

# Standards Committee

Tuesday 9 September 2014

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A special meeting of the Standards Committee will be held in the Town Hall, Royal Leamington Spa on Tuesday 9 September 2014, at 6.00pm.

## Membership:

Warwick District Councillors	Councillor Brookes Councillor Mrs Bunker Councillor Ms De-Lara-Bond Councillor Mrs Higgins Councillor Mrs Knight Councillor Mrs Mellor Councillor Pratt (Chairman) Councillor Mrs Syson Councillor Wilkinson Councillor Williams (Vice-Chairman)
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Parish and Town Council Representatives	Councillor Cooke Councillor Mrs Gordon Councillor Owen Councillor Smart
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Although not members of the Committee, Mr Meacham and Mr Tomkinson, the Council's Independent Persons for Standards matters normally attend.

## Agenda

### 1. **Emergency Procedure**

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

### 2. **Substitutes**

To receive the name of any Councillor, Parish Representative or Independent Representative who is to act as a substitute, notice of which has been given to the Chief Executive, together with the name of the Councillor, Parish Representative or Independent Representative for whom they are acting.

### 3. **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.

### 4. **Minutes**

To consider the minutes of the meetings held on 2 April, 22 April and 21 July 2014. **(Item 4/Page 1)**

### 5. **Minutes**

To receive the minutes of the Hearing Panels on 28 April 2014 **(Item 5/Page 1)**

### 6. **Review of Councillor Code of Conduct & Associated Documents**

To consider a report from the Code of Conduct Working Party & Deputy Monitoring Officer **(Item 6/Page 1)**

### 7. **Internal Audit Annual Report 2013/14**

To consider a report from Finance **(Item 7/Page 1)**

### 8. **Review of Effectiveness of Internal Audit 2013/14**

To consider a report from Finance **(Item 8/Page 1)**

### 9. **Annual Governance Statement 2013/14**

To consider a report from Finance **(Item 9/Page 1)**

### 10. **Log of Complaints about Councillors**

To consider a report from the Deputy Monitoring Officer **(Item 10/Page 1)**

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

**Telephone: 01926 353362**

**Facsimile: 01926 456121**

**E-Mail: [committee@warwickdc.gov.uk](mailto: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](mailto:standardscommittee@warwickdc.gov.uk)**

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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) 353362 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 April 2014 at the Town Hall, Royal Leamington Spa at 6.00 pm.

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

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

**ALSO PRESENT:**

Independent Persons: Mr R Meacham and Mr Tomkinson.

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

Apologies for absence were received from Councillor Brookes and Councillor Mrs Falp.

19. **SUBSTITUTES**

There were no substitutes.

20. **DECLARATIONS OF INTEREST**

Minute 22 – Update on the sanctions imposed on Councillor Mrs Bromley

Councillor Mrs Higgins declared that she was a friend of Councillor Mrs Bromley and that they had worked together.

21. **STANDARD COMMITTEE MINUTES**

The minutes of the Standards Committee of 18 February 2014<sup>3</sup> were taken as read and signed as correct record by the Chairman.

(Councillor Mrs Gordon dissented from approving the minutes)

22. **UPDATE ON THE SANCTIONS IMPOSED ON COUNCILLOR MRS BROMLEY**

The Deputy Monitoring Officer highlighted the response to the Standards Committee from Councillor MacKay and the suggested options available to the Committee. He explained that the Committee were not there to reconsider the case but were simply deciding how to respond to the documents from Councillor MacKay.

It was proposed, by Councillor Cooke and duly seconded, that the matter be referred to Council for them to confirm the sanction for Councillor Mrs Bromley to apologise to Miss Turpin. On being put to the vote the proposal was lost.

It was proposed, by Councillor Cooke and duly seconded, that

## **STANDARDS COMMITTEE MINUTES (Continued)**

- (1) Council provides guidance to this committee on what action it should take given the Committee have tried all avenues open to it and have been unable to enforce the sanctions; and
- (2) Ask Council if they will write to Miss Turpin or if they would like the Committee to write to Miss Turpin explaining the position the Council finds itself in and apologising for this.

On being put to the vote the proposal was lost.

It was proposed, by Councillor Mrs Higgins and duly seconded, that the Chairman of the Committee writes to Miss Turpin with words along the following lines, which would be circulated to the Committee for comments prior to dispatch:

"There was a Hearing regarding your complaint in which Councillor Mrs Bromley was sanctioned by the District Council's Standards Committee. I am now writing on behalf of the Committee to make a full apology to you for Councillor Mrs Bromley's behaviour. Regrettably the Committee has limited power to enforce these sanctions due to legislation and can go no further."

On being put to the vote it was

**Resolved** that the Chairman of the Committee writes to Miss Turpin with words along the following lines, which would be circulated to the Committee for comments, prior to dispatch:

"There was a Hearing regarding your complaint in which Councillor Mrs Bromley was sanctioned by the District Council's Standards Committee.

I am now writing on behalf of the Committee to make a full apology to you for Councillor Mrs Bromley's behaviour.

Regrettably the Committee has limited power to enforce these sanctions due to legislation and can go no further."

### **23. REGISTER OF COMPLAINTS**

The Committee received the current register of Code of Conduct complaints.

Members of the Committee expressed concerns over the value of the Committee in relation to the cost of cases and the ability to enforce sanctions that had been issued.

The Committee were informed that the review of the Code of Conduct was ongoing but work on this was restricted due to demands on officer time for other projects.

**Resolved** that the log of complaints be noted.

(The meeting ended at 7.07 pm)

# STANDARDS COMMITTEE

Minutes of the meeting held on Monday 21 July 2014 at the Town Hall, Royal Leamington Spa at 6.00 pm.

**Present:** Councillors Mrs Bunker, Mrs Higgins, Mrs Knight, Pratt, Mrs Syson, Weber and Williams.

Parish and Town Council representatives: Councillor Cooke.

## **Also Present:**

Independent Person Mr R Meacham.

Officers: Mr A Jones (Deputy Chief Executive & Monitoring Officer) and Miss A Carnall (Committee Services Officer).

Apologies for absence were received from Councillors Brookes, Ms De-Lara-Bond, and Mrs Mellor and from Parish and Town Representatives Councillor Mrs Gordon and Owen.

## 1. **Substitutes**

Councillor Weber substituted for Councillor Ms Dean.

## 2. **Declarations of Interest**

There were no declarations of interest.

## 3. **Appointment of Chairman**

It was proposed, duly seconded and

**Resolved** that Councillor Norman Pratt be appointed Chairman of the Committee for the ensuing municipal year.

## 4. **Appointment of Vice-Chairman**

It was proposed, duly seconded and

**Resolved** that Councillor Glenn Williams be appointed Vice-Chairman of the Committee for the ensuing municipal year.

## 5. **Gypsy & Traveller sites - Dispensations**

The Committee considered a report from the Deputy Chief Executive and Monitoring Officer that sought dispensation for Councillors Boad, Caborn, Gifford, Kirton and Shilton in respect of the matter to be considered on the Council agenda of 13 August 2014 entitled *Gypsy & Traveller sites*.

## **STANDARDS COMMITTEE MINUTES (Continued)**

Within the Council's Constitution, the Standards Committee was responsible for considering and determining requests for dispensation from requirements relating to the Code of Conduct for Councillors (which included the matter of DPI). Dispensations could be granted, in certain circumstances, allowing a Councillor to speak and vote where they had a DPI.

The Council agenda of August 2014 included an item entitled *Gypsy & Traveller sites*. Consideration of this report would lead to an extremely important decision for the Council. It was essential that all members of the Council had the opportunity to express a view and vote on the proposed sites because not having that opportunity would be denying their constituents a voice and would also be inappropriate given the significance of the subject matter.

With the introduction of the Localism Act 2011, Councillors were required to declare any Disclosable Pecuniary Interests (DPI). To not do so was a criminal offence and would also be in breach of Warwick District Council's Code of Conduct for Councillors. With regard to the purpose of this report the relevant DPI was:

- An interest of yourself or your partner within the following description(s) –

<b>Subject</b>	<b>Prescribed description</b>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.

A consequence of declaring a DPI is that a Member present at a meeting which is discussing a matter which gives rise to the DPI shall:

- (a) not participate in any discussion of the matter at the meeting and must leave the room for the duration of this item.
- (b) not participate in any vote taken on the matter at the meeting.
- (c) disclose the interest to the meeting.

As any "office ... carried on for...gain" was a DPI, there was, therefore, an argument that being a County Councillor was "an office carried on for gain" because County Councillors received an allowance and, since they were collectively the embodiment of the County Council, they had a stake whenever the interests of the County Council were affected with the associated implications for attending meetings and voting.

An element of the *Gypsy & Traveller sites* proposals was the allocation of land east of Europa Way which would then lead, in all probability, to a capital receipt for the landowner. The land was held by Warwickshire County Council (WCC). The financial interests of the County Council were certainly affected by any decision on allocation of the site on Europa Way in the *Gypsy & Traveller sites* proposals and thus County Councillors who were also District Councillors (or a District Councillor and the partner of a County Councillor) were at risk of being caught up in the DPI provisions.

## **STANDARDS COMMITTEE MINUTES (Continued)**

As highlighted at previous meetings, the dispensation for Councillor Boad was slightly different to the other Councillors. This was because Councillor Boad had a DPI due to his wife being a Warwickshire County Councillor and not himself.

Mr Jones presented the report and reminded Members that given the nature of the matter to be considered, officers considered it appropriate that all Councillors had the opportunity to speak and vote on the issues.

Members were in agreement that this was an important local issue and Councillors should be given the ability to represent the views of their constituents.

**Resolved** that dispensations be granted to Councillors Boad (Leamington Crown) Caborn (Lapworth), Gifford (Leamington Milverton), Kirton (Whitnash) and Shilton (Kenilworth Park Hill) from the restrictions in section 31(4) Localism Act 2011 thereby allowing them to speak and vote on the matter on the Council agenda of August 2014 entitled *Gypsy & Traveller sites* on the grounds that:

- Granting the dispensation is in the interests of persons living in the authority's area; and
- It is otherwise appropriate to grant a dispensation.

(The meeting ended at 6.06 pm)



# STANDARDS COMMITTEE

Minutes of the meeting held on Tuesday 22 April 2014 at the Town Hall, Royal Leamington Spa at 5.30 pm.

**PRESENT:** Councillor Pratt (Chairman); Councillors Mrs Bunker, Ms Dean, Ms De-Lara-Bond, Mrs Falp, Mrs Higgins, Mrs Syson, Wilkinson and Williams.

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

**ALSO PRESENT:**

Independent Person Mr R Meacham.

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

24. **Substitutes**

Councillor Ms Dean substituted for Councillor Mrs Knight.

25. **Declarations of Interest**

There were no declarations of interest.

26. **Local Plan Submission Draft - Dispensations**

The Committee considered a report from The Deputy Chief Executive and Monitoring Officer that sought dispensation for Councillors Boad, Caborn, Gifford, Kirton and Shilton in respect of the matter to be considered on the Council agenda of 23 April 2014 entitled the Local Plan Submission Draft.

Consideration of this report would lead to the most important decision that Warwick District Council would make in a long time. It was essential that all members of the Council had the opportunity to express a view and vote on the Draft Local Plan because not having that opportunity would be denying their constituents a voice and would also be inappropriate given the magnitude of the subject matter.

With the introduction of the Localism Act 2011, Councillors were required to declare any Disclosable Pecuniary Interests (DPI). Not to do so was a criminal offence and would also be in breach of Warwick District Council's Code of Conduct for Councillors. With regard to this item the relevant DPI was:

- An interest of yourself or your partner within the following description(s) –

<b>Subject</b>	<b>Prescribed description</b>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.

## **STANDARDS COMMITTEE MINUTES (Continued)**

The consequence of declaring a DPI was that a Member present at a meeting which was discussing a matter which gave rise to a DPI must:

- (a) not participate in any discussion of the matter at the meeting and must leave the room for the duration of this item.
- (b) not participate in any vote taken on the matter at the meeting.
- (c) disclose the interest to the meeting.

As any "office ... carried on for...gain" was a DPI, there was, therefore, an argument that being a County Councillor was "an office carried on for gain" because County Councillors received an allowance and, since they were collectively the embodiment of the County Council, they had a stake whenever the interests of the County Council were affected with the associated implications for attending meetings and voting.

An element of the Draft Local Plan was the allocation of land off Europa Way for development which would then lead in all probability to a capital receipt for the landowner. The "Europa Way land" was held in multiple-ownership but one of the landowners was Warwickshire County Council (WCC). The financial interests of the County Council were certainly affected by any decision on allocation of the site at Europa Way in the Draft Local Plan and thus County Councillors who were also District Councillors were at risk of being caught up in the DPI provisions.

Within the Council's Constitution the Standards Committee was responsible for considering and determining requests for dispensation from requirements relating to the Code of Conduct for Councillors (which includes the matter of DPI). Dispensations could be granted (in certain circumstances) allowing a Councillor to speak and vote when they had a DPI. The application must be made in writing to the Chief Executive. In relation to the Draft Local Plan, requests for a dispensation had been received from Councillors Boad, Caborn, Gifford, Kirton and Shilton. Their respective arguments were consistent and could be paraphrased as failure to allow them to neither speak nor vote was clearly not satisfactory as their constituents would in effect lose their voice on the most important issue to be considered by Warwick District Council in many years. For that reason and given the magnitude of what the Council needed to consider, it was appropriate that all Councillors were afforded that opportunity.

Given the nature of the matter to be considered under the agenda item Local Plan Submission Draft, officers considered it appropriate that all Councillors had the opportunity to speak and vote on the issues. Therefore, it would be reasonable for the Council to grant dispensations for the following reasons:

- Granting the dispensation was in the interests of persons living in the authority's area; and
- It was otherwise appropriate to grant a dispensation.

In reaching this conclusion, it was considered by officers that the DPI requirements that flowed from receipt of an allowance could not conceivably affect any decision on Europa Way and the existence of which could not possibly operate on the minds of the affected Councillors. Nor would a reasonable member of the public, who focused conscientiously on

## **STANDARDS COMMITTEE MINUTES (Continued)**

the proposition that a Councillor might be swayed by the existence of their allowance, think it at all likely that this would happen.

The Councillors affected would also have a declarable personal interest under the non-statutory part of Warwick District Council's Code of Conduct because the County Council was a body of which they were members and its financial position was likely to be affected. The question, therefore, was whether this interest amounted to a prejudicial interest. If it did, no dispensation would help them and they were disqualified. The test was whether:

*... the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.*

This was a test which looked at all the circumstances, including non-financial considerations. It was officers' view, that the Councillors concerned would be entitled to reach the conclusion that the mere fact that they were County Councillors, and that the County Council was affected by the allocation of Europa Way, did not give rise to a prejudicial interest. The position may be different if one of them had some particular involvement in relation to the future of the Europa Way site as part of their duties at the County Council or if there were some other additional facts pointing towards a prejudicial interest or some form of bias. Officers would need to give advice about this on a case by case basis.

At the meeting the Deputy Chief Executive and Monitoring Officer highlighted that the application, from Councillor Boad, for dispensation was slightly different to the other Councillors. This was because Councillor Boad had a DPI due to his wife being a Warwickshire County Councillor and not himself.

**Resolved** that dispensations be granted to Councillors Boad (Leamington Crown), Caborn (Lapworth), Gifford (Leamington Milverton), Kirton (Whitnash) and Shilton (Kenilworth Park Hill) from the restrictions in section 31(4) Localism Act 2011 thereby allowing them to speak and vote on the matter on the Council agenda of 23 April 2014 entitled Local Plan Submission Draft on the grounds that:

- Granting the dispensation is in the interests of persons living in the authority's area; and
- It is otherwise appropriate to grant a dispensation.

(The meeting ended at 6.00 pm)

# HEARING PANEL

Minutes of the Hearing Panel held on Monday 28 April 2014, at the Town Hall, Royal Leamington Spa at 4pm.

**PANEL MEMBERS:** Warwick District Councillors Pratt and Wilkinson; Parish and Town Council Representative, Councillor Cooke.

**ALSO PRESENT:** Amy Carnall (Committee Services Officer), Mr Meacham (Independent Representative) and Jane Pollard (Council's Solicitor).

## 1. APPOINTMENT OF CHAIR

**RESOLVED** that Councillor Pratt be appointed as Chair for the hearing.

## 2. DECLARATIONS OF INTEREST

There were no declarations of interest.

## 3. CODE OF CONDUCT COMPLAINT – COUNCILLOR COLES (WESTON-UNDER-WETHERLEY PARISH COUNCIL)

The Panel received a report from the Deputy Chief Executive and Monitoring Officer, Mr Jones, advising them as to the background to complaints received.

The report asked the Panel to consider the outcome of the Code of Conduct investigations and to reach a decision on whether that had been a breach, or breaches, of the Code of Conduct by Councillor Coles.

The Chair introduced himself, other members of the Panel and officers, and asked the other parties to introduce themselves.

Mr Oliver attended as the Investigating Officer and author of the report dated 30 January 2014. Alongside him was the Council's Deputy Chief Executive and Monitoring Officer, Mr Jones.

The Chair explained the procedure that the hearing would follow and asked for advice from the Council's Solicitor regarding a letter from Councillors Coles and Mobbs. The letter had been hand delivered to all panel Members the previous evening and explained that neither Councillor felt they had been bound by the Code of Conduct. In addition, neither Councillor felt that all correspondence had been made available to the panel, the Investigating Officer's report was biased, they had not been allowed access to the Independent Person and they challenged the process and procedures followed.

Mrs Pollard advised the panel that Councillor Pratt was able to be a member of the Panel, as long as he approached the matter with an open mind and listened to all representations made. The make up of the Standards Committee meant that any hearing panels would be made of fellow

## **HEARING MINUTES (Continued)**

councillors, who would be asked to consider the facts and judge on the findings.

With regard to the Code of Conduct issues, it had been outlined in the report which incidents had taken place under the previous Code of Conduct and which fell under the current code. Members were reminded that by accepting office, it was felt that Members were also agreeing to be bound by that Code of Conduct.

In response to the '26 pieces of correspondence' referred to in the letter, any such items would be made available upon request.

Mr Jones outlined the report and explained that following the receipt of complaints, and after consultation with the Independent Person for the Council, Mr Meacham, he had agreed that the matters should be referred for investigation. At this stage, Mr Jones appointed Mr Oliver, Senior Solicitor for Warwickshire County Council, to investigate the allegations concerning Councillor Coles.

Mr Jones advised the Panel that Councillor Coles had been contacted on a number of separate occasions and had been invited to get involved with the process. However, every invitation had been refused.

On receipt of Mr Oliver's investigative reports, Mr Jones re-consulted with the Independent Person and concluded that the matters should go forward to a Hearing Panel. Mr Jones reminded the Panel that Councillor Coles had been notified of the hearing date and invited to attend.

The Chair invited the Investigating Officer, Mr Oliver, to outline his reports.

Mr Oliver delivered his report and answered questions from the Panel about each of the individual incidents. Mr Oliver explained that despite asking Councillor Coles for his input, he had not offered any information or agreement to meet. Mr Oliver advised that he had had one telephone call with Mr Coles who was dissatisfied with the process.

Mr Oliver concluded that, in his opinion, Councillor Coles had failed to behave in a manner that was respectful towards Mrs Norman.

The Panel felt that the letter detailed at Appendix 6 to the report was littered with disrespectful comments and agreed with the Investigating Officers findings in section 7.12 of the report.

The Panel agreed that it was difficult to consider the opposite side of the complaint without any response from Councillor Coles and his failure to attend the hearing, removed the opportunity for them to question him.

The Chair asked all parties other than the Panel, the Council's Solicitor and the Committee Services Officer to leave the room at 4.45pm, to enable the Panel to deliberate and reach its decision as to whether they felt there had been a breach of the code.

