

Warwick District Council

Minutes of the meeting held on Wednesday 25 February 2015, at the Town Hall, Royal Leamington Spa at 6.05pm.

PRESENT: Councillor Mrs Sawdon (Chairman); Councillors; Barrott, Mrs Blacklock, Boad, Mrs Bromley, Brookes, Mrs Bunker, Caborn, Coker, Cross, Ms Dean, Dhillon, Doody, Mrs Falp, Mrs Gallagher, Gifford, Gill, Mrs Goode, Mrs Grainger, Guest, Hammon, Heath, Mrs Higgins, Illingworth, Mrs Knight, Mrs Mellor, Mobbs, Pittarello, Pratt, Rhead, Shilton, Mrs Syson, Vincett, Ms Weed, Wilkinson, Williams and Wreford-Bush.

Apologies for absence were received from Councillors Copping, Davies, De-Lara-Bond, Edwards, Kirton and Weber.

77. **Councillor Bertie MacKay**

The Council paid tribute to former Councillor Bertie MacKay, who had recently passed away. As a mark of respect Councillor Mrs Sawdon read the prayer that Councillor MacKay had written for Baginton Parish Council.

78. **Declarations of Interest**

Minute 83 – Housing Rents and Housing Revenue Account Budget 2015/16

Councillor Weed, declared a personal Interest because she was a Council tenant.

Councillors Barrott and Mrs Bromley declared a personal interest because they rented Council garages.

79. **Minutes**

The minutes of the meeting held on 28 January 2015 and subject to the inclusion of a minute recording the death of former Councillor Mrs Leddy, were taken as read and signed by the Chairman as a correct record.

80. **Communications and Announcements**

The Chairman informed the Council that:

- (1) the funeral for former Councillor, Mrs Leddy, would take place on 19 February 2015;
- (2) she had attended the Bowls England men's annual dinner on Saturday 21 February 2015. The Chairman reported that she had been overwhelmed by the appreciation for Warwick District Council on the way the Council had welcomed them to the District;
- (3) she had been made aware that a member of the Council had been recording meetings of the Council, Executive and Committees, potentially including the confidential parts of these meetings. The Chairman explained that while the recording of the public meetings was permitted, if a member was so minded to record a meeting, they should inform the Committee Services Officer, as a matter of courtesy. The Chairman, however, expressed strong disappointment that a member may feel the need to record the confidential aspects of a meeting and questioned why they felt the need to do this; and

- (4) there would be no business under items; 5, Public Interest Debate; 6, Petitions; 7, Notices of Motion; 9, Questions to Committee Chairmen; and 10, Questions to Portfolio Holders.

81. Public Submissions

The Council received a submission from Mr Day-Jones regarding concerns he had about the awarding of money, by the Council as part of its budget setting, to the St Chads Centre, in Bishop's Tachbrook.

The Council received a submission from Councillor Day, of Bishop's Tachbrook Parish Council, who spoke in favour of Warwick District Council, providing funding to the St Chads Centre, in Bishop's Tachbrook.

82. Setting of the Council Tax 2015/16 of Motion

This was duly seconded and on being put to the vote it was

- (A) It was moved by Councillor Cross and duly seconded that the recommendations contained in the minute headed "Budget 2015/16 – General Fund Revenue and Capital" as set out in the report of the Executive meeting held on 11 February 2015, be approved and adopted.

The original proposal was then put and

RESOLVED that the recommendations contained in minute 118 headed "Budget 2015/16 – General Fund Revenue and Capital" as set out in the report of the Executive meeting held on 11 February 2015, be approved and adopted.

- (B) It was moved by Councillor Cross, duly seconded and

RESOLVED that the following recommendations set out in the report of the Responsible Financial Officer be approved and adopted:

- (1) **Warwick District Council Budget** as set out in the budget reports (Executive recommendations 11 February 2015) and Budget Book, the Revenue Budgets for 2015/16; and the Capital Programme for 2015/16, be approved;

- (2) **Warwick District Tax Base**
The Council notes the following amounts for the year 2015/16 in accordance with regulations made under Section 33(5) of the Local Government Finance Act 1992:-

- (a) £50,836.73 being the amount calculated, in accordance with regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992 as amended, as its council tax base for the year;

