

STANDARDS COMMITTEE

Minutes of the meeting held on Tuesday 30 October 2012 at the Town Hall, Royal Leamington Spa at 6.00 pm.

PRESENT:

Councillors: Brookes, Ms De-Lara-Bond, Mrs Falp, Mrs Knight, Pratt, Mrs Sawdon, Mrs Syson, Wilkinson and Williams.

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

ALSO PRESENT:

Independent Persons: Mr C Purser and Mr P Willers.

Officers: Mr G Leach (Civic and Committee Services Manager and Deputy Monitoring Officer)

An apology for absence was received from Councillor Mrs Bunker.

The Civic & Committee Services Manager welcomed all parties to the newly formed Standards Committee under the revised arrangements for the conduct of District, Parish and Town Councillors.

1. **APPOINTMENT OF CHAIRMAN**

It was proposed, duly seconded and

RESOLVED that Councillor Mrs Sawdon be appointed Chairman for the municipal year.

2. **APPOINTMENT OF VICE-CHAIRMAN**

It was proposed, duly seconded and

RESOLVED that Councillor Mrs Syson be appointed Vice-Chairman for the municipal year.

3. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

4. **MINUTES**

The minutes of the meeting held on 26 June 2012 were taken as read and signed by the Chairman as a correct record.

5. **NAME OF THE COMMITTEE**

The Committee considered, at the request from Warwick District Council, whether it felt its name was correct and, if appropriate, to pass suitable alternatives to Council for consideration.

STANDARDS COMMITTEE MINUTES (Continued)

All present felt that the name provided consistency and continued understanding for all parties especially as the Committee had responsibilities other than the Code of Conduct.

RESOLVED that the Committee remains as Standards Committee and no recommendation of alternative names be made to Council.

6. DISPENSATION FOR COUNCILLORS AND PROCEDURES

The Committee considered a report from the Civic & Committee Services Manager that set out proposals to protect Members from inadvertent breaches of the requirements of Disclosable Pecuniary Interests because of omissions and ambiguities in the new legislation and to ensure that the Council could conduct its business effectively.

The Constitution defined the Standards Committee as being responsible for considering and determining requests for dispensation from requirements relating to the adopted Members' Code of Conduct.

Dispensations could be granted (in certain circumstances) for up to four years, allowing a Member to speak and/or vote where they had a disclosable pecuniary interest. The application had to be made in writing to the proper officer (Chief Executive). At present no written applications had been made to the Chief Executive, but officers had taken a proactive approach in presenting the report.

At present there was a lack of clarity with regard to Member participation in the matters outlined at paragraph 2.2 of the report, where they had a DPI as well as an "other interest". This dispensation would provide that clarity.

When the new Code of Conduct and procedures were adopted, the Monitoring Officer (in consultation with the Chairman of the Committee and Independent Persons) was asked to write and implement procedures for investigations and hearings. Having reviewed the previous documents and taken advice from Legal Services on these, the Monitoring Officer had determined that the previous arrangements in these areas were still fit for purpose. Although not required to report this back to Standards Committee, the Monitoring Officer was of the opinion that the Committee should be aware of the intended procedures.

Once the procedures for investigations and hearings were complete they would be published on the Council's website and a link to these would be emailed to all Councillors as well as to Parish & Town Council Clerks.

At the request of the Chairman, the Civic & Committee Services Manager informed the Committee that Warwick District Councillors Dagg and Kinson had not yet returned their Disclosable Pecuniary Interest Forms and that Councillors Mrs Bromley, Dagg, Dhillon and Kinson had not yet acknowledged receipt and understanding of the new Code of Conduct for Members. In addition, responses were awaited from Baddesley Clinton, Bubbenhall, Budbrooke, Eathorpe, Radford Semele and Rowington Parish Councils to say which Code of Conduct they had adopted. The Committee

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expressed disappointment in that so much information was outstanding and asked that all parties be written to, expressing the Committee's dissatisfaction and asking them to provide the information as soon as possible.

The Chairman also asked the Monitoring Officer to investigate the possibility of further training for all Councillors on the new code and its requirements and the possibility of producing a bound version of the Code of Conduct for all with title page and contents sheet.

RESOLVED that

- (1) the remit and procedure for considering dispensations as set out at Appendix 1 to the report, be approved;
- (2) dispensations up to elections for the Council in May 2015 be granted to all Councillors, allowing them to both speak and vote in relation to the following functions of the District Council:
 - (i) housing, where you are a tenant of your authority, provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you 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 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;
- (3) dispensations up to elections for the Council in May 2015 be granted to District Councillors who are elected members or co-opted members of another public authority and who have a disclosable pecuniary interest in a matter **only by virtue of the fact** that they are in receipt of expenses from that other authority

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- (a) where the matter would affect the financial position of that other authority the Councillor may first speak on the matter provided they immediately withdraw from the meeting room; or
 - (b) in relation to other matters affecting that other authority the district councillor may speak and vote.
- (4) dispensations up to elections for the Council in May 2015 be granted to all Councillors in respect of circumstances where they have a disclosable pecuniary interest in a matter relating to another authority **only by virtue of the fact** that their spouse is an elected member of that other authority and in receipt of an allowance from that other authority
 - (a) where the issue is a matter of dispute between the District Council and the other authority and the matter would affect the financial position of that other authority, the Councillor may first speak on the matter provided they immediately withdraw from the meeting room; or
 - (b) in relation to other matters affecting that other authority, the Councillor may speak and vote.
- (5) the procedures for investigations and Hearings, be noted; and
- (6) the Civic & Committee Services Manager writes to all parties regarding the outstanding matters outlined above, expressing the dissatisfaction of the Committee and encouraging them all to respond immediately.

(The meeting ended at 6.27 pm)