All parties were invited back in at 5.10pm, at which time the Solicitor outlined the legal advice she had given to the Panel prior to it reaching a

## **HEARING MINUTES (Continued)**

decision. The panel had been advised that they had to make a decision on the information before them and based on the balance of probability. With regard to the reference of 'bullying' this was a description used within the Weston-under-Wetherley Code of Conduct and could therefore be considered. There was no challenge to the facts and the Panel had agreed to consider the findings of fact and the breach of the code together.

The Panel announced their decision and advised that they accepted the facts and reasoning set out in sections 6 and 7 of the investigating officer's report and their conclusions on the incidents were summarised below.

The first incident, outlined in paragraph 6.3, related to a meeting that took place in August 2012. The Panel agreed that as there was no Code of Conduct in place at the time of the incident, Councillor Coles could not have failed to comply with it.

The second incident, outlined in paragraph 6.4, related to the clarification of minutes. The Panel agreed that Councillor Coles, by failing to respond to the request for clarification and by acting in the way he did in seeking to get the draft minutes changed, failed to behave towards Mrs Norman in a way that a reasonable person would regard as respectful.

The third incident related to the series of emails, outlined in paragraph 6.6 of the report, the Panel agreed that on their own, the emails did not contain anything offensive and did not amount to a failure to behave towards Mrs Norman in a way that a reasonable person would regard as respectful.

The fourth incident related to the request for items to be added to the agenda for 27 February 2013 meeting and the subsequent conduct of Councillor Cole. The Panel was mindful that there had been confusion regarding the timings for submission of items and the publication of the agenda due to Councillor Roberts being busy or away. The Panel agreed that, had the clerk failed to comply with the Local Government Act or the Council's Standing Orders, other legal avenues would have been available to Councillor Coles to challenge such failures.

The Panel considered the events that took place on 27 February 2013 which included the contents of the email sent shortly before the start of the Council meeting and the behaviour of Councillor Coles toward Mrs Norman at the meeting. The Panel concluded that the remarks made by Councillor Cole in the email were both disparaging of Mrs Norman and an attempt by Councillor Cole to undermine Mrs Norman and her role as the proper officer of the Council. The Panel agreed that Councillor Coles' behaviour at the meeting had been intimidatory and that he had failed to behave in a way that a reasonable person would regard as respectful.

The Panel found the events of 27 February 2013 particularly disturbing and that the behaviour of Councillor Cole taken as a whole showed not only a lack of respect for Mrs Norman but was also bullying and intimidatory. The Panel, therefore, found that Councillor Coles was in breach of his obligations as a member under the Parish Councils code of conduct.

**Resolved**, that taken as a whole, Councillor Coles' behaviour showed a lack of respect to Mrs Maria

## **HEARING MINUTES (Continued)**

Norman and is also bullying and intimidatory and he was therefore in breach of the parish councils code of conduct.

The Chair then asked, prior to agreeing any sanctions, that the Investigating Officer sum up and provide his opinion on possible sanctions. Mr Oliver stated that it had been difficult to conclude on sanctions when he had not had the opportunity to interview Councillor Coles.

The Chair asked all parties other than the Panel, the Council's Solicitor and the Committee Services Officer to leave the room at 5.15pm, to enable the Panel to deliberate and reach its decision regarding sanctions.

After considering representations on the sanctions the Panel advised that it considered the bullying and intimidation of officers to be particularly serious and therefore,

### **Resolved** that

- (1) the findings of the Panel in respect of the member's conduct will be published in local media and the Panel also recommends that this includes the local Parish Newsletter; and
- (2) a formal report will be made to the Parish Council recommending that Councillor Coles be censured for his behaviour towards the Parish Clerk, Mrs Maria Norman, unless Councillor Coles apologises to Mrs Norman for his behaviour at a public council meeting, within eight weeks from 28 April 2014.

All parties were invited back in to the room and advised of the Panel's decision and advised that Councillor Coles would be supplied with a summary of the decision shortly, with a detailed decision and minutes to be published in due course.

(The meeting finished at 5.30 pm)

# HEARING PANEL

Minutes of the Hearing Panel held on Monday 28 April 2014, at the Town Hall, Royal Leamington Spa at 6pm.

**PANEL MEMBERS:** Warwick District Councillors Mrs Syson and Williams; Parish and Town Council Representative, Councillor Smart.

**ALSO PRESENT:** Amy Carnall (Committee Services Officer), Mr Meacham (Independent Representative) and Jane Pollard (Council's Solicitor).

## 1. APPOINTMENT OF CHAIR

**RESOLVED** that Councillor Williams be appointed as Chair for the hearing.

## 2. DECLARATIONS OF INTEREST

There were no declarations of interest.

## 3. CODE OF CONDUCT COMPLAINT – COUNCILLOR MRS MOBBS (WESTON-UNDER-WETHERLEY PARISH COUNCIL)

The Panel received a report from the Deputy Chief Executive and Monitoring Officer, Mr Jones, advising them as to the background to complaints received.

The report asked the Panel to consider the outcome of the Code of Conduct investigations and to reach a decision on whether that had been a breach, or breaches, of the Code of Conduct by Councillor Mrs Mobbs.

The Chair introduced himself, other members of the Panel and officers, and asked the other parties to introduce themselves.

Mr Oliver attended as the Investigating Officer and author of the report dated 11 December 2013. Alongside him was the Council's Deputy Chief Executive and Monitoring Officer, Mr Jones.

The Chair explained the procedure that the hearing would follow and asked for advice from the Council's Solicitor regarding a letter from Councillors Coles and Mrs Mobbs. The letter had been hand delivered to all panel Members the previous evening and explained that neither Councillor felt they had been bound by the Code of Conduct. In addition, neither Councillor felt that all correspondence had been made available to the panel, the Investigating Officer's report was biased, they had not been allowed access to the Independent Person and they challenged the process and procedures followed.

With regard to the Code of Conduct issues Mrs Pollard advised that it had been outlined in the report which incidents had taken place under the Parish Council's previous Code of Conduct and which fell under the current



## **HEARING MINUTES (Continued)**

code. Members were reminded that by accepting office, it was felt that Members were also agreeing to be bound by that Code of Conduct.

In response to the '26 pieces of correspondence' referred to in the letter, any such items would be made available upon request.

Although the Panel was aware that a hearing relating to Councillor Coles had taken place earlier in the day, the Panel did not know the outcome and did not wish to know of any decisions that may have been reached as they wished to approach the hearing with an open mind.

The Monitoring Officer advised the Panel that the Independent Person, Mr Tompkinson had made an approach to Councillor Mrs Mobbs but there had been no attempt to take the Council up on this offer.

Having read the contents of the letter, and after taking legal advice on the issues raised in the letter, the Panel decided to proceed in the absence of Councillor Mrs Mobbs.

Mr Jones outlined the report and explained that following the receipt of complaints, and after consultation with the Independent Person for the Council, Mr Meacham, he had agreed that the matters should be referred for investigation. At this stage, Mr Jones appointed Mr Oliver, Senior Solicitor for Warwickshire County Council, to investigate the allegations concerning Councillor Coles.

Mr Jones advised that he was entirely comfortable that Councillor Mrs Mobbs had had every opportunity to engage throughout the process.

On receipt of Mr Oliver's investigative reports, Mr Jones re-consulted with the Independent Person and concluded that the matters should go forward to a Hearing Panel.

The Chair invited the Investigating Officer, Mr Oliver, to outline his reports.

Mr Oliver delivered his report and advised that there had been three complaints made against Councillor Mobbs. These included her not acting in a respectful manner towards the clerk Mrs Norman, acting in an intimidatory manner towards Mr Haine and not being respectful towards Mr Evans, Mrs Norman and other individuals on an on line forum.

Mr Oliver advised that his report included statements from the interviewees but no written documents or agreement to attend an interview had been forthcoming from Councillor Mrs Mobbs.

Mr Oliver gave some background of the membership of Weston under Wetherley Parish Council in previous years and up to the present time. He also outlined which incidents fell under the existing Code of Conduct and explained when no effective code had been in force.

The Chairman, Councillor Williams, requested advice on the issue raised by Councillor Mrs Mobbs in her letter which questioned the independence of the Investigating Officer. In response, the Monitoring Officer explained that the Chief Executive had commissioned a review of the case by the

## **HEARING MINUTES (Continued)**

Legal Services Manager. This had concluded that Mr Oliver was managing the case in a reasonable manner.

Mr Oliver then answered questions from the Panel including the definition of bullying behavior, the correct process for dealing with amendments to minutes and the posting of messages on a public website.

Mr Meacham addressed the Panel and stated that he supported the Investigating Officers report and summation of views, which he felt were very fair.

The Chair asked all parties other than the Panel, the Council's Solicitor and the Committee Services Officer to leave the room at 6.52 pm, to enable the Panel to deliberate and reach its decision as to whether they felt there had been a breach of the code.

All parties were invited back in at 7.24pm.

The Panel announced their decision and after hearing from the Investigating Officer the Panel accepted the facts and reasoning set out in the report. The Panel's conclusions in respect of those matters were set out in the following paragraphs.

The Panel had considered the three complaints before them which related to similar facts and agreed that all three should be considered together.

The Panel agreed that any conduct of the members of the parish council could not be considered prior to the adoption of the Code of Conduct on 3 October 2012. Therefore, any incidents relating to Councillor Mrs Mobbs in August 2012 could not be considered because there was no effective code in force to be breached.

With regard to the issues relating to the running of the Parish Council, including notice of meetings, agendas and minutes, the Panel agreed that Councillor Mrs Mobbs' behaviour, in person and in writing, was discourteous and showed a failure to behave towards Mrs Norman in such a way that a reasonable person would regard as respectful.

The Panel considered the postings made on the CPALC website in January 2013, under the username 'Severn45' and agreed that Councillor Mrs Mobbs' profile confirmed that this was her username. The Panel were mindful that although some of the 'threads' of conversation in the blog had not been initiated by Councillor Mrs Mobbs, the titles and topics of conversation had been about the workings of the Parish Council and Councillor Mrs Mobbs had given the impression that she was acting on their behalf.

The Panel agreed that many of the comments posted on the CPALC website by Councillor Mrs Mobbs were discourteous, incorrect and disrespectful towards Mrs Norman.

In addition, the Panel considered that the comments made on the website by Councillor Mrs Mobbs towards Councillor Roberts and Mr Evans were

## **HEARING MINUTES (Continued)**

disparaging and that a reasonable person would regard this as behaviour which was not respectful.

In response to the complaint that Councillor Mrs Mobbs had tried to bully and intimidate Mrs Norman, the Panel were satisfied that there was a pattern of behaviour displayed by Councillor Mrs Mobbs towards Mrs Norman, which a reasonable person would regard as bullying and intimidatory. The Panel considered this behaviour to be of serious concern.

The Panel therefore,

**Resolved**, that Councillor Mrs Mobbs breached the Parish Council's Code of Conduct because:

- (a) she did not behave towards Mrs Norman in such a way that a reasonable person would regard as respectful; and
- (b) she did not behave towards Councillor Roberts and Mr Evans in such a way that a reasonable person would regard as respectful; and
- (c) she acted in a way that a reasonable person would regard as bullying and intimidatory towards Mrs Norman.

The Chair then asked, prior to agreeing any sanctions, that the Investigating Officer sum up and provide his opinion on possible sanctions. He felt that publication of the findings and an apology to Mrs Norman should be included.

The Panel had concerns that previous requests for apologies had been avoided and discussed how to strengthen this request. Members also discussed the option of suggesting a review of the Parish Council's Social Media policy.

The Chair asked all parties other than the Panel, the Council's Solicitor and the Committee Services Officer to leave the room at 7.36pm, to enable the Panel to deliberate and reach its decision regarding sanctions.

After considering representations on the sanctions the Panel,

**Resolved** that

- (1) the Panel will publish its findings in local media about the conduct of Councillor Mrs Mobbs' towards Mrs Norman, Councillor Roberts and Mr Evans;
- (2) the Panel will report their findings to Weston under Wetherley Parish Council; and
- (3) the Panel recommends to Weston under Wetherley Parish Council that Councillor Mrs

## **HEARING MINUTES (Continued)**

Mobbs should be censured for her behaviour towards Mrs Norman, Councillor Roberts and Mr Evans unless she apologises for her behaviour to said individuals in a public council meeting on or before 23 June 2014; and

- (4) the Panel's report will recommend that Weston under Wetherley Parish Council review its Code of Conduct with regard to the acceptable use of Social Media.

All parties were invited back in to the room and advised of the Panel's decision

(The meeting finished at 7.43 pm)

 <b>Standards Committee</b> <b>9 September 2014.</b>		<b>Agenda Item No. 6</b>
<b>Title</b>	Review of Councillor Code of Conduct & Associated documents	
<b>For further information about this report please contact</b>	Graham Leach, Democratic Services Manager & Deputy Monitoring Officer, 01926 456114 or <a href="mailto:graham.leach@warwickdc.gov.uk">graham.leach@warwickdc.gov.uk</a>	
<b>Wards of the District directly affected</b>	None	
<b>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?</b>	No	
<b>Date and meeting when issue was last considered and relevant minute number</b>	Standards Committee 21 October 2013	
<b>Background Papers</b>	Localism Act 2012	

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

<b>Officer/Councillor Approval</b>		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Chief Executive/Deputy Chief Executive		
Head of Service		
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)		
<b>Consultation &amp; Community Engagement</b>		
The report is brought forward by the Code of Conduct Working Party and proposes further consultation.		
<b>Final Decision?</b>	Yes/No	
<b>Suggested next steps (if not final decision please set out below)</b>		

## 1. **Summary**

- 1.1 The report brings forward proposed revised arrangements for handling complaints about Councillors Conduct, along with its associated documents; and a slightly revised Code of Conduct and associated documents.

## 2. **Recommendation**

- 2.1 The Committee considers and responds to the views of the Council's Legal Advisors as set out in Paragraph 8.6 of the report.
- 2.2 The Committee approves documents attached as Appendices A to D for consultation with
  - (a) All Warwick District Councillors;
  - (b) All Parish & Town Council's within Warwick District; and
  - (c) The Warwickshire Association of Local Councils.
- 2.3 The Standards Committee supports the main concerns for inclusion in a letter to be sent to the Secretary of State for the Department of Communities and Local Government as set out in section 8.4 of the report.
- 2.4 The main concerns, as set out in section 8.4, are reported to Warwick District Council in September 2014 asking them to authorise the Chairman of the Council to write to the Secretary of State for the Department of Communities and Local Government outlining those concerns.
- 2.5 The proposed letter, in 2.3, is circulated to all parties listed in 2.2 (a) to (c), as well as the two Members of Parliament for Warwick District, the Local Government Association, the National Association of Local Councils and Chair for the Committee for Standards in Public Life.
- 2.6 The Committee notes the timetable for the introduction of the new Code and arrangements.

## 3. **Reasons for the Recommendation**

- 3.1 The Constitution Working Party has considered the current arrangements and feedback received on these and brings forward the revised proposals to enable formal consultation to be undertaken.
- 3.2 The revised documents are not radically different but now incorporate a number of matters, previously undertaken, but not formally written down. In addition, the process has been reduced in both size and length and now written in the third person.
- 3.3 All members of the Standards Committee have 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 this Committee and Council for submission to the secretary of state of the Department of Communities and Local Government.

#### 4. **Policy Framework**

4.1 **Policy Framework** – This report does not impact on the Council’s Policy Framework.

4.2 **Fit for the Future** – The final documents from this piece of work contribute heavily to the services and people aspects of the Council’s Fit for the Future. This is because it underpins the core principles of ensuring that good governance arrangements are in place and that Councillors are held to account for their behaviour.

#### 5. **Budgetary Framework**

5.1 This report does not impact upon the budgetary framework or the budget of the Council.

#### 6. **Risks**

6.1 The main risks from the proposals at this stage are minimal. This is because the main proposal is bringing forward a proposal for consultation to ensure that every relevant party has had the opportunity to provide feedback on the proposal. The second part relates to a letter where the main risk to the Council is the continued approach by Central Government not to have a sanction of suspension for local Councillors and therefore enabling them not to be held responsible for their actions.

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

7.1 While the revised arrangements and Code could be brought into effect from January 2015, it is not considered appropriate to have the revised Code in place for less than four months before the District Council and Parish/Town Council elections. This is because it would involve significant officer resources in providing training for Members who may cease to be in office from May. In addition, from January 2015 this will be an extremely busy time for both Officers and Councillors in preparation for the elections. That said the revised supporting documents could be brought into action from January 2015 to improve the level of service to the customer.

7.2 The Working Party did consider the potential for an appeals system to a Hearing Panel Decision but accepted the representation from WCC Legal Services that *"I would re-iterate my advice that an appeal process is not required. The Localism Act 2011 left it entirely for local councils to decide how they designed their procedures for dealing with complaint against councillors. It envisages councillors being judged by their peers at a local level. Essentially there is no higher level within a local authority than the judgement of other councillors."*

#### 8. **Background**

8.1 Following its meeting on 21 October 2013 the Standards Committee appointed a working Party consisting of Councillors Brookes, Cooke, Mrs Falp, Pratt, Mrs Syson and Wilkinson to review the Code of Conduct and associated documents and report back to Standards Committee.

8.2 The Working Party has met twice with further discussions via email and informally.

8.3 The Working Party, while revising the documents, focussed on the main concerns that had been passed to them. These were the ineffectiveness of the current regime because of the lack of sanctions available to the Standards Committee and the lack of ability to enforce sanctions such as an apology. This is also outlined as a concern within the Annual Governance Statement.

8.4 The Working Party are of the opinion that the Council should write to the Secretary of State for the Department of Communities and Local Government expressing the following concerns:

- 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;
- This can, and 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.
- 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;
- That 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;
- The Council seeks guidance from DCLG on what it should do where under the current regime a Councillor refuses to apologise to a member of the public and officers for their actions where they have been found to be in breach of the Code.
- The Council 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;
- The Council asks for clarification as to why it is acceptable for Parliament to have the opportunity to suspend members and not Local Government referencing the Patrick Mercer Case.
- The Council seeks a set Code of Conduct for all elected representatives of Parliament through to Parish Council's to enable clarity for all on what is expected in terms of the behaviour of all elected representatives.

8.5 The agreed timeline for introduction of the revised documents and Code of Conduct is as follows:

- Standards Committee consider draft ideas 9 September 2014
- The draft proposals are then sent to All Parish and Town Councillors, Jane Pollard, Peter Oliver, all Warwick District Councillors for comments by 7 November 2014
- Working Party meet on the afternoon of 19 November 2014
- Goes to WDC Executive for support in December 2014
- Goes to Standards Committee on 16 December 2014
- Adopted by Council from 28 January 2015 to come into force from 11 May 2015
- Copies sent to all Parish & Town Councils asking them to adopt from 11 May 2015.



- 8.6 This report and associated documents have been considered by the Council's Legal Services Team. While a number of minor comments have been made in the report, there were two specific aspects for consideration by the Committee. These were:
- (1) The Committee should consider removing the requirement for the declaration of Gifts and Hospitality. This because while the requirements within the Code is fine there is no legislative requirement for this and it is rarely used;
  - (2) The Committee should consider the requirement for registering other interests as outlined in the suggested Code of Conduct because these are not required by law. In relationship to this the Committee may also want to consider the description of a relevant person of the other interests and if this should be narrower in line with the legislative requirements of Disclosable Pecuniary Interests;
  - (3) The Committee should not allow a matter to progress to a Hearing Panel if a complainant is not willing to accept an appropriate resolution from proposed by the Monitoring Officer if it has been accepted by the Councillor. This is because the process is about addressing the Councillors behaviour, not a compensation scheme for complainants.

# 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 their 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:

<b><i>Subject</i></b>	<b><i>Prescribed description</i></b>
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) <b>and</b> 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 <sup>(1)</sup> 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;

## 2 Register of interests

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(1) 2000 c. 8.