(b) Part of the Council's Area

| Parish | Tax Base 2015/16 £ |
|--|-----------------------------------|
| Baddesley Clinton | 88.81 |
| Baginton | 300.27 |
| Barford, Sherbourne & Wasperton | 821.73 |
| Beausale, Haseley, Honiley & Wroxall | 319.37 |
| Bishop's Tachbrook | 981.23 |
| Bubbenhall | 316.51 |
| Budbrooke | 744.71 |
| Burton Green | 436.80 |
| Bushwood | 11.57 |
| Cubbington | 1,470.40 |
| Eathorpe, Hunningham, Offchurch, Wappenbury | 332.50 |
| Hatton | 940.95 |
| Kenilworth | 9,569.15 |
| Lapworth | 934.87 |
| Royal Leamington Spa | 15,876.96 |
| Leek Wootton | 532.00 |
| Norton Lindsey | 220.79 |
| Old Milverton & Blackdown | 288.19 |
| Radford Semele | 781.08 |
| Rowington | 517.52 |
| Shrewley | 422.29 |
| Stoneleigh & Ashow | 521.09 |
| Warwick | 11,327.59 |
| Weston-under-Wetherley | 184.28 |
| Whitnash | 2,896.07 |
| Total Warwick District Council Area | 50,836.73 |

being the amounts calculated, in accordance with regulation 6 of the Regulations as amended, as the amounts of its council tax base for the year for dwellings in those parts of its area.

(3) **Calculation of Warwick District Council Council Tax, including parish/town council precepts**

That the following amounts be now calculated by the Council for the year 2015/16 in accordance with Sections 31 to 36 of the Local Government Finance Act 1992, as amended:-

- (a) £89,337,765.17 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (2)(a) to (f) of the Act (*Gross Expenditure including parish/town council precepts*);
- (b) £80,638,818.00 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3)(a) to (d) of the Act (*Gross Income*);
- (c) £8,698,947.17 being the amount by which the aggregate at 2.3(a) above exceeds the aggregate at 2.3(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax Requirement for the year;
- (d) £171.12; being the amount at 2.3(c) above divided by the amount at 2.2(a) above, calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its council tax for the year (*Average Warwick District Council Tax, including parish/town precepts*);
- (e) £1,233,065.17 being the aggregate amount of all special items referred to in Section 34(1) of the Act (*Total parish/town council precepts*);
- (f) £146.86 being the amount at 2.3(d) above less the result given by dividing the amount at 2.3(e) above by the amount at 2.2(a) above, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its council tax for the year for dwellings in those parts of its area to which no special item relates (*Warwick District Council Tax excluding parish/town council precepts*);

(g) Part of the Council's Area

| Parish/Town/Council | BAND D |
|--|---------------|
| | £ |
| Baddesley Clinton | 186.27 |
| Baginton | 179.68 |
| Barford, Sherbourne & Wasperton | 197.05 |
| Beausale, Haseley, Honiley & Wroxall | 169.41 |
| Bishop's Tachbrook | 178.15 |
| Bubbenhall | 183.14 |
| Budbrooke | 176.46 |
| Burton Green | 196.30 |
| Bushwood | 146.86 |
| Cubbington | 178.14 |
| Eathorpe, Hunningham, Offchurch, Wappenbury | 180.39 |
| Hatton | 158.13 |
| Kenilworth | 165.36 |
| Lapworth | 165.04 |
| Royal Leamington Spa | 165.54 |
| Leek Wootton | 161.48 |
| Norton Lindsey | 169.96 |
| Old Milverton & Blackdown | 184.16 |
| Radford Semele | 172.48 |
| Rowington | 186.34 |
| Shrewley | 161.97 |
| Stoneleigh & Ashow | 177.52 |
| Warwick | 175.21 |
| Weston-under-Wetherley | 184.36 |
| Whitnash | 185.74 |

being the amounts given by adding to the amount at 2.3(f) above, the amounts of the special item or items relating to dwellings in those parts of the Council's area mentioned above (3.e) divided in each case by the amount at 2.2(b) above, calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of its council tax for the year for dwellings in those parts of its area to which one or more special items relate (*Warwick District Council plus parish/town council Council Tax for each parish/town council at Band D*);

- (h) The amounts shown in Appendices 1 and 1a, attached, being the amounts given by multiplying the amounts at 2.3(g) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council in

accordance with Section 36(1) of the Act as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands (*Warwick District Council plus parish/town council Council Tax for each parish/town council for each Band*).

(4) **Warwickshire County Council and Warwickshire Police and Crime Commissioner Precepts**

That it be noted that for the year 2015/16 Warwickshire County Council and Warwickshire Police and Crime Commissioner have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992 for each of the categories of dwellings shown below:-

| Band | Warwickshire County Council | Warwickshire Police and Crime Commissioner |
|-------------|------------------------------------|---|
| | £ | £ |
| A | 800.76 | 125.4893 |
| B | 934.22 | 146.4042 |
| C | 1,067.68 | 167.32 |
| D | 1,201.14 | 188.23 |
| E | 1,468.06 | 230.06 |
| F | 1,734.98 | 271.89 |
| G | 2,001.90 | 313.72 |
| H | 2,402.28 | 376.47 |

and;

(5) **Total Council Tax for the District for each Band in each Parish/Town Council**

That having calculated the aggregate in each case of the amounts at 2.3(g) and 2.4 above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the amounts shown in Appendix 2 as the amounts of council tax for the year 2015/16 for each of the categories of dwellings shown.

