

 Council 25 February 2015		Agenda Item No. 17
Title	Revised Code of Conduct for Warwick District Council	
For further information about this report please contact	Graham Leach 01926 456114 graham.leach@warwickdc.gov.uk	
Wards of the District directly affected	None	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number	Standards Committee 21 January 2015	
Background Papers	Localism Act 2012, first and second Consultation Responses, Minutes and Agendas of the Standards Committee.	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No
Equality Impact Assessment Undertaken	No

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	13/2/2015	Chris Elliott
Head of Service		
CMT		
Section 151 Officer	16/2/2015	Mike Snow
Monitoring Officer	13/2/2015	Andrew Jones
Finance		
Portfolio Holder(s)	16/2/2015	Councillor Mobbs
Consultation & Community Engagement		
<p>All Warwick District Councillors, All Parish & Town Councils in Warwick District, Warwick District Independent Persons and WCC Legal Services have been consulted and the responses received have been considered by the Code of Conduct Working Party.</p> <p>Councillors Pratt and Williams have been consulted as Chairman & Vice Chairman of Standards Committee.</p> <p>Councillors Barrott, Boad and Mrs Falp have been consulted as the current Group Leaders.</p>		
Final Decision?	Yes	
Suggested next steps (if not final decision please set out below)		

1. **Summary**

- 1.1 The report brings forward a revised Code of Conduct, Disclosable Pecuniary Interest Form and Gifts & Hospitality Form for consideration and adoption by this Council.
- 2.2 The report also brings forward proposals for Group Leaders that could be used to emphasise this Council's commitment to appropriate Member behaviour and asks them to report back to the Chief Executive following elections in May 2015.

2. **Recommendation**

- 2.1 The Council approves the Code of Conduct, Disclosable Pecuniary Interest Form and Gift and Hospitality Form, as set out at Appendices 1 to 3, and they be adopted be from 7 May 2015.

- 2.2 The responsibilities for the Standards Committee be amended as follows:

From

"ix. To Advise the Council about the effectiveness of its Constitution, governance arrangements and other matters relevant to assisting the authority with the Annual Governance Statement; including overseeing the Whistleblowing policy, Member/Officer Code of Conduct (when the matter relates to member conduct; the approval and monitoring of the Corporate Complaints Policy);"

To:

"ix To advise the Council on its Members Code of Conduct and Member/Officer Protocol";

- 2.3 The responsibility of the Finance & Audit Scrutiny Committee, be amended, so that under its responsibilities as the Council's Audit Committee, it includes approval of the Annual Governance Statement of this Council.
- 2.4 The Constitution be amended to include explicit reference that the Council is the Parent body of Committees and in very exceptional circumstances the Council can determine matters normally considered by its Committees;
- 2.5 The scheme of delegation be amended to read:
"The Deputy Chief Executive (AJ) & Monitoring Officer, **in consultation with the Chairman of the Standards Committee**, shall have authority to appoint the membership of Standards Sub-Committees (Hearing Panels)";
- 2.6 The Council approves the; continuation of a Joint Standards Committee with all Parish and Town Council's within the District; and the process for appointing the Parish and Town Council representatives to the Committee, as outlined at Appendix 4.
- 2.7 That the Council asks the Monitoring Officer to notify all Parish and Town Councils in Warwick District of this decision and provide template reports and appendices for them to use.
- 2.8 That Council endorses the proposals at paragraph 3.15 and that Group Leaders will be asked to report back to the Chief Executive following the May 2015

elections as to whether their respective Groups are willing to endorse those proposals.

- 2.9 That Council agrees to receive a six-monthly report on Councillor attendance at Council, Executive, Committee and Sub-Committee meetings following the May 2015 elections.