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

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 or;



- (b) your election or appointment to office (where that is later);  
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—
    - (a) a member of your family or any person with whom you have a close association; or
    - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
    - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
    - (d) any body of which you are a member which is affected by the matter being considered.
  - (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. However Members can ask for their other interests not to be published on the District Council's website. 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.
  - (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.
- (5) 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.

However 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.

**Warwick District Council  
Complaint report and investigation approach**

<b>Complaint Number:</b>	
<b>Investigating Officer and Contact Details:</b>	
<b>Complainant Contact Details:</b>	
<b>Start Date:</b>	
<b>Completion Date:</b>	
<b>Hours taken to complete the Investigation:</b>	

**Complaint**

Define the complaint wording which, when it is a complex case, should be agreed with the complainant.

**How was the complainant affected?**

This should be taken from the complainant, either copied from the complaint form or asked for in first correspondence.

**Proposed areas of the Code of Conduct broken**

Include details of any proposed remedy sought by the complainant.

The complainant may not propose a remedy in the first instance and indeed in some cases there may not be feasible remedies available. However the investigating officer should try to draw a proposed remedy from the complainant to assist during the investigation.

**Investigation**

The investigation should be undertaken with an open mind and every possibility should be given for the complainant to put their case across.

The investigating officer should meet with the both the complainant and the Councillor at least once.

The investigating officer should seek and consider all relevant information and contact all relevant witnesses.

Ideally this should be through a face to face meeting or, if the individual prefers, by telephone conversation. In addition where it is felt appropriate the investigation can be done via written correspondence. Notes should be kept of the meeting but they are not required to be formal witness statements.

**Conclusion**

This should detail the conclusions to the investigation which should be referred back to paragraphs within the investigation section and state which parts of the Code of Conduct have been breached or not.

## **Procedure for Hearings**

This guidance is designed to help those who are involved in the determination of complaints that a Councillor may have breached the Code of Conduct.

Any reference in this guidance to a standards committee includes a reference to sub-committees established to consider a Monitoring Officer's investigation report and to consider determination hearings. Any reference to the "subject member" is a reference to the Councillor who is the subject of the complaint that the Code of Conduct may have been breached.

The main purpose of the hearing is to decide whether a member has breached the Code of Conduct and, if so, to decide if any sanctions should be applied and what form the sanction(s) should take.

### **Timing of the standards committee hearing**

Normally a hearing should take place within three months of the date on which the Investigating Officer's report was completed but no earlier than 14 days after the Councillor has been sent a copy of the Investigating Officer's report.

The presumption will be that the hearing should take place in public.

### **Scheduling a hearing**

Except in the most complicated cases, a hearing should be completed in one sitting or in consecutive sittings of no more than one working day in total.

When scheduling hearings consideration will be given to the fact that late night and very lengthy hearings are not ideal for effective decision-making.

Equally, having long gaps between sittings can lead to important matters being forgotten.

### **The pre-hearing process**

The purpose of the pre-hearing process is to allow matters at the hearing to be dealt with more fairly and economically. This is because it quickly alerts parties to possible areas of difficulty and, if possible, allows them to be resolved before the hearing itself.

The pre-hearing process will normally be carried out through an informal meeting between the standards committee chairman, the Monitoring Officer, the legal officer for the Council, the Investigating Officer and the Councillor (and or their representative) that the complaint is about.

### **Key points for the pre-hearing process**

The officer providing administrative support to the hearing will arrange a mutually convenient date.

If any party declines to, be part of this process or is obstructive to it, it will be reported in the Monitoring Officer's report to the Hearing Panel

Once a date is set for the pre-hearing the officer providing administrative support to the hearing should write to all the relevant parties confirming the time, date and venue and the purpose of the pre-hearing.

The purpose will be to:

- set a date for the hearing;
- confirm the main facts of the case that are agreed;
- confirm the main facts which are not agreed;
- confirm whether the subject member will attend the hearing and/or will be represented at the hearing ;
- confirm those witnesses, if any, who will be asked to give oral evidence, subject to the power of the standards committee to make a ruling on this at the hearing;
- confirm any additional written evidence/submissions to be presented and the timescale for their production
- confirm the arrangements for handling any confidential or exempt information if relevant, and
- confirm the proposed procedure for the hearing.

(NB The subject member may be represented by another person of their choosing whether that person is legally qualified or not. Where the representative is not legally qualified there may be restrictions on the release of confidential or exempt information.)

The purpose of the pre-hearing is to focus the relevant parties' attention on isolating all relevant disputes of facts between them. Attention to the factual issues will save valuable time later on in the determination process. It is for this reason the subject member makes clear what findings of fact in the report s/he disagrees with and why.

Any witnesses to be invited to attend the hearing will be invited by either the party who wishes them to attend i.e. the Councillor the complaint is against, the Investigating Officer or the Hearing Panel itself.

### **The hearing**

This hearing is not a Court and strict rules of procedure and evidence, do not apply. The hearing will be conducted more along the lines of an inquiry.

The hearing will generally proceed by way of representations on behalf of the Monitoring Officer and the subject member based on the Investigating Officers report and any written evidence which has been submitted.

The hearing will only hear oral evidence from witnesses of fact where key factual matters are in dispute. Normally the hearing will allow for up to 2 character witnesses to give oral evidence.

Evidence will not be given under oath, but the deliberate telling of untrue statements is not acceptable.

The Panel has power to govern its own procedure and may limit the number of witnesses to be called to that specified at the pre-hearing meeting.

Any statement, comment or question must be addressed through the Chair of the Panel. There will be no direct cross-examination by any person of any other person.

The Chair will exercise the right to intervene and interrupt any person if that person is providing evidence that is not relevant to the proceedings, or to the Code of Conduct.

If any person behaves in an unruly, abusive or disruptive manner, the Chair will exercise their right to adjourn the hearing in order to have that person removed from the room.

The order in which evidence is to be given to this Panel is as follows:-

- The Monitoring Officer will present their report to the meeting;
- The Investigating Officer will present their report and may comment on any representations which have been made;
- The Panel and the subject Member may ask questions of the Investigating Officer through the Chair;
- The Investigating Officer can then present any witnesses (which the subject Member and the Panel will have the opportunity to ask questions of through the Chair);
- The subject Member will then be allowed to make their representations to the Panel (the Panel and Investigating Officer will then be provided the opportunity to ask questions of them);
- The subject Member will then be allowed to present witnesses to the Panel (which the Panel and Investigating Officer will be permitted to question through the Chair);
- The Independent Person will then provide their view of the case;
- The Panel will then adjourn (with its Legal Advisor and Clerk to the Panel) and will determine the facts of the case and if there has been a breach of the Code of Conduct;
- The Panel will return and announce its findings and whether there has, been a breach of the Code of Conduct. If there is no breach the meeting closes, if there has been a breach it progresses as follows;
- The Investigating Officer will be asked to make representations on appropriate sanctions;
- The subject Member will be able to make representations regarding sanction and present any character witnesses;
- The Independent Person will make representations on their view of possible sanctions;
- The Panel will then adjourn (with its Legal Advisor and Clerk to the Panel) to determine what sanctions (if any) are appropriate;
- The Panel will return and announce the sanctions (if any) they consider appropriate .

The Panel will have read all the papers in advance of the hearing. All parties are asked to keep to relevant points and avoid unduly lengthy or repetitive statements when making their representations or presenting their evidence to the Panel.

Any person may withdraw any of their representations at this hearing.



The Panel members, may ask questions at any time in the procedure in order to clarify any matter.

The purpose of the Legal Advisor is to advise on law and interpretation and not to make any recommendation as to the determination to be given.

The determination will be formally written and sent by post to all the parties at the hearing, and any other relevant person..

### **Considering the sanction**

When deciding on sanction(s), the Hearing Panel should ensure that it is reasonable and proportionate to the subject member's behaviour. Before deciding what sanction to issue, the standards committee should consider the following questions, along with any other relevant circumstances:

- What was the subject member's intention?
- Did the subject member know that they were failing to follow the Code of Conduct?
- Did the subject member get advice from officers before the incident? Was that advice acted on or ignored in good faith?
- Has there been a breach of trust?
- Has there been financial impropriety, for example improper expense claims or procedural irregularities?
- What was the result of failing to follow the Code of Conduct?
- What are the potential results of the failure to follow the Code of Conduct?
- How serious was the incident?
- Does the subject member accept they were at fault?
- Did the subject member apologise to the relevant people?
- Has the subject member previously been warned or reprimanded for similar misconduct?
- Has the subject member failed to follow the Code of Conduct before?
- Is the subject member likely to do the same thing again?
- How will the sanction be carried out? For example, who will provide the training or mediation?
- Are there any resource or funding implications? For example, if a subject member has repeatedly or blatantly misused the authority's information technology resources, the standards committee may consider withdrawing those resources from the subject member.

### **Examples, but not an exhaustive list, of mitigating factors are:**

- An honestly held, although mistaken, view that the action concerned did not constitute a failure to follow the provisions of the Code of Conduct, particularly where such a view has been formed after taking appropriate advice.
- A member's previous record of good service.
- Substantiated evidence that the member's actions have been affected by ill-health.
- Recognition that there has been a failure to follow the Code; co-operation in rectifying the effects of that failure; an apology to affected persons where that is appropriate, self-reporting of the breach by the member.
- Compliance with the Code since the events giving rise to the determination.

- Some actions, which may have involved a breach of the Code, may nevertheless have had some beneficial effect for the public.

**Examples, but again not an exhaustive list, of aggravating factors are:**

- Dishonesty.
- Continuing to deny the facts despite clear contrary evidence.
- Seeking unfairly to blame other people.
- Failing to heed appropriate advice or warnings or previous findings of a failure to follow the provisions of the Code.
- Persisting with a pattern of behaviour which involves repeatedly failing to abide by the provisions of the Code.

In deciding what action to take, the Panel should bear in mind the aim of upholding and improving the standard of conduct expected of members of the various bodies to which the Codes of Conduct apply, as part of the process of fostering public confidence in local democracy.

Thus, the action taken by the Panel should be designed both to discourage or prevent the particular subject Member from any future non-compliance and also to discourage similar action by others.

Panelss should take account of the actual consequences which have followed as a result of the member's actions while at the same time bearing in mind what the possible consequences may have been even if they did not come about.

## **Policy for Handling 'unreasonable complainant behaviour' and 'unreasonably persistent complainants' in respect of Complaints about Councillors.**

Generally, dealing with a complaint is a straightforward process, but in a minority of cases people pursue their complaints in a way which can either impede the investigation of their complaint or can have significant resource issues for authorities. These actions can occur either while their complaint is being investigated, or once an authority has concluded the complaint investigation.

We use the terms 'unreasonable complainant behaviour' and 'unreasonably persistent complainants'.

For us, unreasonable complainant behaviour and unreasonably persistent complainants are those complainants who, because of the frequency or nature of their contacts with an authority, hinder the authority's consideration of their, or other people's, complaints.

### **Actions and behaviours of unreasonable and unreasonably persistent complainants**

These are some of the actions and behaviours of unreasonable and unreasonably persistent complainants which authorities often find problematic. It is by no means an exhaustive list and local factors will vary, but they are examples that the Council consider relevant:

- Refusing to specify the grounds of a complaint, despite offers of assistance with this from the authority's staff.
- Refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- Refusing to accept that issues are not within the remit of a complaints procedure despite having been provided with information about the procedure's scope.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Making what appear to be groundless complaints about the staff dealing with the complaints, and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds and/or denying statements he or she made at an earlier stage.
- Introducing trivial or irrelevant new information which the complainant expects to be taken into account and commented on, or raising large numbers of detailed but unimportant questions and insisting they are all fully answered.
- Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.
- Adopting a 'scattergun' approach: pursuing a complaint or complaints with the authority and, at the same time, with a Member of Parliament/a Councillor/the authority's independent auditor/local police/solicitors/the Ombudsman.
- Making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being looked into, by, for example, excessive telephoning or sending emails to numerous Council staff, writing lengthy complex letters every few days and expecting immediate responses.
- Submitting repeat complaints, after complaints processes have been completed, essentially about the same issues, with additions/variations which the complainant insists make these 'new' complaints which should be put through the full complaints procedure.

- Refusing to accept the decision – repeatedly arguing the point and complaining about the decision.
- Complaints that are instituted, without sufficient grounds, which intend to cause annoyance or embarrassment
- Complaints that are not serious or sensible in content, attitude or behaviour, and unworthy of serious sensible treatment.
- Complaint that has been previously considered and responded to through its complaints process and found not to be justified, unless sufficient new evidence can be provided.
- Combinations of some or all of these.

### **Who decides?**

If a complaint is considered by the Monitoring Officer to be either unreasonable complainant behaviour and/or unreasonably persistent, they will consult with the Independent Person on what action should be taken.

### **How is a decision taken?**

The Monitoring Officer will consider the aspects of the complaints in relation to the Policy. If it is considered there are aspects which fall within this Policy, they will consider what action should be taken.

If it is considered there are no aspects that fall within this policy no action will be taken and the complaints will progress through the normal channels.

### **What decisions can be taken**

The following decision can be taken:

Refuse to investigate the complaint;

Refuse to investigate the complaint until the complainant provides further information;

Explain that the Council's Corporate Complaints Policy has to be followed and nominate a single point of contact within the Council for the complainant;

How long any restrictions should apply to the complainant;

To accept the complaint;

Refer complainant to the Citizen's Advice Bureau for assistance in formulating their complaint;

Refuse to respond to further questions on a complaint already considered and refer the complainant to the LGO;

How restrictions can be lifted, when they will be reviewed and by whom.

### **Who is informed?**

Any decision to take action under the policy will be communicated in writing to the complainant.

In addition to the complainant, the Chief Executive, relevant officers and Councillors, will be informed of the decision.

Only these people (detailed above), representatives on behalf of the complainants (once written consent is received) and the LGO will be entitled to receive the detailed information.

**How can a decision be appealed ?**

As the Monitoring Officer has taken the decision, if the complainant is unhappy with the decision they would need to submit their complaint along with their objection to the decision of the Monitoring Officer for the Council not to investigate their complaint to the LGO.

**Record**

A record of all the decisions taken under this policy will be retained and reported annually to the Council's Standards Committee. This will be a summarised report which does not name individuals.

The details and reasoning behind any sanctions will be retained for five years after any sanctions have been lifted.

## **Protocol between Warwick District Council Monitoring Officer and Warwickshire Police**

**Purpose** – to agree a protocol for the reporting of potential criminal offences arising from the failure to register or declare disclosable pecuniary interests or from speaking and voting where a Member has a disclosable pecuniary interest and has not first sought a dispensation

- 1) In the event that the Monitoring Officer receives a complaint regarding a potential DPI offence they will make immediate contact with the Police through the nominated single point of contact who is the District Commander for South Warwickshire.
- 2) Similarly if the Police receive a complaint from a member of the public they will inform the relevant Monitoring Officer of the receipt of that complaint (each Authority will be responsible for providing up to date contact details of their appointed Monitoring Officer from time to time).
- 3) Warwickshire Police will register the complaint and will advise the relevant Monitoring Officer if they wish to be involved at this stage. This will normally follow an initial assessment of the complaint by the Monitoring Officer and them being satisfied that there is prima facie evidence that a criminal offence may have been committed. In undertaking an initial assessment as to whether there is prima facie evidence of a criminal offence the relevant Monitoring Officer may conduct an interview with the complainant but will not approach the Member who is the subject of the complaint until the Police have been advised of the matter and have indicated how they wish to proceed. In the event of a complaint being received directly by the Police rather than through the relevant Monitoring Officer, the Police will conduct an initial assessment of the complaint but may approach the relevant Monitoring Officers for background information on the complaint.
- 4) If the Police decide not to prosecute in the public interest they will, where ever possible, pass the relevant evidence to the relevant Monitoring Officer so that the question of whether a Code of Conduct breach is to be pursued can be considered. To facilitate this, the Warwick District Council Monitoring Officer and the Police will enter into a data sharing agreement. In the event that the relevant District Council decides to pursue the matter further in terms of a Code of Conduct breach, they will inform the Police of their decision.

Monitoring Officer (Warwick District  
Council)

Date:

Warwickshire Police Chief Constable

Date:



# Complaint Form

This form should be used to make a formal complaint regarding the conduct of a Warwick District Councillor, or Parish/Town Councillor whose authority is within Warwick District.

## Your details

Please provide your name and contact details. Anonymous complaints will only be considered if there is independent evidence to substantiate the complaint.

<b>Title:</b>	
<b>First name:</b>	
<b>Last name:</b>	
<b>Address:</b>	
<b>Daytime telephone:</b>	
<b>Evening telephone:</b>	
<b>Mobile telephone:</b>	
<b>Email address:</b>	

Your address and contact details will not be released without prior discussion with and approval by the complainant. If you have a serious concern about your name and a summary, or details of your complaint, being released you must complete the relevant section of the complaint form.

The Monitoring Officer will, however, tell the following people that a complaint has been made together with the complainant's name and a summary of the complaint:

- the Councillor(s) who the complaint is about
- the Independent Persons for the Council
- the Parish or Town Clerk (if applicable)

When the complaint relates to a Warwick District Councillor the Monitoring Officer will notify the relevant Political Group Leader so they are aware of the matter.

The Monitoring Officer will tell them your name and give them a summary of your complaint. The Monitoring Officer will give them full details of your complaint where necessary or appropriate to be able to deal with it. Your name will normally be in the public domain if the matter progresses to a public hearing. If you have serious concerns about your name and a summary, or details of your complaint being released, please complete the relevant section of this form.

Please tell us which complainant type best describes you:

- Member of the public
- An elected or co-opted member of an authority
- Council officer or authority employee

## Making your complaint

Please provide us with the name of the member(s) you believe have breached the Code of Conduct and the name of their authority:

Title	First name	Last name	Council or authority name

Please explain in this section (or on separate sheets) what the member has done that you believe breaches the Code of Conduct. If you are complaining about more than one member you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

It is important that you provide all the information you wish to have taken into account by the Monitoring Officer when they decide whether to take any action on your complaint. For example:

- § You should be specific, wherever possible, about exactly what you are alleging the member said or did. For instance, instead of writing that the member insulted you, you should state what it was they said.
- § You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general time frame.
- § You should confirm whether there are any witnesses and provide their names and contact details if possible.
- § You should provide any relevant background information.
- § If more than one month has elapsed since the incident or latest incident occurred please explain why the complaint has not been made earlier.

*Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.*



## Confidentiality request by complainant

***Only complete this next section if you are requesting that your identity is kept confidential***

In the interests of fairness and natural justice, we believe members who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a summary of the complaint. We are unlikely to withhold your identity or the details of your complaint unless you have good reason to believe that:

- they will be at risk of physical harm if their identity is disclosed;
- they are an officer who works closely with the Councillor concerned and they will suffer a disadvantage to their employment or may lose their job if their identity is disclosed (officers should consult the Council's whistle-blowing procedure); or
- they suffer from a serious health condition leading to medical risks associated with their identity being disclosed.

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The Monitoring Officer, in consultation with the Independent Person advising Warwick District Council, will consider the request alongside the substance of the complaint. The Monitoring Officer will then tell the complainant of the decision.

It is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

*Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:*

## **Additional Help**

Complaints must be submitted in writing. This includes fax and electronic submissions.

If you need any support in completing this form, please contact the Council's Monitoring Officer as soon as possible.

In line with the requirements of the Disability Discrimination Act 2000, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

## **What Happens now Monitoring Officer**

On receipt of your complaint the Monitoring Officer will acknowledge receipt and confirm their understanding of your complaint with you. They will also provide you with an over view of the process for considering complaints about Councillors.

They will then discuss the matter with the Independent Person for the Council. The aim of this discussion is look at the complaint objectively and to try and find an early resolution in the process. The Monitoring Officer will inform you of the outcome of this discussion and the next steps they intend to take on this matter.