(In line with the legislative requirements there was a recorded vote on this matter. The recording was as follows:

For: Councillors: Barrott, Mrs Blacklock, Boad, Brookes, Mrs Bunker, Caborn, Coker, Cross, Ms Dean, Dhillon, Doody, Mrs Falp, Mrs Gallagher, Gifford, Gill, Mrs Goode, Mrs Grainger, Guest, Hammon, Heath, Mrs Higgins, Illingworth, Mrs Knight, Mrs Mellor, Mobbs, Pittarello, Pratt, Rhead, Mrs Sawdon, Shilton, Vincett, Ms Weed, Wilkinson, Williams and Wreford-Bush.

Against: – None

Abstention: – Councillor Mrs Bromley)

83. **Housing Rents and Housing Revenue Account Budget 2015/16**

It was moved by Councillor Vincett and duly seconded that the recommendation of the Executive of 11 February 2015 as set out in minute 119, be approved and adopted.

RESOLVED that the recommendation of the Executive of 11 February 2015 as set out in minute 119 be approved and adopted.

84. **Heating, Lighting and Water Charges 2015/16 – Council Tenants**

It was moved by Councillor Vincett, duly seconded and

RESOLVED that the recommendation of the Executive of 11 February 2015 as set out in minute 120 be approved and adopted.

85. **Reports of the Executive**

The Executive minute 117 of 11 February 2015, was proposed by Councillor Mobbs, duly seconded and

Resolved that minute 117 of 11 February 2015.

86. **Leader's and Portfolio Holders' Statements**

The Leader, Councillor Mobbs, informed the Council that:

- (1) in response to the recent article in the Coventry Evening Telegraph quoting Councillor Matlon, from Coventry City Council, with a headline Coventry could swallow up parts of Warwickshire under 8000 new homes plan [...]. In response the Leader had issued a press release, to the Courier newspaper, that read as follows: "I was surprised to read the article quoting Councillor Matlon. In reality nothing has been agreed about where the required extra housing will go. Warwick District has dealt with housing numbers through our local plan and we have fully considered our requirement regarding duty to cooperate. The presentation of this press article is unfortunate as nothing is on the table regarding Kings Hill. I can confirm that I have made this clear to Councillor Lucas, Leader of Coventry City Council, on a number of occasions that this is the case. There has also been no discussion concerning any boundary change.
- (2) in response to the recent decision about the Coventry Gateway, he reminded Council that in April 2014 the Executive determined that "If the Gateway planning application does not succeed the local planning authority will review the evidence base in relation to the need for sub-regional employment site in light of the Secretary of State's decision". For this reason, the Leader reminded Council that the decision from the Secretary of State read as follows "The Secretary of State concludes that a strong case has been made for the development. He considers that it would deliver economic benefits and environmental gains, and that it would be reasonably consistent with sustainable development objectives. However, he also considers that it would give rise to substantial Green Belt harm, to which he attaches very serious weight.

He considers that the Employment Land Study addresses some of the shortcomings in the supporting evidence identified by the Inspector, but fails to establish that the need for the proposal is such that a decision on the future of the Green Belt at the application site should be taken now, ahead of a wider consideration of Green Belt Boundaries through the Local Plan." In essence the Secretary of State has said this issue needs to be resolved at the Local Plan Inquiry. The need for a sub-regional employment site remains but I have asked our officers to ask the LEP to review their evidence base so this can be considered at the Local Plan Inquiry."

- (3) he had been delighted to attend the announcement of Tata Technologies relocating its headquarters to Warwick District. "The 200 new jobs and benefits to local businesses underpin the value of our area and I can state clearly that it is our intention to continue to make our District a magnet for new investment and jobs"; and
- (4) of the administration's pleasure in continuing with our policy of ensuring that our lowest paid employees benefit from the living wage. We were good at balancing budgets, generating surpluses, while maintaining and improving services. But the living wage also demonstrated that we were considerate, this was just one area that proves our credentials as an administration that cares.

