

Standards Committee

Monday 18 April 2016

A meeting of the Standards Committee will be held in the Town Hall, Royal Leamington Spa on Monday 18 April 2015, at 4.00pm.

Membership:

Warwick District Councillors	Councillor Mrs Bunker (Vice Chairman) Councillor Bromley Councillor Cooke Councillor Davies (Chairman) Councillor Mrs Evetts Councillor Mrs Falp Councillor Gill Councillor Mrs Hill Councillor Howe Councillor Rhead Liberal Democrat Vacancy
Parish and Town Council Representatives	To be appointed

Although not members of the Committee, Mr Meacham and Mr Tomkinson, the Council's Independent Persons for Standards matters normally attend.

Emergency Procedure

At the commencement of the meeting, the emergency procedure for the Town Hall will be announced.

Agenda

1. Apologies & Substitutes

- (a) to receive apologies for absence from any Councillor who is unable to attend; and
- (b) to receive the name of any Councillor who is to act as a substitute, notice of which has been given to the Chief Executive, together with the name of the Councillor for whom they are acting

2. **Declarations of Interest**

Members to declare the existence and nature of interests in items on the agenda in accordance with the adopted Code of Conduct.

Declarations should be entered on the form to be circulated with the attendance sheet and declared during this item. However, the existence and nature of any interest that subsequently becomes apparent during the course of the meeting must be disclosed immediately. If the interest is not registered, Members must notify the Monitoring Officer of the interest within 28 days.

Members are also reminded of the need to declare predetermination on any matter.

If Members are unsure about whether or not they have an interest, or about its nature, they are strongly advised to seek advice from officers prior to the meeting.

3. **Minutes**

To consider the minutes of the meetings held on 2 June 2015 and 18 November 2015.

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4. **Standards Committee of Warwick District**

To consider a report from the Democratic Services Manager & Deputy Monitoring Officer regarding the arrangements for working with Parish & Town Councils

(To follow)

5. **Record of Complaints**

To note the record of complaints made about the Conduct of Warwick District Councillors and Parish/Town Councillors within Warwick District that have occurred after 7 May 2015.

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General Enquiries: Please contact Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ.

Telephone: 01926 456114

E-Mail: committee@warwickdc.gov.uk

For enquiries about specific reports, please contact the officers named in the reports

You can e-mail the members of the Committee at standardscommittee@warwickdc.gov.uk

Details of all the Council's committees, councillors and agenda papers are available via our website www.warwickdc.gov.uk/committees

Please note that the majority of the meetings are held on the first floor at the Town Hall. If you feel that this may restrict you attending this meeting, please

call (01926) 456114 prior to this meeting, so that we can assist you and make any necessary arrangements to help you attend the meeting.

**THE AGENDA IS AVAILABLE IN LARGE
PRINT ON REQUEST, PRIOR TO THE
MEETING.**

STANDARDS COMMITTEE

Minutes of the meeting held on Wednesday 2 June 2015 at the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillors; Mrs Bunker, Bromley, Cooke, Davies, Mrs Evetts, Mrs Falp, Gill, Mrs Hill, Howe and Rhead.

Also Present:

Independent Persons: Mr R Meacham and Mr R Tomkinson.

Councillors; Ashford, Cain, Mrs Cain J.P., Illingworth, Mann, Margrave, Naimo, Phillips and Whiting.

Officers: Mr A Jones (Deputy Chief Executive & Monitoring Officer) and Mr G Leach (Democratic Services Manager & Deputy Monitoring Officer).

1. **Substitutes**

There were no substitutes.

2. **Appointment of Chairman**

It was proposed by Councillor Cooke, duly seconded

Resolved that Councillor Davies be appointed Chairman of the Committee for the ensuing municipal year.

3. **Appointment of Vice-Chairman**

It was proposed by Councillor Cooke, duly second and

Resolved that Councillor Mrs Bunker be appointed Vice-Chairman of the Committee for the ensuing municipal year.