## **Where to send your complaint**

Your completed complaint form together with any additional information should be sent to:

**The Monitoring Officer, Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa CV32 5HZ**



## **Arrangements for dealing with complaints against Councillors**

Mission Statement: "To promote and maintain high standards of conduct and governance within the Council and the Parish and Town Councils within the District."

Adopted by Warwick District Council on ??

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## **1 Context**

These arrangements are required under the Localism Act 2011. They set out how a complaint about an elected or co-opted member of either Warwick District Council or of a Parish/Town Council within this District will be considered and determined.

Under the Localism Act Warwick District Council has appointed two Independent Persons. The Independent Persons, having no other direct link with the Councils within the District, are appointed to provide a clear impartial view of any matter being considered. The view of one of these Independent Persons will be sought by the District Council before any decision is taken at each stage of the process. The other of the two Independent Persons will be available for consultation by the Councillor(s) about whom a complaint has been made.

## **2 The Code of Conduct**

The Council has adopted a Code of Conduct for Councillors, which is attached as Appendix One to these arrangements. The Code of Conduct is displayed on the Council's website and can be seen on request at Riverside House.

Each Parish/Town Council in the District is also required to adopt a Code of Conduct and they have been recommended to adopt the Code of Conduct used by Warwick District Council. These should be displayed on the Parish/Town Council's website but a copy can also be requested from the relevant Parish/Town Clerk.

## **3 Making a complaint**

A complaint may be made by completing the complaint form, which is available as Appendix 2 to this procedure, as a download from Warwick District Council's website or on request from Warwick District Council's Monitoring Officer.

The form can be sent either;

By email to: [andrew.jones@warwickdc.gov.uk](mailto:andrew.jones@warwickdc.gov.uk); or

By post to: The Monitoring Officer, WDC, Riverside House, Royal Leamington Spa CV32 5HZ

The Monitoring Officer is a senior officer of Warwick District Council who has the statutory responsibility for maintaining the register of Councillors' interests and who is responsible for administering the system in respect of complaints of Councillor misconduct.

The complainant should provide their name and a contact address or email address, so that the receipt of the complaint can be acknowledged and the complainant informed of its progress.

A complainant's address and contact details will not be released without prior discussion with and approval by the complainant. If the complainant has serious concerns about the release of their name and a summary, or details of the complaint, to other people they must complete the relevant section of the complaint form.

The Monitoring Officer will, inform the following people that a complaint has been made together with the complainant's name and a summary of the complaint:

- the Councillor(s) who the complaint is about
- the Independent Persons for the Council
- the Parish or Town Clerk (if applicable)

When the complaint relates to a Warwick District Councillor the Monitoring Officer will notify the relevant Political Group Leader so they are aware of the matter.

In the interests of fairness and natural justice, this Council believes Councillors who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a summary of the complaint. The Monitoring Officer is unlikely to withhold identity or the details of a complaint unless the complainant provides good reason to believe that:

- they will be at risk of physical harm if their identity is disclosed;
- they are an officer who works closely with the Councillor concerned and they will suffer a disadvantage to their employment or may lose their job if their identity is disclosed (officers should consult the Council's whistle-blowing procedure); or
- they suffer from a serious health condition leading to medical risks associated with their identity being disclosed.

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The Monitoring Officer, in consultation with the Independent Person advising Warwick District Council, will consider the request alongside the substance of the complaint. The Monitoring Officer will then tell the complainant of the decision.

If the request for confidentiality is not granted the complainant will usually be allowed the option of withdrawing their complaint. It is important to understand that in certain exceptional circumstances where the matter complained about is very serious, the Monitoring Officer can proceed with an investigation or other action and disclose the complainant's name even if they have expressly asked us not to.

The Monitoring Officer will acknowledge receipt of the complaint within 5 working days of receiving it, and will keep all parties informed of the progress of the complaint.

Warwick District Council would normally expect, unless there are exceptional circumstances, a complaint to be made within 3 months of the potential failure of the Code of Conduct occurring. Where a complaint is received outside this time limit the Monitoring Officer will consult with both the Chairman of the Standards Committee and one of the Independent Persons as to whether the complaint should progress.

It should also be noted that if a complainant seeks to withdraw the complaint at any stage, Warwick District Council reserves the right to continue with the determination of a complaint if the Monitoring Officer considers that it is in the public interest to do so.

#### **4 Procedure once a complaint has been made**

There are three different types of complaint:

- (a) from a Member of the public about a Councillor;
- (b) from an employee of the Council about a Councillor; and
- (c) from a Councillor about a fellow Councillor.

In the case of a complaint by an employee about a Councillor, the Monitoring Officer will, before taking any further steps, expect there to have been a meeting between the Chief Executive, the Councillor and their Group Leader to discuss the complaint to try and resolve it informally.

In the case of a complaint by a Councillor about a fellow Councillor the Monitoring Officer will, before taking any further steps, expect there to have been a meeting between the two Councillors and their relevant Group Leader(s) to discuss the complaint to try and resolve it informally.

If in these two cases a meeting has not taken place the Monitoring Officer will expect an explanation as to why this has not occurred. If a meeting has taken place it will not exclude the Monitoring Officer also trying this approach as a local resolution.

After any such meetings the Monitoring Officer will review every complaint received and, in consultation with one of the Independent Persons, will consider the following options:

- No further action where complaints fall outside the Code or do not justify investigation and there is no informal resolution;
- The complaint resolved by informal action acceptable to both the complainant and the Councillor;
- Any allegations of criminal matters referred to the Police;
- The complaint is referred for investigation if the criteria listed below are met.

The Monitoring Officer will always seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the Councillor accepting that their conduct was unacceptable and offering an apology, mediation between the parties through one of the Independent Persons, or any other remedial action that is considered appropriate.

Where the Councillor concerned or the Council makes a reasonable offer of local resolution, but the complainant is not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

A complaint will only be referred for investigation if the following criteria are met;

- it is serious enough, if proven, to justify the costs of an investigation; **or**



- it is part of a continuing pattern of less serious misconduct that is unreasonably disrupting the business of the Council and there is no other avenue left to deal with it;  
**and in either of these cases**
- the conduct complained of occurred within 3 months of the date the complaint was received, unless there are exceptional circumstances.

The Monitoring Officer will not normally refer a complaint for investigation where it falls within one or more of the following categories

- it is believed it to be malicious, relatively minor, or “tit-for-tat”;
- it is the same as, or is substantially similar to, a complaint that has already been the subject of an investigation or inquiry and there is nothing further to be gained by any investigation;
- it concerns acts carried out in the Councillor’s private life, when they are not carrying out the work of their Council or have not misused their position as a Councillor;
- it appears that the complaint is really about dissatisfaction with a Council decision; or
- there is not enough information available to justify a decision to refer the matter for investigation.

This decision will normally be taken within 14 days of receipt of the complaint. When the Monitoring Officer has taken a decision, they will inform the complainant of this and the reasons for that decision.

Where the Monitoring Officer requires additional information in order to come to a decision, they may request information from the complainant, Councillor(s) against whom the complaint is directed, or inspect publicly available information.

If the complaint identifies criminal conduct or breach of other regulation(s) by any person, the Monitoring Officer has the power to call in the Police and other regulatory agencies. In addition where a breach may relate to the work of a Councillor when acting at more than one authority, the Monitoring Officer would liaise with appropriate officers at the relevant authorities.

## **5 The conduct of the investigation.**

If the Monitoring Officer decides that a complaint merits formal investigation, they will appoint an Investigating Officer.

The Investigating Officer will be another senior officer of Warwick District Council, an officer of another authority or an external investigator. The Investigating Officer will meet with the complainant to understand the nature of the complaint so that they can explain their understanding of events and suggest what documents the Investigating Officer needs to see, and who the Investigating Officer needs to interview.

The Investigating Officer will normally write to the Councillor against whom the complaint is made and provide them with a copy of the complaint, and ask the

Councillor to provide their explanation of events, and to identify what documents they need to see and who they need to interview.

In exceptional cases, where it is appropriate to keep the complainant's identity confidential or where the disclosure of details of the complaint to the Councillor might prejudice the investigation, the Monitoring Officer can redact appropriate information from the papers given to the Councillor, or delay notifying the Councillor until the investigation has progressed sufficiently.

The intention will be that any investigation should be concluded within 40 working days of appointment of the Investigating Officer.

At the end of their investigation, the Investigating Officer will produce a draft report and will send copies of that report, in confidence, to the complainant, the Councillor concerned, and the Monitoring Officer. This is to check factual accuracies and all parties will be given no more than two weeks to respond.

The final report will then be passed to the Monitoring Officer for consideration.

The procedure for undertaking investigations of misconduct complaints is attached as Appendix Two to these arrangements.

## **6 What happens at the conclusion of the investigation?**

Within 10 working days of receiving the final report the Monitoring Officer, after consultation with the Independent Person advising Warwick District Council, will determine what happens next given that there are two possibilities:

- 6(a) the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct.

If the Monitoring Officer is satisfied, after consultation with the Independent Person, that the Investigating Officer's report is sufficient, the Monitoring Officer will write to the complainant and to the Councillor concerned and explain that no further action is required.

If the Monitoring Officer, after consultation with the Independent Person, is not satisfied that the investigation has been conducted properly, he will ask the Investigating Officer to reconsider their report.

- 6(b) The Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct.

The Monitoring Officer will review the Investigating Officer's report, in consultation with the Independent Person, and will then either seek local resolution or pass it to a Hearing Panel for determination.

### **6.1 Local Resolution**

In such a case, the Monitoring Officer, following consultation with the Independent Person, will contact the complainant with a proposed fair resolution which also helps to ensure higher standards of conduct for the future.

Such resolution may include the Councillor accepting that their conduct was unacceptable and offering an apology, and/or other remedial action by the Council, and will be required to be completed within a set time period.

If the Councillor complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee and the Parish/Town Council for information, but will take no further action.

However, if the complainant tells the Monitoring Officer that any suggested resolution would not be adequate, or the Councillor refuses to comply with the suggested resolution the Monitoring Officer will refer the matter for a hearing by the Hearing Panel.

The Monitoring Officer's report to the Hearing Panel will include the details of the attempted local resolution and why this was not successful.

## 6.2 Hearing Panel

The Hearing Panel is a Sub-Committee of Warwick District Council's Standards Committee.

A Hearing Panel will be appointed from the Membership of the Standards Committee when the Monitoring Officer, after consultation with one of the Independent Person, considers that:

- local resolution is not appropriate,
- the complainant is not satisfied by the proposed local resolution, or
- the Councillor concerned is not prepared to undertake any proposed remedial action.

The Panel will comprise a minimum of 3 and a maximum of 5 members of the Standards Committee. It will consist of Councillors drawn from at least 2 different political parties. For complaints against District Councillors there will be at least one Parish/Town Councillor on the Panel and for complaints against Town/Parish Councillors there will be at least one District Councillor on the Panel. Subject to those requirements, it is appointed by the Monitoring Officer in Consultation with the Independent Person and Chairman of the Standards Committee.

Warwick District Council has agreed a procedure for local hearings, which is attached as Appendix 3 to these arrangements.

The Monitoring Officer will conduct a Pre-hearing, requiring the Councillor to give their response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing. The Chairman of the Standards Committee will attend and issue directions as to the manner in which the Hearing Panel meeting will be conducted.

If the Councillor who the investigation is about does not engage in this process this will be considered as a breach of the Code of Conduct in itself, and reported directly to the Hearing Panel for them to determine and issue sanctions for.

The Monitoring Officer will present the Investigating Officer's report to the Hearing Panel which will conduct a hearing before deciding whether the Councillor has failed to comply with the Code of Conduct and, if so, what action to take in respect of the Councillor.

(It should be noted that the Standards Committee and Hearing Panels operate under delegated authority from Full Council. Therefore if it was minded to do so either the Standards Committee or Full Council could undertake the hearing into the Councillors behaviour. However it is accepted that this would only occur in exceptional circumstances)

## **7 Action the Hearing Panel can take where a Councillor has failed to comply with the Code of Conduct.**

Whilst it is normal for complaint hearings to be held by a Hearing Panel, it is within the rights (as the parent bodies) of both the Standards Committee and full Council to determine a complaint about a Councillor's conduct. It should be recognised that this should only occur in exceptional circumstances.

There are no lawful powers to suspend or disqualify the Councillor or to withdraw a Councillor's basic or special responsibility allowances.

The Hearing Panel may issue or recommend any sanctions or combination of sanctions that are relevant and proportionate to the matter. These might include any or all of the sanctions listed below. The lists are not meant to be exhaustive

Any sanctions must include a time period for compliance by the Councillor and stipulate what would occur if the Councillor fails to comply within that time period.

For Warwick District Councillors, the range of appropriate sanctions might include any or all of the following

- 7.1 Recommend to Council a vote of formal censure from the Council to confirm that the actions of the Councillor were unacceptable;
- 7.2 A requirement for the Councillor to apologise to the complainant(s) either in writing or in person. The apology must include an explanation for their action. The wording must have been approved in writing by the Chairman of the Standards Committee;
- 7.3 A recommendation to the Councillor's Group Leader (or in the case of ungrouped members and Group Leaders, a recommendation directly to Warwick District Council or to Committees) that they be removed from any or all Committees or Sub-Committees of Warwick District Council;
- 7.4 A recommendation to the Leader of Warwick District Council that the Councillor be removed from the Executive, or removed from particular Portfolio responsibilities, or if it is the Leader of the Executive, make this recommendation to Warwick District Council;
- 7.5 Training for the Councillor, arranged by the Monitoring Officer for which the Councillor will be required to pay half the cost;

- 7.6 A recommendation to the Monitoring Officer that the Councillor be removed from all outside appointments and working parties to which they have been appointed/nominated by Warwick District Council;
- 7.7 The withdrawal of facilities provided to the Councillor by Warwick District Council, such as a computer, car parking pass, iPad and Warwick District Council email account access;
- 7.8 The exclusion of the Councillor from Warwick District Council's offices or other premises, with the exception of meeting rooms as necessary for attending Warwick District Council, and Committee and Sub-Committee meetings, of which they are a member; or
- 7.9 A requirement for the Councillor to apologise to Warwick District Council (or the relevant Executive, Committee or Sub-Committee), in a meeting of that body. The apology must include an explanation for their action. The wording must have been approved in writing by the Chairman of the Standards Committee.

### **Parish and Town Councils**

When the case relates to the conduct of a Parish/Town Councillor the Hearing Panel will determine if a breach has occurred, and recommend appropriate and proportionate sanctions for that Parish/Town Council to approve.

For Parish/ Town Councillors the range of possible appropriate sanctions, that could be recommended to the Parish/Town Council include :

- 7.10 A vote of formal censure from the Parish/Town Council to confirm that the actions of the Councillor were unacceptable;
- 7.11 A requirement for the Councillor to apologise to the complainant(s). The apology must include an explanation for their action. The wording must have been approved in writing by the Chairman of the Standards Committee;
- 7.12 A recommendation to the Councillor's Group Leader (or in the case of ungrouped members and Group Leaders, a recommendation directly to the Parish/Town Council or to Committees) that they be removed from any or all Committees or Sub-Committees of the Council;
- 7.13 Training for the Councillor, to be arranged by the Parish/Town Council and for which the Councillor will be required to pay half the cost;
- 7.14 A recommendation to the Council that the Councillor be removed from all outside appointments and working parties to which they have been appointed/nominated by the Parish/Town Council;
- 7.15 The withdrawal of facilities provided to the Councillor by the Parish/Town Council, such as a computer and email access;
- 7.16 The exclusion of the Councillor from the Parish/Town Council's offices or other premises, with the exception of meeting rooms as necessary for attending the Parish/Town Council, and Committee and Sub-Committee meetings, of which they are a member; or

7.17 A requirement for the Councillor to apologise to the Parish/Town Council (or the relevant Committee or Sub-Committee), in a meeting of that body. The apology must include an explanation for their action. The wording must have been approved in writing by Chairman of the Standards Committee.

## **8 What happens after the Hearing Panel**

As soon as reasonably practicable after the Hearing, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Hearing Panel, and send a copy to:

- the complainant;
- the Councillor the complaint was about;
- the Investigating Officer;
- any witnesses consulted as part of the investigation;
- if they have one, the Group Leader of the Councillor the complaint was about;
- the Independent Persons;
- the members of the Standards Committee;
- if appropriate the relevant Parish/Town Council; and
- the proper officer of any other authority the Councillor is a member of.

The Monitoring Officer will make the decision notice available for public inspection and will report the minutes to the next convenient meeting of the Standards Committee and Warwick District Council.

Where a breach of the Code is found, a copy of the decision notice will be published; in a local newspaper; on Warwick District Council's website and such other publications the Panel considers are appropriate.

## **9 Appeals**

There is no right of appeal for either the complainant or for the Councillor against a decision of the Monitoring Officer or of the Hearing Panel

If a complainant feels that Warwick District Council has failed to deal with their complaint properly, they may make a complaint to the Local Government Ombudsman.

## **10 The Independent Persons.**

The Independent Persons are those who have applied for the post following advertisement of a vacancy and are appointed by a positive vote from a majority of all the members of Warwick District Council.

They are invited to all meetings of the Standards Committee and expected to take part in the deliberations of the Committee but are not voting members of that Committee.

Before deciding on whether a complaint will be investigated the Monitoring Officer will consult with one of the Independent Persons who will be involved at each subsequent stage of the proceedings.

If it is decided to appoint a Hearing Panel the Independent Person will be invited to attend all its meetings. Their views will be sought and taken into consideration before the Hearing Panel takes any decision on whether the Councillor's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct. They do not however form part of the Panel, and will not, at any stage, be present when the Panel determine the case and will not have a vote on the determination of the case

It should be noted that the other Independent Person may also attend a Hearing Panel to act in a supportive role for the Councillor who the complaint is about.

The following disqualifications prevent a person from being an Independent Person:

- (1) employment by or Membership (including co-opted) of Warwick District Council in the last five years or an independent member of Warwick District Council's Standards Committee within the last five years
- (2) any bankrupt or person who has made a composition or arrangement with creditors which is extant
- (3) having, within five years of the appointment, a conviction for an offence resulting in a sentence of imprisonment (whether or not suspended) for a period of not less than three months without the option of a fine
- (4) a disqualification for being elected or being a member of an authority under the Representation of the People Act 1983 (corrupt electoral practices)
- (5) being an officer of another local authority.
- (6) is or has been within the past 5 years, a member, co-opted member or Officer of a Parish/Town Council within Warwick District Council's area
- (7) being a relative of a Member or Officer of Warwick District Council or Parish/Town Council within Warwick District

For this purpose, "relative" means –

Spouse or civil partner;

Living with the other person as husband and wife or as if they were civil partners;

Grandparent of the other person;

A lineal descendent of a grandparent of the other person;

A parent, sibling or child of a person within paragraphs (1) or (6);

A spouse or civil partner of a person within paragraphs (1) or (6); or

Living with a person within paragraphs (1) or (6) as husband and wife or as if they were civil partners.

## **11 Policy for Handling 'Unreasonable complainant behaviour' and 'Unreasonably persistent complainants'**

Generally, dealing with a complaint is a straightforward process but in a minority of cases people pursue their complaints in a way which can either impede the investigation or can have significant resource issues for authorities. These actions can occur either while the complaint is being investigated, or once an authority has concluded the complaint investigation.

For this reason the Council uses the terms 'unreasonable complainant behaviour' and 'unreasonably persistent complainants'. The definition for these is set out below:

“Unreasonable and unreasonably persistent complainants are those complainants who, because of the frequency or nature of their contacts with an authority, hinder the authority’s consideration of their, or other people’s, complaints.”

The Council has an established practice on this and it is set out at Appendix Four to this document.

## **12 Revision of these arrangements**

The Standards Committee may, by resolution agree, to amend these arrangements.

The Council has delegated to the Monitoring Officer, in consultation with the Chairman of the Standards Committee and/or the Independent Person (as appropriate) the right to depart from these arrangements where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.



