

Standards Committee

Minutes of the meeting held on Thursday 5 May 2022 at the Town Hall, Royal Leamington Spa at 6.00pm.

Present: Councillors; Margrave (Chairman), Ashford, K Dickson; C Gifford, Illingworth, and Leigh-Hunt.

Also Present:

Independent Persons: Belinda Pyke, Ray Tomkinson.

Officers: Rob Edwards (Committee Services Officer); and Graham Leach (Democratic Services Manager & Deputy Monitoring Officer)

12. Apologies and Substitutes

- (a) Apologies for absence were received from Councillors A Dearing, J Dearing and Tracey and
- (b) Councillor Leigh-Hunt substituted for Councillor Morris.

13. Declarations of Interest

There were no declarations of interest.

14. Minutes

The minutes of the meeting held on 16 February 2022 were taken as read and signed by the Chairman as a correct record.

15. Model Councillor Code of Conduct-Ancillary Documents

The Committee considered a report from the Democratic Services Manager & Deputy Monitoring Officer Monitoring Officer which sought the approval of documents necessary for administering the Local Government Association (LGA) Councillor Code of Conduct in compliance with the Localism Act 2022.

At its meeting on 23 February, Council adopted the latest version of the LGA Model Code of Conduct for Councillors, to come into operation on 1 May 2022. It also agreed to promote the Code for adoption by all Town and Parish Councils in the District.

Since then, three training sessions had been successfully delivered to Members of Stratford-on-Avon District Council, Warwick District Council and Chairmen and Clerks of Town and Parish councils within the two Districts, which attracted over 150 attendees.

At its meeting on 16 February, the Standards Committee approved administrative forms for declaring interests, gifts and hospitality and making complaints. Those documents were set out in Appendices 1-3 to the report, for approval.

The report for the meeting on 16 February explained that further procedural documents would be reviewed with the aim of combining them into a single set of standard documents for both Councils. Those documents were set out in Appendices 4-7 to the report, for approval.

At the 16 February meeting, the Committee was informed that the further documents would be reviewed by a small working party consisting of an Independent Person from Stratford and Warwick and the Chairs of the relevant Committees. The documents forming Appendices 1 to 7 were subject to review and minor amendments made as a result. These were based on procedures in place at both Stratford and Warwick, where there were generally minimal differences in approach, with the more significant changes being for Stratford with the greater emphasis on earlier resolution of a complaint.

Appendix 8 to the report, was not considered by the Working Group as this was not produced until after it met. During discussions over recent months, Councillors had been keen to enhance working relationships with Parish & Town Councils. Officers considered a small step towards this would be to provide them with the opportunity to be represented on the Audit & Standards Committee. This would enable direct input for Parish & Town Councils on matters relating to the Code of Conduct for Councillors but would also enable them a voice on other matters within the remit of the Committee. However, as they would be co-opted to the Committee they would not be permitted, by law, to vote on any item. The procedure outlined was the approach used by Warwick previously.

To save having to bring these administrative documents back to the Committee on future occasions, Members were requested to authorise the Monitoring Officer to make any future changes to the documents within the appendices as might be necessary, in consultation with the Audit & Standards Committee Chairman.

In terms of alternative options, the Committee could make amendments to the documents if they were so minded, but they are built upon work over a number of years.

An addendum circulated prior to the meeting advised that following the publication of the agenda for the meeting, Councillor Carolyn Gifford had provided a number of suggested grammatical changes to the Appendices, to the report author and the Chairman. Officers were supportive of these minor amendments and proposed for the Committee to delegate authority to the Democratic Services Manager & Deputy Monitoring Officer to make these changes, in consultation with the Chairman of the Committee, prior to publication of the forms.

Councillors were aware that within the report and its Appendices there were references to the Audit & Standards Committee. This had been included on the assumption that the Council would introduce this Committee from 11 May 2022 and remove the current Standards Committee. The intention was not to publish the documents that referred to the Committee until Council had taken that decision. However, if they agreed officers would share the interests and gifts forms with Councillors and Parish/Town Clerks after this meeting ended. This was because all Councillors covered by the new and adopted Code would be required to complete a new disclosure form.

Councillor Gifford had asked a question in respect of the proposed co-option of Parish/Town Council representatives and if this should be open to all Parish/Town Councillors or if some should be excluded. This had been considered by officers and the view was that District Councillors who were also Parish & Town Councillors should be excluded from this role.

The aim of the appointment was to provide greater voice for Parish & Town Councils by allowing these roles to be taken by District Councillors (who were also Parish/Town Councillors) this might negate that engagement. It was therefore proposed that within the procedure for the appointments (Appendix 8 to the report) was amended to reflect this.

In respect of the Complaint Form at Appendix 3 to the report, it was proposed that table 2 be amended to read as follows, this provided more consistency with the descriptions used for each section:

- ii. Please tick the relevant box(es) below to show which part(s) of the Code you feel has/have been breached.