4. **Declarations of Interest**

There were no declarations of interest.

5. **Briefing and Training on the Roles and Responsibilities of the Committee**

The Committee received a briefing on its roles and responsibilities from the Monitoring Officer.

6. **Dispensations for Councillors**

The Committee considered a report from the Democratic Services Manager & Deputy Monitoring Officer that brought forward proposals to protect members from inadvertent breaches of the requirements related to

STANDARDS COMMITTEE MINUTES (Continued)

Disclosable Pecuniary Interests ensuring that the Council could conduct its business.

Within the Constitution, the Standards Committee was responsible for considering and determining requests for dispensation from requirements of the adopted Members' Code of Conduct.

Dispensations could be granted (in certain circumstances) for up to four years allowing a member to speak and or vote when they had a disclosable pecuniary interest. The application had to be made in writing to the proper officer (Chief Executive). At present no written applications had been made to the Chief Executive, but officers had taken what was seen as a proactive approach in presenting this report to ensure the Council could conduct its business effectively.

Officers had written to all Councillors asking for confirmation as to whether the partner or spouse (as recognised under the Localism Act) was a Councillor on an Authority other than Warwick District Council.

The Deputy Monitoring Officer and Democratic Services Manager reported that to-date no Councillor had responded to the email regarding dispensations and therefore the list of those applied for and granted (if the Committee were so minded to approve the recommendations in the report) would be reported to the next meeting of the Committee.

Resolved that

- (1) the remit and procedure for considering dispensations as set out at Appendix 1 to the report, be approved;
- (2) dispensations be granted to all councillors until elections for the Council in May 2019, allowing them to both speak and vote in relation to the following functions of the District Council:
 - (a) housing; where you are a tenant of Warwick District Council, provided that those functions do not relate particularly to your tenancy or lease;
 - (b) the payment of a councillor allowance, one-off payment or indemnity;
- (3) the Committee grants dispensations as at (a) and (b) below to District Councillors until elections for the Council in May 2019 who are elected members or co-opted members of another public authority and who have a disclosable pecuniary interest in a matter **only by virtue of the fact** that they are in receipt of an allowance or expenses from that other authority:

STANDARDS COMMITTEE MINUTES (Continued)

- (a) where the matter would affect the financial position of that other authority the councillor may speak on the matter provided they immediately withdraw from the meeting room; and
 - (b) in relation to other matters affecting that other authority the district councillor may speak and vote.
- (4) the committee grants the following dispensations as at (a) and (b) below to Councillors until elections for the Council in May 2019 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 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; and
 - (b) in relation to other matters affecting that other authority the District Councillor may speak and vote.

(The meeting ended at 7.00 pm)

STANDARDS COMMITTEE

Minutes of the meeting held on Wednesday 18 November 2015 at the Town Hall, Royal Leamington Spa at 4.30 pm.

Present: Councillor Davies (Chairman) Councillors; Mrs Bunker, Bromley, Cooke, Mrs Evetts, Mrs Falp, Gill and Mrs Hill.

Also Present:

Independent Person: Mr R Meacham

Officer: Mr G Leach (Democratic Services Manager & Deputy Monitoring Officer).

7. Substitutes

There were no substitutes, but apologies for absence were received from Councillor Rhead and Independent Person, Mr Tomkinson.

8. Declarations of Interest

There were no declarations of interest.

9. Revised Code of Conduct for Warwick District Council

The Committee considered a report from the Democratic Services Manager & Deputy Monitoring Officer that updated the Committee on the progress made in relationship to; the revised Code of Conduct as adopted by Warwick District Council in February 2015; and the arrangements for a Joint Standards Committee for Warwick District.

Parish and Town Councils were entitled to adopt any Code of Conduct that they felt met the requirements of the law.

