

Standards Committee

Thursday, 20th October, 2016
9.00 - 9.45 am

Attendees	
Borough Councillors:	Max Wilkinson (Chair), Tim Harman (Vice-Chair), Bernard Fisher, Helena McCloskey, Suzanne Williams and John Payne
Independent Members:	Mr Martin Jauch
Also in attendance:	Sara Freckleton and Vikki Fennell

Minutes

1. APOLOGIES

Apologies were received from Mr Duncan Chittenden

2. DECLARATIONS OF INTEREST

None declared.

3. MINUTES OF THE LAST MEETING

The minutes of the meeting held on 27 June 2016 were approved and signed as a correct record subject to the removal of the words "and thus does not know the exact nature of the work" relating to Councillor Wilkinson's dispensation in agenda item 4.

4. PROBITY IN LICENSING

The Borough Solicitor and Monitoring Officer introduced the report setting out a revised Licensing code of conduct. The revised document had been reviewed at the Licensing Committee on 12 October and the solicitor supporting that committee, talked members through four changes which the committee had recommended as follows:-

3. (Committee Procedure)

1. c) currently reads "This must be done in a maximum of 5-10 minutes..."
This should probably read "This must be done in a maximum of 10 minutes", need to remove the 5-. This also applies to 3d) and e).
2. h) "The committee members...In cases involving disciplinary and/or confidential matters the Members will retire to another room (usually the Members' Room)..." suggested that this be amended to read "confidential matters one party"... (removing (usually the Members' Room) to reflect the fact that on some occasions it is the parties, not the committee that leave the room.
3. D.2. states "However decision making requires assessment and judgment of the weight to be attached to policies and guidance issues which, no matter how current, will never provide an answer for all, or

even most applications” and the Licensing Committee questioned whether “or even most”, should be deleted?

Members agreed that these three changes should be made as good housekeeping.

The Licensing Committee had also suggested a revision to Part two C (The Committee Hearing) to allow the applicant/licensee (or their representative) to be given a final right of reply in (g). The Borough Solicitor advised that she would not recommend this addition as it could be grounds for a subsequent challenge to the committee's decision and no other participants had a right of further reply. A member suggested that the wording should be changed to ‘a’ final right of reply rather than ‘the’ which the Committee agreed.

Referring to Part 1 section B (Gifts and Hospitality), a Member suggested that it should not be acceptable for members of the committee to receive any gifts or hospitality regardless of their value. The Borough Solicitor suggested to the committee that the sentence beginning "notwithstanding the council's protocol" could be removed" so there was no suggestion of any different rules applying to Licensing Committee members. Members agreed.

In Part two section 3C – (Committee Procedure) a Member asked for clarification in h) on who should make the decision that members of the committee should retire. The Borough Solicitor replied that the normal democratic process should be followed.

A Member sought clarification as to Part two Section 3 (Committee Procedures) d) and the position of spokespersons. The solicitor clarified that if there were a number of objectors they could appoint a spokesperson for the group and other groups could similarly be represented by a spokesperson. Officers agreed to adjust the wording to make this clear.

A Member suggested that substitute members of Licensing Committee should have to demonstrate that they observe a meeting at least once every three months as part of their ongoing training and development, which is a requirement for substitutes on Planning Committee. The Borough Solicitor suggested that there could be an aspirational statement in the document regarding Members keeping their skills and knowledge up to date but the difficulty with making any specific rules would be enforcing the condition as had been found to be the case previously with the Planning Code of Conduct.

The Borough Solicitor thanked members for their comments.

Resolved that the revised Licensing Code of Conduct, be approved as amended to include the Standards Committee comments referred to above and recommended to Council for adoption.

5. PROTOCOL FOR MEMBER/OFFICER RELATIONS

The Borough Solicitor introduced her report which suggested that the Protocol for Member/Officer Relations should be reviewed which was last revised in 2010. She said it was a valuable document upon which she had advised in several instances over the past four years. She recommended that a working

group of members of this committee was established which could meet informally and hear the views of Members and Officers on their experiences with the use of the protocol and any amendments which they may like to see. There was also a need to update the protocol to reflect changes in the Members Code of Conduct.

The committee agreed that there should be an open invitation to all Members and Executive Board for they or their representatives to put forward their views to the working group either in person or in writing and HR and Unison should also be invited to give their views. The Democratic Services Manager agreed to draft and send the invitation.

Resolved that a working group comprising members of the Standards Committee be established to review the Protocol for Member/Officer Relations and to prepare a revised version for consideration by the committee.

6. LOCAL GOVERNMENT ACT 1972 - EXEMPT INFORMATION

Upon a vote it was unanimously

RESOLVED that in accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the remaining items of business as it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public are present there will be disclosed to them exempt information as defined in paragraphs 1 of Part 1, Schedule 12A (as amended) Local Government Act 1972, namely: Information relating to an individual.

7. REVIEW OF COMPLAINTS

The Monitoring Officer advised that there had been no formal complaints made to her since the last report to this committee on 7 July 2015 however she had dealt with a number of matters which had been referred to her where a satisfactory conclusion has been reached in every case.

8. ANY OTHER BUSINESS

There was no other business.

9. DATE OF NEXT MEETING

The date of the next meeting is 22 February 2017.

Chairman