

STANDARDS COMMITTEE

Minutes of the meeting held on Wednesday 5 July 2017 at the Town Hall, Royal Leamington Spa at 6.00pm.

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

Also Present:

Independent Persons: Mr R Meacham and Mr R Tomkinson.

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

1. **Apologies and Substitutes**

- (a) There were no apologies for absence.
- (b) Councillor Mrs Falp substituted for Councillor Margrave.

2. **Appointment of Chairman of the Committee**

It was proposed by Councillor Cooke, duly seconded; and

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

3. **Appointment of Vice-Chairman of the Committee**

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**

Minute 6 - Standards Committee of Warwick District

Councillors; Bromley, Mrs Bunker, Cooke, Davies, Mrs Falp, Mrs Hill and Howe also declared that they were either a Parish or Town Councillor of a Parish or Town Council within Warwick District.

5. **Minutes**

The minutes of the meeting held on 10 August 2016 were taken as read and signed by the Chairman as a correct record.

6. **Standards Committee of Warwick District**

The Committee received an update from the Democratic Services Manager & Deputy Monitoring Officer on the proposals for a Standards Committee of Warwick District.

Warwick District Council had sought to form a Joint Standards Committee for Warwick District with all the Parish and Town Councils. This had never formally come into being and this had been reviewed by officers.

The responsibility under the Localism Act was for the District Council to have sufficient arrangements in place. There was no requirement for this to involve Parish/Town Councils.

The single primary area of benefit from a joint committee with Parish and Town Councils was that those councils which had agreed to be part of the joint committee could sit and vote at hearings concerning the conduct of Councillors who were Members of any of those participating Parish and Town Councils. However for those instances when the Councillor was not a Member of a participating Parish or Town Council, those cases would need to be considered by a separate Standards Committee made up of Warwick District Councillors. All other matters would need to remain within the remit of Warwick District Council, i.e. the procedures for considering complaints and revising the Code of Conduct for the District Council.

Baddesley Clinton Parish Council, Weston-under-Wetherley Parish Council, Leek Wootton Parish Council and Radford Semele Parish Council indicated that they would like to join the Committee but Warwick District Council understood that they were yet to pass the resolution to join the Standards Committee of Warwick District and amend their standing orders to reflect this.

Eathorpe, Hunningham, Offchurch and Wappenbury Parish Council had declined to join the Standards Committee of Warwick District.

Officers had sought to ensure each Parish/Town Council understood the power they were delegating to the Joint Committee and for this reason they had provided a template report from them to use.

During the subsequent review of the proposal it was clear Officers had not taken into consideration, and therefore not provided guidance to Members, regarding the liability for decisions taken by the Joint Committee, support costs for the joint committee, or expenses for Members and how these should be shared. The District Council needed to take these issues into consideration because if a Joint Committee was established for those who wished to participate it would need to appoint its own Standards Committee as well to consider all other cases from Authorities not participating in the Joint Committee as well as the administrative functions outlined earlier.

The District Council would also need to be mindful, if the two Committees were established, of ensuring clarity on the role of each Committee both for Councillors and the public, along with ensuring consistency of training and decision making. Most of this could be overcome by ensuring the District Council appointed the same Councillors to both Committees and training was held at the same time.

In addition there was a question on the representation of the Parish/Town Councils on the Joint Committee. At present, the proposal was for a

Committee of 15. This would be 11 District Councillors and 4 Parish/Town representatives. While no Parish or Town Council had questioned this there was a question on the legitimacy of the Joint Committee if all parties were not represented by individual membership and this could lead to a challenge on decisions of a Joint Committee. This was because, to the best of officers' knowledge, no other Joint Standards Committee had been introduced with Parish and Town Councils at any other District Authorities.

In addition to these points, officers recognised the low workload of the Standards Committee and it was felt to be a disproportionate time and effort to establish a Joint Committee to the level of detail required.

The Committee should be aware that there was likely to be dissatisfaction with the revised proposal from Parish and Town Councils. However, the Committee should be aware of the limited number of code of conduct complaints that had been made since 2015 and that none of these had progressed to an investigation.

This Council was committed to engaging with Parish and Town Councils and the proposal continued to provide this opportunity and as an interim provided the role for nominated Councillors for ensuring a strong voice for the Parish and Town Councils as part of the consultation process. It should, however, be noted that co-opted members to a Committee (excluding few specific circumstances with Scrutiny) could not be voting members.

A further nomination had been received from Cubbington Parish Council, however this Councillor has since resigned from the Parish.

The Committee recognised the challenges that a joint committee provided and was keen to ensure that the importance of continued engagement with Parish/Town Councils was stressed to them when they were informed.

Resolved that

- (1) Parish and Town Councils in Warwick District and Warwickshire Association of Local Councils (WALC) are consulted up to Monday 25 September on the proposals that;
"Warwick District Council intends not to proceed with a Joint Standards Committee with all Parish and Town Councils. In its place, Warwick District Council commits that any revisions to the Code of Conduct or associated processes will be consulted on with all Parish and Town Councils for at least six weeks. These processes will also be presented to a meeting of the WALC Warwick Area Committee for discussion. Following the consultation, a response will be provided to each of the comments made and circulated to all Parish/Town Councils in Warwick District. Warwick District Council will also commit, so long as it is reasonably practicable, that at

least three Members of its Standards Committee will be both District and Parish/Town Councillors (dual hatters) so they are aware of the nature of this role. That all Parish and Town Councils will continue to be sent a copy of the agenda for the Standards Committee meeting and will be alerted (via email) as soon as the draft minutes are available on line. That the Chair of any Code of Conduct hearing panel involving a Parish/Town Councillor will attend the relevant Parish/Town meeting that considers any proposed sanction from the hearing to respond to questions from the relevant Council."; and

- (2) that, as an interim measure, this Council recommends that Warwick District Council confirms the above arrangements and makes any necessary amendments to the Constitution, up to 16 November 2017 when it will consider the outcome of the consultation but that during this time Councillors Guest (Warwick Town Council), Smart (Whitnash Town Council) and Mrs Gabitas (Bishop's Tachbrook Parish Council) be appointed as non-voting co-optees to the Committee.

7. Register of Code of Conduct Complaints

The Committee received the register of complaints regarding code of conduct complaints made since May 2015. The complete log had been reported to enable members to consider the new format that they had requested previously.

The Chairman was mindful that all members of the Committee had received a detailed document from a member of the public about one of the complaints that had been considered and closed. The Committee was mindful the matter had been closed and the Local Government Ombudsman had also considered the matter and taken no action. However they were of the opinion that following two years of the current arrangements officers should consider these, along with the comments from the member of the public, to see if any of the information/processes could or should be updated.

Resolved that

- (1) the log of complaints be noted; and
- (2) the Democratic Services Manager & Deputy Monitoring Officer reviews the current procedures for handling complaints about the conduct of Councillors and brings forward any proposed revisions to the next meeting of the Committee.

(The meeting ended at 6.30 pm)