

*Please reply to:*

Contact: Liz Phillis  
Department: Chief Executive Directorate  
Service: Committee Services  
Direct line: 01784 446276  
Fax: 01784 446333  
E-mail: [l.phillis@spelthorne.gov.uk](mailto:l.phillis@spelthorne.gov.uk)  
Our ref:  
Your ref: Lp/scttee  
Date: 16 March 2009

**NOTICE OF MEETING:**

**STANDARDS COMMITTEE**

**DATE: TUESDAY 24 MARCH 2009**

**TIME: 7.30PM**

**PLACE: GODDARD ROOM, COUNCIL OFFICES, KNOWLE GREEN, STAINES**

TO: ALL MEMBERS OF THE STANDARDS COMMITTEE

***Councillors:***

T.W. Crabb  
C.A. Davis  
D.L. McShane  
E. O'Hara  
Mrs J.M. Pinkerton  
G.F. Trussler

***Independent Members:***

Mr. M. Litvak (Chairman)  
Miss Sue Faulkner (Vice-Chairman)

**EMERGENCY PROCEDURE**

In the event of an emergency the building must be evacuated. All Members and Officers should assemble on the Green adjacent to Broome Lodge. Members of the Public present should accompany the Officers to this point and remain there until the Senior Officer present has accounted for all persons known to be on the premises.

**THE LIFT MUST NOT BE USED.**

If you would like a copy of this agenda or the attached reports in a larger print please contact Liz Phillis (01784) 446276 or e-mail [l.phillis@spelthorne.gov.uk](mailto:l.phillis@spelthorne.gov.uk)

## **A G E N D A**

### **1. APOLOGIES**

To receive any apologies for non attendance.

### **2. MINUTES**

To confirm the minutes of the meeting held on 23 September 2008 (Copy **attached**)

### **3. DISCLOSURE OF INTERESTS**

To receive any disclosure of interests from members.

### **4. IMPROVEMENTS TO THE BUSINESS MANAGEMENT AND CIVIC LIFE OF THE COUNCIL**

To consider the **attached** report of the Deputy Chief Executive

## **INFORMAL WORKSHOP**

*Following the closure of the meeting there will be a short workshop for members and officers to consider the following:*

- **Local Determination Hearings**

**IMPORTANT PUBLIC NOTICE**

**MOBILE TECHNOLOGY – ACCEPTABLE USE**

Use of mobile technology (e.g. mobile telephones, Blackberries, XDA's etc.) in Council, Executive, Committee, Sub-Committee, Members' Seminars, Steering Groups, Task Groups, Panels, Area Forum and other meetings can:

- Interfere with the Public Address [PA] and Induction Loop systems;
- Distract other people at the meeting;
- Interrupt presentations and debates;
- Mean that you miss a key part of a decision taken.

**PLEASE:**

Either switch off your mobile telephone, Blackberry, XDA etc. **OR** switch off its wireless/transmitter connection and sound for the duration of the meeting.

***THANK YOU FOR YOUR CO-OPERATION IN THIS MATTER.***

## **MINUTES OF THE STANDARDS COMMITTEE**

**23 SEPTEMBER 2008**

### **Present:**

#### **Councillors:**

T.W. Crabb

D.L. McShane

E. O'Hara

Mrs. J.M. Pinkerton

G.F. Trussler

#### **Independent members:**

Mr M. Litvak (Chairman)

Miss Sue Faulkner (Vice-Chairman)

Also in attendance: Councillor C.A. Davis – Executive Portfolio Holder for Regeneration [including specific responsibility, as the lead Executive Member, for promoting standards in public life].

### **299/08 MINUTES**

The Minutes of the meeting held on 30 July 2008 were approved as a correct record.

### **300/08 DISCLOSURE OF INTERESTS**

No disclosures were made.

### **301/08 REVIEW OF THE PLANNING CODE**

The Committee discussed the current planning code to see whether a further review was warranted. Although the code was only last reviewed in September 2006, the Chairman of the Planning Committee had suggested there might be areas in which the code could be supplemented or improved. The Chairman of the Planning Committee put forward various suggested alterations, which he felt would assist him in the conduct of meetings and would help members of the Planning Committee in their work. The Committee in considering the changes felt that it would be appropriate to obtain the views of the Planning Committee prior to making any decision.

#### **RESOLVED:**

- (1) That the Monitoring Officer proceeds with a review of the Planning Code and prepares a revised draft, containing additional commentary and the suggested alterations to the code, for circulation to Committee members and the Planning Committee for their views, prior to further consideration by the Committee at a meeting to be arranged in November/December 2008.
- (2) That the Monitoring Officer investigates the logistics of arranging a visit by Committee members to a planning committee meeting at the London Borough of Camden.

### **302/08 PROCEDURES FOR INITIAL ASSESSMENT AND REVIEW OF COMPLAINTS**

The Committee discussed with the Monitoring Officer a report introducing procedures for the assessment of complaints by the three new Sub-Committees of the Standards Committee [i.e. Assessment, Review and Determination], under the Member Code of Conduct to be made locally by the Committee.