3. **Reasons for the Recommendation**

- 3.1 Following the Standards Committee in September 2014, a second consultation on the proposed Code of Conduct and Associated Arrangements was undertaken. Responses to this consultation were received from:
Warwick District Councillors: Mrs Bromley, Dhillon, Mrs Falp, Mrs Gallagher and Illingworth.
Parish & Town Councils & Councillors: Councillor Mrs Gordon, Norton Lindsey Parish Council, Budbrooke Parish Council, Kenilworth Town Council, Whitnash Town Council and Leek Wootton & Guys Cliffe Parish Council.
- 3.2 In addition to the above, the Code of Conduct Working Party also considered the response from the Department of Communities and Local Government and the Standards in Public Life Committee following the letter from Council to them about the current Standards Regime. They considered the views on these letters expressed by Councillor Mrs Bromley, Councillor Boad, Councillor Gill and Councillor Coker. They also reconsidered the views of Mr Tomkinson (Independent Person) that he had submitted as part of the original consultation.
- 3.3 Following consideration of these responses, by the Code of Conduct Working Party, minor amendments were made to the proposals to ensure they were more consistent and easier to understand. The revised proposals were brought to Standards Committee in January 2015 for consideration.
- 3.4 The Standards Committee approved; the revised procedures for handling complaints about the Conduct of Councillors; asked officers to notify all Parish and Town Councils of this decision and provide template report and appendices for them to use; and determined that an appeals process should not be included within the arrangements because there is no legal requirement for this and the process is sufficiently robust without its inclusion.
- 3.5 The Standards Committee also made the recommendations to Council as set out in recommendations 2.1 to 2.7 above.
- 3.6 The recommended change to the remit of the Committee follows consideration of the Annual Governance Statement in 2014 year where the Standards Committee agreed that in future the Annual Governance Statement should go to Finance and Audit Scrutiny Committee for approval. Officers considered the wider aspects referred to in the Standards Committee remit and the remainder of these aspects are already covered by the responsibilities of; the Executive, Employment Committee, Finance & Audit Scrutiny Committee or Council. Therefore, the amended remit enabled greater clarity on responsibility of functions.
- 3.7 There was significant concern, from all sides of the chamber, when the Council considered the Code of Conduct case regarding Councillor Dhillon. It was agreed by all parties that for the sake of clarity, the recognition of Council as the parent body of all Committees should be included in the Constitution.

- 3.8 The Standards Committee were keen for officers to provide a template report, recommendations and appendices for each Parish and Town Council to consider. This way they would be enabled to have a fully informed debate and discussion on the proposals. This would also reduce the burden of work required by the Clerk to the Councils.
- 3.9 The Standards Committee was pleased with its ability for inclusiveness by being a Joint Committee and therefore allowing Parish and Town Council representatives to have a vote on matters and, if needed, form part of a Hearing Panel. It was on this basis that they brought forward the proposals for a Joint Committee, set out at Appendix 4, to the report. If all Parish & Town Councils did not agree to be a member of the Joint Committee by the end of September 2015, the District Council would proceed with co-opting representatives of the Parish & Town Councils to the Committee. This would remove their ability to vote on decisions of the Committee or sit as voting members of Hearing Panels. This was because to ensure the Committee could act in confidence of a joint Committee, the District Council needed to be able to evidence the agreement to a joint Committee through minutes of the associated Councils. In addition, the aim of a joint Committee was to ensure all parties were represented fairly and if some Councils did not wish to join, the District Council felt, to ensure clarity, it should only proceed with co-option to the Committee.
- 3.10 Members will be aware that since the abolition of the statutory standards regime the options for sanctioning a Member who has fallen short of the required standards of behaviour have been limited. Many Councillors, including many on the Standards Committee, and the Group Leaders have expressed their desire to bolster the sanctions available to give them "more teeth". Indeed, the Council asked the Chairman to write to the Secretary of State For Communities and Local Government (Eric Pickles MP) to express their concerns with the current arrangements. However, the Secretary of State's view is that there is no need to change the arrangements.
- 3.11 It is within this context that the Group Leaders asked the Chief Executive to draw-up proposals (see para 3.15) which, although not having constitutional effect, could be used to emphasise this Council's commitment to appropriate Member behaviour. Having noted the proposals (subject to any amendments), it is the Group Leaders' intention to discuss them with their respective Groups (post-election) and confirm to the Chief Executive whether the Group will be operating in that manner going forward.
- 3.12 Group Leaders have expressed their concern that some Members have sat on the quasi-judicial committees of Planning and Licensing & Regulatory, along with Housing Appeal Review Panels without having attended the necessary training sessions. It is felt that this leaves the Council open to judicial challenge and perhaps more importantly, means that applicants for various permissions and licences are not receiving a fair hearing. Group Leaders have agreed that should training not be attended, then the Councillor will be removed from the Committee, however, Members should note that it is ultimately a Council decision to approve committee membership.
- 3.13 Group Leaders believe that prompt and full attendance should be the norm. Where Members are making important decisions it is essential that they have had the opportunity to listen to all the information that is presented to the Committee. To make a decision without the full information leaves the Council open to judicial challenge and again, does not provide an issue with rounded