The Portfolio Holder for Health & Community Protection, Councillor Coker informed the Council that:

- (1) there was a the small fund, provided by this Council and the CCG, administered by this Council of £30,000 per year to help improve health and wellbeing in the District. From this, the following grants had been awarded; £10,000 to AgeUK for helping to maintain quality of life in independent living; £1,000 to Kids Run Free which promoted health activity; £6,385 to the Mayday Trust which focussed on helping individuals; £3,432 to Refuge to help it promote healthy living such as cooking and living well; and £8,424 to Warwickshire Association for the Blind for vision support to aid assistance it provides. This scheme had been so successful it had now been replicated in Stratford District;
- (2) the recent VCS grants had assisted Orbit in bringing more money into the local economy to improve our objectives. This has resulted in co-operation with housing to improve impact to help take people out of need and make them healthier; and
- (3) interim inspections of 50% of all taxis had taken place and those which have failed had been brought back in for further checks. As a result, only one vehicle has been taken off the road.

87. **Questions to the Leader**

Councillor Mrs Blacklock asked the Leader, if, as a result of the Gateway decision, the Council would be revising and/or reviewing the site to take it out of the Green Belt?

In response the Leader, Councillor Mobbs, explained that he answered this earlier with his previous statement which was consistent with the recorded decision.

Councillor Rhead asked the Leader whether the living wage would be cascaded to contractors, sub-contractors and would suppliers be encouraged to adopt this approach?

In response the Leader, Councillor Mobbs, explained that this would be the next logical step, but this could have an impact on costs of contracts. That said, he accepted this view point and it was, perhaps, a point for the new administration to consider.

Councillor Williams asked the Leader, if he was aware of the tweet he had received from Councillor Matlon, from Coventry City Council, that said any boundary change or building relating to Kings Hill was a Warwick District Council matter?

In response the Leader, Councillor Mobbs, said that he wasn't but he was now.

Councillor Boad asked the Leader if the living wage could become a requirement of any future contract?

In response the Leader, Councillor Mobbs, said that I cannot make this commitment and while we should consider this we must be very careful.

88. Revised Code of Conduct for Warwick District

The Council considered a report that brought forward a revised Code of Conduct, Disclosable Pecuniary Interest Form and Gifts & Hospitality Form for consideration and adoption by the Council.

The report also brought forward proposals for Group Leaders that could be used to emphasise this Council's commitment to appropriate Member behaviour and asked them to report back to the Chief Executive following elections in May 2015.

Following the Standards Committee in September 2014, a second consultation on the proposed Code of Conduct and Associated Arrangements was undertaken.

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

Following consideration of these responses, by the Code of Conduct Working Party, minor amendments were made to the proposals to ensure they were more consistent and easier to understand. The revised proposals were brought to Standards Committee in January 2015 for consideration.

The Standards Committee approved; the revised procedures for handling complaints about the Conduct of Councillors; asked officers to notify all Parish and Town Councils of this decision and provide template report and appendices for them to use; and determined that an appeals process should

not be included within the arrangements because there was no legal requirement for this and the process was sufficiently robust without its inclusion.

The Standards Committee also made the recommendations to Council as set out in recommendations 2.1 to 2.7 of the report.

The recommended change to the remit of the Committee followed consideration of the Annual Governance Statement in 2014 where the Standards 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 Standards Committee remit and the remainder of these aspects are already covered by the responsibilities of; the Executive, Employment Committee, Finance & Audit Scrutiny Committee or Council. Therefore, the amended remit enabled greater clarity on responsibility of functions.

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 Standards Committee was keen for officers to provide a template report, recommendations and appendices for each Parish and Town Council to consider. This way it could have a fully informed debate and discussion on the proposals. This would also reduce the burden of work required by the Clerk to the Council.

The Standards Committee was pleased with 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 4, to the report. If all Parish and Town Councils did not agree to be a member of the Joint Committee by the end of September 2015, the District Council would proceed with co-opting representatives of the Parish and Town Councils to the Committee. This would remove their ability to vote on decisions of the Committee or sit as voting members of Hearing Panels. This was to ensure the Committee could act in confidence as 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 parties 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.

Members would be aware that since the abolition of the statutory standards regime the options for sanctioning a Member who had fallen short of the required standards of behaviour had been limited. Many Councillors, including many on the Standards Committee, and the Group Leaders had expressed their desire to bolster the sanctions available to give them "more teeth". Indeed, the Council asked the Chairman to write to the Secretary of State for Communities and Local Government (Rt Hon Eric Pickles MP) to express their concerns with the current arrangements. However, the Secretary of State's view was that there was no need to change the arrangements.

It was within this context that the Group Leaders asked the Chief Executive to draw-up proposals which, although not having constitutional effect, could be used to emphasise this Council's commitment to appropriate Member behaviour. Having noted the proposals (subject to any amendments), it was the Group Leaders' intention to discuss them with their respective Groups (post-election) and confirm to the Chief Executive whether the Group would be operating in that manner going forward.