The establishment of the three new Sub-Committees would be subject to approval by the Council on 30 October 2008.

The Monitoring Officer advised that Appendix 1 to his report provided a framework within which complaints under the Member Code of Conduct could be assessed. This framework took into account the guidance issued by the Standards Board for England. The framework dealt with the initial assessment and reviews. The Committee put forward some suggested alterations to the framework and procedures shown at Appendix 1.

**RESOLVED:**

- (1) To adopt the procedures, as amended by the Committee, for the initial assessment and review of complaints, as described in Appendix 1 to the report of the Monitoring Officer.
- (2) That in the absence of both the Chairman and Vice-Chairman of the Committee for the Council meeting on 30 October 2008, Councillor C.A. Davis – Executive Portfolio Holder for Regeneration be authorised to present the Recommendations of the Committee and the Report of the Chairman of the Committee to the Council.

**IMPROVEMENTS TO THE BUSINESS MANAGEMENT AND CIVIC LIFE  
OF THE COUNCIL**

**Executive 18 March 2009; Standards Committee 24 March 2009;**

**Council 23 April 2009**

**Recommendation Required**

**Report of the Deputy Chief Executive**

**EXECUTIVE SUMMARY**

**How does the content of this report improve the quality of life of Borough Residents**

Not applicable.

**Purpose of Report**

The report seeks to improve the democratic processes of the Council and underscore the position of Councillors within the Community.

**Key Issues**

- Constitution of the Council;
- Standing Orders for Council meetings;
- Involvement of Councillors in the civic life of the Council.

**Financial Implications**

No direct financial implications arising from this report.

**Corporate Priority**

Not appropriate.

**Officer Recommendations**

**The Executive is asked to make the following recommendations to Council:**

**To adopt the proposals set out in this report and to delegate the Head of Corporate Governance to make all necessary amendments to the Council's Constitution, as required, (including delegation to make any consequential amendments elsewhere as are required to implement the changes).**

**Contact: Michael Graham, Head of Corporate Governance, 01784 446227  
Portfolio Holder: Councillor Colin Davis**

## **MAIN REPORT**

### **1. BACKGROUND**

- 1.1 The Executive has proposed updates to the Council's Constitution and another separate report is timetabled as follows:
- (a) Executive (for recommendation to the Council) - 18 March 2009.
  - (b) Council - for decision - 23 April 2009.
  - (c) Issued after Council AGM (when all chairmanships and cabinet/portfolio appointments etc. are confirmed).
- 1.2 It is important to stress that the updates recommended in the other separate report outline changes of a technical and operational nature. They are matters reported to the Head of Governance during the last year as causing problems or unnecessary work. They represent changes to streamline working procedures, clarify responsibilities and correct errors. This year's changes also have to clear up inconsistencies in the Constitution caused by last year's structural changes in the Chief Executive's Department and in the Management Team.

### **2. KEY ISSUES**

- 2.1 During discussion over recent months on the technical and operational matters described above, some other suggestions have arisen on the possibilities to bring into effect more fundamental changes to the way the Council does business and to underline the position of Councillors as representatives of the Community with a broad range of responsibilities. It is therefore proposed to place these separate issues in this report for further discussion and decision making. Given that some new matters are proposed for introduction to the Council's Constitution, it is proposed that these are also subject to review by the Standards Committee before any decision is taken on them by the Council.

#### **Question time at Council**

- 2.2 It is proposed to make this part of the Council meeting more effective. Long written questions often receive long researched answers from officers and the resulting exchange in the Council chamber is akin to reading out an exchange of correspondence. Only those in possession of both parts of the question and answer can really follow the proceedings and although the process is designed to aid accountability it can in practice be a longwinded and ineffectual part of the Council meeting. Any person watching in the public gallery must wonder what is going on. It is proposed that written replies to questions should not necessarily be read aloud to the Council meeting. In keeping with normal conventions of chairmanship, the Mayor should be the person who directs that a written answer be supplied if either the question or the answer is too long. This might speed up debate at Council meetings. A discretionary power of the Mayor can be exercised proportionately to cut down on excessively long questions or answers without affecting the democratic process or impinging on methods of accountability. It should be noted that parliamentary procedure provides a written answers procedure to ensure that elected representatives can get an answer to a question without it over running the parliamentary timetable. This proposal is in keeping with that system. The Mayor can direct appropriate issues to go to written answers if the subject matter demands it.

- 2.3 In keeping with this proposal, the Mayor could also have the power to direct a written answer to any supplementaries if the “Cabinet Member” / Portfolio Holder / Leader cannot reasonably be expected to have the level of detail at hand to answer the point without prior notice.

### **Supplementary questions at Council**

- 2.4 Some confusion exists as to the power for a Councillor to ask a supplementary question at a Council meeting. It is proposed to bring greater clarity to this point in the proceedings. The supplementary question should be one which either directly arises out of the answer given or is required to clarify some part of the answer. In keeping with the process suggested above at paragraphs 2.2 and 2.3, it should be noted that very often a lot of research has to be done to answer questions asked in Council meetings. Unless the supplementary question is limited to a point of clarification, then in effect a further question demanding officer attention is put which does not allow the Leader or “Cabinet Member” / Portfolio Holder the proper opportunity to answer the question. The combination of the proposed amendments should allow all Councillors an opportunity to receive properly considered responses to questions which they want to put.