consideration. Therefore, Group Leaders consider that where a Councillor arrives at a committee meeting mid-item, they should not vote on this particular issue. Whilst this is very difficult to enforce constitutionally, Group Leaders have committed themselves to addressing the matter through the Group machinery. In addition, Committee Chairman will be reasonably placed for aiding this process and reminding members of this position at meetings, should they arrive part way through an item.

3.14 Members will be well aware that through personal circumstances a number of Members have been unable to attend Council meetings for a significant period. More often than not, Council has granted the relevant Member a dispensation. However, there have also been instances when Councillors have failed to attend meetings over an extended period for no apparent reason and yet continue to claim the Basic Member Allowance. Group Leaders are not satisfied with this situation and whilst they believe that a review of the Allowance scheme should address this issue, they do consider that Member attendance should be published publically on a six-monthly basis.

3.15 Proposed arrangements/Actions

Paragraph	Proposed arrangements/Actions	By who
3.11	Insistence on written confirmation that a Councillor agrees to be bound by the Code of Conduct before the Councillor will be accepted as part of the Group.	Group Leaders
3.11	Suspension from Group where there is a failure to adhere to a Standards Committee decision.	Group Leaders
3.12	Compulsory training for Planning and Regulatory/Licensing Committees and Housing Appeal Review Panels with non-attendance requiring the Group Leader to remove the Member from the relevant Committee (subject to Council endorsement).	Group Leaders & Council
3.13	Late arrival of a Member at a meeting means they will be unable to vote on the item being discussed at the time.	Chairman of Committees with the support of Group Leaders (albeit difficult to enforce)
3.14	Regular updates on the Council website, along with six-monthly reporting to Council and local press of Member attendance.	Officers, endorsed by Council
3.14	Review of Member allowance scheme with a principle that payment should be linked to attendance at both formal Committee meetings and training sessions.	Officers, Group Leaders, Executive

4. **Policy Framework**

4.1 **Policy Framework** – This report does not impact on the Council’s Policy Framework but does seek to amend and update the Council’s Constitution. The Council should be mindful that there is an ongoing review of the Council’s Constitution which has seen an updated Employee Code of Conduct, revised

Council Procedure Rules, revision to the remit and arrangements for Housing Appeal review Panels, updated Code of Procurement Practice and a revised Member officer protocol (which is included on the agenda for this meeting). Work has also started on a revision to the Officer Scheme of Delegation and a further update to the call in procedure. Combined these will bring a more robust Constitution for the Council starting in May 2015.

4.2 **Fit for the Future** – The revised process aims to put in place a robust Code of Conduct which provides a platform for openness and transparency for Members conduct. In addition to this the revised procedures seek to reduce the cost of administering this scheme while improving the process for all parties to make it clearer to understand.

4.3 **Impact Assessments** - There are no significant policy changes contained within this report.

5. **Budgetary Framework**

5.1 The report does not impact on the budgetary framework for the Council and does not impact on the budgets for this service.

6. **Risks**

6.1 The main risks from the proposals are the potential for Parish and Town Councils to adopt their own Code of Conduct because this could cause confusion for Councillors of more than a single authority where they would be required to abide by different, and potentially conflicting, Codes of Conduct at the same time. This would also cause confusion for the wider community.

