



To:
All members of the
Council

Please reply to:
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Date: 27 April 2017

Supplementary Agenda

Council - Thursday, 27 April 2017

Dear Councillor

I enclose the following items which were marked 'to follow' on the agenda for the Council meeting to be held on Thursday, 27 April 2017:

- 10. Changes to Committee membership 2016-2017** **3 - 6**
- (1) Allocation of seats on Committees – Appendix A**
- Pursuant to Section 15 of the Local Government and Housing Act 1989, to agree the representation of the different political groups on Committees, following the formation of the United Kingdom Independence Party group.
- (2) Appointment of members to Committees – Appendix B**
- In accordance with the Council's Constitution, to appoint the members to serve on the Committees as set out on Appendix A.
- 12. Recommendations of the Members' Code of Conduct Committee** **7 - 8**
- To consider the recommendation of the Members' Code of Conduct Committee from its meeting held on 25 April 2017, on changes to the Constitution.
- 15. Report from the Chairman of the Members' Code of Conduct Committee** **9 - 10**
- To receive the report from the Chairman of the Members' Code of Conduct Committee on the work of his Committee.

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Yours sincerely

Gillian Hobbs
Committee Services

To the members of the Council

Councillors:

M.M. Attewell
C.B. Barnard
R.O. Barratt
I.J. Beardsmore
J.R. Boughtflower
S.J. Burkmar
S. Capes
R. Chandler
C.A. Davis
S.M. Doran
S.A. Dunn
Q.R. Edgington
T.J.M. Evans

K. Flurry
P.C. Forbes-Forsyth
M.P.C. Francis
A.E. Friday (Mayor)
N.J. Gething
A.L. Griffiths
A.C. Harman
I.T.E. Harvey
N. Islam
A.T. Jones
J.G. Kavanagh
V.J. Leighton
M.J. Madams

A.J. Mitchell
S.C. Mooney
D. Patel
J.M. Pinkerton OBE
O. Rybinski
D. Saliagopoulos
J.R. Sexton
R.W. Sider BEM
R.A. Smith-Ainsley
B.B. Spoor
H.A. Thomson
H.R.D. Williams

Allocation of Committee seats 27 April 2017 – 18 May 2017

| Committee | Total number of seats | Conservative | Liberal Democrats | UKIP | Others |
|-----------------------------------|------------------------------|---------------------|--------------------------|-------------|---------------|
| Audit | 7 | 5 | 1 | 1 | 0 |
| Licensing | 15 | 11 | 1 | 1 | 1 |
| Planning | 15 | 11 | 1 | 1 | 2 |
| Scrutiny | 15 | 12 | 1 | 1 | 1 |
| *Members Code of Conduct | 8 | 6 | 1 | 1 | 0 |
| Spelthorne Joint Committee | 7 | 5 | 1 | 1 | 0 |
| Total | 67* | 50 | 6 | 6 | 4 |

*There is one vacant seat on Licensing Committee due to the current vacancy on the Council.

Note:

(a). The political proportionality rules technically do not apply to the Members' Code of Conduct Committee, but the Council has agreed that all political groups, including a member of the Cabinet, should be represented on that Committee.

(b). Two members of the Members' Code of Conduct Committee are independent, non-councillors.

Dated: **27 April 2017**

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| CABINET | AUDIT (7 seats) | LICENSING (15 seats) | OVERVIEW AND SCRUTINY (15 seats) | PLANNING (15 seats) | MEMBERS' CODE of CONDUCT **[10 members](8 seats) | SPELTHORNE JOINT COMMITTEE (7 seats) |
|--|--|---|---|---|---|--|
| I.T.E. Harvey (Leader) | M. J. Madams (Chair) | R.W. Sider BEM (Chair) | C.A. Davis (Chair) | R.A. Smith-Ainsley (Chair) | M. Francis | S. A. Dunn |
| A.C. Harman (Deputy Leader) | D. Patel (Vice-Chair) | R. O. Barratt (Vice-Chair) | S.C. Mooney (Vice-Chair) | H. A. Thomson (Vice-Chair) | A. Griffiths | M. Francis |
| M.M. Attewell Community and Wellbeing | T. Evans | M. M. Attewell | R. O. Barratt | C. Barnard | J. G. Kavanagh | I.T.E. Harvey |
| C. Barnard Planning and Economic Development | D. Saliagopoulos | J. Boughtflower | S. Capes | R. O. Barratt | S. Mooney | N. Islam |
| N. Gething Environment and Compliance | B.B. Spoor | R. Chandler | S. Doran | I.J. Beardsmore | D. Saliagopoulos | J. Sexton |
| A. J. Mitchell Corporate Management | H. Thomson | S. M. Doran | Q. Edgington | J. Boughtflower | R.W. Sider BEM | R.A. Smith-Ainsley |
| J.M. Pinkerton OBE Housing | H. Williams | S.A. Dunn | M. Francis | S. Burkmar | B.B. Spoor | H. Williams |
| H.R. Williams Finance and Customer Services | | Q. Edgington | A. L. Griffiths | R. Chandler | H. Thomson | |
| | | N. Gething | N. Islam | S. Doran | | |
| | | A.C. Harman | J. G. Kavanagh | P. Forbes-Forsyth | **2 members are non- councillors | |
| | | A.T. Jones | V.J. Leighton | M. Francis | M. Litvak (Chair) | |
| | | V.J. Leighton | D. Patel | T. Harman | S. Faulkner (Vice-Chair) | |
| | | M. J. Madams | O. Rybinski | A.T. Jones | | |
| | | S.C. Mooney | R.A. Smith-Ainsley | D. Patel | | |
| | | VACANT | B.B. Spoor | R.W. Sider BEM | | |
| | Conservative 5 UKIP 1 Lib Dems 1 | Conservative 11 UKIP 1 Liberal Democrat 1 Others 1 | Conservative 12 UKIP 1 Liberal Democrat 1 Others 1 | Conservative 11 UKIP 1 Liberal Democrat 1 Others 2 | Conservative 6 UKIP 1 Liberal Democrat 1 | Conservative 5 UKIP 1 Liberal Democrat 1 |

