

MINUTES

meeting: STANDARDS COMMITTEE

date: 27 APRIL 2009

PRESENT:-

Mr K R Aithal (Vice-Chairman) in the Chair
Councillor Mrs Mills (Mayor),
Councillors Pugh, Whitehouse and Wynne, and Mr J Harris,
Mr A W Lee and Mr R C Tyler-Morris

APOLOGIES FOR ABSENCE:-

Apologies for absence were submitted on behalf of Mr W Parker (Chairman) and Professor G W Hurd, and Councillors Jevon and Miles

OFFICERS IN ATTENDANCE:-

Customer and Shared Services

S Kembrey - Chief Legal Officer (Monitoring Officer)
F Davis - Group Manager (Advocacy Services)

Office of the Chief Executive

L Banbury - Democratic Support Officer
R Mann - Head of Scrutiny and Democratic Support

Regeneration and Environment

A Hall - Public Protection Manager

Wolverhampton
City Council



Declarations of Interest

- 40 Councillor Whitehouse declared a personal interest in regard to agenda item 5 (Good Rule and Government Byelaws) as a member of the Lanesfield Church congregation and in respect of his concerns raised in relation to noise and nuisance issues.

Minutes

- 41 Resolved:-
That the minutes of the meeting held on 5 March 2009 be approved as a correct record.

Good Rule and Government Bye-Laws (Appendix 1/21)

The Public Protection Manager presented a report, which provided answers raised by Members at the meeting on 5 March 2009 and indicated that provisional approval of the draft Byelaws had been received from the Department for Communities and Local Government. It was noted that, on the date specified by the Secretary of State subsequent to confirmation of the Byelaws, the existing Byelaws relating to Good Rule and Government which were made by the County Borough of Wolverhampton on 14 April 1971 and confirmed by the Secretary of State on 25 June 1971 and by Wolverhampton City Council which were made on 17 July 2001 and confirmed by the Secretary of State on 26 October 2001 would be revoked.

Responding to Members' questions, the Officer advised that:-

- enforcement in relation to dog fouling was administered via Control Orders rather than local Byelaws;
- problems of youths congregating outside churches causing noise and nuisance could, dependent upon the circumstances, be dealt in accordance with Statutory Nuisance powers under the Environmental Protection Act;
- with regard to riding on road margins and verges, he would consult with the Department for Communities and Local Government to ascertain the possibility of adding the word 'wilful' to this section.

- 42 Resolved:-
- (a) That the report be received.
 - (b) That Council be recommended to:-
 - (i) make, by affixing the common seal of the Council, seal and advertise the Byelaws and
 - (ii) apply to the Department of Communities and Local Government for confirmation of the Byelaws.

Annual Review of Constitution (Appendix 1/22)

The Chief Legal Officer presented a report, which proposed amendments to the Constitution for endorsement at the Annual Council meeting on 13 May 2009. She added that the report would be subject to any amendments made by the Special Advisory Group (SAG) later that day.

Councillor Whitehouse referred to the proposed revision detailed under section 2.4.4 of the report in relation to the role of the Mayor and Deputy Mayor and Membership of Regulatory Bodies. He expressed concern that the inclusion of the Deputy Mayor would result in that person having little involvement in the democratic processes during the municipal year in question, adding that their role as Deputy was to cover the Mayor's duties only when he/she was unable to do so and, therefore, not onerous. The motion was seconded and a vote taken on his proposed amendment to delete mention of the Deputy Mayor. The motion was carried with 1 abstention and no votes against.

The Chief Legal Officer undertook to provide information to Councillor Whitehouse in respect of the implications of the establishment of a Petitions Committee in regard to the Council Members' Allowances Scheme in terms of the payment of additional Special Responsibility Allowances.

Responding to Mr Lee's question in regard to the publication and availability of documents, the Democratic Support Officer advised that exempt reports were available to view on the Council's corporate web site (Committee and Management Information Systems – CMIS), although only users with the correct log or credentials could access this information.

43

Resolved:-

That the proposed amendments to the Constitution indicated below be endorsed for consideration at the Annual Council Meeting on 13 May 2009.