Group Leaders had expressed their concern that some Members had sat on the quasi-judicial committees of Planning and Licensing & Regulatory, along with Housing Appeal Review Panels without having attended the necessary training sessions. It was felt that this left the Council open to judicial challenge and perhaps more importantly, meant that applicants for various permissions and licences were not receiving a fair hearing. Group Leaders had agreed that should training not be attended, then the Councillor would be removed from the Committee, however, Members should note that it was ultimately a Council decision to approve committee membership.

Group Leaders believed that prompt and full attendance should be the norm. Where Members were making important decisions it was essential that they had had the opportunity to listen to all the information that was presented to the Committee. To make a decision without the full information left the Council open to judicial challenge and again, did not provide an issue with rounded consideration. Therefore, Group Leaders considered that where a Councillor arrived at a committee meeting mid-item, they should not vote on this particular issue. Whilst this was very difficult to enforce constitutionally, Group Leaders had committed themselves to addressing the matter through the Group machinery. In addition, Committee Chairman would be reasonably placed for aiding this process and reminding members of this position at meetings, should they arrive part way through an item.

Members would be well aware that through personal circumstances, a number of Members had been unable to attend Council meetings for a significant period. More often than not, Council had granted the relevant Member a dispensation. However, there had been instances when Councillors had failed to attend meetings over an extended period for no apparent reason and yet continue to claim the Basic Member Allowance. Group Leaders were not satisfied with this situation and whilst they believed that a review of the Allowance scheme should address this issue, they considered that Member attendance should be published publically on a six-monthly basis.

The proposed arrangements from Group Leaders were as follows:

| Proposed arrangements/Actions | By who |
|---|---------------|
| Insistence on written confirmation that a Councillor agrees to be bound by the Code of Conduct before the Councillor will be accepted as part of the Group. | Group Leaders |
| Suspension from Group where there is a failure to adhere to a Standards Committee decision. | Group Leaders |

| | |
|---|--|
| Compulsory training for Planning and Licensing/Regulatory Committees and Housing Appeal Review Panels with non-attendance requiring the Group Leader to remove the Member from the relevant Committee (subject to Council endorsement). | Group Leaders & Council |
| Late arrival of a Member at a meeting means they will be unable to vote on the item being discussed at the time. | Chairman of Committees with the support of Group Leaders (albeit difficult to enforce) |
| Regular updates on the Council website, along with six-monthly reporting to Council and local press of Member attendance. | Officers, endorsed by Council |
| Review of Member allowance scheme with a principle that payment should be linked to attendance at both formal Committee meetings and training sessions. | Officers, Group Leaders, Executive |

The report was proposed by Councillor Mobbs, duly seconded and

Resolved that

- (1) the Code of Conduct, Disclosable Pecuniary Interest Form and Gift and Hospitality Form, as set out at Appendices 3 to 4 to the minutes, be adopted from 7 May 2015;
- (2) the 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 Whistleblowing 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, be amended, so that under its responsibilities as the Council's Audit Committee, it

includes approval of the Annual Governance Statement of this Council;

- (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 matters normally considered by its Committees;
- (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)";
- (6) continuation of a Joint Standards Committee with all Parish and Town Councils within the District; and the process for appointing the Parish and Town Council representatives to the Committee, as outlined at Appendix 6 to the minutes, be approved;
- (7) the Monitoring Officer to notify all Parish and Town Councils in Warwick District of this decision and provide template reports and appendices for them to use;
- (8) the proposals at paragraph 3.15, be endorsed and that Group Leaders report back to the Chief Executive following the May 2015 elections as to whether their respective Groups are willing to endorse those proposals; and
- (9) Council receives a six-monthly report on Councillor attendance at Council, Executive, Committee and Sub-Committee meetings following the May 2015 elections.

89. **Revised Member/Officer Protocol**

The Council considered a report that proposed 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 guide and support 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.

The revised protocol was considered by both the Standards Committee and Employment Committee during January 2015. The Employment Committee sought a few minor changes to the Protocol to ensure clarity, and these had been made. Both Committees supported the adoption of the revised protocol.

The recognised Trades Unions within Warwick District Council and the Constitution Working Party, had both been consulted on the revised Protocol via email. Only one comment had been received back in response and this was in support of the Protocol.