In February 2015, Warwick District Council agreed to continue a Joint Standards Committee with all Parish and Town Councils within the District. 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 had brought forward the proposals for a Joint Committee. However it was recognised that if all Parish and Town Councils did not agree to be members of the Joint Committee by the end of September 2015, the District Council would proceed with co-opting representatives from Parish and Town Councils to the Committee. This would remove their right to vote on decisions of the Committee or sit as voting members of Hearing Panels. To ensure the Committee could act in confidence of being 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.

Eathorpe, Hunningham, Offchurch and Wappenbury Joint Parish Council and Shrewley Parish Council had refused the offer to form a Joint

Standards Committee. In addition Ashow & Stoneleigh, Baddesley Clinton, Bishop's Tachbrook, Bubbenhall, Burton Green, Hatton, Radford Semele and Warwick Town Council, had not confirmed if they did or did not wish to participate in a Joint Standards Committee arrangement. Therefore, as ten of the 24 Parish/Town Councils in Warwick District either did not want a Joint Committee or had not confirmed if they did, officers could not provide the assurance to the Council that a Joint Committee could act lawfully across all Parish & Town Councils in Warwick District and could not recommend this approach to Committee at this time.

The recommendation of co-option was to provide the Parish & Town Councils with a voice on the Standards Committee to provide their views, but would remove the right for them to vote on matters being considered by the Committee.

With regard to recommendation 2.4 each Councillor was required, under the Localism Act, to disclose any pecuniary interest within 28 days of election. Copies of these should be passed by the Clerk of the relevant Council, to the Monitoring Officer and the Monitoring Officer should ensure that they were published on the District Council's website. It should be noted that the relevant Parish/Town Council should also publish their Councillors' Disclosable Pecuniary Interests on their Parish/Town Council website. However Warwick District Council had taken a pragmatic view to this and provided a link for each Parish & Town Council to include on their website.

It was reported to the meeting that no Disclosable Pecuniary Interest Forms had been received from either Baddesley Clinton Parish Council and Eathorpe, Hunningham, Offchurch and Wappenbury Parish Council. Two forms were missing from both Councillors at both Weston under Wetherley Parish Council and Radford Semele Parish Council.

There was significant debate at the meeting regarding the recommendations in the report and the Committee was of the opinion that it could not accept this approach at this time. It felt officers should explore the potential for a Joint Standards Committee with those Councils who wished to progress with this, but also contact those who had either not wished to join or who had declined the invitation to confirm their position.

They were concerned about those members who had not completed their Disclosable Pecuniary Interest Forms and determined that they should be written to individually, with wording approved by the Chairman of the Committee, about this matter seeking an explanation.


Resolved that

- (1) Baddesley Clinton Parish Council, Eathorpe, Hunningham, Offchurch and Wappenbury Joint Parish Council, Radford Semele Parish Council and Warwick Town Council have not adopted the revised Code of Conduct and a letter from the Council is sent to them asking them to provide a copy of the Code they are using;
- (2) the Committee writes to individual councillors outlining the issues with regard to disclosable

pecuniary interest and seeking explanation on why they have not been returned to Council;
and

- (3) the Committee writes to Parish and Town Councils about joining a Joint Standards Committee emphasising the desire for a Joint Committee of all Parish & Town Councils and seeking a response to a formal invite to join this by 22 January 2016.

(The meeting ended at 5.35 pm)

 Standards Committee 18 April 2016		Agenda Item No. 4
Title	Standards Committee of Warwick District	
For further information about this report please contact	Graham Leach Democratic Services Manager & Deputy Monitoring Officer 01926 456114, graham.leach@warwickdc.gov.uk	
Wards of the District directly affected	All	
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	None	
Background Papers	Localism Act 2011	

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
The review would impact on all residents equally and would be undertaken by an external party.	

