

Standards Committee

Minutes of a remote meeting held on Wednesday 23 September 2020 at 6.00pm, which was broadcast live via the Council's YouTube Channel.

Present: Councillor Illingworth (Chairman); Councillors; Bartlett, J Dearing, K Dickson (late arrival), Grey, Syson and Weber.

Also Present:

Independent Persons: Mr R Tomkinson and Ms B Pyke.

Officers: Mrs L Dury (Principal Committee Services Officer); Mr A Jones (Deputy Chief Executive and Monitoring Officer (observing only), and Mr G Leach (Democratic Services Manager & Deputy Monitoring Officer).

8. Apologies and Substitutes

(a) Apologies for absence were received from Councillors A Dearing, Morris and Murphy; and

(b) Councillor Syson substituted for Councillor C Gifford.

9. Declarations of Interest

There were no declarations of interest made.

10. Minutes

The minutes of the meetings held on 25 February 2020, 8 June 2020 and 24 June 2020 were taken as read and signed by the Chairman as a correct record.

11. Dispensation for Councillors

The Committee considered a report from the Democratic Services Manager and Deputy Monitoring Officer, the recommendations of which would protect Members from inadvertent breaches of the requirements related to Disclosable Pecuniary Interests or a "Pecuniary Other Interest" ensuring that Council could conduct its business.

The Standards Committee was responsible for considering and determining requests for dispensation from requirements of the adopted Members' Code of Conduct. These dispensations could be granted, in certain circumstances, for up to four years, allowing a Member to speak or vote where they had a Disclosable Pecuniary Interest.

The District Council had 44 Members, of which three were County Councillors and one had a spouse or partner who was a County Councillor. 11 Members were town/parish Councillors who were entitled to an allowance and/or expenses from their respective Town/Parish Council.

Under the Code of Conduct, these District Councillors had a Disclosable Pecuniary Interest in any matter coming before a meeting which would impact on the County/Town/Parish council where they were in receipt of a Member's Allowance from that Council.

Normal guidance would be that dispensation could be provided where there was a conflict with the County/Town/Parish Council and there would be a financial impact, twin-hatted Members might speak at the meeting but then had to withdraw from the meeting room until the matter had been dealt with. Recommendation 2.1 in the report covered this set of circumstances.

The Government was scheduled to publish a White Paper on Devolution and Local Government Reform. This was likely to have a significant impact on the future shape of local government. It was expected that the White Paper would canvass views on the new local government structures, as well as views about devolved powers and steps towards recovery. Where these might involve unitary structures, there were likely to be conflicting views across the levels of local government and any changes towards, for example unitary local government, would have financial implications for both tiers of government.

It was important that all Member views be heard on such a fundamental issue and that the vast majority of Members were able to formally participate in the voting on the future direction of the Council; any proposals for new local governance structures; and the future role of Councils in Warwickshire.

The potential exclusion of such a large number of Members and their collective, skills knowledge and experience would seriously damage the quality of the decision-making of Member Bodies and the representation of communities across Warwickshire.

In addition, the political balance of the Council and its Committees would be seriously disturbed if effectively Members of the Council (the range of twin hatters, including association with spouses) were to be precluded from voting.

The report sought wider dispensations to enable the twin-hatted Members to participate in any future meeting where the proposals relating to the White Paper, devolution and/or local government reform were discussed.

The Committee was asked to consider the applications and decide whether it would be appropriate to grant wider dispensations to those twin-hatted Members who had a Disclosable Pecuniary Interest, only due to their receipt of a Member Allowance in these particular circumstances.

Appendix A to the report detailed the procedure to apply for a Dispensation and the information a Councillor had to supply to substantiate their application.

An addendum to the report circulated subsequent to the agenda being published listed the Councillors seeking dispensation under recommendation 2.1 of the report and their reasons for so doing. The addendum also gave details of Councillor Leigh-Hunt, who was seeking dispensation on different grounds, because her spouse was a parish clerk. This request was considered reasonable and it was recommended that the Committee approve dispensation.

The Democratic Services Manager & Deputy Monitoring Officer explained that twin hatted councillors who did not receive an allowance did not have to seek dispensation on this matter. He also clarified that the reason why there were some Councillors seeking dispensation who themselves were not in receipt of an allowance, but their partners were, was because while he and the Monitoring Officer and taken a view previously the regulations only required these to be declared for the member and not their spouse or partner at a recent meeting at the County Council, when it too had approved dispensations, it had included this category. Therefore, he was seeking clarification on this point, but in the absence of such advice, those Councillors affected had also been included.

In response to a question from Mr Tomkinson, the Democratic Services Manager and Deputy Monitoring Officer advised that the District Council might contact parish and town council clerks to alert them to ensure that they too were advising their members that where they were in receipt of an allowance and were also District Councillors, they should be applying for dispensation at both councils.

It was proposed by Councillor Illingworth and seconded by Councillor J Dearing, that the recommendations in the report in conjunction with the list of Councillors seeking dispensation in the addendum should be approved.

Resolved that

- (1) dispensations as at (a) and (b) below, is granted to Councillors in the list shown in Appendix 1 until elections for the Council in May 2023, in respect of circumstances where they have a Disclosable Pecuniary Interest in a matter relating to another authority only by virtue of the fact that either they or their spouse is an elected Member of that other authority and in receipt of an allowance from that other authority:
 - (a) where the issue is a matter of dispute between the District Council and the other authority and the matter would affect the financial position of that other authority, the Councillor may speak on the matter provided they then immediately withdraw from the meeting room, unless it relates to the future structure of local government; and
 - (b) in relation to other matters (including the future structure of local government) affecting that other authority, the District Councillor may speak and vote; and
- (2) dispensation as at (a) and (b) below, is granted to Councillor Leigh-Hunt until elections for the Council in May 2023, in respect of circumstances where she has a

Disclosable Pecuniary Interest in a matter relating to another authority only by virtue that her spouse is employed by a Parish Council:

- (a) where the issue is a matter of dispute between the District Council and the other authority and the matter would affect the financial position of that other authority, the Councillor may speak on the matter provided they then immediately withdraw from the meeting room, unless it relates to the future structure of local government; and
- (b) in relation to other matters (including the future structure of local government) affecting that other authority, the District Councillor may speak and vote.

(Councillor K Dickson arrived at the meeting partway through this item so did not vote.)

(The meeting ended at 6.23pm)

CHAIRMAN
15 December 2020

Members currently seeking dispensation and their Reasons

Councillors	Dispensation
Cooke	Receipt of allowance from WCC
Falp	Receipt of allowance from WCC
B Gifford	Receipt of allowance from WCC and RLSTC
C Gifford	Spouse in receipt of allowance from WCC and RLSTC
Boad	Receives allowance from RLSTC and spouse in receipt of allowance from RLSTC and WCC
Redford	Spouse in receipt of allowance from WCC
Grainger	In receipt of expenses from WTC
Tracey	In receipt of expenses from WTC
Ashford	In receipt of expenses from WTC
Murphy	In receipt of expenses from WTC
Noone	In receipt of expenses from WTC
Morris	In receipt of expenses from WTC
Skinner	In receipt of expenses from WTC
Jacques	In receipt of expenses from WTC
Evans	In receipt of expenses from RLSTC
Kohler	Partner is in receipt of allowance from RLSTC

Key:

WCC – Warwickshire County Council

WTC – Warwick Town Council

RLSTC – Royal Leamington Spa Town Council