Councillor Mobbs, proposed the report subject to amendments circulated at the meeting as set out below:

- On Item 18/Page 11 the Heading for section 6 the word Scrutiny is removed;
- On Item 18/Page 11 Paragraph 6.1 should be amended to read
"6.1 Officer support to Members serving on the Executive and on Committees should adhere to certain principles and standards regardless of which body the Member is serving on. In all cases Officers are expected:" then the points a. to f. remain as at present";
- On Item 18/ Page 11 Paragraph 6.2 should be amended so that it reads
"6.2 As set out above, although much of the advice concerning officer support is generic, applying equally to the provision of support to all types of committees, there are some aspects of the Executive and Scrutiny Committees that necessitate some additional, specific, guidance, as follows:"

This was duly seconded and

Resolved that the revised Member/Officer Protocol, as amended and set out at Appendix 7 to the minutes be approved.

90. **Public and Press**

Resolved that under Section 100A of the Local Government Act 1972 that the public and press be excluded from the meeting for the following item by reason of the likely disclosure of exempt information within the relevant paragraphs of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006.

91. **Confidential Minutes**

The confidential minutes of the meeting held on 28 January 2015 were taken as read and signed by the Chairman as a correct record.

92. **Common Seal**

It was

Resolved that the Common Seal of Warwick District Council be affixed to such deeds and documents as may be required for implementing decisions of the Council arrived at this day.

(The meeting ended at 8.09 pm)

CHAIRMAN
22 April 2015

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| Budget and Council Tax 2015/16 Calculation of Warwick District Council Element including Special Expenses |
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| PARISH/TOWN COUNCIL | BAND A | BAND B | BAND C | BAND D | BAND E | BAND F | BAND G | BAND H |
|---|------------|------------|------------|------------|-------------|-------------|-------------|-------------|
| | £ | £ | £ | £ | £ | £ | £ | £ |
| Baddesley Clinton | 124.18 | 144.87 | 165.57 | 186.27 | 227.67 | 269.06 | 310.45 | 372.54 |
| Baginton | 119.79 | 139.75 | 159.71 | 179.68 | 219.61 | 259.54 | 299.47 | 359.36 |
| Barford, Sherbourne & Wasperton | 131.37 | 153.26 | 175.15 | 197.05 | 240.84 | 284.63 | 328.42 | 394.10 |
| Beausale, Haseley, Honiley & Wroxall | 112.94 | 131.76 | 150.58 | 169.41 | 207.06 | 244.70 | 282.35 | 338.82 |
| Bishops Tachbrook | 118.77 | 138.56 | 158.35 | 178.15 | 217.74 | 257.33 | 296.92 | 356.30 |
| Bubbenhall | 122.10 | 142.44 | 162.79 | 183.14 | 223.84 | 264.53 | 305.24 | 366.28 |
| Budbrooke | 117.64 | 137.24 | 156.85 | 176.46 | 215.68 | 254.89 | 294.10 | 352.92 |
| Burton Green | 130.87 | 152.67 | 174.49 | 196.30 | 239.93 | 283.54 | 327.17 | 392.60 |
| Bushwood | 97.91 | 114.22 | 130.54 | 146.86 | 179.50 | 212.13 | 244.77 | 293.72 |
| Cubbington | 118.76 | 138.55 | 158.34 | 178.14 | 217.73 | 257.31 | 296.90 | 356.28 |
| Eathorpe, Hunningham, Offchurch, Wappenbury | 120.26 | 140.30 | 160.34 | 180.39 | 220.48 | 260.56 | 300.65 | 360.78 |
| Hatton | 105.42 | 122.99 | 140.56 | 158.13 | 193.27 | 228.41 | 263.55 | 316.26 |
| Kenilworth | 110.24 | 128.61 | 146.98 | 165.36 | 202.11 | 238.85 | 275.60 | 330.72 |
| Lapworth | 110.03 | 128.36 | 146.70 | 165.04 | 201.72 | 238.39 | 275.07 | 330.08 |
| Royal Leamington Spa | 110.36 | 128.75 | 147.14 | 165.54 | 202.33 | 239.11 | 275.90 | 331.08 |
| Leek Wootton | 107.66 | 125.59 | 143.54 | 161.48 | 197.37 | 233.25 | 269.14 | 322.96 |
| Norton Lindsey | 113.31 | 132.19 | 151.07 | 169.96 | 207.73 | 245.50 | 283.27 | 339.92 |
| Old Milverton & Blackdown | 122.78 | 143.23 | 163.70 | 184.16 | 225.09 | 266.01 | 306.94 | 368.32 |
| Radford Semele | 114.99 | 134.15 | 153.31 | 172.48 | 210.81 | 249.14 | 287.47 | 344.96 |
| Rowington | 124.23 | 144.93 | 165.63 | 186.34 | 227.75 | 269.16 | 310.57 | 372.68 |
| Shrewley | 107.98 | 125.97 | 143.97 | 161.97 | 197.97 | 233.96 | 269.95 | 323.94 |
| Stoneleigh & Ashow | 118.35 | 138.07 | 157.79 | 177.52 | 216.97 | 256.42 | 295.87 | 355.04 |
| Warwick | 116.81 | 136.27 | 155.74 | 175.21 | 214.15 | 253.08 | 292.02 | 350.42 |
| Weston-under-Wetherley | 122.91 | 143.39 | 163.87 | 184.36 | 225.33 | 266.30 | 307.27 | 368.72 |
| Whitnash | 123.83 | 144.46 | 165.10 | 185.74 | 227.02 | 268.29 | 309.57 | 371.48 |
| Proportion of Band D | 6/9 | 7/9 | 8/9 | 9/9 | 11/9 | 13/9 | 15/9 | 18/9 |