7. **Alternative Option(s) considered**

7.1 The Council is required to have a Code of Conduct, and robust arrangements for handling Complaints about the Conduct of Councillors, including a Committee for considering these. Therefore, options are limited but members could decide to defer a decision on this matter until after the election or to amend the proposals. Officers do not recommend either of these approaches because the purpose of the review is to ensure that robust arrangements are in place for the new Council. These proposals are built on the outcome of consultation and with support of the Council Solicitor and Monitoring Officer.

7.2 The Council should be mindful that the Parish and Town Councils could adopt a different Code of Conduct, if they so wished, but even if they did this any complaints about the conduct of members would be considered in the process defined by this Council.

8. **Background**

8.1 Following the end of consultation, the Code of Conduct Working Party met on 21 November 2014. The meeting was attended by Councillors Cooke, Pratt and Wilkinson. Apologies for absence were received from Councillor Brookes, Mrs Falp and Mrs Syson.

8.2 The Working Party were generally disappointed with the level of response to the consultation on these important documents and took this as either agreement to the proposals or general state of despair with the ability to enforce any serious sanctions. The Working Party considered all the responses

to the consultation and their responses to these were outlined in their report to Standards Committee in January 2015.

- 8.2 The Working Party received a number of representations regarding the potential for an appeal. While they were confident with their previous position, because they received a suggested procedure they asked for the Councils Solicitor to consider this. The proposed process and response from the Councils Solicitor was considered by the Standards Committee in detail and it was their view that an appeals process should not be included within the arrangements because there is no legal requirement for this and the process is sufficiently robust without its inclusion.
- 8.3 It was suggested that the Grievance procedure should be used by officers for Complaints about the conduct of Councillors, as technically they were employed by the Councillors. This has been checked with HR and the grievance procedure can only be used in matters relating to officer line management.
- 8.4 It was suggested that the arrangements should be deferred to allow the new Council to consider this in May 2015. The Working Party felt it was best to provide the new Council with sound footings because there would be significant pressure on the new Council to look at other prominent projects early after the election. In addition to this, the new Council would need time to learn and understand their new roles. This could then delay the review further when Councillors have already expressed dissatisfaction at the current arrangements.
- 8.5 It was suggested that the Council should not have an Independent Person and that they should not be involved in decisions on Code of Conduct matters. However there is a legal requirement to have an Independent Person and for them to be consulted at specific stages on complaints about Councillors.
- 8.6 The Working Party noted the request to have fixed membership Hearing Panels but remained content with the Monitoring Officer setting these because of the need to ensure each Panel is representative and neutral to the matter. That said, they did agree, and is included as recommendation 2.5, that these should be set in consultation with the Chairman of the Committee and should now be increased to five members (including at least one Parish/Town Council representative).
- 8.7 It was clear from the responses received that some Councillors did not know how to make a complaint about the conduct of an officer. Therefore, this will be built into the training for any new Councillor.
- 8.8 The Standards Committee welcomed the fact that officers were to produce a new log of complaints that provides more detail about the complaint including the actions taken to try and resolve matters at an early stage.
- 8.9 The Standards Committee noted the concern of an individual regarding the potential for multiple complaints about an individual Councillor and how these should be handled. For example, if two complaints of different subject are made about a Councillor and these move to investigation should they be undertaken by the same investigator and should they be subject to a single investigation report or two separate reports. Alternatively, what should happen if multiple complaints are made about the same Councillor relating to the same matter. The Standards Committee were happy for the Monitoring Officer to use discretion on this taking into consideration public interest and natural justice. They also felt that the Monitoring Officer remained the best person to appoint

an Investigator for a complaint because they would be able to determine their independence to each matter.

