

Standards Committee

Monday 27 June 2016

A meeting of the Standards Committee will be held in the Town Hall, Royal Leamington Spa on Monday 27 June 2016, at 4.45pm.

Membership:

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

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

Emergency Procedure

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

Agenda

1. Apologies & Substitutes

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

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

To appoint a Chairman of the Committee for the ensuing municipal year.

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

To appoint a Vice- Chairman of the Committee for the ensuing municipal year.

5. **Minutes**

To consider the minutes of the meetings held on 21 January 2015 and 18 April 2016. (Item 5/ Page 1)

4. **Standards Committee of Warwick District**

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

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

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

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

Please note that the majority of the meetings are held on the first floor at the Town Hall. If you feel that this may restrict you attending this meeting, please call (01926) 456114 prior to this meeting, so that we can assist you and make any necessary arrangements to help you attend the meeting.

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

STANDARDS COMMITTEE

Minutes of the meeting held on Wednesday 21 January 2015 at the Town Hall, Royal Leamington Spa at 7.00 pm.

Present: Councillors Mrs Bunker, Ms Dean, Ms De-Lara-Bond, Mrs Higgins, Mrs Knight, Mrs Mellor, Mrs Syson and Williams.

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

Also Present:

Independent Persons: Mr R Meacham and Mr R Tomkinson.

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

Apologies for absence were received from Councillors Brookes and Pratt

15. Substitutes

There were no substitutes.

16. Declarations of Interest

There were no declarations of interest.

17. Minutes

The minutes of the meeting of the Standards Committee on 9 September 2014 were taken as read and signed by the Chairman as a correct record.

18. Review of Councillor Code of Conduct & Associated Documents

The Committee considered a report from the Code of Conduct Working Party that brought forward the final proposed arrangements for handling complaints about Councillors' conduct, along with its associated processes.

Following the Standards Committee in September 2014 a second consultation on the proposed arrangements was undertaken. Responses to this consultation were received from:

Warwick District Councillors: Mrs Bromley, Dhillon, Mrs Falp, Mrs Gallagher and Illingworth.

Parish & Town Councils & Councillors: Councillor Mrs Gordon, Norton Lindsey Parish Council, Budbrooke Parish Council, Kenilworth Town Council, Whitnash Town Council and Leek Wootton & Guys Cliffe Parish Council.

In addition to the above, the Working Party also considered the response from the Department of Communities and Local Government and the Standards in Public Life Committee following the letter from Council to them about the current Standards Regime. They considered the views on these letters expressed by Councillor Mrs Bromley, Councillor Boad, Councillor Gill and Councillor Coker. They also reconsidered the views of

STANDARDS COMMITTEE MINUTES (Continued)

Mr Tomkinson (Independent Person) that he had submitted as part of the original consultation.

Following consideration of these responses minor amendments were made to the proposals to ensure they were more consistent and easier to understand. The Working Party also asked for the potential for an appeals process to be reconsidered and the proposal along with the advice from the Council's Solicitor which was set out at Appendix F to the report. This was now a matter for the Committee to determine if it wished to proceed. A summary of the issues raised and responses to them were set out in the background of the report.

The recommended change to the remit of the Committee followed consideration of the Annual Governance Statement this year where the Committee agreed that in future the Annual Governance Statement should go to Finance and Audit Scrutiny Committee for approval. Officers considered the wider aspects referred to in the Committee's remit and the remainder of these aspects were the responsibility of either; the Executive, Employment Committee, Finance & Audit Scrutiny Committee or Council. Therefore, the amended remit enabled greater clarity on responsibility of function.

There was significant concern, from all sides of the chamber, when the Council considered the Code of Conduct case regarding Councillor Dhillon. It was agreed by all parties that for the sake of clarity, the recognition of Council as the parent body of all Committees should be included in the Constitution.

The Working Party were keen for officers to provide a template report, recommendations and appendices for each Parish and Town Council to consider to enable them to have a fully informed debate and discussion on the proposals. This would also reduce the burden of work required by the Clerks to the Councils.

The Working Party was pleased with the work of the Standards Committee and its ability for inclusiveness by being a Joint Committee and therefore allowing Parish and Town Council representatives to have a vote on matters and if needed form part of a Hearing Panel. It was on this basis that it brought forward the proposals for a Joint Committee, set out at Appendix E, to the report. The report explained that if all Parish & Town Councils did not agree to be a member of the Joint Committee by the end of September 2015, then the District Council would proceed with co-opting representatives of the Parish & Town Councils to the Committee. This would remove their right to vote on decisions of the Committee or sit as voting members of Hearing Panels. This was because to ensure the Committee could act in confidence on a Joint Committee, the District Council needed to be able to evidence the agreement to a Joint Committee through minutes of the associated Councils. In addition, the aim of a Joint Committee was to ensure all were represented fairly and if some Councils did not wish to join, the District Council, felt to ensure clarity, it should only proceed with co-option to the Committee.

STANDARDS COMMITTEE MINUTES (Continued)

Resolved that

- (1) the revised procedures for handling complaints about the Conduct of Councillors, be approved;
- (2) officers notify all Parish and Town Councils of this decision and provide a template report and appendices for them to use.
- (3) an appeals process should not be included within the arrangements because there is no legal requirement for this and the process is sufficiently robust without its inclusion.