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	13/4/2016	Chris Elliott
Head of Service		
CMT		
Section 151 Officer	13/4/2016	Mike Snow
Monitoring Officer	13/4/2016	Andrew Jones
Finance	13/4/2016	Mike Snow
Portfolio Holder(s)		Councillor Andrew Mobbs
Consultation & Community Engagement		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		

1. **Summary**

- 1.1 The report brings forward proposals for a Joint Standards Committee of Warwick District.

2. **Recommendation**

- 2.1 That it be noted that all Parish & Town Councils have agreed to join a Joint Standards Committee for Warwick District, with the exception of Radford Semele Parish Council, who have declined, and that Baddesley Clinton Parish Council and Warwick Town Council are due to consider the matter later this year.
- 2.2 That this Council asks all Councils who have agreed to participate in a Joint Standards Committee for Warwick District to pass the following resolution at their Annual meeting in May 2016:

"That this Council supports the continuation of the Joint Standards Committee for Warwick District Council and the proposals for representation of the Parish/Town Councils, that there should be four representatives one representing Warwick Rural East Community Forum area, one representing Warwick Rural West Community Forum Area and two representing the areas covered by the four towns.

The Joint Standards Committee will be responsible for undertaking hearings into the Conduct of Councillors following a report to them by the Monitoring Officer. As set out in the Arrangements for Dealing with Complaints about Councillors cases will be determined by Hearing Panels appointed by the Monitoring Officer, in consultation with the Chairman of the Standards Committee. If necessary, the Committee will also be entitled to issue appropriate sanctions against those Councillors involved."

- 2.3 That this Council asks all Councils who have agreed to participate in the Standards Committee for Warwick District for nominations to the Committee by no later than 31 May 2016. These will be circulated to the relevant Councils on 1 June 2016 for them to vote on by 5.00pm on 5 August 2016.
- 2.4 The Councils, who at this time have not agreed to participate in the Joint Standards Committee for Warwick District, will be notified of this decision.
- 2.5 That this Standards Committee agree to an additional meeting of the Committee on Wednesday 10 August 2016 at 5.00pm to consider the nominations for the Joint Committee and recommend them to Council later that evening.
- 2.6 That at the additional meeting of the Committee on 10 August 2016, officers bring forward any necessary amendments to this Council's constitution for recommendation to Council.

3. **Reasons for the Recommendation**

- 3.1 This Council has always been committed to engaging with Parish and Town Councils and ensuring they are represented, with a vote, on the Standards Committee. Initially, the Council had determined that unless all Parish and Town Council's in Warwick District wanted to be part of the Joint Committee they would not offer a Joint Committee. However, this Committee asked officers to investigate the potential for having a Joint Committee without all Councils participating. This report brings back the proposals to enable this happen.
- 3.2 The Committee should be aware that ongoing dialogue is taking place with Baddesley Clinton Parish Council and Warwick Town Council and, at this stage, officers are confident that they will also join the Joint Standards Committee.
- 3.3 By asking all the Council's to confirm the position through a common resolution at their Annual Meeting, it will provide a clear mandate for the Joint Committee.
- 3.4 The timetable for nominations to the Joint Committee is to enable all Council's to have sufficient time to consider a nomination and vote, recognising that not all Parish Council's meet every month.
- 3.5 With regard to recommendation 2.6, to ensure all Warwick District Councillors are aware of any proposed recommendations from the Standards Committee regarding the Constitution, the main report will be included on their agenda for the evening of 10 August 2016 and the Standards Committee will be asked at its meeting to consider this report and comment upon it to Council.

4. **Policy Framework**

- 4.1 **Policy Framework** – The report does not impact on the Council's Policy Framework.
- 4.2 **Fit for the Future** – The proposal focuses on a commitment to engage and work with the local community.
- 4.3 **Impact Assessments** – No impact assessments have been undertaken on the proposals within this report

5. **Budgetary Framework**

- 5.1 The report does not impact on the Budgetary Framework for the Council or its budget.