	Section 1 Failing to treat others with respect.
	Section 2 Committing an act or acts of bullying, harassment or discrimination.
	Section 3 Compromising the impartiality of officers of the Council.
	Section 4 Failing to maintain confidentiality and/ or improperly using information.
	Section 5 Bringing the office of Councillor into disrepute.
	Section 6 Inappropriate use of their position as a Councillor.
	Section 7 Inappropriate use of local authority resources and facilities.
	Section 8 Did not comply with the Code of Conduct by: <ul style="list-style-type: none"> • failing to undertake Code of Conduct training provided by the local authority. • failing to cooperate with a Code of Conduct investigation and/or determination. • intimidating or attempting to intimidate a person who is involved with the administration of an investigation or proceedings. • not complying with a sanction imposed following a breach of the Code of Conduct.
	Section 9 Failing to declare Interests.

The Council had encouraged all Parish & Town Councils in Warwick District to sign up to the LGA model Code of Conduct. Officers had been in contact with all Parish & Town Councils in the District and 19 of 24 had either adopted it already or intended to adopt it this month. The remaining five had been contacted by email within the last week. If a response was not received this week officers would call the respective Clerks and also make the District Ward Councillor aware so they could assist if required or raise it when they next attended a meeting of that Council.

The Council had previously decided to appoint a Third Independent Person. This had been paused through the pandemic and as a result of the possible merger with Stratford-on-Avon District Council. Officers would now progress this over coming months. This recognised the term of office for Independent Persons as set out at Appendix 6 paragraph 6.1, that suggested the term of office should be four years; thus providing an

opportunity for sharing knowledge, skills through an overlap of time in office.

In response to the questions from the Committee, the Democratic Services Manager & Deputy Monitoring Officer explained that:

- If any Parish decided not to sign up to the Council's model code of conduct, the Council still had a duty to uphold the good behaviour of the Members of that Parish, and they would be held accountable to the code of conduct that the individual Parish/Town Council had adopted.
- Parish/Town Clerks had been made aware that if they did not sign up to the model code of conduct, they had to inform the Council what code of conduct they do sign up to and provide the Monitoring Officer with a copy in case there is a complaint.
- It was noted that Appendix 7 to the report explained the protocol if Warwickshire Police did not decide to prosecute, but not if they did decide to. Wording would therefore be added to the appendix in this regard.
- The Independent Person Protocol, attached as Appendix 6 to the report, was brought in because of the Joint Work with Stratford , where the approach from officers was to get the best practice from both Councils. WDC recognised it only had part of this document in place and wanted to make it clearer as a role for the independent persons about the protocol and relationship between the Council and the Independent Persons.
- Appendix 6 to the report referred to the Independent Persons being contacted via email or writing but following discussion with the Independent Persons the initial contact would be in writing leaving the opportunity for telephone conversations or meetings if it was considered appropriate. It would then be at the discretion of the Independent Person if they wanted to discuss face to face or telephone conversations with complainants or Councillors.
- Officers were looking at where the Council would advertise for the third Independent Person, and discussions had been had with the Media team how to advertise to a broad community as possible, building on the learning from some of the Head of Service recruitment work done recently, to target a more diverse community.
- Parish / Town Councils would be asked to include on their website whether they have adopted the model code of conduct, and if Members had received training/had knowledge of their code of conduct. Similarly, officers could also give them a link to the WDC website to the details of how to complain and ask Parish/Town Councils to also include that link on their websites.
- In relation to the proposed Audit & Standards Committee which Council was considering at its Annual Council meeting on 11 May, although Co-opted representatives might not have a specific interest in Audit matters, they would still be welcome to attend the Committee to voice their opinions and engage. There was an argument that their independence could bring additional knowledge and an additional viewpoint. They would, however, not be entitled to a vote on Committee items.
- Officers committed to reviewing the protocol with the police to ensure it was clear what decision would be taken on any code of conduct investigation (i.e. proceed or not proceed) if there was an

ongoing police investigation into the same allegation.

It was proposed by Councillor Ashford and seconded by Councillor Illingworth that all recommendations in the report, and the addendum be approved as follows:

Recommended to Council that the Monitoring Officer be authorised to make any future changes to the Appendices as may be necessary, in consultation with the Chairman of the Audit & Standards Committee, and that the Constitution be amended accordingly.

Resolved that

- (1) the documents set out in Appendices 1 to 7 to the report, be approved, subject to:
 - (a) Appendix 8 to the report be amended to reflect that District Councillors who are also Parish & Town Councillors should be excluded from the role of co-opted Parish/Town Council representatives to the Audit & Standards Committee;
 - (b) Appendix 3 be amended to include the revised wording in the addendum; and
 - (c) the Democratic Services Manager & Deputy Monitoring Officer to make these changes, in consultation with the Chairman of the Committee, prior to publication of the forms.
- (2) the approach of co-opting two Parish/Town Council representatives to the new Audit & Standards Committee, be endorsed, and recommends to the new Committee that the approach for appointment of the representatives as set out at Appendix 8 to the report.

(The meeting ended at 6.26pm)