- 8.10 The Standards Committee were content overall that the emphasis was now on reducing cost within the process and felt it was not in the public interest to have Councillors considering cases to determine if they should proceed for investigation or then to a hearing as well as determining a hearing.
- 8.11 The Standards Committee were of the opinion that the consideration of complaints by the Monitoring Officer, in consultation with the Independent Person, provided a robust and appropriate consideration of a complaint to ensure that trivial complaints were not progressed through the system.
- 8.12 The Standards Committee were satisfied that natural justice is followed for the hearings process and that papers will always be considered, if supplied, when requested. If these are not supplied until the day of the hearing, it will then be at the discretion of the panel as to if they are considered.
- 8.13 The Standards Committee recognised concerns regarding the requirement for Councillors to contribute to training costs and therefore decided an upper limit should be imposed on this of a value of no greater than one months' Members Allowances payment for District Councillors and a maximum of £100 for Parish and Town Councillors.
- 8.14 The Standards Committee were reassured that to date the process for handling unreasonable or unreasonably persistent complaints had not been used. They also accepted that the Council needed to have this in place in case such a matter occurred.
- 8.15 The Standards Committee recognised the expectation of Councillors to be informed when there is a complaint about them. They also expected that Councillors would come and discuss the complaint informally with the Monitoring Officer without question. The Monitoring Officer will ensure that a copy of the complaint is disclosed to the Councillor once this meeting has been completed, so long as to do so may not impact on any potential investigation. However, some information may be redacted to protect third party data, as set out within the data protection act.
- 8.16 The Standards Committee were assured that the arrangements for complaints handling is a matter for the Standards Committee, but that amendments to the code and its associated documents such as DPI form and Gifts is a matter for Council.
- 8.17 The Standards Committee is confident the work is robust and lawful and has been approved by WCC legal as advisors to this Council, therefore it did not need to be written, in the whole, by a Solicitor.
- 8.18 During the consultation on this report two Councillors did ask how the Group Leaders could enforce some of the proposals outlined at 3.15. This would be a matter for Group Leaders to consider after the election, however these proposals were brought forward following consultation with and at the request of Group Leaders.

Warwick District Council Code of Conduct

Part A – General Obligations

As a member or co-opted member of Warwick District Council, I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

I recognise that this Code of Conduct will apply at all times when I am acting as a member of Warwick District Council and I recognise that failure to adhere to this Code could result in the issuing of sanctions against me.

In accordance with the Localism Act provisions, when acting in this capacity I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this Authority:

SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.

As a Member of Warwick District Council, my conduct will in particular address the principles of the Code of Conduct by:

- Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me - and putting the public interests first.
- Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the Authority or the good governance of the Authority in a proper manner.
- Recognising that all parties are equal and my position is one of privilege and not one that should be used to secure advantage or disadvantage for any party.
- Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this Authority.
- Listening to and respecting the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective, making decisions on merit and providing reasons for the decisions taken.
- Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
- Contributing to making this Authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account.
- Never disclosing information given to me in confidence by anyone, or information acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - (1) I have the consent of a person authorised to give it;
 - (2) I am required by law to do so; and
 - (3) The disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (4) The disclosure is
 - (a) Reasonable and in the public interest; and
 - (b) Made in good faith and in compliance with the reasonable requirements of the authority.
- Behaving in accordance with all my legal obligations, alongside any requirements contained within this Council's policies, protocols and procedures, including those on the use of the Council's resources (which shall never be for political purposes).
- Valuing and respecting my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.

- Always treating people with respect and acting in a polite and courteous manner, including the organisations and public I engage with and those I work alongside, both officers and fellow Members.
- Providing leadership through behaving in accordance with the principles of this Code when championing the interests of the community with other organisations as well as within this Council.
- Never intimidating or attempting to intimidate, or bully any person.
- Never doing anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.
- Accepting that the failure to co-operate in trying to resolve a complaint; the investigation of a complaint; the pre-hearing and hearing process will be a breach of this Code of Conduct.
- The failure to comply with a sanction imposed by the Council, Standards Committee or a Hearing Panel, within the required time period, will in itself be a failure to comply with this Code of Conduct.
- Recognising that by failing to adhere to the Code, I could bring my office or Council into disrepute.

Part B – Disclosable Pecuniary Interests

1 Notification of disclosable pecuniary interests

This part explains the requirements of the Localism Act 2011 (Sections 29-34) in relation to disclosable pecuniary interests. These are enforced by criminal sanction but would also be seen as a breach of the Code of Conduct by the Council.

Within 28 days of becoming a Member or co-opted Member, or becoming aware of any changes to your interests, you must notify the Monitoring Officer of any 'disclosable pecuniary interests'.