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|--|
| Budget and Council Tax 2015/16 District and Parish/Town Council by Band |
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| | BAND A | BAND B | BAND C | BAND D | BAND E | BAND F | BAND G | BAND H |
|---|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| | £ | £ | £ | £ | £ | £ | £ | £ |
| Warwick District Council | 97.91 | 114.22 | 130.54 | 146.86 | 179.50 | 212.13 | 244.77 | 293.72 |
| PARISH/TOWN COUNCIL | | | | | | | | |
| Baddesley Clinton | 26.27 | 30.65 | 35.03 | 39.41 | 48.17 | 56.93 | 65.68 | 78.82 |
| Baginton | 21.88 | 25.53 | 29.17 | 32.82 | 40.11 | 47.41 | 54.70 | 65.64 |
| Barford, Sherbourne & Wasperton | 33.46 | 39.04 | 44.61 | 50.19 | 61.34 | 72.50 | 83.65 | 100.38 |
| Beausale, Haseley, Honiley & Wroxall | 15.03 | 17.54 | 20.04 | 22.55 | 27.56 | 32.57 | 37.58 | 45.10 |
| Bishops Tachbrook | 20.86 | 24.34 | 27.81 | 31.29 | 38.24 | 45.20 | 52.15 | 62.58 |
| Bubbenhall | 24.19 | 28.22 | 32.25 | 36.28 | 44.34 | 52.40 | 60.47 | 72.56 |
| Budbrooke | 19.73 | 23.02 | 26.31 | 29.60 | 36.18 | 42.76 | 49.33 | 59.20 |
| Burton Green | 32.96 | 38.45 | 43.95 | 49.44 | 60.43 | 71.41 | 82.40 | 98.88 |
| Bushwood | | | | | | | | |
| Cubbington | 20.85 | 24.33 | 27.80 | 31.28 | 38.23 | 45.18 | 52.13 | 62.56 |
| Eathorpe, Hunningham, Offchurch, Wappenbury | 22.35 | 26.08 | 29.80 | 33.53 | 40.98 | 48.43 | 55.88 | 67.06 |
| Hatton | 7.51 | 8.77 | 10.02 | 11.27 | 13.77 | 16.28 | 18.78 | 22.54 |
| Kenilworth | 12.33 | 14.39 | 16.44 | 18.50 | 22.61 | 26.72 | 30.83 | 37.00 |
| Lapworth | 12.12 | 14.14 | 16.16 | 18.18 | 22.22 | 26.26 | 30.30 | 36.36 |
| Royal Leamington Spa | 12.45 | 14.53 | 16.60 | 18.68 | 22.83 | 26.98 | 31.13 | 37.36 |
| Leek Wootton | 9.75 | 11.37 | 13.00 | 14.62 | 17.87 | 21.12 | 24.37 | 29.24 |
| Norton Lindsey | 15.40 | 17.97 | 20.53 | 23.10 | 28.23 | 33.37 | 38.50 | 46.20 |
| Old Milverton & Blackdown | 24.87 | 29.01 | 33.16 | 37.30 | 45.59 | 53.88 | 62.17 | 74.60 |
| Radford Semele | 17.08 | 19.93 | 22.77 | 25.62 | 31.31 | 37.01 | 42.70 | 51.24 |
| Rowington | 26.32 | 30.71 | 35.09 | 39.48 | 48.25 | 57.03 | 65.80 | 78.96 |
| Shrewley | 10.07 | 11.75 | 13.43 | 15.11 | 18.47 | 21.83 | 25.18 | 30.22 |
| Stoneleigh & Ashow | 20.44 | 23.85 | 27.25 | 30.66 | 37.47 | 44.29 | 51.10 | 61.32 |
| Warwick | 18.90 | 22.05 | 25.20 | 28.35 | 34.65 | 40.95 | 47.25 | 56.70 |
| Weston-under-Wetherley | 25.00 | 29.17 | 33.33 | 37.50 | 45.83 | 54.17 | 62.50 | 75.00 |
| Whitnash | 25.92 | 30.24 | 34.56 | 38.88 | 47.52 | 56.16 | 64.80 | 77.76 |
| Proportion of Band D | 6/9 | 7/9 | 8/9 | 9/9 | 11/9 | 13/9 | 15/9 | 18/9 |