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Recommendation of the Members' Code of Conduct Committee

Council – 27 April 2017

Changes to the Constitution – Disciplinary Procedures for Chief Officers

1. At its meeting on 25 April 2017 the Members' Code of Conduct Committee considered a report on changes to the Constitution with regards to disciplinary procedures for Chief Officers and proposals to adopt the JNC Model Discipline Procedure and Guidance as the process by which this Council deals with matters of discipline, capability, redundancy and other dismissals against the Chief Executive and other statutory officers.
2. At the time the Council authorised the Monitoring Officer to make consequential amendments to the Officer Employment Procedure Rules, arising from the new disciplinary procedures, in 2015, no detailed guidance was available in order to marry the statutory provisions with the contractual provisions under which Chief Officers served.
3. The Joint Negotiating Committee for Local Authority Chief Executives (JNC), undertook a thorough consideration of the statutory changes and published a Model Discipline Procedure and Guidance incorporating the new statutory process in October 2016.
4. The Local Government Association (LGA) and the Association of Local Authority Chief Executives and Senior Managers (ALACE) through the JNC for Chief Executives have commended this model procedure because:
 - The procedure and guidance have been drawn-up in light of the experience of the Joint Secretaries in their involvement with individual cases;
 - Its variants apply to constitutions with council leader / cabinet executives, mayor/cabinet executives and those councils operating a committee system.
5. In order to use the model procedure, the Council needs to consider appointing appropriate committees with their delegated powers, namely the Investigating and Disciplinary Committee, the Staffing and Appeals Committee and the Independent Panel before incidents which might engage the procedure arise.
6. In order to facilitate efficient decision making, the Committee also considered a proposal to give the Head of Corporate Governance authority to amend delegations to reflect changes in legislation, or references to legislation, in those cases where such changes do not alter the nature of the existing delegations.
7. The Members' Code of Conduct Committee recommends Council to agree
 - (i) to amend the Officer Employment Procedure Rules relating to disciplinary action by reference to the Model Discipline Procedure and Guidance as set out at Appendix 2 to the report;

- (ii) the appointment of an:
 - (a) Investigating and Disciplinary Committee
 - (b) Independent Panelwith the Terms of Reference as set out at Appendix 4 to the report and
- (iii) amendments to the Terms of Reference of the Staffing and Appeals Committee; and
- (iv) to amend the introduction to the Scheme of Delegations as set out at Appendix 5 to the report.

Murray Litvak
Chairman of the Members' Code of Conduct Committee

27 April 2017

Report of the Chairman on the work of the Members' Code of Conduct Committee

The Members' Code of Conduct Committee has met once since the last Council meeting, on 25 April 2017, and considered the following items of business.

It should be noted that one of the items considered at the 25 April meeting, on amendments to the Constitution re disciplinary procedures for Chief Officers was a recommendation to Council and therefore this has already been considered at item 12 on the agenda.

1. Minutes of previous Panel meetings

- 1.1 The Committee noted an update on the outcome of a Hearing Panel in October 2016 for breaches under the Code of Conduct by Councillor Burkmar. The Committee considered that Councillor Burkmar had not yet completed a sufficient amount of training, as required by the sanctions imposed by the Panel. The Committee agreed to ask the Chairman and Monitoring Officer to speak to Cllr Burkmar and require him to undertake further training within 28 days of that conversation and to report back to the Committee.

2. Review of the Petition Scheme

- 2.1 The Committee noted that the current Petition Scheme limited the options available for the Council to respond to petitions in the most appropriate way.
- 2.2 As there is no longer a statutory requirement to have a Petition Scheme, the Council may adapt the Scheme as it sees fit to include a wider choice of responses to the matters that come before it.
- 2.3 The proposed options for responses to petitions were as follows:
- (a) take, or support, the action the petition requests; or
 - (b) not to take the action requested for reasons put forward in the debate; or
 - (c) note the petition and keep the matter under review; or
 - (d) if the content relates to a matter on the agenda for the meeting the petition be considered when the item is debated; or
 - (e) the petition be referred to the Cabinet or Overview and Scrutiny Committee for further consideration
- 2.4 The Committee agreed to recommend Cabinet at its meeting on 11 May 2017 to recommend the proposed changes to the Petition Scheme to Council for approval at its 20 July 2017 meeting.

Murray Litvak

Chairman of the Members' Code of Conduct Committee

27 April 2017

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