6. **Risks**

- 6.1 The most significant risk associated with report are in ensuring that the Parish and Town Council's adopt the same resolution for the Joint Committee and provide the Council evidence of this. This is why officers have proposed a set time frame for agreement to join the Committee and provide nominations.

7. Alternative Option(s) considered

- 7.1 Members could take the decision to co-opt Councillors to the Committee but this would remove the ability for them to vote, contrary to a previous decision of Members.
- 7.2. The majority of Parish and Town Councils have already agreed to join the Joint Committee. However, the proposed resolution provides a single point of decision making and common resolution on this matter.
- 7.3 The proposals for appointments to the Joint Committee were previously agreed by the Council and it is not considered appropriate to amend them at this time.

Warwick District Council – Register of Complaints

Register of complaints made to the Monitoring Officer of Warwick District about Warwick District Councillors and Town/Parish Councillors of Town/Parish Council's within Warwick District between May 2015 and May 2019.

Ref	Date received	Date Closed	Complainant	Council	Complaint	Outcome
1/2015-2019	14/10/2015	18/11/2015	Member of the public	Warwick Town Council & Warwick District Council	<p>(1) Comments were made by a Councillor that failed to treat people with respect</p> <p>(2) Comments were made by two Councillors on a planning application at Warwick Town Council when they were on the District Council's Executive and should not have done this</p> <p>(3) When considering a planning applications a number of the Councillors failed to declare that they had received hospitality from the applicant</p>	<p>The complaint was considered by the Monitoring Officer and after consideration of the matter with an Independent Person (RT) appointed the Council, concluded that no further action should be taken.</p> <p>This was with the exception that all Warwick District Councillors along with their Parish and Town Council colleagues will be reminded of the need to keep their declarations of interest up to date.</p> <p>With regard to (1) the Councillor in question had apologised for the comment made on the evening it was made.</p>
2/2015-2019	28/2/2016	3/3/2016	Member of the public	Warwick District Council	A member of Warwick District Council failed to show respect to a member of the public and acted unlawfully at Council meeting	The complaint was considered by the Monitoring Officer and discussed it with an Independent Person (BM) appointed by the Council. It was decided that it did not merit formal investigation.

					<p>when trying to prevent them from recording the meeting.</p>	<p>Therefore no further action will be taken other than apprising the Councillor of the law when it comes to recording Council meetings. The reasons for the decision are:</p> <ul style="list-style-type: none"> • The right to record the meeting was dealt with very quickly ensuring that there was no interference with the rights of the complainant i.e. the complainant did not suffer a detriment. • The alleged verbal exchange between the complainant and the Councillor may well be contested and there appear to be no independent witnesses. Even if independent witnesses could be found, it was not considered that the alleged breach to be proportionate to the officer resource involved in trying to establish what was said, and in what tone and manner. • Even if it was established there was a breach, precedent shows that at the most a Hearings Panel would require a written apology and it was not considered that this outcome would be proportionate to the cost of running an investigation and hearing given the content of the alleged breach
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3/2015-2019	1/3/2016	29/3/2016	Member of the public	Weston-Under-Wetherley	That a Councillor is failing to treat a member of the public with respect and intimidating or attempting to intimidate or bully a member of the public by posting publishing untrue criticism statements and defamatory statements.	<p>The Monitoring Officer considered the complaint and discussed it with an Independent Person (RT) appointed by the Council. The Monitoring Officer decided that it did not merit formal investigation and therefore no further action will be taken.</p> <p>The reason for the decision is as that even if it was accepted that the Councillor was the publisher of the website items (which would require an investigation in itself):</p> <ul style="list-style-type: none"> ○ The article complained of reported faithfully the statement made at a public meeting by the Chairman of the Parish Council and therefore the 'lack of respect' (if there was any) stems from the original statement rather than the publication; and ○ Neither in the statement at the Council meeting, nor in the web publication were you named and the content does not in itself threaten any action.
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