# 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*):

Note: 'Your partner' means your spouse or civil partner or someone you are living with as if he/she is your husband or wife or civil partner.

<p><b>Employment</b> - Employment, office, trade, profession or vocation, carried on for profit or gain by you or your partner</p>
<p><b>Sponsorship</b> - 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><b>Contracts</b> - 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) <b>and</b> 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><b>Land</b> - "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><b>Licences</b> - 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><b>Corporate tenancies</b> - Any tenancy where (to your knowledge)—</p> <ul style="list-style-type: none"><li>(a) the landlord is Warwick District Council; and</li><li>(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.</li></ul>
<p><b>Securities</b> - 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"><li>(a) that body (to your knowledge) has a place of business or land in the area of the Warwick District Council; and</li><li>(b) either—<ul style="list-style-type: none"><li>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</li><li>(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.</li></ul></li></ul>

### 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)

Relevant person means

- (a) a member of your family or any person with whom you have a close association; or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of which you are a member which is affected by the matter being considered

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*

## Disclosable Pecuniary Interests Form –Advice Note

**General Note:** You are required to declare both your own disclosable pecuniary interests and those of your partner of which you are aware. ‘Your partner’ means your spouse or civil partner or someone you are living with as if he/she is your husband or wife or civil partner.

<p><b>Employment</b> - Employment, office, trade, profession or vocation, carried on for profit or gain by you or your partner</p>
<p><b>Notes</b> Profit or gain – money or some type of payment in kind Profit or gain means unpaid employment or volunteer work need not be registered Roles where all you receive are reimbursement of expenses does not amount to profit or gain</p>
<p><b>Sponsorship</b> - 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 .</p> <p>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><b>Notes</b> Only applies to</p> <ul style="list-style-type: none"><li>• the 12 months <b>before</b> you signed your declaration of interests or the 12 months preceding any update to your declaration <b>and</b></li><li>• payments made by a person other than the district council</li><li>• towards your election expenses <b>or</b></li><li>• towards your expenses as a member of the district council</li></ul> <p>If someone else is paying or contributing to your expenses as a district councillor for example political party, trade union, Microsoft plc etc you need to include the information here.</p>

<p><b>Contracts</b> - 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)) <b>and</b> 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>You need to declare any current contracts with the District Council for goods works or services. This might be you or your partner as sole traders or a firm in you may be a partner or a company in which you are a director.</p> <p>“Director” includes a member of the committee of management of an industrial and provident society;</p> <p>For example quite a lot of ‘voluntary organisations’ have taken on company status to limit the potential liability of their members – you may be a director of such a company – the company may have a contract with the council – you would need to declare this here.</p> <p>It could be you providing the goods works or services <b>OR</b> it could be the council providing goods, works or services to your business. This is about commercial arrangements not provision to service users under the council’s statutory duties.</p>
<p><b>Land</b> - “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><b>Notes</b> This will include any land owned or leased in the administrative district of Warwick District Council. In broad terms a person has a beneficial interest in property or its income when he or she has the right to use that property and/or that income as he or she wishes. A beneficial interest is distinguished from the rights of someone like a trustee or official who has responsibility to perform and/or title to the assets, but does not share in the benefits.</p>
<p><b>Licences</b> - 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>Restricted to property in the administrative area of Warwick District Council which you or your partner have a right to use for a month or longer.</p>
<p><b>Corporate tenancies</b> - Any tenancy where (to your knowledge)—</p> <p>(a) the landlord is Warwick District Council; and</p> <p>(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>
<p>Only applies to property where the District Council is the landlord. Not limited to property in the area of Warwick District Council. So for example if the District Council owns a building in Dorset and you are a director of a company which is a tenant of that property – you’d need to declare it here.</p> <p>A corporate body has a separate identity – so for example company, industrial and provident society, incorporated charity, limited liability partnership.</p> <p>Securities apply the same meaning as below.</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

Any beneficial interest in securities of a body held by you or your partner where—  
(a) that body (to your knowledge) has a place of business or land in the area of the 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 you or your partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

The business must have a physical presence in the area of Warwick District Council.

Nominal value for shares means the value on the share certificate – not the stock market value on any particular day.

You do not need to declare your building society mortgage.

### **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)

Relevant person means

- (a) a member of your family or any person with whom you have a close association; or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of which you are a member that is affected by the matter being considered

*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*



<b>Title</b>	Internal Audit Annual Report 2013/14
<b>For further information about this report please contact</b>	Richard Barr Tel: (01926) 456815 E Mail: richard.barr@warwickdc.gov.uk
<b>Service Area</b>	Finance
<b>Wards of the District directly affected</b>	Not applicable
<b>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</b>	No
<b>Date and meeting when issue was last considered and relevant minute number</b>	Standards Committee – 10 June 2013 (re Internal Audit Annual Report 2012/13) Finance & Audit Scrutiny Committee – 10 June 2014 (re Internal Audit Annual Report 2013/14)
<b>Background Papers</b>	Internal Audit Reports Public Sector Internal Audit Standards Quarterly Progress Reports Post-audit client questionnaires and satisfaction surveys

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	No
<b>Included within the Forward Plan? (If yes include reference number)</b>	No
<b>Equality &amp; Sustainability Impact Assessment Undertaken</b>	N/A: no direct service implications

<b>Officer/Councillor Approval</b>		
With regard to officer approval all reports <i>must</i> be approved by the report author's relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Chief Executive / Deputy Chief Executive	21 Sept 2014	Chris Elliott
Section 151 Officer	21 Sept 2014	Mike Snow
Monitoring Officer	21 Sept 2014	Andrew Jones
Human Resources		
Finance	21 Sept 2014	As Section 151 Officer
Leader of the Council	21 Sept 2014	Councillor Mobbs
Portfolio Holder	21 Sept 2014	Councillor Cross
<b>Consultation and Community Engagement</b>		
None other than consultation with members and officers listed above.		
<b>Final Decision?</b>	Yes	
<b>Suggested next steps (if not final decision please set out below)</b>		



## 1 **SUMMARY**

- 1.1 Forming part of the evidence for the Annual Governance Statement, this report presents Internal Audit's annual report. The Public Sector Internal Audit Standards require a report that provides an opinion on the overall adequacy and effectiveness of the organisation's control environment be presented to the committee designated to consider or approve the Annual Governance Statement. Accordingly, this report is being presented to Standards Committee having been considered previously by the Finance and Audit Scrutiny Committee.

## 2 **RECOMMENDATION**

- 2.1 That this Committee considers the Annual Report of Internal Audit for the year ended 31st March 2014 as part of its consideration and approval of the Annual Governance Statement 2013/14, taking into account the views of Finance and Audit Scrutiny Committee who had considered it earlier.

## 3 **REASON FOR THE RECOMMENDATIONS**

- 3.1 To comply with the Public Sector Internal Audit Standards that provide the "proper practices" referred to in Regulation 4 of The Accounts and Audit (England) Regulations 2011 in respect of production of an annual governance statement.

- 3.2 The Standards state:

*The chief audit executive must deliver an annual internal audit opinion and report that can be used by the organisation to inform its governance statement.*

## 4 **POLICY FRAMEWORK**

- 4.1 Although there are no direct policy implications, Internal Audit provides a view on all aspects of governance and will take into account the Policy Framework, Community Plan and the Council's policies.

## 5 **BUDGETARY FRAMEWORK**

- 5.1 Although there are no direct budgetary implications arising from this report, Internal Audit provides a view on all aspects of governance including that of the Budgetary Framework. An effective control framework ensures that the Authority manages its resources and achieves its objectives economically, efficiently and effectively.

## 6 **RISKS**

- 6.1 Risk management is an intrinsic element of corporate governance of which this report is concerned.

## 7 **ALTERNATIVE OPTION(S) CONSIDERED**

- 7.1 This report is not concerned with recommending a particular option in preference to others so this section is not applicable.

## 8 BACKGROUND TO THE ANNUAL GOVERNANCE STATEMENT & REQUIREMENT FOR INTERNAL AUDIT ANNUAL REPORT

8.1 Regulation 4 of The Accounts and Audit (England) Regulations 2011 states:

### **Responsibility for financial management**

4.—(1) The relevant body is responsible for ensuring that the financial management of the body is adequate and effective and that the body has a sound system of internal control which facilitates the effective exercise of that body's functions and which includes arrangements for the management of risk.

(2) The relevant body must conduct a review at least once in a year of the effectiveness of its system of internal control.

(3) The findings of the review referred to in paragraph (2) must be considered—

(a) in the case of a larger relevant body, by the members of the body meeting as a whole or by a committee, and

(b) in the case of a smaller relevant body, by the members of the body meeting as a whole, and

following the review, the body or committee must approve an annual governance statement, prepared in accordance with proper practices in relation to internal control.

(4) The relevant body must ensure that the statement referred to in paragraph (3) accompanies—

(a) any statement of accounts it is obliged to prepare in accordance with regulation 7, or

(b) any accounting statement it is obliged to prepare in accordance with regulation 12.

8.2 The Public Sector Internal Audit Standards forms part of the "proper practices" referred to in Regulation 4 of the Accounts and Audit Regulations 2011, set out above. The Standards state:

"The Head of Internal Audit must provide a written report to those charged with governance timed to support the Annual Governance Statement."

8.3 The Standards state:

*The chief audit executive must deliver an annual internal audit opinion and report that can be used by the organisation to inform its governance statement.*

*The annual internal audit opinion must conclude on the overall adequacy and effectiveness of the organisation's framework of governance, risk management and control.*

*The annual report must incorporate:*

- *the opinion;*
- *a summary of the work that supports the opinion; and*

- *a statement on conformance with the Public Sector Internal Audit Standards and the results of the quality assurance and improvement programme.*

8.4 The Annual Report is set out as Appendix 1.

**HEAD OF INTERNAL AUDIT'S ANNUAL REPORT AND PRESENTATION OF  
AUDIT OPINION 2013/14**

**Introduction**

This report is produced to satisfy proper practices under Regulation 4 of The Accounts and Audit (England) Regulations 2011 in respect of production of an annual governance statement. The proper practices are those set out in the Public Sector Internal Audit Standards.

In compliance with those Standards the purpose of this report is to:

- Present a summary of the internal work undertaken during 2013/14 from which the opinion on the internal control environment is derived
- Provide an opinion on the overall adequacy and effectiveness of the Council's control environment including any qualifications to that opinion
- Draw attention to any issues that need to be considered for inclusion in the Annual Governance Statement
- Compare work actually undertaken with that which was planned and summarise performance
- Comment on compliance with the Public Sector Internal Audit Standards
- Communicate the results of the quality assurance and improvement programme

**Opinion on the overall adequacy and effectiveness of the Council's control environment**

Based on internal audit assignments undertaken as part of the Audit Plan, it must be concluded that the Council has an effective internal control framework to address relevant risks with controls being consistently applied.

There were, however, some instances of non-compliance that were detailed in internal audit reports issued during the year. These were reported to Finance & Audit Scrutiny Committee during the year and, in the case of the overall level of assurance for an audit assignment being assessed at less than 'substantial', the full report was issued to Committee as part of the agenda papers. Action to address these issues has been confirmed by management in all cases, with urgent action being taken where those issues were regarded as significant.

There are no qualifications to that opinion, although clearly it is based on the audits undertaken during that year. The Council's external auditors form their own opinion based on their own work and the Annual Governance Statement provides an overall judgement on the control environment, derived from many sources, one of which is this Internal Audit Annual Report.

**Summary of the internal work undertaken during 2013/14 from which the opinion on the internal control environment is derived**

The audits which form the basis of the opinion are set out as table in Appendix 1A. The results of these audits have been communicated to the Finance and Audit Scrutiny Committee each quarter and are therefore not reproduced here. However, each audit report gives an overall opinion on the level of assurance provided by the

controls within the area audited and this is set out in the table. The bands of assurance are set out at the bottom of Appendix 1A.

Appendix 1A indicates that internal controls were in the main found to be operating satisfactorily, giving an overall confidence in the internal control system operating in relation to these systems. Although a number of reports were issued during the year where only limited assurance on the reliability of internal controls could be given, it is important to stress that the issues raised in respect of these audits have since been addressed.

It should be noted that this list comprises planned audits only – it does not include investigations that arose during the year.

### **Issues particularly relevant to the Annual Governance Statement**

Issues particularly relevant to the Annual Governance Statement (AGS) have been identified from the process involved in its production. This includes compilation of the Service Assurance Assessments by services and the review of the draft AGS by the Senior Management Team and by the chairs of the Scrutiny and Standards Committees. Some of these issues had been highlighted by Internal Audit during the year.

### **Comparison of the work undertaken with the work that was planned and summary of the performance of the internal audit function against its performance measures and targets**

This is set out as Appendix 1B.

### **Compliance with the Public Sector Internal Audit Standards**

A self-review has confirmed that the Public Sector Internal Audit Standards are complied with. In compliance with the Standards, a comprehensive, external review will be undertaken within the next five years to verify compliance.

### **Communication of the results of the internal audit quality assurance & improvement programme**

The Internal Audit quality assurance programme comprises completion by auditees, post audit, of questionnaires for audits. Appendix 1C sets out the questionnaire that is used.

The Internal Audit quality assurance programme includes reviews of audit files by the Audit and Risk Manager before issue of final reports and external audit reviews of Internal Audit's work. It also includes an annual review of the effectiveness of Internal Audit by the Responsible Financial Officer as required by Regulation 6 of the Accounts and Audit Regulations 2011.

The results of the Internal Audit quality assurance programme are used to improve the service provided by Internal Audit.

In terms of the post audit questionnaires the modal overall score from auditees for the year was 5 indicating very broad satisfaction with the audits undertaken. No audits were assessed at less than 4. This is in line with the two previous years' results so the improvement noted in relation to the year before has been maintained.

**SUMMARY OF INTERNAL AUDIT WORK UNDERTAKEN 2013/14<sup>1</sup>**

Client Service Area	Assignment	Assurance
CMT	Corporate Governance	Substantial
CMT	Corporate Health and Safety	Substantial
Corporate & Community Services	Recruitment and Selection, Terms and Conditions	Substantial
Corporate & Community Services	Media Room Services	Substantial
Corporate & Community Services	Document Management Centre	Substantial
Cultural Services	Town Hall Lettings	Moderate
Cultural Services	Catering Concessions	Moderate
Cultural Services	St Nicholas Park Leisure Centre	Moderate
Development Services	Policy, Projects and Conservation (Focus of audit was Conservation)	Substantial
Development Services	Local Land Charges	Limited
Development Services	Markets and Mops	Moderate
Finance	Medium Term Financial Strategy	Substantial
Finance	Financial Planning & Budgetary Control	Substantial
Finance	Collection of Council Tax	Substantial
Finance	Collection of National Non-Domestic Rates	Substantial
Finance	Administration of Housing & Council Tax Benefit	Substantial
Finance	Main Accounting System	Substantial
Finance	VAT Accounting	Substantial
Health & Community Protection	Climate Change	Moderate
Health & Community Protection	Crime and Disorder	Substantial
Health & Community Protection	Bereavement Services	Substantial
Housing & Property Services	Housing Rent Collection	Substantial
Housing & Property Services	Housing Repairs and Maintenance (Restricted audit as a result of introduction of Open Book Accounting)	Substantial
Housing & Property Services	Housing Environmental Functions	Substantial
Housing & Property Services	Leaseholder Service Charges	Moderate

<sup>1</sup> Planned audits only – investigations not included.

Client Service Area	Assignment	Assurance
Housing & Property Services	Office Cleaning Contract	Substantial
ICT	Data Protection	Limited
ICT	VMware ESX Management	Substantial
ICT	Public Services Networks Standards	Consultancy Work
ICT	Guest Wireless Project	Substantial
Neighbourhood Services	Street Cleansing	Moderate
Neighbourhood Services	Grounds Maintenance	Moderate

**Key to Level of Assurance:**

Level of Assurance	Definition
Substantial Assurance	There is a sound system of control in place and compliance with the key controls.
Moderate Assurance	Whilst the system of control is broadly satisfactory, there are weaknesses in the system that leaves some risks not addressed together with non-compliance with some of the controls, including key ones.
Limited Assurance	The system of control is weak and there is non-compliance with the controls that do exist.

**OVERALL SUMMARY OF PERFORMANCE 2013/14**

Performance Indicator	In-house Team	External Contractors	Overall for Service
Number of planned audits assigned	32	3	35
Number of planned audits completed	32	3	35
% assigned audits completed	100.0%	100.0%	100.0%
Number of audits completed within time allocation	16	N/A	16
% audits completed within time allocation	50.0	N/A	50.0%
Number of days overspent (-) / underspent (+) on completed audits to date	-1.6	N/A	-1.6
% of days overspent (-) / underspent (+) on completed audits to date	-0.6%	N/A	-0.6%
Number of audit days – planned	262.0	N/A	262.0
Number of audit days – actual	265.8	N/A	265.8
Productive time as % of available time – target	79.0%	N/A	79.0%
Productive time as % of available time – actual	72.6%	N/A	72.6%
Number of audit recommendations issued	98	2	100
Number of audit recommendations agreed	96	2	98
% audit recommendations agreed	98.0	100.0	98.0
Number of High Priority audit recommendations issued	6	0	6
Number of High Priority audit recommendations implemented	6	0	6
% High Priority audit recommendations implemented	100.0	N/A	100.0



## Post Audit Questionnaire

**Audit:**

**Date of report:**

**Auditor:**

**Manager:**

***In order to help us improve our service we would be grateful if you would spend a few moments answering the questions below.***

	Yes	No	Comments (if applicable)
<b>Pre-audit consultation</b>			
Were you given adequate notification of the audit?			
Were the scope and objectives of the audit discussed with you?			
Was the audit process explained to you adequately?			
<b>The audit</b>			
Was the audit work undertaken at an agreed and convenient time?			
Was the audit conducted in a proficient manner?			
Were the appropriate staff interviewed for the audit areas covered?			
Were interviews conducted in a professional manner?			
Were the findings discussed with the right staff?			
Was the audit completed within a reasonable timescale?			
<b>Audit reporting</b>			
Was the draft report produced within a reasonable timescale?			
Were you given the opportunity to			

	Yes	No	Comments (if applicable)
discuss the report with the auditor?			
If so, did you find the discussion useful?			
Was the discussion conducted in a professional manner?			
Were your views and comments presented adequately in the final report?			
Were the recommendations in the report practical and realistic?			
Was the report produced to a professional standard?			
Did the audit reveal any unknown weakness in the system?			
Do you feel that the audit was worthwhile and has added value to your work?			

On a scale of 1 to 5, 1 being "very dissatisfied" and 5 representing "very satisfied", please score your level of satisfaction with the audit in overall terms:

If you have any other comments that you wish to make about the audit please record them below:

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Manager: \_\_\_\_\_

Date: \_\_\_\_\_

Please return the form to Richard Barr, Audit and Risk Manager, Finance.

