.**

With regard to the proposal to expand the remit of the Standards Committee, it was noted that more detail would be added to the description of the 'General Purposes' as part of the wider consideration of the responsibility for functions as part of the Constitution Review.

It was proposed by Cllr Gray, duly seconded, and agreed that the description of the 'General Purposes' be amended so that the second paragraph would read:

"To consider any issues which in the opinion of the **Leader of the Council**, Chief Executive or Chief Officers, should be referred to the Committee ..."

The Chairman proposed, and it was duly seconded, that the Committee membership should include substitutes in order to ensure that the proceedings of the committee benefited from a good level of attendance.

The Committee RESOLVED to recommend to Council that:

4. **That the Terms of Reference of the Standards Committee be amended to amend the name of the Committee to the Standards and General Purposes Committee; that substitute members be added to the membership of the committee; and the 'General Purposes' (as amended) be added, as set out in Annexe 4 to the report.**

The Committee was in support of the proposals to establish Executive Working Groups, and **RESOLVED to recommend to Council that:**

5. **The Executive Procedure Rules be amended to add the following: "1.12 The Executive may at the suggestion of the relevant Portfolio Holder establish an Executive Working Group to assist with the development of policy, in-depth examination of specific service proposals, or to progress major projects. Executive Working Groups have an advisory role only and cannot themselves take decisions. Executive Working Groups will be established and operate in accordance with the Executive Working Groups Protocol at Annexe 1 to the Executive Procedure Rules."; and the Executive Working Group Protocol as set out in Annexe 5 to the report be adopted.**

The Committee discussed the proposal to amend Council Procedure Rule 21.1 to remove the requirement for Members to stand when speaking at meetings of Full Council. The Committee agreed that there were practical benefits to remaining seated, including making it easier for Members to speak directly into their microphone, giving flexibility to any Member with mobility difficulties who found it hard to stand up and sit down again, and presenting a less formal or traditional image of the council to residents. Whilst there were some concerns that not standing to speak was disrespectful to the Mayor, the Committee noted that during the recent Council meetings held since May 2021, Members had remained seated whilst speaking and no lack of respect had been shown to the Mayor.

The Committee RESOLVED to recommend to Council that:

6. **Council Procedure Rule 21.1 be amended as follows to remove the requirement for Members to stand when speaking at meetings of the Council:**
"21.1 ~~Standing to speak~~ Speaking at the meeting
When a member speaks at full Council they must ~~stand and~~ address the meeting through the Mayor, but may stand or remain seated, as they prefer. If more than one members ~~stands-~~indicates they wish to speak, the Mayor will ask one to speak and the other must sit wait for the Mayor to invite them to speak. Other members must ~~remain seated whilst~~ not speak when a

member is speaking unless they wish to make a point of order or point of personal explanation.”

The Chairman proposed, and it was duly seconded, that in view of there being only two Overview and Scrutiny Committees going forward, there was no longer any need to have an Overview & Scrutiny Co-ordinating Board, and this should be abolished. This would not stop the chairmen and vice-chairmen of the two new Overview and Scrutiny Committees meeting with officers to consider their respective work programmes and committee arrangements.

Cllr Gray expressed some concern for abolishing the Co-ordinating Board before the transition to the new arrangements had been completed. He also was concerned that there was no forum for co-ordination between scrutiny, Audit and Standards committees.

The Committee RESOLVED to recommend to Council that

7. the Overview and Scrutiny Co-ordinating Board be abolished.

The Committee RESOLVED to recommend to Council that

8. the Monitoring Officer be authorised to make the necessary changes to the Constitution arising from the previous resolutions.

PART II - MATTERS OF REPORT

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

STD 7/21 MONITORING OFFICER'S REPORT REGARDING MISCONDUCT ALLEGATIONS
(Agenda item 7.)

The Monitoring Officer introduced his report that summarised complaints received and action taken on allegations of misconduct against Waverley Borough and parish councillors during 2020 and 2021 (to date).

During the 18 months under consideration, there had been 15 cases with some involving more than one complainant and/or more than one subject member. Six cases were regarding town/parish councillors, and nine were regarding borough councillors. Most cases had been concluded following an informal investigation by the Monitoring Officer with two cases progressing to an external investigation.

The Committee noted that most complaints were not upheld, with the Monitoring Officer finding no evidence of a breach of the Code of Conduct; and that there had been an increase in the number of complaints received from councillors about the conduct of other councillors. The Monitoring Officer advised that the revised Arrangements for dealing with complaints proposed that such complaints be referred to the respective Group Leaders in the first place.

The revised Arrangements would be brought back to the Committee for consideration at the next meeting, following consideration received from parish councils and Independent Persons.

The Committee noted that complaints which could not be resolved informally were likely to be more complex in nature, and the referral to an external investigator inevitably resulted in them taking longer to resolve.

The Committee RESOLVED to note the summary record of complaints for the period 2020-2021 (to date), and

- looked forward to receiving the revised Arrangements for dealing with complaints under the Member Code of Conduct;
- asked that future reports include more analysis of lessons learned from investigation of complaints; and
- asked for more training to be provided to Members on the Code of Conduct.

STD 8/21 REVIEW OF THE CONSTITUTION - APPROACH AND TIMETABLE (Agenda item 9.)

The Monitoring Officer introduced the report setting out a proposed approach and timeline for the comprehensive review of the council's Constitution, which Council had asked the Committee to carry out. The Constitution was first approved in 2001 and was based on the original model constitution. Over the years, it had been revised and supplemented in a piecemeal fashion and it had become difficult to navigate and unwieldy, and was not a useful working document for councillors, officers, or the public.

Whilst the review would be a major project for officers and the committee, the aim was to bring forward proposals to Council for approval in February 2022.

Cllr Hyman spoke on this item. He noted that there was duplication in the current Constitution, and some internal contradictions, as well as it being very lengthy, and therefore addressing these issues would be beneficial. However, he reiterated his previous statements about the need for a 'duty of candour' or 'right to an answer' to be explicitly set out in the council's Constitution.

The Committee agreed that the Constitution would benefit from a comprehensive review, including consideration of whether all the constituent parts needed to be part of the Constitution. The target date of February 2022 was ambitious, and it was felt that this might need to slip by a month or two depending on progress.

The Committee RESOLVED to:

- (i) endorse the objectives for the Constitution review – to produce a Constitution for Waverley that is legally compliant and reflects current standards of good practice; is easy to navigate and to understand who takes decisions and how; and reflects the present values of the council.
- (ii) endorse the revised structure of the Constitution to improve the readability and accessibility for Members, Officers, and the public, and ensure the Constitution is properly placed as the core working document in the governance structure.
- (iii) note the aim to submit the revised Constitution to Full Council in February 2022.

The meeting commenced at 7.00 pm and concluded at 8.38 pm

Chairman