A 'disclosable pecuniary interest' is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Warwick District Council) made or provided within the 12 months before your declaration of interests (or amendment to your declaration) in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses . This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between you or your partner (or a firm or body corporate in which you or your partner is a partner or a director, or in the securities of which you or your partner has a beneficial interest) and the District Council (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.

Land, which excludes an easement, servitude, interest or right in or over land which does not carry with it a right for you or your partner (alone or jointly with another) to occupy the land or to receive income	Any beneficial interest in land which is within the area of Warwick District Council.
Licences	Any licence (alone or jointly with others) to occupy land in the area of Warwick District Council for a month or longer.
Corporate tenancies	Any tenancy where (to your knowledge)— (a) the landlord is Warwick District Council; and (b) the tenant is a body in which you or your partner has a beneficial interest.
Securities which means, shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000(1) and other securities of any description, other than money deposited with a building society	Any beneficial interest in securities of a body where— (a) that body (to your knowledge) has a place of business or land in the area of Warwick District Council; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

- “the Act” means the Localism Act 2011;
- “director” includes a member of the committee of management of an industrial and provident society;
- “member” includes a co-opted member;

(1) 2000 c. 8.

2 Register of interests

Any interests notified to the Monitoring Officer will be included in the register of interests.

A copy of the register will be available for public inspection, at Riverside House, Royal Leamington Spa and disclosable pecuniary interests will be published on the authority's website.

3 Sensitive interests

Where you consider that disclosure of the details of a disclosable pecuniary interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have a disclosable pecuniary interest, the details of which are withheld under Section 32(2) of the Act.

4 Non participation in the case of disclosable pecuniary interest

- (1) If you are present at a meeting of the Council, Executive, or any committee, sub-committee, joint committee or joint sub-committee, and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting, unless you have been granted a dispensation:
 - (a) You may not participate in any discussion of the matter at the meeting and must leave the room for the duration of this item
 - (b) You may not participate in any vote taken on the matter at the meeting.
 - (c) You must disclose the interest to the meeting.
 - (d) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

Note: Council Procedure rule 36 requires you to leave the room where the meeting is held while any discussion or voting takes place unless you have a dispensation

- (2) Where an Executive member may discharge a function alone and becomes aware of a disclosable pecuniary interest in a matter being dealt with or to be dealt with by them, the Executive member must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter.

5 Dispensations

The Council or the Standards Committee may grant you a dispensation, to consider specific matters for a time set at their discretion, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest. See Part C -7(2) for General Dispensations granted by Council.

6 Offences

It is a criminal offence, under the Localism Act 2011 and The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 to:

- (1) Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election
- (2) Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register
- (3) Fail to notify the Monitoring Officer within 28 days, of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting
- (4) Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest without a dispensation
- (5) As an Executive member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest.
- (6) Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting (unless you have dispensation).

The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a Councillor for up to 5 years.

In addition to the above, this Council would also recognise that the following would amount to a breach of the Code of Conduct:

- Failure to notify the Monitoring officer of any changes to disclosable pecuniary interest within 28 days
- Failure to disclose a disclosable pecuniary interest at a meeting
- Failure to leave the meeting room when an item relating to a disclosable pecuniary interest is discussed

Part C- Other interests

1 Notification of other interests

- (1) Subject to paragraph 4 below, (Sensitive interests), you must, within 28 days of;—
 - (a) this Code being adopted by the Council;
 - (b) your election or appointment to office; or
 - (c) any changes occurring to the declared interest;

notify the Monitoring Officer in writing of the details of your personal interests, falling within Paragraph 2(2) (A) below, for inclusion in the register of interests.

- (2) You must, within 28 days of becoming aware of any new personal interest, notify the Monitoring Officer of the details of that new personal interest.

