

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE STANDARDS AND GENERAL PURPOSES COMMITTEE - 6
DECEMBER 2021

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

Present

Cllr John Ward (Chairman)	Cllr John Gray
Cllr Michael Goodridge (Vice Chairman)	Cllr Robert Knowles
Cllr Steve Cosser	Cllr Peter Nicholson
Cllr Maxine Gale	

Apologies

Cllr Peter Marriott and Stefan Reynolds

Also Present

Councillor Paul Follows

STD 9/21 MINUTES (Agenda item 1.)

The minutes of the meeting from 27 September were agreed to be an accurate record.

STD 10/21 DISCLOSURES OF INTERESTS (Agenda item 3.)

There were no disclosures of interest relating to matters on the agenda.

STD 11/21 QUESTIONS BY MEMBERS OF THE PUBLIC (Agenda item 4.)

There were no questions by members of the public.

STD 12/21 QUESTIONS FROM MEMBERS OF THE COUNCIL (Agenda item 5.)

There were no questions by members of the council.

STD 13/21 ARRANGEMENTS FOR DEALING WITH CODE OF CONDUCT COMPLAINTS
(Agenda item 6.)

This item was introduced by Robin Taylor as the Head of Policy and Governance and Monitoring Officer. The procedure for dealing with code of conduct complaints was looked at earlier in 2021 but the Monitoring Officer had been asked to look at it further with particular reference to consultation with Parish Councils and the Independent Person. He had also attended a Town and Parish Council liaison meeting to talk through the proposals and hear feedback. There were two areas of feedback:

- That complaints about town and parish councillors should only be considered by the Monitoring Officer if the Town or Parish Clerk has been unable to resolve the issue within 28 days

- There were comments about the tone of the arrangements. The Independent person felt it was odd that the arrangements addressed the complainant directly rather than using a more neutral tone

On the first point, some Town and Parish Councils were very keen on the idea whilst others felt strongly that the Monitoring Officer needed to be involved. The Monitoring Officer stated that the intention had been to ensure that the Town and Parish Councils hadn't felt excluded not to force the issue onto them. Paragraph 3.5 on page 15 -16 of the papers was the attempt to resolve these points.

On the second point, the Monitoring Officer agreed on reflection that the arrangements ought to have a neutral voice.

Some of the Committee felt the order of the document was confusing with the Executive Summary at the start as this would not be as helpful for those who were unfamiliar with the process and needed to understand what it was about. They felt the preamble should be first because otherwise technical terms were introduced without being explained. The Monitoring Officer was happy for this to happen.

Some also felt it was important that Town and Parish Clerks were seen to remain neutral and that ultimate responsibility lay with the Monitoring Officer.

There was a question about whether in 4.9c "works closely with the councillor they are complaining about" included a fellow Councillor. The Monitoring Officer said it could refer to a Councillor but he had been thinking more of Officers. He referenced paragraph 3.4 where it stated that issues between Councillors would initially be referred to the appropriate group leader. If it was judged to be vexatious, the Monitoring Officer would dismiss it upfront. Councillors commented that reference to group leaders would only work at Waverley and not at the Town or Parish Councils. The Monitoring Officer said that in these cases he would be speaking to the Town or Parish Clerk.

There was a further question in relation to 4.4f in relation to the types of complaint which would not be considered where the person complained about was no longer a councillor. It was asked what happened if the person resigned during the process. The Monitoring Officer said a judgement would have to be made by him at that point about whether the case was closed. Once a Councillor was no longer a Councillor they couldn't be required to attend a hearing and they were no longer bound by the Code of Conduct. Some of the Committee thought there should be something in the Code to say the investigation would cease at that point. The point was raised that if a complaint related to a decision the Councillor had made that was deemed unfair, would there be another procedure for dealing with the complaint. The Monitoring Officer said that other procedures could include the Borough Council's or Town or Parish's Corporate Complaints Procedure. The Monitoring Officer felt that sometimes the complaint might raise questions about the organisational

culture which did need to be investigated. This is why the Monitoring Officer didn't want it written into the process that the investigations would stop at this point. The Committee asked what would happen if a Councillor was both a Borough Councillor and a Town or Parish Councillor and resigned one role but not the other. The Monitoring Officer said they have two codes of conducts to abide by. The Monitoring Officer would also establish whether a complaint was about a Councillor in their capacity as a Borough Councillor or a Town or Parish Councillor.

The Chairman asked regarding point 8.8 whether if a Councillor had been removed from all Committees, they could not attend committees at all, and, for example, ask questions. The Monitoring Officer said no process could remove a Councillor from office so they had to be given the right to join Full Council. Furthermore, the Constitution states Councillors have a right to attend and speak at other committees. The right of a Councillor to be a member of a particular committee or sub committee is not set out in the Constitution and that could be removed with the exception of Full Council.

A proposal was put forward by Cllr Cosser and seconded by Cllr Gray that there would be the addition of a clause to say that an investigation would normally cease except in certain circumstances where there were lessons to be learned for the body as a whole. It was carried by 4 votes for and 3 against.

RESOLVED

That, subject to the correction of typos and the proposals listed above, the Standards and General Purposes Committee recommends to Full Council the adoption of the revised arrangements under which the Monitoring Officer will investigate a breach of the Code of Conduct.

STD 14/21 CHANGES TO THE SCHEME OF DELEGATION (Agenda item 7.)

The Monitoring Officer explained that the proposed amendment had come about due to an application which had gone before the Eastern Planning Committee in September 2021 and a comment from Cllr Maxine Gale on 19 October 2021 that consideration be given to amending the Scheme of Delegation to Officers to ensure that any application to change or amend previously agreed housing tenure splits are automatically referred to the appropriate Planning Committee and not dealt with under delegated powers.

Delegation M.2 already requires the Head of Planning & Economic Development to consult with the Chairman of the relevant Planning Committee and Ward Councillor(s) before agreeing to any variation to a Section 106 agreement attached to a planning permission granted by a Planning Committee. The Committee was asked to consider whether an explicit exception was required to the delegation set out in M.2 to agree variations except where the variation proposed relates to the proposed tenure mix of the affordable housing provision.

The Monitoring Officer did suggest that the issue of the Scheme of Delegation was looked at as part of a wider constitutional review.

The Leader of the Council spoke on this item and said he thought having the above exception in would be a good thing. He noted the unanimous strength of feeling at the above mentioned Eastern Planning Committee and the fact that Corporate Priorities mean that where there is an attempt at a dramatic change in the tenure mix, it should come to Committee.

There was a question as to whether if something were delegated to officers it prevented them bringing it to committee if they thought it was appropriate, particularly if it was likely to be very controversial. The Monitoring Officer confirmed that Officers could bring items to Committee where they thought it was appropriate.

RESOLVED

That the Standards and General Purposes Committee recommends to Full Council that an exception to the Scheme of Delegation is made in respect of M.2.

The meeting commenced at 6.00 pm and concluded at 6.57 pm

Chairman