 <b>Standards Committee 9 September 2014</b>		<b>Agenda Item No. 8</b>
<b>Title</b>	Review of Effectiveness of Internal Audit 2013/14	
<b>For further information about this report please contact</b>	Richard Barr Tel: (01926) 456815 E Mail: richard.barr@warwickdc.gov.uk	
<b>Service Area</b>	Finance	
<b>Wards of the District directly affected</b>	Not applicable	
<b>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</b>	No	
<b>Date and meeting when issue was last considered and relevant minute number</b>	Finance & Audit Scrutiny Committee – 10 June 2014	
<b>Background Papers</b>	Code of Practice for Internal Audit in Local Government in the UK 2006 (CIPFA) Service Plan 2013/14 (Finance) Audit Strategy 2013/14 to 2015/16 Internal Audit Manual Minutes of Internal Audit Team Meetings Monthly and Quarterly Progress Reports Performance appraisal documents Post-audit user questionnaires and satisfaction surveys.	
<b>Contrary to the policy framework:</b>	No	
<b>Contrary to the budgetary framework:</b>	No	
<b>Key Decision?</b>	No	
<b>Included within the Forward Plan? (If yes include reference number)</b>	No	
<b>Equality &amp; Sustainability Impact Assessment Undertaken</b>	N/A: no direct service implications	
<b>Officer/Councillor Approval</b>		
With regard to officer approval all reports <i>must</i> be approved by the report author's relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Chief Executive/Deputy Chief Executive	21 Sept 2014	Chris Elliott
Head of Service	21 Sept 2014	Mike Snow
CMT		
Section 151 Officer	21 Sept 2014	Mike Snow
Monitoring Officer	21 Sept 2014	Andrew Jones
Finance	21 Sept 2014	As S151 Officer
Leader of the Council	21 Sept 2014	Councillor Mobbs
Portfolio Holder	21 Sept 2014	Councillor Cross
<b>Consultation and Community Engagement</b>		
Not applicable.		
<b>Final Decision?</b>	Yes	
<b>Suggested next steps (if not final decision)</b> Not applicable.		

## 1 **SUMMARY**

- 1.1 Forming part of the evidence for the Annual Governance Statement, this report presents the findings from the review of the effectiveness of the Council's internal audit for the year ended 31<sup>st</sup> March 2014. The Accounts and Audit Regulations 2011 require such a review at least once a year and presentation of the results to the committee designated to consider or approve the Annual Governance Statement. Accordingly, this report is being presented to Standards Committee having been considered previously by the Finance and Audit Scrutiny Committee.

## 2 **RECOMMENDATION**

- 2.1 That this Committee considers the scope, method and outcomes of the review of the effectiveness of the Council's internal audit for the year ended 31<sup>st</sup> March 2014, taking into account the views of Finance and Audit Scrutiny Committee who had considered it earlier.

## 3 **REASONS FOR THE RECOMMENDATION**

- 3.1 Regulation 6 of the Accounts and Audit (England) Regulations 2011 requires that:

- "A relevant body shall, at least once in each year, conduct a review of the effectiveness of its internal audit."
- "The findings of the review ...must be considered, as part of the consideration of the system of internal control...by the committee (designated to approve the Annual Governance Statement)".

- 3.2 As its terms of reference include issues of an audit nature, this Committee should have reasonable opportunity to consider reports on the effectiveness of internal audit and direct its views to the Committee designated under Regulation 6.

## 4 **POLICY FRAMEWORK**

- 4.1 The work of Internal Audit constitutes a key element in the Council's control environment which helps ensure that the Council manages its resources to achieve its objectives economically, efficiently and effectively.

## 5 **BUDGETARY FRAMEWORK**

- 5.1 Resources for maintaining and improving the effectiveness of the system of internal audit are covered under the existing approved budget and Internal Audit Plan.

## 6 **RISKS**

- 6.1 Risk management is an intrinsic element of corporate governance of which this report is concerned.

## 7 **ALTERNATIVE OPTIONS CONSIDERED**

- 7.1 The only alternative option was not to undertake or report on the review of the effectiveness of the system of internal audit, which would almost certainly result in the Council being held in breach of its statutory obligations.

## 8 **THE REVIEW**

- 8.1 The review was conducted as an evidence-based assessment of compliance with the part of the CIPFA Code of Practice for Internal Audit in the United Kingdom 2006 that relates to the performance and effectiveness of the internal audit service.
- 8.2 Although the Code of Practice has been replaced by the Public Sector Internal Audit Standards, the Standards do not provide a comparable checklist that could be used for an effectiveness review. CIPFA has produced a Local Government Application Note in respect of the Standards and care has been taken to ensure that the relevant provisions are reflected in the checklist that has been used.
- 8.3 Specifically, the assessment used Section 11 of the checklist contained in the Appendix to the Code. Compliance was rated against each of the criteria as full, partial or none with reference to evidence that could be produced to support the ratings.
- 8.4 Based on the above evidence, internal audit is deemed to operate in an effective manner.
- 8.5 The checklist and the results of the review are set out as Appendix 1.

**Review of Effectiveness of Internal Audit 2013/14**  
**Assessment Checklist**

<b>11</b>	<b>Performance, Quality and Effectiveness</b>	<b>Y</b>	<b>P</b>	<b>N</b>	<b>Evidence</b>
<b>11.1</b>	<b>Principles of Performance, Quality and Effectiveness</b>				
11.1.1	Is there an audit manual?	✓			Audit Manual
11.1.1	Does the audit manual provide guidance on: (a) carrying out day-to-day audit work? (b) complying with the Code?	✓ ✓			Audit Manual
11.1.1	Is the audit manual reviewed regularly and updated to reflect changes in working practices and standards?	✓			Minutes of Monthly Team Meetings
11.1.2	Does the Head of Internal Audit have arrangements in place to assess the performance and effectiveness of:  (a) each individual audit?  (b) the internal audit service as a whole?	✓ ✓			Audit Brief Assignment Control Sheet Post-Audit Questionnaire Monthly Time Reports  Internal Audit Strategy 2014-17 Post-Audit Questionnaires Quarterly Management Reports
<b>11.2</b>	<b>Quality Assurance of Audit Work</b>				
11.2.1	Does the Head of Internal Audit have a process in place to ensure that work is allocated to auditors who have appropriate skills, experience and competence?	✓			Annual Assignment Allocation
11.2.2	Does the Head of Internal Audit have a process in place to ensure that all staff are supervised appropriately throughout all audits?	✓			} } Assignment Briefs } Assignment Control Sheets } Monthly Time Reports
11.2.3	Does the supervisory process cover: (a) monitoring progress? (b) assessing quality of audit work? (c) coaching staff? <sup>1</sup>	✓ ✓ ✓			} } Minutes of Team Meetings } Post-Audit Questionnaires

<sup>1</sup> Staff structure and grading based on expectation of high level of professional skills and experience with minimal requirement for direct coaching and supervision.


**Review of Effectiveness of Internal Audit 2013/14**  
**Assessment Checklist**

<b>11</b>	<b>Performance, Quality and Effectiveness</b>	<b>Y</b>	<b>P</b>	<b>N</b>	<b>Evidence</b>
<b>11.3</b>	<b>Performance and Effectiveness of Internal Audit Service</b>				
11.3.1	Does the Head of Internal Audit have a performance management and quality assurance programme in place?	✓			Internal Audit Strategy Service Plan 2014/15 Performance Appraisal Forms Post-Audit Questionnaires Customer Survey
1.3.2	Does the performance management and quality assurance programme include as a minimum:  (a) a comprehensive set of targets to measure performance:  (i) which are developed in consultation with appropriate parties?  (ii) which are included in service level agreements, where appropriate?  (iii) against which the Head of Internal Audit measures, monitors and reports appropriately on progress?  (b) user feedback obtained for each individual audit and periodically for the whole service?  (c) a periodic review of the service against the strategy and the achievement of its aims and objectives, the results of which are used to inform future strategy?  (d) internal quality reviews to be undertaken periodically to ensure compliance with this Code and the Audit Manual?  (e) an action plan to implement improvements?	✓  ✓  ✓  ✓  ✓  ✓			Internal Audit Strategy 2014-17 Service Plan 2014/15  Service Plan 2014/15  Internal Audit Strategy 2014-17 Monthly Time Reports  Post-Audit Questionnaires Customer Survey  Quarterly Management Reports  Minutes of Team Meetings  Minutes of Team Meetings

**Review of Effectiveness of Internal Audit 2013/14**  
**Assessment Checklist**

<b>11</b>	<b>Performance, Quality and Effectiveness</b>	<b>Y</b>	<b>P</b>	<b>N</b>	<b>Evidence</b>
11.3.3	Does the Head of Internal Audit compare the performance and the effectiveness of the service over time, in terms of both the achievement of targets and the quality of the service provided to the user?	✓			Monthly Time Reports Quarterly Management Reports Post Audit Questionnaires Customer Survey
11.3.4	Do the results of the performance management and quality assurance programme evidence that the internal audit service is:  (a) meeting its aims and objectives?  (b) compliant with the Code?  (c) meeting internal quality standards?  (d) effective, efficient and continually improving?  (e) adding value and assisting the organisation in achieving its objectives?	✓			Quarterly Management Reports  Assignment Control Sheets Post Audit Questionnaires CIPFA Benchmarking Data Post Audit Questionnaires  Post Audit Questionnaires
11.3.5	Does the Head of Internal Audit report on the results of the performance management and quality assurance programme in the annual audit report?	✓			Annual Report to Finance and Audit Scrutiny Committee
11.3.6	Does the Head of Internal Audit provide evidence from his or her review of the performance and quality of the internal audit service to the organisation for consideration as part of the annual review of the effectiveness of the system of internal audit?	✓			Annual Report to Finance and Audit Scrutiny Committee



	<b>Standards Committee 9 September 2014</b>	<b>Agenda Item No. 9</b>
<b>Title</b>	Annual Governance Statement 2013/14	
<b>For further information about this report please contact</b>	Richard Barr Tel: (01926) 456815 E Mail: richard.barr@warwickdc.gov.uk	
<b>Service Area</b>	Finance	
<b>Wards of the District directly affected</b>	Not applicable	
<b>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</b>	No	
<b>Date and meeting when issue was last considered and relevant minute number</b>	Finance & Audit Scrutiny Committee – 10 June 2014	
<b>Background Papers</b>	“Delivering Good Governance in Local Government & Delivering Good Governance in Local Government- Guidance Note for English Authorities”, CIPFA/SOLACE 2007  “The Annual Governance Statement – Rough Guide for Practitioners”, CIPFA Financial Advisory Network	

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	No
<b>Included within the Forward Plan? (If yes include reference number)</b>	No
<b>Equality &amp; Sustainability Impact Assessment Undertaken</b>	N/A: no direct service implications

<b>Officer/Councillor Approval</b>		
With regard to officer approval all reports <i>must</i> be approved by the report author’s relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Chief Executive / Deputy Chief Executive	21 Sept 2014	Chris Elliott
Section 151 Officer	21 Sept 2014	Mike Snow
Monitoring Officer	21 Sept 2014	Andrew Jones
Human Resources		
Finance	21 Sept 2014	As Section 151 Officer
Leader of the Council	21 Sept 2014	Councillor Mobbs
Portfolio Holder	21 Sept 2014	Councillor Cross
<b>Consultation and Community Engagement</b>		
None other than consultation with members and officers listed above.		
<b>Final Decision?</b>	Yes	
<b>Suggested next steps (if not final decision please set out below)</b>		

## 1. **SUMMARY**

- 1.1 This report sets out an Annual Governance Statement for 2013/2014 describing the governance arrangements that were in place during the financial year. The Statement is eventually to be signed by the Chief Executive and the Leader of the Council following reviews by Finance & Audit Scrutiny Committee and now Standards Committee.
- 1.2 An action plan has been developed resulting from the gaps in governance identified.

## 2. **RECOMMENDATIONS**

- 2.1 That Committee approves the Annual Governance Statement for 2013/2014 for Warwick District Council as set out at Appendix A and, in so doing, considers any comments made earlier by the Finance & Audit Scrutiny Committee.

## 3 **REASON FOR THE RECOMMENDATIONS**

- 3.1 Regulation 4 of the Accounts and Audit (England) Regulations 2011 requires that "...the body or committee must approve an annual governance statement, prepared in accordance with proper practices in relation to internal control."
- 3.2 The CIPFA Code of Practice for Internal Audit in Local Government in the United Kingdom 2006 provides the "proper practices" referred to in Regulation 4.
- 3.3 The CIPFA Code of Practice requires the Council to designate a committee to consider or approve the Annual Governance Statement. The Council has designated the Standards Committee for this task.

## 4. **ALTERNATIVE OPTION CONSIDERED**

- 4.1 The only alternative option was not to provide an Annual Governance Statement for 2013/14, which would almost certainly result in the Council being held in breach of its statutory obligations.

## 5. **BUDGETARY FRAMEWORK**

- 5.1 The Annual Governance Statement is produced by the staff employed by the authority within current resources.

## 6. **POLICY FRAMEWORK**

- 6.1 The proposals will assist the Council in furtherance of its priority of providing clear community leadership and effective management of resources whilst delivering responsive public services in an open and transparent manner.

## 7 **RISKS**

- 7.1 Risk management is an intrinsic element of corporate governance. There are numerous risks attached to undertaking, or not undertaking, the Significant Governance Issues set out in section 5 of the Annual Governance Statement.

## 8 BACKGROUND TO THE ANNUAL GOVERNANCE STATEMENT

8.1 The production of an Annual Governance Statement is a statutory requirement for local authorities.

8.2 Regulation 4 of The Accounts and Audit (England) Regulations 2011 states (see overleaf):

### **Responsibility for financial management**

4.—(1) The relevant body is responsible for ensuring that the financial management of the body is adequate and effective and that the body has a sound system of internal control which facilitates the effective exercise of that body's functions and which includes arrangements for the management of risk.

(2) The relevant body must conduct a review at least once in a year of the effectiveness of its system of internal control.

(3) The findings of the review referred to in paragraph (2) must be considered—

(a) in the case of a larger relevant body, by the members of the body meeting as a whole or by a committee, and

(b) in the case of a smaller relevant body, by the members of the body meeting as a whole, and

following the review, the body or committee must approve an annual governance statement, prepared in accordance with proper practices in relation to internal control.

(4) The relevant body must ensure that the statement referred to in paragraph (3) accompanies—

(a) any statement of accounts it is obliged to prepare in accordance with regulation 7, or

(b) any accounting statement it is obliged to prepare in accordance with regulation 12.

8.3 CIPFA/SOLACE emphasise that corporate governance is everyone's business and define it as:

*"How the local government bodies ensure that they are doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest and accountable manner. It comprises the systems and processes, and cultures and values, by which local government bodies are directed and controlled and through which they account to, engage with and, where appropriate, lead their communities."* CIPFA/SOLACE (Chartered Institute of Public Finance & Accountancy/Society of Local Authority Chief Executives)

8.4 CIPFA/SOLACE has issued a framework and guidance on delivering good governance in local government. The framework is built on the six core principles set out in the Good Governance Standard for Public Services that were themselves developed from earlier work by Cadbury and Nolan. The principles in relation to local government as set out in the framework are:

- a clear definition of the body’s purpose and focusing on the outcomes for the community and creating and implementing a vision for the local area;
- members and officers are working together to achieve a common purpose with clearly defined functions and roles;
- promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour;
- taking informed and transparent decisions which are subject to effective scrutiny and managing risk;
- developing the capacity and capability of members and officers to be effective;
- engaging with local people and other stakeholders to ensure robust public accountability.

Both the Annual Governance Statement and the Council’s Code of Corporate Governance reflect these six themes.

8.5 The CIPFA Financial Advisory Network has published an advisory document entitled “The Annual Governance Statement: Rough Guide for Practitioners”. Its advice is that the Annual Governance Statement is a key corporate document and the most senior member and the most senior officer (Leader and Chief Executive respectively) have joint responsibility as signatories for its accuracy and completeness. It advises that it should be owned by all senior members and officers of the authority and that it is essential that there is buy-in at the top level of the organisation. It advises that the work associated with its production should not be delegated to a single officer.

8.6 The Leader and Chief Executive of the Council as signatories to the Annual Governance Statement need to ensure that it accurately reflects the governance framework for which they are responsible. In order to achieve this they will rely on many sources of assurance, such as that from:

- Deputy Chief Executives and Service Area Managers;
- the Responsible Financial Officer;
- the Monitoring Officer;
- Members;
- the Audit and Risk Manager;
- performance and risk management systems;
- third parties, e.g. partnerships;
- external audit and other review agencies.

8.7 ‘The Annual Governance Statement – Rough Guide for Practitioners’ by CIPFA sets out the following stages in producing the Annual Governance Statement :-

**Objective 1, ESTABLISHING PRINCIPAL STATUTORY OBLIGATIONS AND ORGANISATIONAL OBJECTIVES**

Step 1: Mechanisms established to identify principal statutory obligations

Step 2: Mechanisms in place to establish organisational objectives

Step 3: Effective Corporate Governance arrangements are embedded within the authority

Step 4: Performance management arrangements are in place

***THEN apply the Six CIPFA/SOLACE Core Principles***

*(i) Focusing on purpose/outcomes and creating a vision for the local area*

- (ii) Members & officers working together to achieve common purpose with clearly defined functions & roles*
- (iii) Promoting values for the authority and demonstrating values of good governance through upholding high standards of conduct and behaviour*
- (iv) Taking informed and transparent decisions which are subject to effective scrutiny and managing risk*
- (v) Developing the capacity and capability of members and officers to be effective*
- (vi) Engaging with local people and other stakeholders to ensure robust public accountability*

**Objective 2, IDENTIFY PRINCIPAL RISKS TO ACHIEVEMENT OF OBJECTIVES**

Step 1: The authority has robust systems and processes in place for the identification and management of strategic and operational risk

**Objective 3, IDENTIFY AND EVALUATE KEY CONTROLS TO MANAGE PRINCIPAL RISKS**

Step 1 - The authority has robust systems of internal control which includes systems and procedures to mitigate principal risks

**Objective 4, OBTAIN ASSURANCES ON THE EFFECTIVENESS OF KEY CONTROLS**

Step 1: Appropriate assurance statements are received from designated internal and external assurance providers

**Objective 5, EVALUATE ASSURANCES AND IDENTIFY GAPS IN CONTROL/ASSURANCES**

Step 1: Make adequate arrangements to identify, review and evaluate reports from the defined internal and external assurance providers to identify areas of weakness in controls

**Objective 6, ACTION PLAN TO ADDRESS WEAKNESSES AND ENSURE CONTINUOUS IMPROVEMENT OF THE SYSTEM OF CORPORATE GOVERNANCE**

Step 1: Robust mechanism to ensure that an appropriate action plan is agreed to address the identified control weaknesses and is implemented and monitored

**Objective 7, ANNUAL GOVERNANCE STATEMENT**

Step 1: Governance statement is drafted in accordance with regulations and timescales

**Objective 8, REPORT TO CABINET / EXECUTIVE COMMITTEE**

Step 1: Report in accordance with pro-forma

- 8.8 With its involvement in matters concerning governance and internal control, the Finance & Audit Scrutiny Committee, meeting on 10 June 2014, reviewed the draft Annual Governance Statement together with the Internal Audit Annual Report 2013/14 and the Review of Effectiveness of Internal Audit 2013/14. Comments from Finance & Audit Scrutiny Committee that are pertinent to Standards Committee's consideration of the draft Annual Governance Statement will be circulated.

**WARWICK DISTRICT COUNCIL****ANNUAL GOVERNANCE STATEMENT 2013/14****1 SCOPE OF RESPONSIBILITY**

- 1.1 Warwick District Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for. Warwick District Council also has a duty under the Local Government Act 1999 to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- 1.2 In discharging this overall responsibility, the Council is responsible for putting in place proper arrangements for the governance of its affairs, facilitating the effective exercise of its functions and arrangements for the management of risk.
- 1.3 Warwick District Council has approved and adopted a Code of Corporate Governance, which is consistent with the principles of the CIPFA/SOLACE Framework, *Delivering Good Governance in Local Government*. A copy of the Code is on our website at [www.warwickdc.gov.uk](http://www.warwickdc.gov.uk) or can be obtained in hard copy form on request from the Audit and Risk Manager.
- 1.4 This statement explains how Warwick District Council has complied with the Code and meets the requirements of regulation 4(3) of the Accounts and Audit (England) Regulations 2011

**2 THE PURPOSE OF THE GOVERNANCE FRAMEWORK**

- 2.1 The governance framework comprises the systems and processes, and the culture and values by which the Authority is directed and controlled and the activities through which it accounts to, engages with and leads the community. It enables the Authority to monitor the achievement of its strategic objectives and to consider whether those objectives have led to the delivery of appropriate, cost-effective services.
- 2.2 The system of internal control is a significant part of that framework and is designed to manage risk to a reasonable level. It cannot eliminate all risk of failure to achieve policies, aims and objectives and can only provide reasonable and not absolute assurance of effectiveness. The system of internal control is based on an ongoing process designed to identify and prioritise the risks to the achievement of Warwick District Council's policies, aims and objectives, to evaluate the likelihood of those risks being realised and the impact should they be realised, and to manage them efficiently, effectively and economically.
- 2.3 The governance framework has been in place at Warwick District Council for the year ended 31<sup>st</sup> March 2014 and up to the date of approval of the statement of accounts.