Recommended to Council that:

- (1) the revised Code of Conduct, Disclosable Pecuniary Interest Form and Gift and Hospitality Form, be adopted from 7 May 2015, as set out at Appendices 1 to 3 of the minutes, be approved;
- (2) the following responsibilities for the Standards Committee be amended as follows:

From

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

To:

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

- (3) the responsibility of the Finance & Audit Scrutiny Committee, under its responsibilities as the Council's Audit Committee, be amended to include consideration of the Annual Governance Statement of this Council, be approved;
- (4) the Constitution be amended to include explicit reference that the Council is the Parent Body of Committees and in very exceptional circumstances the Council can determine

STANDARDS COMMITTEE MINUTES (Continued)

matters normally determined by its Committees, be approved;

- (5) the scheme of delegation be amended to read: "The Deputy Chief Executive (AJ) & Monitoring Officer, **in consultation with the Chairman of the Standards Committee**, shall have authority to appoint the membership of Standards Sub-Committees (Hearing Panels).", be approved;
- (6) the continuation of a Joint Standards Committee with all Parish and Town Council's within the District and the process for appointing the Parish and Town Council representatives to the Committee, as outlined at Appendix 4 to the minutes, be approved.

19. Revised Member/Officer Protocol

The Committee considered a report from Finance that set out a revised Member/Officer Protocol, the purpose of which was to guide Members and Officers in their relations with one another.

Although the Protocol was largely no more than a written statement of current practice and convention, intending to be neither prescriptive nor comprehensive, it sought to promote greater clarity and certainty on some of the issues that most commonly arise.

An up-to-date Member/Officer Protocol was required to support and guide relations between Members and Officers.

The Protocol would help to ensure that Members received objective and impartial advice and that Officers were protected from any accusations of bias or undue influence from Members.

In addition to the revised protocol being considered by this Committee it was also to be considered by the Employment Committee. The final document would be determined by Council because it formed part of the Constitution.

Recommended to Council that the revised Member/Officer Protocol, be adopted.

20. Local Plan Submission Draft – Dispensations

The Committee considered a report from the Monitoring Officer that sought approval for dispensations to enable Councillors Boad, Caborn, Gifford, Kirton and Shilton in respect of the matter to be considered on the Council agenda of 28 January 2015 entitled Local Plan Submission Draft.

The Council agenda of 28 January 2015 included an item entitled Local Plan Submission Draft. Consideration of this report would lead to perhaps the most important decision that Warwick District Council would make in a

STANDARDS COMMITTEE MINUTES (Continued)

long time. It was essential that all members of the Council had the opportunity to express a view and vote on the Local Plan as 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). To not do so was a criminal offence and would also be in breach of Warwick District Council's Code of Conduct for Councillors.

The relevant DPI related to an interest of the Councillor or their partner where they had held office for gain. As any "office ... carried on for...gain" is a DPI, there was 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 therefore had a stake whenever the interests of the County Council were affected with the associated implications for attending meetings and voting.

A consequence of declaring a DPI was that a Member present at a meeting which was 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.

An element of the 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 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 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 application must be made in writing to the Chief Executive. In relation to the Local Plan requests for a dispensation had been received by Councillors Boad, Caborn, Gifford, Kirton and Shilton. Their respective arguments were consistent and could be paraphrased as failure to allow them to neither speak or 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. So for that reason and given the magnitude of what the Council needed to consider it was wholly 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

STANDARDS COMMITTEE MINUTES (Continued)

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 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 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 facts 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 could 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 provide advice by this on a case by case basis.

Resolved that 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 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 28 January 2015 entitled Local Plan Submission Draft

21. Log of Complaints about Councillors

The Committee received the log of complaints about the Conduct of Councillors.

STANDARDS COMMITTEE MINUTES (Continued)

The Deputy Monitoring Officer & Democratic Services Manager explained that in addition to those cases a complaint had been received after the agenda had been published. The complaint was from a member of the public regarding the conduct of a District Councillor.

The Committee had earlier noted that a revised log of complaints would come forward as part of the new arrangements and asked that in future only those complaints from the last 12 months be brought to the Committee.

Resolved that the report be noted.

(The meeting ended at 8.50 pm)

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.

STANDARDS COMMITTEE MINUTES (Continued)

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

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

STANDARDS COMMITTEE MINUTES (Continued)

procedures, including those on the use of the Council's resources (which shall never be for political purposes).

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

Part B – Disclosable Pecuniary Interests

1 Notification of disclosable pecuniary interests

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

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

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

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

STANDARDS COMMITTEE MINUTES (Continued)

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

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

(1) 2000 c. 8.

STANDARDS COMMITTEE MINUTES (Continued)

2 Register of interests

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

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

3 Sensitive interests

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

4 Non participation in the case of disclosable pecuniary interest

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

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

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

5 Dispensations

The Council or the Standards Committee may grant you a dispensation, to consider specific matters for a time set at their discretion, but only in limited circumstances, to enable you to participate and vote on a matter in

STANDARDS COMMITTEE MINUTES (Continued)

which you have a disclosable pecuniary interest. See Part C –7(2) for General Dispensations granted by Council.