2 Disclosure of interests

- (1) Where you have a personal interest in any business of the District Council, and where you are aware or ought reasonably to be aware of the existence of the

personal interest, and you attend a meeting of the Council, Executive, any committees or sub-committees or joint committees or sub-committees at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

- (2)
 - (A) You have a personal interest in any business of the District Council where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a *relevant person* to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected by the decision;
 - (B) In sub-paragraph (2) (A), a *relevant person* is yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners)
 - (C) You have a personal interest in any business of the District Council which relates to any disclosable pecuniary interest you are required to register
- (3) Where you have a personal interest in any business of the District Council which relates to or is likely to affect a relevant person, you need to disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (4) Where you have a personal interest in any business of the District Council regarding gifts and hospitality, you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (5) Where you have a personal interest but, by virtue of Paragraph 4, Sensitive interests, information relating to it is not registered in your Authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- (6) Where you have a personal interest in any business of the District Council and you have made an Executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

3 Register of other interests

Any interests notified to the Monitoring Officer will be included in the register of interests.

A copy of the register will be available for public inspection at Riverside House. Members can ask for their other interests not to be published on the District Council's website.

Where a disclosable pecuniary interest is notified to the Monitoring Officer it need not be separately notified or separately registered as a personal interest.

4 Sensitive interests

Where you consider that disclosure of the details in an interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have an interest, the details of which are withheld.

5 Non participation in case of prejudicial interests

- (1) Where you have a personal interest in any business of the District Council that interest will also be a prejudicial interest if a member of the public with knowledge of the relevant facts would reasonably regard that interest as so significant that it is likely to prejudice your judgement of the public interest **and** that business —
 - (a) affects your financial position or the financial position of a relevant person; or
 - (b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or a relevant person.
- (2) Subject to sub-paragraph (3) and 7 (dispensations) , where you have a prejudicial interest in any business of the District Council—
 - (a) You may not participate in any discussion of the matter at the meeting;
 - (b) You may not participate in any vote taken on the matter at the meeting;
 - (c) If the interest is not registered, you must disclose the interest to the meeting; and
 - (d) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

Note: Council Procedure Rule 37 requires you to leave the room where the meeting is held while any discussion or voting takes place unless you have a dispensation.

- (3) Where you have a prejudicial interest in any business of the District Council, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.
- (4) Where, as a member of the Executive, you may discharge a function alone, and you become aware of a prejudicial interest in a matter being dealt with, or to be dealt with by you, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.

6 Interests arising in relation to overview and scrutiny committees

In any business before an overview and scrutiny committee of the District Council (or of a sub-committee of such a committee) where—

- (a) that business relates to a decision made (whether implemented or not) or action taken by the Executive or another of the District Council's committees, sub-committees, joint committees or joint sub-committees; and
- (b) at the time the decision was made or action was taken, you were a member of the Executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken,

In this situation you may only attend a meeting of the overview and scrutiny committee for the purpose of answering questions or giving evidence relating to the business, and you must leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

7 Dispensations

- (1) The Standards Committee may grant you a dispensation, to participate in full or in part where you have a prejudicial interest. A member must apply for dispensation, in writing to the Monitoring Officer, outlining their personal and prejudicial interest and the reasons why they feel dispensation should be granted.

These will only be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a prejudicial interest.

General Dispensations

- (2) The Council has granted the following dispensation to all members and co-opted members of the Council in respect of both disclosable pecuniary interests and prejudicial interests

Provided you disclose the interest at the meeting you may attend a meeting and vote on a matter where you have a prejudicial or disclosable pecuniary interest that relates to the functions of the District Council in respect of—

- (i) housing, where you or your partner are a tenant of the District Council provided that those functions do not relate particularly to your or your partner's tenancy or lease;
- (ii) school meals or school transport and travelling expenses, where you or your partner are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
- (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you or your partner are in receipt of, or are entitled to the receipt of, such pay;
- (iv) an allowance, payment or indemnity given to members;
- (v) any ceremonial honour given to members; and
- (vi) setting council tax or a precept under the Local Government Finance Act 1992.

8 Gifts & Hospitality

Within 28 days of receipt you must inform the Monitoring Officer of any gift or hospitality received equal to or greater than a value of £25.

This notification will include the details of what was received, what was done with the gift and the date it was received.