### **3 THE GOVERNANCE FRAMEWORK**

The key elements of the systems, processes and activities that comprise the Authority's governance arrangements are as follows:

#### **3.1 Identifying and communicating the Authority's vision of its purpose and intended outcomes for citizens and service users**

3.1.1 In October 2010 the Council adopted Fit for the Future (FFF), its strategic response to dealing with the challenges of reduced income and rising customer expectations and demand. FFF provides an organisational framework to help the Council make progress towards its organisational purpose "To make Warwick District a great place to live, work and visit". It sets out a range of activities, interventions and projects falling into two broad areas:

- a) Activities that are designed to improve community outcomes. Most of these are being developed jointly with the Council's partners and relate to one or more of the priority or cross cutting themes of the Sustainable Community Strategy (SCS). A review of the SCS was undertaken during 2013 that led to a refreshed Strategy focusing on five priority themes with the first among equals being Prosperity.
- b) Activities that are designed to improve our organisation and the services provided by the Council. These activities aim to bring about the following improvements:
  - i) delivering a balanced budget; whilst
  - ii) maintaining or if possible improving the services we provide to customers; and
  - iii) helping develop our organisation and culture so that we are better able to improve continuously.

3.1.2 FFF was formulated following an extensive period of consideration and consultation that took account of:

- Warwick District Council's values
- The political ambitions of the Council's ruling Administration
- The Warwick Partnership Sustainable Community Strategy (for Warwick District)
- A Systems Thinking approach to service design
- An organisational design focusing on People and Place
- The state of public finances
- Information on the quality of life in Warwick District
- Information from the most recent Citizens' Panel Survey
- Strategy rationalisation
- Views of Members, staff, unions and various stakeholders and partners

3.1.3 A comprehensive governance framework is in place to manage the progress of FFF on an ongoing basis. Measures are used to track the Council's progress.

3.1.4 Delivering the cultural change envisaged in Fit For the Future (FFF). FFF has three strands, covering the financial challenge, service quality and cultural change (money, services and staff). Last year's review of the Council's governance arrangements reported that, whilst robust plans are in place to

address the first two, the organisation needed to make progress in addressing the third. Cultural change was regarded as essential in achieving the first two strands and in achieving the Council's objectives overall.

3.1.5 Consequently, a plan of action to drive cultural change has been developed with the Senior Management Team (SMT) and was rolled out as part of the Chief Executive's annual presentation to employees in March 2013. Following on from this a consultant was engaged to kick start work on staff engagement in October 2013. This has resulted in a staff engagement action plan being created and implementation is underway.

3.1.6 The Council's Portfolio Holders each publish an annual Service Area Plan identifying and communicating the Council's priorities for the year. The statements are approved by Executive and published on the Council's website. [\(LINK\)](#)

3.1.7 Progress in achieving the Council's objectives is communicated to the local community via a variety of media including the Council's website and local newspapers.

### 3.2 **Reviewing the Authority's vision and its implications for the Authority's governance arrangements**

3.2.1 The SCS has a vision of improving the quality of life for all the residents of Warwick district by making the district a great place to live, work and visit. Following Warwick District Council's adoption of the SCS a review of its own Corporate Strategy was undertaken. The culmination of the review was the production of FFF as described in 3.1 above. The subsequent refresh of the SCS will undoubtedly have an impact on FFF and the actions needed to deliver the revised Strategy will be spelt-out in the Service Area Plans for 2014/15 and beyond.

3.2.2 The above review has not touched on the Council's constitutional governance arrangements that can be summarised as follows:

- Council is the ultimate decision making body for those matters that have not been delegated to Executive, specific officers or are required to be taken at Council level by law.
- Executive will make decisions in respect of the majority of Council matters or make recommendations to the Council.
- Overview and Scrutiny Committee will have oversight responsibility for policy development and performance monitoring whilst Finance and Audit Scrutiny Committee will oversee the adequacy of the Council's risk management and control frameworks, especially that of financial control.

3.2.3 Progress has been made in engaging the Scrutiny Committees in a new approach to scrutiny, particularly in the area of Partnerships, Service Area Plans and, most especially, Risk Registers (service and corporate). There is to be further focus on ensuring outcomes are achieved, rather than concentrating on process and meeting artificial targets.

3.2.4 The Group Leaders, with assistance of the Overview & Scrutiny Committee, have reviewed the appointments to outside bodies by this Council. This was to assist in ensuring the Council focused on its key role within the community



and help to reduce potential conflicts of interests for Councillors. This has seen a reduction in the numbers appointed to and will see further reductions in 2015. These will be confirmed following Annual Council on 14 May 2014.

### **3.3 Measuring the quality of service for users, for ensuring they are delivered in accordance with the Authority's objectives and for ensuring that they represent the best use of resources**

3.3.1 Performance monitoring and reporting mechanisms ensure performance management is embedded into the core management structures of the organisation. The Council has moved away from performance targets as it is considered that these act as a barrier to the ethos of continuous improvement. In their place the Council is using key performance measures such as '*no. of violent crimes*' and '*no. of drainage notices served*' to track service delivery progress. Key customer performance measures are identified in the Service Plans.

3.3.2 The Council is committed to actively consulting and involving the public in improving services. It measures regularly the experience of users of its services and gathers citizens' opinions on a variety of subjects. To this end, it employs various devices including: Simalto, annual Housing Services survey, Customer Service surveys, Community Forums, online polls and online consultations. (Simalto is a budget and prioritisation decision-making tool where participants make choices between different scenarios.)

3.3.3 The Council has adopted an approach that does not use targets as a basis for monitoring. We measure things to learn about how well we are delivering our purpose and what matters to customers and to enable us to understand what we need to do to improve continuously. To this end, service areas gather data against measures identified during the Service Area Planning process.

3.3.4 Where service falls below customer expectations it often manifests itself in complaints. The Complaints Policy has recently been reviewed and updated. Training sessions have been provided by the Local Government Ombudsman for relevant frontline and investigating officers. The current complaints process is under review and is due for launch in summer 2014. The trends for complaints are monitored through the corporate measures process.

3.3.5 Benchmarking is seen as a key tool for managing performance through comparing process and cost with others. Finance services such as accountancy, internal audit, treasury management, payroll and debtors are regularly benchmarked against other local authorities in terms of price and performance.

### **3.4 Defining and documenting the roles and responsibilities of the executive, non-executive, scrutiny and other functions, with clear delegation arrangements and protocols for effective communication**

3.4.1 The Constitution sets out the respective responsibilities of Members and Officers through Codes and Protocols. It sets out the terms of reference for the Council and all of the Council's Committees. The Executive reviews the Constitution on an ongoing basis and ensures the levels of delegation are appropriate. The Council's Constitution, the Code of Conduct for Members and the Employees Code of Conduct are all in the process of being reviewed. This

has been delayed due to demands upon the service. However, the first parts of the review should be brought through for adoption by Council in May 2014. (Action 1)

3.4.2 A management matrix shows the relationship between Portfolio Area and Service Area. This has been communicated to all service managers and is used as part of the induction programme for new staff.

3.5 **Developing, communicating and embedding codes of conduct, defining the standards of behaviour for members and staff**

3.5.1 The Constitution contains a Protocol and Codes of Conduct for Members and Officers. All new Members and Officers receive a copy of their respective Codes. Although the Officer Code was reviewed a couple of years ago it is currently undergoing a more fundamental review. At the conclusion of this process it will be presented to the Council's Employment Committee for approval.

3.5.2 During the year there were two investigations into complaints made about Warwick District Councillors. Both of these matters have been concluded.

3.5.2.1 One of the investigations ultimately resulted in a Councillor being sanctioned by the Hearing Panel. The sanction was that the Councillor should apologise to those who had made complaints against her. Unfortunately the Councillor refused to apologise and furthermore, despite the full Standards Committee reinforcing the decision of the Hearing Panel and requesting that the Councillor's Group Leader remove her from all Committees and Sub-committees for six months, this was rejected: The Group Leader had decided to make his own enquiries but felt there was no case to answer.

3.5.2.2 This series of events has serious repercussions for the Council as it exposes the "lack of teeth" the Council has to insist on reasonable and appropriate behaviours from its own elected Members.

3.5.3 An Internal Audit investigation took place during the year into travel claims submitted by Councillors. This revealed in a small number of cases some incorrect claims involving, in the main, relatively small sums of money. None was considered deliberate and all overpayments were repaid by the Councillors involved.

3.5.4 There is a regular review of Member interests (detailed on the Council's website) by the Standards Committee and a six-monthly review by SMT of officer interests and declarations of gifts and hospitality. Staff are reminded annually through their payslip of the need to make declarations for conflicts of interest.

3.5.5 There is an Anti-Fraud and Corruption Policy that each year is reviewed by Finance & Audit Scrutiny Committee. All new staff receive training on the Policy as part of the induction process and it is brought to the attention of all staff annually through the Council's Intranet.

3.5.6 The Council's Information Security & Conduct Policy (ISCP) defines the Council's standards of behaviour when using ICT equipment or managing information. In addition, the ISCP also includes 'acceptable use' policies.

The ISCP is communicated to staff during the induction process and when a major revision has occurred. Individual aspects of the policy are also highlighted to staff via the 'Core Brief' or the Council's Intranet.

- 3.5.7 The Authority agreed new Organisational Values in 2007 and these are now reflected in the Competency Framework that is a fundamental part of the staff appraisal and development process. The Organisational Values have been a key element in the development of FFF.
- 3.5.8 There is significant concern that during the year confidential information had been disclosed to the media. The source has not yet been identified. (Action 2)
- 3.6 **Reviewing and updating standing orders, standing financial instructions, a scheme of delegation and supporting procedure notes/manuals, which define clearly how decisions are taken and the processes and controls required managing risks**
- 3.6.1 The Code of Financial Practice and the Code of Procurement Practice form part of the Council's Constitution.
- 3.6.2 Following thorough reviews, both the Code of Financial Practice and the Code of Procurement Practice were updated in March 2013. Training is due to will be provided to officers on these Codes during 2014/15. (Action 3)
- 3.6.3 Training on the Code of Procurement Practice was offered two years ago to Members but take-up was not as comprehensive as required. Discussion with Members on this issue highlighted a need for Member training to be organised in a proactive, planned fashion, rather than by reacting to events as they arise as part of the Member Training Programme being developed for after the 2015 elections. (Action 4)
- 3.6.4 A Procurement Strategy has been agreed by the Council and an annual Procurement Action Plan is monitored by Finance & Audit Scrutiny Committee. The Plan is overseen by the Procurement Manager who champions procurement issues across the Council.
- 3.6.5 Finance & Audit Scrutiny Committee has taken a keen interest in procurement forming a Procurement Working Party of three members that has helped raise the profile of the function throughout the organisation.
- 3.6.6 A uniform report template sets out the standard information required for a Committee decision to be taken, and a protocol is in place for officer attendance at Committees. There are guidance notes for officers on writing reports. The template and associated guidance have been updated to reflect FFF and to ensure risks are overtly considered and reported.
- 3.6.7 Committee Services has identified the need to set up a system to monitor the implementation of decisions. Appropriate software has been installed allowing this to happen but other work demands have left the initiative outstanding. CMT has identified the need to record more appropriately the comments of officers involved in the development of reports. The first developments towards this are currently in testing within Democratic Services. (Action 5)

- 3.6.8 The Council's Risk Management Policy Statement and Strategy is updated annually and reported to Finance & Audit Scrutiny Committee. This explains the methodology that provides a comprehensive framework for the management of risk throughout the Council. A cross-departmental Risk Management Group meets quarterly to help embed risk management across the Authority.
- 3.6.9 High level corporate risks are set out in the Significant Business Risk Register (SBRR) which is reviewed quarterly by SMT and then by Executive via Finance & Audit Scrutiny Committee. Risks relating to the FFF programme are incorporated within the SBRR.
- 3.6.10 Concerns have developed over time that some aspects of maintaining the SBRR may not be robust. Consequently, a review of the process for producing and monitoring the SBRR is to be undertaken. Areas to be reviewed include: the relationship between SMT and Executive in the review process; the vigour with which high-scoring risks are managed; and the recording of movements in risk scores. (Action 6)
- 3.6.11 Operational risks are recorded on service risk registers. A programme of review for service risk registers by Finance & Audit Scrutiny Committee is in place that has helped substantially to raise awareness of good risk management.

### **3.7 Undertaking the core functions of an audit committee, as identified in CIPFA's Audit Committees – Practice for Local Authorities**

- 3.7.1 The core functions of an audit committee are delivered by the Authority's Finance & Audit Scrutiny Committee. These are set out in its terms of reference approved by the Executive.
- 3.7.2 The main purposes of the Finance & Audit Scrutiny Committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment; independent scrutiny of the Authority's financial and non-financial performance to the extent that it affects the Authority's exposure to risk and weakens the control environment; and to oversee the financial reporting process.
- 3.7.3 In addition to the main purposes of the Finance & Audit Scrutiny Committee it also:
- Approves (but not directs) Internal Audit's strategy and annual plan and reviews its performance
  - Reviews summary Internal Audit reports and the main issues arising and seeks assurance that action has been taken where necessary
  - Considers the reports of external audit and inspection agencies
  - Considers the effectiveness of the Authority's risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements
  - Seeks assurances that action is being taken on risk-related issues identified by auditors and inspectors
  - Satisfies itself that the Authority's assurance statements, including the Annual Governance Statement, properly reflect the risk environment and any actions required to improve it

- Ensures that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted
- Reviews the financial statements, external auditor's opinion and reports to members and monitors management action in response to the issues raised by external audit.

### **3.8 Ensuring compliance with relevant laws and regulations, internal policies and procedures, and that expenditure is lawful**

- 3.8.1 Compliance with law and regulation is assisted by recruiting suitably qualified staff and having job descriptions and personal specifications for all posts. All senior managers receive a local government briefing to alert them to changes in the external regulatory framework and major changes are identified for reports to the Executive or Council as appropriate. As part of the service planning process the impact of new laws is addressed.
- 3.8.2 SMT will monitor compliance with internal policies from time to time. Examples include: the annual review of appraisals undertaken; compliance with health and safety policy; Equality and Diversity annual report. Internal Audit will identify any key policies that might need to be tested as part of any audit.
- 3.8.3 To ensure expenditure is lawful the Council agrees detailed budgets. Managers responsible for the budgets are required to sign acceptance of them. The Code of Financial Practice and Code of Procurement Practice set out procedures to ensure lawful expenditure. Both Finance staff and the Chief Financial Officer are required to sign off Committee reports to ensure relevant financial issues have been addressed. Where appropriate, reports are considered by the Council's shared Legal Service. All Executive reports are considered by the Council's Monitoring Officer.
- 3.8.4 Despite recent changes to the budget monitoring process, there are still some large variations in outturn against budget and capital expenditure, with significant capital slippage being requested in recent years. This has reinforced the need for more effective budget setting and monitoring, bringing together intelligence from across the authority. A review of the current budget monitoring process has commenced and this is due to be completed early in 2014/15 when the final 2013/14 variances are confirmed. (Action 7)
- 3.8.5 There have been a limited number of projects in the last couple of years where the original project budget has proved to be insufficient. This has resulted in reports to members to seek additional funding. The reasons for the need for additional funding vary for each project. Officers and members have agreed, however, that it is necessary to review the approach and framework used in estimating project costs so as to give members confidence in the estimated costs they are being asked to approve for future projects. (Action 8)
- 3.8.6 Establishing a shared Legal Service with the County Council has meant that arrangements have been put in place whereby there is a responsibility for the relevant Head of Service to satisfy themselves as to the legality of any recommendation and if there is any doubt seek advice.
- 3.8.7 The Council publishes a Forward Plan on a monthly basis that contains details of all decisions to be made by the Executive.

- 3.8.8 An investigation by Internal Audit into contracts managed by Housing and Property Services took place during the year that revealed widespread and significant failings in procurement practice within that service area. The results have been reported to the Executive and a comprehensive set of actions identified for improvement. Reports are to be issued to Executive on the progress in addressing the issues raised. (Action 9)
- 3.9 **Whistle-blowing and arrangements for receiving and investigating complaints from the public**
- 3.9.1 An Anti-Fraud and Corruption Strategy and a Whistle-blowing Policy and Procedure are in place. Both documents are reviewed annually by Finance & Audit Committee and publicised widely, including on the Council's website.
- 3.9.2 The Anti-Fraud and Corruption Strategy comprises a series of measures and procedures that are designed to frustrate any attempted fraudulent or corrupt acts. This includes:
- Establishing the appropriate culture
  - Appointing statutory officers
  - Maintaining a Council committee structure which reviews decisions, examines specific issues and promotes high standards, as well as investigating alleged breaches of the code of conduct
  - Recruiting and retaining high calibre staff
  - Establishing relevant procedures and codes that form the Council's overall control framework
  - Exchanging information with other bodies
  - Undertaking a comprehensive approach to the preparation of the Annual Governance Statement.
- 3.9.3 The Strategy also describes the arrangements for investigating allegations of wrongdoing.
- 3.9.4 The Whistle-blowing Policy provides a channel for those that have serious concerns about any aspect of the Council's work to come forward and express those concerns anonymously and safely.
- 3.9.5 The Policy aims to:
- Encourage employees to feel confident in raising serious concerns and to question and act upon concerns about practice
  - Provide avenues for employees to raise those concerns and receive feedback on any action taken
  - Ensure that employees receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied
  - Reassure employees that they will be protected from possible reprisals or victimisation if they have reported their concerns in good faith.
- 3.9.6 The policy gives examples of the possible concerns that may exist, how these should be raised and how the Council will respond. In the event of dissatisfaction, other avenues for raising concerns are also set out within the policy.

- 3.9.7 This includes the Council's confidential telephone helpline 'In Touch'.
- 3.9.8 The Council has a Complaints Policy that describes how members of the public can make a complaint. All investigating officers have attended the LGO training course on effective complaint handling. If a complainant is dissatisfied with the outcome of the initial investigation they can request that the complaint be investigated again. This will be by an officer outside of the service to which the complaint relates. If the complainant is still dissatisfied they have the right to have the complaint referred to the Local Government Ombudsman for investigation and resolution.
- 3.10 **Identifying the development needs of members and senior officers in relation to their strategic roles, supported by appropriate training**
- 3.10.1 There is a Members' Development Programme agreed by the Members' Development Group and Employment Committee.
- 3.10.2 Training for senior officers is identified through the induction programme and on an ongoing basis through the competency and personal development framework process that requires a review of development needs.
- 3.10.3 CMT attends appropriate training courses organised by the Society of Local Authority Chief Executives (SOLACE), West Midlands Employers (WME) and the Local Government Association (LGA) whilst all senior managers are encouraged to attend relevant professional seminars and conferences.
- 3.10.4 As identified earlier, training for senior officers and members is required in the areas of contract and financial management.
- 3.10.5 The review of the governance arrangements two years ago confirmed a need to provide training for Portfolio Holders and Shadow Portfolio Holders to help them fulfil their role effectively. A Member Development Group was set up to examine this and to draft remits for Councillors so that training needs could be identified. This action continues to be outstanding and is therefore carried forward again. The issue is related to that discussed within paragraph 3.6.3 and will therefore form part of Action 4.
- 3.11 **Establishing clear channels of communication with all sections of the community and other stakeholders, ensuring accountability and encouraging open consultation**
- 3.11.1 Locality Working, which has extended the remit of the local neighbourhood policing forums to cover the totality of local government working (District, County and Parish/Town) along with the Primary Care Trust and Voluntary and Community Sector, is now active in all parts of the District through the operation of 7 Community Forums. Forum attendees identify community priorities and allocate resources provided by the District and County Councils to specific projects.
- 3.11.2 The Community Engagement Strategy was developed on behalf of the Warwick Partnership Group as a means of enabling a dialogue between communities and public sector organisations. The Warwick Partnership led on the Community Engagement Strategy for Warwick District. As a result of the changes in the partnership landscape, however, the Community Engagement

Strategy is no longer required. The focus is now on the adoption of a set of principles and values that will govern the community engagement work. In addition, the link with the Engaging Communities Co-ordination Project overseen by Warwickshire Community and Voluntary Action (WCAVA) provides a means for the Council to engage with communities of interest.

