

# Standards Committee

Wednesday 2 April 2014

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A special meeting of the Standards Committee will be held in the Town Hall, Royal Leamington Spa on Wednesday 2 April 2014, at **6.00pm**.

## Membership:

Warwick District Councillors	Councillor Brookes Councillor Mrs Bunker Councillor Ms De-Lara-Bond Councillor Mrs Falp Councillor Mrs Higgins Councillor Mrs Knight Councillor Pratt (Chairman) Councillor Mrs Syson Councillor Wilkinson Councillor Williams (Vice-Chairman)
Parish and Town Council Representatives	Councillor Cooke Councillor Mrs Gordon Councillor Owen Councillor Smart

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 meeting of the Standards Committee on 18 February 2014. **(Item 4/Page 1)**

### \*5. **Update on the sanctions imposed on Councillor Mrs Bromley**

To receive a verbal report from Councillor Williams.

### \*6 **Register of Complaints**

To receive the register of Code of Conduct complaints as published on the District Council's website. **(Item 6/Page 1)**

**(\*Denotes those items upon which decisions will be made under delegated powers, as previously granted by the Council).**

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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](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 Tuesday 18 February 2014 at the Town Hall, Royal Leamington Spa at 6.00 pm.

## **PRESENT:**

Councillors Mrs Bunker, De-Lara-Bond, Gifford, Mrs Higgins, Mrs Knight, Pratt, 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 A Jones (Monitoring Officer) and Mr G Leach (Democratic Services Manager & Deputy Monitoring Officer)

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

## **14. SUBSTITUTES**

There were no substitutes.

## **15. DECLARATIONS OF INTEREST**

Councillor Smart informed the meeting that one of the complaints on the complaints log related to the Town Council he was a member of.

## **16. STANDARD COMMITTEE MINUTES**

The minutes of the Standards Committee of 10 October 2013 were taken as read, and subject to the inclusion of Councillor Cooke on the Code of Conduct working party, were signed as correct record by the Chairman.

The minutes of the Standards Committee of 30 January 2014 were taken as read and signed by the Chairman as a correct record subject to the inclusion of the following:

- An additional paragraph stating that "Ms Pollard, advised the Committee, in response to a question, that there was no requirement for a Councillor to sign the Code of Conduct";
- An additional paragraph stating that "The Committee Services Officer, at the request of the Chairman, circulated the list of sanctions available, as set out within the current procedures of the Council for handling complaints about Councillors."; and
- The following paragraph be amended to include the text in italics "It was, therefore, proposed and duly seconded that, *in line with sanctions contained within the procedures*, of the Council the Independent Group Leader be asked [.....].

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

### **17. HEARING PANEL MINUTES**

The minutes of the Hearing Panel of 15 November 2013 were taken as read and signed by the Chairman as a true record.

### **18. REGISTER OF COMPLAINTS**

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

The Committee discussed and agreed that the complaints log should include reference to whether the complaint had originated from a Councillor, a member of the public or an officer of the Council.

The Committee were also informed that they should all now receive alerts advising when Hearing Panels had been set up and agendas published. They would also now be informed when the complaints log was updated on the Council's website.

Councillor Pratt provided the Committee with an update on the budget for Code of Conduct investigations during the current financial year.

Councillor Pratt informed the Committee about the level of responses received to the consultation on the current Code of Conduct and associated documents. He also highlighted that the working party would be meeting to discuss the feedback from the consultation on 19 February 2014.

Councillor Williams informed the Committee that he had spoken with Councillor MacKay, regarding the Committee's decision to request the Group Leader to remove Councillor Mrs Bromley from Committees for six months. Councillor MacKay had informed him that he was waiting for the minutes to be confirmed before taking action.

(The meeting ended at 6.48 pm)

## 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.

Ref	Date received	Complaint	Outcome & Date closed
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	Three Complaints, one from the Clerk of the Council, one from a Councillor and one from a member of the Public, have been received regarding the conduct of two Councillors at Weston Under Wetherley Parish Council.	The Monitoring Officer, after consultation with the Independent Person, and after trying to resolve the complaint through apologies has passed the complaints about the Councillors for two separate hearings.
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.
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.	<p>The Council considered the complaint and found Councillor Dhillon had breached the Code of Conduct in several ways.</p> <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>

			The case was closed on 23 October 2013.
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.	Councillor Dhillon has repaid the money to the Council and following an explanation and apology from Councillor Dhillon the complaint was withdrawn.  The case was closed on 21 October 2013
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.	The three Councillors have written to the complainant about their actions recognising their behaviour was not appropriate.  The case was closed on 10 December 2013.
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.	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.  The case was closed on 10 December 2013

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.	On 6 January 2014 the Deputy Monitoring Officer has asked the Councillor to apologise for their actions to those who received the emails and the Council.  The Deputy Monitoring Officer is considering this case.
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.	21 February 2014 - The Deputy Monitoring Officer is considering the complaint having received the necessary information from the Parish Clerk and the complainant.

**19 March 2014**