

STANDARDS COMMITTEE

Excerpt of the Minutes of the meeting held on Tuesday 9 September 2014 at the Town Hall, Royal Leamington Spa at 6.00 pm.

Present: Councillor Pratt (Chairman); Councillors Mrs Bunker, Ms Dean, Ms De-Lara-Bond, Mrs Higgins, Mrs Knight, Mrs Syson and Williams.

Parish and Town Council representatives: Councillors Cooke, Owen and Smart.

Also Present:

Independent Persons: Mr R Meacham and Mr R Tomkinson.

Officers: Mr R Barr (Audit & Risk Manager) and Mr G Leach (Democratic Services Manager & Deputy Monitoring Officer).

Apologies for absence were received from Councillors Brookes and Mrs Mellor and from Parish and Town Representative Councillor Mrs Gordon.

6. **Substitutes**

There were no substitutes.

7. **Declarations of Interest**

There were no declarations of interest.

10. **Review of Councillor Code of Conduct & Associated Documents.**

The Committee considered a report from the Code of Conduct Working Party and Democratic Services Manager & Deputy Monitoring Officer that brought forward the proposed revised arrangements for handling complaints about Councillors' Conduct, along with its associated documents.

The Constitution Working Party had considered the current arrangements and feedback received on these and brought forward revised proposals based on them to enable formal consultation to be undertaken.

The revised documents were not radically different but incorporated a number of matters, previously undertaken, but not formally written down. In addition, the process had been reduced in both size and length and now written in the third person.

Previously members of the Standards Committee had expressed their frustration with the "lack of teeth" of the current Standards Regime. This was also expressed in some of the feedback from the first set of consultation. From this, the Working Party drafted a set of views they thought would be supported by the Committee and Council for submission to the Secretary of State of the Department of Communities and Local Government.

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In response to a question regarding the potential for appeals to a Hearing Panel decision, the Democratic Services Manager & Deputy Monitoring Officer responded explaining that it would be difficult to determine who should/or could consider any such appeal. As an example he sighted Planning Applications being determined by the Council then going to the Planning Inspectorate for independence, this level of independence for Code of Conduct complaints (the Standards Board) had been removed by the Government.

The Democratic Services Manager & Deputy Monitoring Officer also confirmed that a sanction of suspension was not currently lawful but the representation in paragraph 8.4 of the report was simply a representation to the Secretary of State to say this should be reintroduced for limited circumstances. This had been the view of the Working Party and the Chairman explained that members of the Committee could not moan that it had no teeth to take action then argue to retain the current level of sanctions available.

Resolved that

- (1) the documents appended to the report were approved for consultation subject to:
 - (i) minor amendments suggested by Mr Tomkinson being incorporated following discussion between the Chairman and the Democratic Services Manager & Deputy Monitoring Officer;
 - (ii) the continuation of the requirement to register gifts and hospitality (contrary to the suggestion from the Council's legal advisor);
 - (iii) the description of relevant person be amended within the revised Code of Conduct so that it is the same as that used within legislative requirements of Disclosable Pecuniary Interests; and
 - (iv) a complaint will not be allowed to progress to a Hearing Panel if a complainant is not willing to accept an appropriate resolution proposed by the Monitoring Officer if it has been accepted by the Councillor.
- (2) the documents be sent for consultation to:
 - (i) all Warwick District Councillors;
 - (ii) all Parish & Town Councillors within Warwick District; and
 - (iii) the Warwickshire Association of Local Councils.

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- (3) the timetable for the introduction of the new Code of Conduct and associated arrangements, be noted.

Recommended to Council that:

- (1) the Chairman writes to Secretary of State for the Department of Communities and Local Government outlining the main concerns and proposals set out below:
 - (i) it expresses concern that the lack of a sanction of suspension has removed the teeth of the standards regime when dealing with serious matters that are not within the Disclosable Pecuniary Interest regime;
 - (ii) express concern that the lack of sanctions, in the case of this Council has led to situations where Councillors have been found by their peers to have breached the Code of Conduct but have refused to accept the sanctions imposed by the Council which in our opinion has brought the whole standards regime into disrepute;
 - (iii) the current sanctions available such as a public notice, as recognised in the statement from DCLG on 9 July 2014 regarding public notices, are ineffective in providing a deterrent to Members for their bad behaviour;
 - (iv) the Council seeks guidance from DCLG on what it should do when under the current regime a Councillor refuses to apologise to a member of the public and officers for their actions when they have been found to be in breach of the Code;
 - (v) due to the concerns of Councils the sanction of suspension, for the most serious of cases, should be reintroduced for Local Government but only by resolution by Full Council on which at least half plus one member of the Council must vote for the suspension;
 - (vi) explains why it does not feel it is acceptable for it to have to seek Political Party Intervention to put more serious sanctions on Councillors who have been found to breach the Code, i.e. suspension from the Political group and removal from committees;
 - (vii) asks for clarification as to why it is acceptable for Parliament to have the opportunity to suspend members and not

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Local Government referencing the Patrick Mercer Case; and

- (viii) seeks a set Code of Conduct for all elected representatives of Parliament through to Parish Councils to enable clarity for all on what is expected in terms of the behaviour of all elected representatives.

- (2) The Chairman sends copies of the letter to:
 - (i) All Warwick District councillors;
 - (ii) All Parish & Town Councils in Warwick District;
 - (iii) The Warwickshire Association of Local Councils;
 - (iv) The two Members of Parliament for Warwick District;
 - (v) The Local Government Association;
 - (vi) The National Association of Local Councils; and
 - (vii) The Chair for the Committee for Standards in Public Life.

(At the conclusion of this item the Committee thanked the Democratic Services Manager & Deputy Monitoring Officer for his effort to bring these proposals forward. In return he thanked the Working Party for its support and effort.)

(Councillor Ms De-Lara-Bond, Councillor Mrs Knight, Independent Person Mr Tomkins and Audit & Risk Manager Mr Barr arrived during this item.)

(The meeting ended at 8.06 pm)