6 Offences

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

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

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

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

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

Part C- Other interests

1 Notification of other interests

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

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

STANDARDS COMMITTEE MINUTES (Continued)

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

2 Disclosure of interests

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

STANDARDS COMMITTEE MINUTES (Continued)

3 Register of other interests

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

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

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

4 Sensitive interests

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

5 Non participation in case of prejudicial interests

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

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

STANDARDS COMMITTEE MINUTES (Continued)

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

6 Interests arising in relation to overview and scrutiny committees

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

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

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

7 Dispensations

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

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

General Dispensations

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

STANDARDS COMMITTEE MINUTES (Continued)

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

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

8 Gifts & Hospitality

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

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

Disclosable Pecuniary Interests Form

I,

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

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

STANDARDS COMMITTEE MINUTES (Continued)

Land - "Land, any beneficial interest in land which is within the area of Warwick District Council, this 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

Licences - Any licence (alone or jointly with others) for you or your partner to occupy land in the area of the Warwick District Council for a month or longer.

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 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.

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.

STANDARDS COMMITTEE MINUTES (Continued)

Other Interests Form

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

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

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

Signed:

Councillor

Date:

RECEIVED:

Signed:

Monitoring Officer of the District Council

Date:

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

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

I,

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

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

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

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

Date:

Signed:

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

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

Remit

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

Membership

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

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

Appointment of Membership

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

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

Nominations will be sought by the District Council for:

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

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

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

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

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

STANDARDS COMMITTEE

Minutes of the meeting held on Wednesday 18 April 2016 at the Town Hall, Royal Leamington Spa at 4.00 pm.

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

Also Present:

Independent Persons: Mr R Meacham and Mr R Tomkinson

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

10. Apologies and Substitutes

There were no substitutes or apologies for absence.

11. Declarations of Interest

There were no declarations of interest.

12. Minutes

The minutes of the meetings held on 2 June 2015 and 18 November 2015 were taken as read and signed by the Chairman as a correct record.

13. Standards Committee of Warwick District

The Committee considered a report from the Democratic Services Manager & Deputy Monitoring Officer that brought forward proposals for a Joint Standards Committee of Warwick District.

Warwick District Council was committed to engaging with Parish and Town Councils and ensuring they were represented, by vote, on a Standards Committee. Warwick District Council had determined that unless all Parish and Town Councils in Warwick District wanted to be part of the Joint Committee, it would not offer a Joint Committee. However, this Committee had asked officers to investigate the potential for having a Joint Committee without all Councils participating. This report brought forward proposals to establish a Joint Committee without all Parish & Town Councils participating.

At present all bar three Parish and Town Councils within Warwick District had expressed a desire to join the Committee. Ongoing dialogue was taking place with Baddesley Clinton Parish Council and Warwick Town Council and, at this stage, officers were confident that they would also join the Joint Standards Committee. However Radford Semele Parish Council had declined the invitation to join.

The inclusion of a single recommendation setting out the proposal for a Joint Committee was to ensure that all the Councils would confirm their position through a common resolution at their Annual Meeting. This would provide a clear mandate for the Joint Committee.

The timetable proposed for nominations to the Joint Committee was to ensure all Councils had sufficient time to consider a nomination and vote, recognising that not all Parish Councils met every month.

The proposal for an additional meeting of the Standards Committee was included to ensure that it could consider and make any appropriate recommendations prior to them being considered by Warwick District Council.

Resolved that

- (1) all Parish & Town Councils have agreed to join a Joint Standards Committee for Warwick District, except for Radford Semele Parish Council, which has declined, and that Baddesley Clinton Parish Council and Warwick Town Council are due to consider the matter later this year, be noted;
- (2) all Councils who have agreed to participate in a Joint Standards Committee for Warwick District be asked to pass the following resolution at their Annual meeting in May 2016:

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

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

- (3) all Councils which have agreed to participate in the Standards Committee for Warwick District submit nominations to the Committee by no later than 31 May 2016 and that these nominations be circulated to the relevant Councils on 1 June 2016 for them to vote on by 5.00pm on 5 August 2016.

- (4) the Parish and Town Councils, who at this time, have not agreed to participate in the Joint Standards Committee for Warwick District, be notified of these decisions;
- (5) an additional meeting of the Standards Committee be held on Wednesday 10 August 2016 at 5.00pm to consider the nominations for the Joint Committee and recommend them to Council later that evening;
- (6) at the additional meeting of the Standards Committee on 10 August 2016, officers bring forward any necessary amendments to this Council's Constitution for recommendation to Council.

14. **Record of Complaints**

The Committee considered the record of complaints made after 7 May 2015, about Warwick District Councillors and Parish/Town Councillors within Warwick District.

The Committee confirmed that the record included all the information it would like to see but asked the Democratic Services Manager & Deputy Monitoring Officer to look at the formatting to find a better layout.

Resolved that the record of complaints be noted.

(The meeting ended at 4.15 pm)