### **Number of questions at Council**

- 2.5 Recent months have seen an increase in questions asked at Council meetings. This of itself is not a problem in that it allows Councillors to get the answers they need. It should be remembered however that paragraph 14.1 of Standing Orders for Council envisages one question per Member, which is either a Ward, General or Committee question.

### **Time limits for questions**

- 2.6 Questions generally require some work by officers to prepare answers and then liaison with the Leader of the Council to ensure that the proposed response is suitable in terms of the detail provided. This is fairly normal process in all councils and different councils adopt different working methods. The current rule is that questions must be asked three working days in advance. This is proving unworkable and so it is proposed to change this requirement to five working days in advance i.e. questions must be received by 12 noon on the Thursday preceding Council meeting. This will allow officers adequate time to give a proper response.

### **2.7 Call-ins**

- 2.8 It is proposed to amend overview and scrutiny procedure rules. The present machinery for call in to scrutiny is unusual as the business of a meeting can be directed by ordinary members of the Committee without any reference to the Chairman. Thus the rules bypass the important role of elected Chairman. It is proposed that the existing rules be amended so as to provide that a matter may be called in, subject to the written application with grounds, supported by not less than three members of the Scrutiny Committee one of whom must be the Chairman.

- 2.9 Current applications for call-ins have to be made within five clear days of the decision under investigation. In order to keep business moving, it is proposed that such an application should be filed within three clear days of the date of the decision. This then has regard to the need for the smooth transaction of business at all times. Current legislation and guidance on scrutiny committees



permits a wide variety of models for call-ins depending on the circumstances of the Council. These proposals are within the expectations of the guidance.

### **Clarity of nomenclature**

- 2.10 The terms "Portfolio Holder", "Executive Portfolio Holder" and "Executive" appear to be poorly if at all understood by a majority of the public and local residents. No such misunderstanding seems to arise in the case of London Boroughs where the terms "Cabinet" and "Cabinet Member" predominate and appear to be clearly understood by most. It is proposed that a change is considered.

### **Civic Life**

- 2.11 The functions of a Councillor are wide ranging and are not solely related to political activities or the passage of decisions through committee work. In order to emphasize this, it is proposed that additions are included within the Council's Constitution to highlight to Councillors and also the residents whom they serve that there is a wide general duty on Councillors to take part in the civic life of the Council.
- 2.12 It is proposed to alter Article 2.3 of the Constitution - "Roles and functions of all councillors" to include a further responsibility to:
- "participate constructively and effectively in civic duties, whether they are Council or ward events, as and when required or by invitation of the Mayor"*
- 2.13 Such a general duty is not incompatible with the role of a Councillor and it serves to highlight the wider duties of Councillors.

### **Member development**

- 2.14 The Council has made great strides in member development, including the formation of the standing working group and the work with South-East employers which led to the award to Spelthorne of the Member Development Charter. In order to recognise this and highlight again the importance of continuous improvement and the culture of life-long learning which the Council wishes to promote, it is proposed to include a further responsibility on Councillors to take part in Member Development activities which support the civic functions of a Councillor as regards the civic duties referred to above. Specifically by adding to paragraph 3.1 (c) of the Member Development Policy Statement to ensure that members receive training which:
- "enables members to carry out their civic duties effectively"*
- 2.15 If Members consider it appropriate to re-iterate the wide role of Councillors work it is not unreasonable to support this with training and development opportunities and to expect Members to take part.

## **3. OPTIONS ANALYSIS**

- 3.1 To consider the proposals outlined in the report.

## **4. PROPOSALS**

- 4.1 To recommend the proposals contained in this report to Council after taking the advice of the Standards Committee.

## **5. BENEFITS AND SUSTAINABILITY**

- 5.1 Not applicable.

## **6. FINANCIAL IMPLICATIONS**

- 6.1 Changes to the Council's Constitution involve minimal expenditure over and above officer time.

## **7. LEGAL IMPLICATIONS / OTHER CONSIDERATIONS**

- 7.1 Changes to the Council's Constitution ought to follow the procedures set out in the Constitution. In this case we ought to consider the remit of the Standards Committee (Article 9.4(I)) which is to "keep an overview on the operation of and advising the Council on any changes to its constitution". If further consultation is required then it could be referred to the Standards Committee which meets on 24 March 2009.

## **8. RISKS AND HOW THEY WILL BE MITIGATED**

- 8.1 None apparent.

## **9. TIMETABLE FOR IMPLEMENTATION**

- 9.1 Depending on the extent of the consultation required, the changes in this report (if they were accepted) could be implemented in line with the other operational changes to the Council's Constitution this Spring 2009.

**Report Author: Michael Graham, Head of Corporate Governance, 01784 446227**

### **Background Papers:**

There are none