Disclosable Pecuniary Interests Form

I,

a Member of Warwick District Council hereby register that I have the following disclosable pecuniary interests (*please state 'None' where appropriate*):

<p>Employment - Employment, office, trade, profession or vocation, carried on for profit or gain by you or your partner</p>
<p>Sponsorship - Any payment or provision of any other financial benefit (other than from the Warwick District Council) made or provided within the 12 months before your declaration of interests or any amended declaration in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses . This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
<p>Contracts - Any contract which is made between you or your partner (or a firm or body corporate in which you or your partner is a partner or a director, or in the securities of which you or your partner has a beneficial interest) and the District Council</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>

<p>Land - "Land, any beneficial interest in land which is within the area of Warwick District Council, this <u>excludes</u> an easement, servitude, interest or right in or over land which does not carry with it a right for you or your partner (alone or jointly with another) to occupy the land or to receive income</p>
<p>Licences - Any licence (alone or jointly with others) for you or your partner to occupy land in the area of the Warwick District Council for a month or longer.</p>
<p>Corporate tenancies - Any tenancy where (to your knowledge)—</p> <ul style="list-style-type: none"> (a) the landlord is Warwick District Council; and (b) the tenant is a body in which you or your partner has a beneficial interest i.e. a firm or body corporate in which you or your partner is a partner or a director, or in the securities of which you or your partner has a beneficial interest.
<p>Securities - which means, shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society</p> <p>Any beneficial interest in securities of a body held by you or your partner where—</p> <ul style="list-style-type: none"> (a) that body (to your knowledge) has a place of business or land in the area of the Warwick District Council; and (b) either— <ul style="list-style-type: none"> (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you or your partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Other Interests Form

A matter being considered by the Warwick District Council where a decision in relation to that matter might reasonably be regarded as affecting you or a relevant person's well-being or financial position to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected by the decision;

(these are matters which are not already covered by the disclosures above)

I, Councillor..... agree/do not agree that Warwick District Council may publish my other interests form on the District Council's website.

Signed:
Councillor

Date:

RECEIVED: **Signed:**
Monitoring Officer of the District Council

Date:

NOTE: This notification must be given by the Member to the Monitoring Officer of Warwick District Council within 28 days of any changes.

Notification by a Member of Warwick District Council of the Receipt of a Gift or Hospitality over the value of £25.00

I,

a Member of Warwick District Council, give notice that I have received the following gift(s) / hospitality (*delete whichever does not apply*) over the value of £25.00:

(a) *Date(s) of receipt of gift(s) / hospitality*

(b) *Name(s) and address(es) of donor(s)*

(c) *Nature of gift(s) and / or hospitality*

Date:

Signed:

NOTE: This notification must be given by the Member to the Monitoring Officer of Warwick District Council within 28 days of receiving any gift or hospitality over the value of £25.00

Proposals for a Joint Standards Committee & Arrangements for appointment to that Committee

Remit

The responsibilities for the Committee will be as defined by Warwick District Council within its Constitution.

Membership

The Committee shall be no larger than 15 members comprising of:

- 11 Warwick District Councillors
- 2 Representatives of Parish Council's from within Warwick District
- 2 Representatives of Town Council's from within Warwick District

Appointment of Membership

All appointments will be made by Warwick District Council at a meeting of the Council, in line with its procedure rules.

Nominations for the appointments to the Parish & Town Council representative roles will be made as follows.

Nominations will be sought by the District Council for:

- A representative from the rural Parish Councils to the West of the District (as set within the Warwick Rural West Community Forum) with the addition of Burton Green Parish Council)
- A representative from the rural Parish Councils to the east of the District (as set out in the Warwick rural East Community Forum)
- Two representatives from the Four Town Council's within the District (with the provision that the two appointed shall not be from the same authority)

No representative of the Parish & Town Councils can also be a member of either Warwickshire County Council or Warwick District Council.

Any Council can propose a Councillor for any of the above positions.

At the close of nominations all Council's will be written to asking for their preferred and second choice candidate to represent their area. For example Leek Wootton & Guys Cliffe will be asked for their preferred candidate (from those nominated) for the rural West representative and Whitnash Town Council be asked for the same for their two preferred candidates for the Town Council representatives.

The votes received will be reported to Warwick District Council for them to determine who should be appointed.