- 3.11.3 In recent years the Council consulted the Citizen's Panel on its proposed budget, council tax and the allocation of resources. A couple of years ago a consultancy firm was commissioned using the Simalto modelling approach to obtain residents' views on future spending decisions. This research method involves face-to-face interviews.
- 3.11.4 The Executive considered the results of the consultation and has incorporated changes where possible within medium term financial projections. This includes increasing the allocations of travel tokens and retaining all one stop shops.
- 3.11.5 The Simalto consultation is not intended to be carried out annually and is next planned for 2015.
- 3.11.6 A Channel Strategy based on understanding customer behaviour and their needs was adopted in April 2012. The channels our customers use vary from more traditional ones like face-to-face and telephone to newer channels like social media and mobile web access. The strategy ensures we are focusing our resources on the channels and services that are important to our customers. The associated action plan is 80% complete.
- 3.11.7 There is a view that there is room for improvement in the way that the Council's services are publicised and promoted. An overarching Communications Strategy has been produced and adopted in June 2013. The action plan is being implemented.
- 3.12 **Incorporating good governance arrangements in respect of partnerships and other group working as identified by the Audit Commission's report on the governance of partnerships, and reflecting these in the Authority's overall governance arrangements.**
- 3.12.1 The Council has updated its policy for managing its partnership arrangements. The governance arrangements for all partnerships have been reviewed with all lead officers being required to complete a Partnership Checklist to identify any governance weaknesses. All new partnerships must be approved by Executive with a partnership checklist accompanying the report presented to the Executive.
- 3.12.2 The Scrutiny Committees also have a role for reviewing the effectiveness of partnerships. This work has enabled Scrutiny Committees to play a valuable role in ensuring that the Council's partnerships remain effective and are value for money.
- 3.12.3 Last year's review of governance arrangements found that formal agreements such as a memorandum of understanding or service level agreement are not applied consistently to all shared service arrangements. No new shared service arrangements have been created in recent years although current agreements are kept under review.



## **4 REVIEW OF EFFECTIVENESS**

4.1 Warwick District Council has responsibility for conducting, at least annually, a review of the effectiveness of its governance framework including the system of internal control. The review of effectiveness is informed by:

- the work of senior managers within the Authority who have responsibility for the development and maintenance of the governance environment;
- the Audit & Risk Manager's annual report; and
- comments made by the external auditors and other review agencies and inspectorates.

4.2 The process that has been applied in maintaining and reviewing the effectiveness of the governance framework is as follows:

### **4.3 The Council**

4.3.1 The Council is responsible for agreeing the changes to the Constitution that have been developed during the year. This Annual Governance Statement is also reported to the Council when it approves the financial statements.

### **4.4 The Executive**

4.4.1 The Code of Corporate Governance brings together in one document all the governance and accountability arrangements which the Council currently has in place and highlights areas where more work is required. The Executive last agreed the Code of Corporate Governance in March 2008. Although it is endorsed by Standards Committee each year it is never-the-less due for a thorough review. (Action 10)

### **4.5 The Finance & Audit Scrutiny Committee and the Overview and Scrutiny Committee**

4.5.1 The Council has delegated to Finance & Audit Scrutiny Committee responsibility for discharging the functions of an audit committee. Its main purposes are to provide independent assurance of the adequacy of the risk management framework and the associated control environment; independent scrutiny of the authority's financial and non-financial performance; and oversee the financial reporting process.

4.5.2 Each quarter the committee reviews the findings from Internal Audit assignments completed during those periods, whilst annually it receives a report on the effectiveness of Internal Audit. It also considers reports from external audit and other review agencies as and when they are issued.

4.5.3 The rigour applied by these Committees in carrying out their scrutiny role has contributed to an effective governance framework and to the Council achieving its objectives. For example, the ongoing review by Finance & Audit Scrutiny Committee of service risk registers has improved risk management throughout the organisation and member championing of effective procurement has resulted in major improvements in procurement practice and the attainment of significant savings from the commissioning of goods and services.

#### 4.6 **The Standards Committee**

4.6.1 The Code of Corporate Governance and the requirement to produce an Annual Governance Statement has led to responsibility for Corporate Governance, and the review of the Annual Governance Statement, being explicitly recognised in the terms of reference of the Standards Committee.

#### 4.7 **Internal Audit**

4.7.1 Internal Audit is responsible for monitoring the quality and effectiveness of systems of internal control. A risk model is used to formulate a three-year plan which is approved by Finance & Audit Scrutiny Committee and from which the audit assignments are identified.

4.7.2 A report of each audit is submitted to the relevant Service Area Manager. The report includes an action plan comprising recommendations for improvements in control and management responses.

4.7.3 Quarterly reports are issued to Members on progress in achieving the annual plan. The reports also contain copies of all action plans issued to managers in the quarter, details of any outstanding responses and, where the level of assurance given is less than substantial, copies of the audit reports.

4.7.4 The Internal Audit Section is subject also to regular inspection by the Council's external auditors who place reliance on the work that it carries out.

4.7.5 New Public Sector Internal Audit Standards came into force on 1 April 2013. The requirements and full impact of these were assessed and reported to Finance & Audit Scrutiny Committee.

4.7.6 The two main requirements of the new Standards are a closer working relationship between the chair of the 'audit committee' and the 'chief audit executive' and a 5-yearly peer review of the internal audit function.

#### 4.8 **Other review/assurance mechanisms**

4.8.1 The Scrutiny Committees, the Standards Committee and External Audit contribute to the review of the Authority's compliance with policies, procedures, laws and regulations. Occasional use has been made of other review agencies such as peer assessors from the West Midlands Local Government Association, this latterly being in 2012, with a review update planned for summer 2014.

4.8.2 The Council is audited annually to ensure it meets a set of mandatory information assurance requirements set by central government called the Code of Connection (CoCo). CoCo requires local authorities to provide a compliance statement that documents how their information technology meets baseline requirements that are adopted from ISO 27001. The effective use of ICT Resources is critical in the efficient delivery of Council services to its citizens. ICT Governance is undertaken by the Council's ICT Steering Group and this group is responsible for ensuring that ICT resource allocation is directly aligned to Council priorities and appropriate reporting and monitoring arrangements have been put in place.

4.8.3 The Council has been Investors In People accredited since 1998 and received Bronze accreditation in 2011. A further review is planned for December 2015. A number of services are externally accredited against specific standards. Food Safety's ISO9000 quality management system was re-accredited during the year. In addition, Housing & Property Services achieved the Telecare Services Association's Platinum Standard and Cultural Services' leisure centres continue to be Approved Training Centres for the Institute of Qualified Lifeguards. The Plain English Campaign awarded the Council website its Internet Crystal Mark standard. The Council also received during the year the 'Positive About Disability' Award for its employee recruitment and selection processes. The Council's website was also awarded Digital Accessibility Centre Accreditation.

## **5 SIGNIFICANT GOVERNANCE ISSUES**

5.1 Governance issues that are identified for improvement are set out below. The actions have been identified from the processes involved in producing the statement (e.g. meeting with committee chairs) and from the sources of evidence supporting it (e.g. service assurance statements).

1. The Council's Constitution, the Code of Conduct for Members and the Employees Code of Conduct to be reviewed and updated. (3.4.1) (Brought forward from last year).
2. Officers and Members to be reminded of the seriousness of disclosing confidential information. (3.5.8)
3. Training to be provided to officers on both the Code of Financial Practice and the Code of Procurement Practice. (3.6.2) (Brought forward)
4. Comprehensive training programme to be developed for Members. (3.6.3 and 3.10.5) (Brought forward)
5. A system to be developed to monitor the implementation of decisions and record the comments of officers involved in producing reports. (3.6.7) (Brought forward)
6. Review to be undertaken of the process for producing and monitoring the Significant Business Risk Register. (3.6.10)
7. Review of Budget monitoring and Capital slippage to be completed. (3.8.4)
8. A standard framework is drawn up and adopted in order that projects are managed realistically and to give Members confidence in the estimated costs associated with those projects. (3.8.5).
9. Actions set out in Executive report to be taken to address the failings in procurement practices identified within Housing & Property Services. (3.8.8)
10. The Code of Corporate Governance to be reviewed and updated. (4.4.1) (Brought forward)

- 5.2 We propose over the coming year to take steps to address the above matters to enhance further our governance arrangements. We are satisfied that these steps will address the need for improvements that were identified in our review of effectiveness and will monitor their implementation and operation as part of our next annual review.

**Signed:**

\_\_\_\_\_  
Andrew Mobbs  
Leader of the Council

\_\_\_\_\_  
Chris Elliott  
Chief Executive

**Dated:**

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## 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

Once a complaint has been concluded the details of the complainant and Councillor will be listed. This list will be maintained in accordance with the complaints procedures adopted by this Council.

<b>Ref</b>	<b>Date received</b>	<b>Complaint</b>	<b>Outcome &amp; Date closed</b>
1/2012  (Formerly LSF.19.2012)	6 January 2012	A complaint was received from Council Officer, Mrs A Wyatt, that Warwick District Councillor, Councillor Bertie MacKay, had made comments, which appear to have been bullying and showing lack of respect to an officer and compromised her impartiality as an officer of the Council.	The matter was investigated and Councillor MacKay has apologised to the complainant and the Council for his actions which had compromised the impartiality of Mrs Wyatt in her role as Benefits and Fraud Manager for the Council. The case was closed on 6 March 2013.  The cost of the investigation for this case was £5775.30
2/2012  (Formerly LSF.22.2012)	11 May 2012	A complaint was received from Mr Lewis, a member of the public, of Haseley Knob regarding the conduct of Warwick District Councillor, Mrs Gallagher in relationship to a certificate of lawfulness.	Following an investigation the complaint was withdrawn by the complainant, Mr Lewis of Haseley Knob. Because the complaint was withdrawn this means there was no complaint to consider and the case was closed on 29 June 2013.  The full cost of the case was approximately £10,000.00.

3/2012 (Formerly LSF.24.2012)	25 April 2012	A complaint from a Parish Council, was received regarding the conduct of a Rowington Parish Councillor, in relationship to communications with residents and conduct at meetings.	<p>Following an investigation Councillor Mrs Weir accepted the investigating Officers report and has apologised to the Parish Council for the comments made in a letter to local residents.</p> <p>The cost of the investigation was £3873.20</p>
4/2012	18 October 2012	A complaint was received from the Chief Executive of the District Council regarding a potential breach of the Council's ICT policy by a Warwick District Councillor.	Following an independent investigation of the complaint it was found that no breach of the code had occurred. The case was closed on 31 January 2013.
5/2012	8 October 2012	A complaint, from a member of the public, has been received regarding the conduct of two District Councillors at a Community Forum.	<p>The complaint into the conduct of the Councillor Mrs Bromley was considered at Hearing on 15 November 2013. It was found that a breach of the Code of Conduct had occurred and sanctions were issued. The full decision notice can be found <a href="#">Hearing Panel 15 November 2013</a></p> <p>Following consultation with the Independent Person the Deputy Chief Executive has determined that complaint about the other Councillor should close, because no breach of the Code of Conduct was found by the Investigating Officer.</p> <p>The final invoice for this investigation along with 5a/2012 £2246.18.</p>

			<p>This matter was also considered by the Standards Committee on 30 January 2014 because Councillor Mrs Bromley had failed to apologise in line with the original decision notice. Details of that meeting can be found at the link below:</p> <p><a href="#">Standards Committee 30 January 2014</a></p>
5a/2012	November 2012	<p>A complaint has been received from the Chief Executive of Warwick District Council about the Conduct of Warwick District Councillor regarding (a) the failure to acknowledged receipt and understanding of the new code of conduct and (b) failure to adhere to the Member officer protocol and therefore breaching the new code of conduct.</p>	<p>The complaint into the conduct of the Councillor Mrs Bromley was considered at Hearing on 15 November 2013. It was found that a breach of the Code of Conduct had occurred and sanctions were issued. The full decision notice can be found</p> <p><a href="#">Hearing Panel 15 November 2013</a></p> <p>The final cost of this investigation along with was 5/2012 £2246.18.</p> <p>This matter was also considered by the Standards Committee on 30 January 2014 because Councillor Mrs Bromley had failed to apologise in line with the original decision notice. Details of that meeting can be found at the link below:</p> <p><a href="#">Standards Committee 30 January 2014</a></p>

6/2012	24 October 2012 and 1 November 2012	Two complaints, from members of the public, have been received regarding the conduct of a Weston Under Wetherley Parish Councillor regarding their conduct in relationship to a matter considered by the Parish Council.	<p>The matter was closed on 16 January 2013 because at the time of the incident the Council had not adopted a Code of Conduct.</p> <p>The cost of this investigation was £533.60</p>
7/2013	25 January 2013	A complaint, from a member of the public, was received, regarding the conduct of Warwick District Councillor during a Planning Committee meeting.	<p>The matter was considered and closed by the Deputy Monitoring Officer on 20 February 2013 who found that no action should be taken.</p> <p>The complainant asked the Local Government Ombudsman to consider the complaint. The Local Government Ombudsman determined that the Councillor's actions have not caused significant injustice the Ombudsman has decided not to investigate.</p>
8/2013	8 March 2013, 13 March 2013 and 20 March 2013	Three complaints, from two members of the public and a parish council, have been received regarding the Conduct of a Warwick District Councillor at a Warwick District Council Planning Committee meeting.	<p>The matter was considered and closed by the Deputy Monitoring Officer on 23 May 2013 who found that no action should be taken.</p> <p>A complainant asked the Local Government Ombudsman to consider the complaint. The Local Government Ombudsman determined that the Ombudsman will not investigate this complaint about the Council's refusal to investigate a complaint about the actions of a councillor. I do not consider the injustice suffered by the complainant is sufficient to warrant the</p>



			public expense of an investigation by the Ombudsman.
9/2013	10, 11 and 12 March 2013	<p>Three Complaints, one from the Clerk of the Council, one from a Councillor and one from a member of the Public, have been considered regarding the conduct of Councillor Mrs Lesley Mobbs of Weston Under Wetherley Parish Council.</p> <p>Two complaints, one from the Clerk to the Council and one from a Councillor regarding the conduct of Councillor Coles.</p>	<p>The complaints and investigating officers report were considered at Hearing Panels on???</p> <p>The Panels found the Councillors to be in breach of the Code of Conduct for the Parish Council and copies of the full decisions can be found at the links below:</p> <p><a href="#">Councillor Coles decision</a></p> <p><a href="#">Councillor Mobbs decision</a> .</p> <p>The case was closed on 22 May 2014 following the decision of the Parish Council to adopt the recommendations of the Hearing Panel.</p>
10/2013	10 and 15 May 2013	Two complaints, from Councillors, have been made regarding the comments made by Councillor Taylor of Burton Green Parish Council.	Councillor Taylor has recognised the misjudgement in his views and has apologised in writing to the Councillors, the Clerk to the Council and apologised to the Council at their meeting in September 2013. Councillor Taylor also agreed to attend training on the Code of Conduct.
11/2013	12 July 2013	A complaint, from the Chief Executive, has been received regarding the views expressed "what have you got to be scared of Andrew" and "how much did they pay you" by Warwick District Councillor Bob Dhillon at a public meeting.	The Council considered the complaint and found Councillor Dhillon had breached the Code of Conduct in several ways.

			<p>The Council; censured Councillor Dhillon by Motion; have required him to apologise to Council on 26 September; and instructed that he should undertake further training and pay half the cost of this.</p> <p>In addition the Council endorsed its support and confidence in the integrity of the Monitoring Officer.</p> <p>The cost of the legal advice on this matter was £1,166.25.</p> <p>The case was closed on 23 October 2013.</p>
12/2013	9 August 2013	A complaint has been received, from the Chief Executive, that a Warwick District Councillor, Councillor Dhillon had claimed expenses, over a five year period, that he was not entitled to, totalling £249.07 and had received an expenses payment of £45.00 in error.	<p>Councillor Dhillon has repaid the money to the Council and following an explanation and apology from Councillor Dhillon the complaint was withdrawn.</p> <p>The case was closed on 21 October 2013</p>
13/2013	23 August 2013	A complaint was received from a member of the public regarding comments made by Councillors at Warwick District Council meeting.	<p>The three Councillors have written to the complainant about their actions recognising their behaviour was not appropriate.</p> <p>The case was closed on 10 December 2013.</p>
14/2013	12 August 2013	A complaint has been received from a Councillor about the conduct of Warwick District Councillor in relationship towards their actions towards a fellow Councillor.	The Deputy Monitoring Officer has closed this case, on 10 December 2013, because the complainant did not provide the detail of the complaint that he had requested.

15/2013	30 August 2013	A complaint has been received, from an officer, regarding allegations made by a Warwick District Councillor in a witness statement to a Code of Conduct complaint.	<p>The matter has been closed at the request of the complainant because they did not feel that the Councillor would recognise the impact of their comments even if a breach of the Code was found following an investigation.</p> <p>The case was closed on 10 December 2013</p>
16/2013	5 November 2013	A complaint has been received, from a Councillor, about the language used by a Whitnash Town Councillor in a series of emails.	The case was closed in April 2014. This followed requests for the Councillor to apologise which were not agreed to. However the individual ceased to be a Council in April 2014 and therefore no further action could be taken.
17/2014	5 February 2014	A complaint has been received, from a member of the public, about the conduct of four Bishop's Tachbrook Parish Councillors.	<p>It was determined by the Deputy Monitoring, following consultation with the Independent Person:</p> <ul style="list-style-type: none"> <li>• That in relation to one Councillor there was no breach of the Code of Conduct.</li> <li>• The complaint about Councillor Leeke he had failed to declare a personal interest at a meeting and he was reminded of his obligations to do this at future meetings;</li> <li>• The complaint about Councillor Mrs Gabbitas found she had failed to declare a Personal and Prejudicial interest, and leave the room, when the Council determined funding for the St Chads Centre of which she is a member of the Trust Board. Councillor Gabbitas was reminded of</li> </ul>

			<p>her obligations under the Code of Conduct and required to apologise to the Parish Council in writing;</p> <ul style="list-style-type: none"> <li>• The Complaint about Councillor Loveday and the need to declare an interest when determining matters regarding the St Chads centre was a finely balanced decision. On balance he needed to declare a personal and prejudicial interest and leave the room, but it was understood why he had taken the view of requiring a personal interest. Therefore Councillor Loveday was reminded of his obligations under the Code of Conduct.</li> </ul> <p>The case was closed on 30 April 2014.</p>
18/2014	March 2014	Three complaints have been received from a Councillor about the conduct of three of their fellow Whitnash Town Councillors	The Deputy Monitoring Officer has written to the Councillors involved advising them of future conduct and the Town Clerk relating to minor governance matters. The case has been closed.
19/2014	August 2014	A complaint has been received into the conduct of a Rowington Parish Councillor regarding Planning Applications	1 Sept 2014 – The Deputy Monitoring Officer is awaiting information from the Parish Council Clerk to assist with his understanding of the complaint.

**1/9/2014**