

Standards Committee

Minutes of the meeting held on Tuesday 29 June 2021 at the Town Hall, Royal Leamington Spa at 6.00pm.

Present: Councillors; Ashford, A Dearing, K Dickson, C Gifford, Illingworth, Margrave, Morris, Redford and Tracey.

Officers: Lesley Dury (Principal Committee Services Officer); and Graham Leach (Democratic Services Manager & Deputy Monitoring Officer).

1. Apologies and Substitutes

Apologies for absence were received from Councillor J Dearing and Independent Persons - Ray Tomkinson and Belinda Pyke.

2. Appointment of Chairman

It was proposed by Councillor Illingworth, duly seconded by Councillor Redford and

Resolved that Councillor Margrave be appointed Chairman of the Committee for the ensuing municipal year.

3. Appointment of Vice-Chairman

In the absence of any nominations, the appointment of Vice-Chairman was carried forward to the next meeting of the Committee.

4. Declarations of Interest

After confirmation from the Democratic Services Manager & Deputy Monitoring Officer, there was no requirement to declare any declarations of interest from Members who sat on the working party in respect of Minute Number 6.

5. Minutes

The minutes of the meeting held on 15 December 2020 were taken as read and signed by the Chairman as a correct record.

6. The Local Government Association – Model Code of Conduct

The Committee considered a report from Democratic Services which brought forward proposals for the adoption of the Local Government Association (LGA) Model Code of Conduct, associated guidance and procedures.

In December 2020, the Committee considered a report regarding the Local Government Association – Model Code of Conduct. As a result, the Committee agreed the establishment of a Working Party formed of the Chairman of Standards Committee (Councillor Illingworth), Councillors Margrave and Weber along with the Independent Persons Ray Tomkinson and Belinda Pyke. This was with a remit to review the LGA Model Code of

Conduct and bring forward any proposed revisions to this Council's Code. The Working Group was also asked to provide the Committee with proposals on how the views of the public, community organisations and neighbouring authorities could be sought on any revisions to the Code.

The Working Party met on two occasions to discuss the LGA Model Code of Conduct and the current arrangements in place for handling complaints made about Councillors Conduct.

Parallel to these discussions, officers were also in discussion with colleagues across Warwickshire regarding the future recruitment of Independent Persons, as required under the Act. Discussions were also in process with the Monitoring Officer for Stratford-on-Avon District Council on the LGA Model Code of Conduct.

The WDC Working Party was supportive of the LGA Model Code of Conduct and in a position to refer it to Committee, subject to the final layout being improved by officers for when it was published online, because it did not feel it was radically different to the current Code of Conduct for this Council. At the same time, in March 2021, the Stratford-on-Avon District Council Audit and Standards Committee proposed the adoption of the Model Code of Conduct, subject to Warwick District Council also passing a similar resolution, as set out in recommendations 2.1 to 2.3 in the report.

The WDC Working Party did not feel community engagement on potential changes to the LGA Model Code of Conduct was appropriate. This was because the intention was to have a single national code used by all authorities to provide consistency for the public. It was important that at the very least, due to the proposed merger, that both Warwick and Stratford-on-Avon had the same Code of Conduct in place at the same time.

The Warwickshire Association of Local Councils had recommended it to all their Members (which included all Parish & Town Councils in Warwick District, less one) that they adopted the proposed LGA Model Code. It was considered appropriate that WDC supported this recommendation.

There were a wider number of areas that needed to be addressed before the LGA Code of Conduct came into operation. The most specific of this was that the Local Government Association had commissioned advice to provide guidance on the operation of the Model Code of Conduct. It was considered this needed to be received and considered by the Standards Committee before the Code became operational as this would impact on training to be provided, as well the arrangements for considering complaints. Both Stratford-on-Avon District Council and Warwick District Council had similar but not identical procedures or handling processes for Code of Conduct matters and, if approved by Council in July, they would have the same Monitoring Officer combined with the desire to merge authorities. Therefore, it was considered an appropriate time to provide consistency across both authorities for these matters.

The Working Party considered the benefits of joining a Warwickshire wide Pool of Independent Persons or a more local South Warwickshire Pool with Stratford-on-Avon District Council. On balance it had no objection to either but felt it made more sense to work more closely with Stratford-on-Avon District Council, based on the emerging relationship and noting that they were also not part of the wider Warwickshire Pool.

Warwick District Council did not have an up to date Planning Code of Practice and therefore it was considered appropriate for it to consider that used by Stratford-on-Avon District Council.

The Democratic Services Manager explained that the intention was to align the Code of Conduct at both Councils and at national level. Stratford-on-Avon District Council had agreed an "almost identical" report back in March. Parish and Town Councils were already engaging with the process and the intention would be to promote others to adopt the Code; the local association for Town and Parish Councils was also promoting adoption of the Code.

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

Recommended to Council that

- (1) the LGA Model Councillor Code of Conduct, as set out at Appendix 1 to the minutes, be adopted to replace the existing WDC Code of Conduct pursuant to section 28(5)(b) of the Localism Act 2011 (The Act) and it comes into force once those areas in recommendation 2 have been agreed; and
- (2) it be authorised to determine, without further recourse back to Council, the following:
 - investigating and making decisions on allegations made under the Code pursuant to section 28(6) of the Act;
 - pooling and appointing Independent Persons under section 28(7) of the Act;
 - granting dispensations to Members who have interests;
 - providing/facilitating training on the Code to Members of both Councils;
 - hearing and determining a complaint that has been the subject of an investigation;
 - harmonisation of official forms and other documents ancillary to the arrangements;
 - determining when the LGA Code will come into force; and
 - issuing guidance to assist Members in complying with the LGA Code.

Resolved that

- (1) the LGA Code be promoted for adoption by all Town and Parish Councils in the District, as a replacement for their current code of conduct; and

- (2) the Monitoring Officer be asked to bring forward an updated Planning Code of Practice in line with that in use at Stratford-on-Avon District Council.

(The meeting ended at 6.12pm)

CHAIRMAN
28 September 2021