**Council Tax Calculations 2015/16 Warwick District Council
Including Warwickshire County Council And Warwickshire Police and Crime Commissioner**

| PARISH/TOWN COUNCIL | BAND A | BAND B | BAND C | BAND D | BAND E | BAND F | BAND G | BAND H |
|---|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| | £ | £ | £ | £ | £ | £ | £ | £ |
| Baddesley Clinton | 1,050.43 | 1,225.49 | 1,400.57 | 1,575.64 | 1,925.79 | 2,275.93 | 2,626.07 | 3,151.29 |
| Baginton | 1,046.04 | 1,220.37 | 1,394.71 | 1,569.05 | 1,917.73 | 2,266.41 | 2,615.09 | 3,138.11 |
| Barford, Sherbourne & Wasperton | 1,057.62 | 1,233.88 | 1,410.15 | 1,586.42 | 1,938.96 | 2,291.50 | 2,644.04 | 3,172.85 |
| Beausale, Haseley, Honiley & Wroxall | 1,039.19 | 1,212.38 | 1,385.58 | 1,558.78 | 1,905.18 | 2,251.57 | 2,597.97 | 3,117.57 |
| Bishops Tachbrook | 1,045.02 | 1,219.18 | 1,393.35 | 1,567.52 | 1,915.86 | 2,264.20 | 2,612.54 | 3,135.05 |
| Bubbenhall | 1,048.35 | 1,223.06 | 1,397.79 | 1,572.51 | 1,921.96 | 2,271.40 | 2,620.86 | 3,145.03 |
| Budbrooke | 1,043.89 | 1,217.86 | 1,391.85 | 1,565.83 | 1,913.80 | 2,261.76 | 2,609.72 | 3,131.67 |
| Burton Green | 1,057.12 | 1,233.29 | 1,409.49 | 1,585.67 | 1,938.05 | 2,290.41 | 2,642.79 | 3,171.35 |
| Bushwood | 1,024.16 | 1,194.84 | 1,365.54 | 1,536.23 | 1,877.62 | 2,219.00 | 2,560.39 | 3,072.47 |
| Cubbington | 1,045.01 | 1,219.17 | 1,393.34 | 1,567.51 | 1,915.85 | 2,264.18 | 2,612.52 | 3,135.03 |
| Eathorpe, Hunningham, Offchurch, Wappenbury | 1,046.51 | 1,220.92 | 1,395.34 | 1,569.76 | 1,918.60 | 2,267.43 | 2,616.27 | 3,139.53 |
| Hatton | 1,031.67 | 1,203.61 | 1,375.56 | 1,547.50 | 1,891.39 | 2,235.28 | 2,579.17 | 3,095.01 |
| Kenilworth | 1,036.49 | 1,209.23 | 1,381.98 | 1,554.73 | 1,900.23 | 2,245.72 | 2,591.22 | 3,109.47 |
| Lapworth | 1,036.28 | 1,208.98 | 1,381.70 | 1,554.41 | 1,899.84 | 2,245.26 | 2,590.69 | 3,108.83 |
| Leamington Spa | 1,036.61 | 1,209.37 | 1,382.14 | 1,554.91 | 1,900.45 | 2,245.98 | 2,591.52 | 3,109.83 |
| Leek Wootton | 1,033.91 | 1,206.21 | 1,378.54 | 1,550.85 | 1,895.49 | 2,240.12 | 2,584.76 | 3,101.71 |
| Norton Lindsey | 1,039.56 | 1,212.81 | 1,386.07 | 1,559.33 | 1,905.85 | 2,252.37 | 2,598.89 | 3,118.67 |
| Old Milverton & Blackdown | 1,049.03 | 1,223.85 | 1,398.70 | 1,573.53 | 1,923.21 | 2,272.88 | 2,622.56 | 3,147.07 |
| Radford Semele | 1,041.24 | 1,214.77 | 1,388.31 | 1,561.85 | 1,908.93 | 2,256.01 | 2,603.09 | 3,123.71 |
| Rowington | 1,050.48 | 1,225.55 | 1,400.63 | 1,575.71 | 1,925.87 | 2,276.03 | 2,626.19 | 3,151.43 |
| Shrewley | 1,034.23 | 1,206.59 | 1,378.97 | 1,551.34 | 1,896.09 | 2,240.83 | 2,585.57 | 3,102.69 |
| Stoneleigh & Ashow | 1,044.60 | 1,218.69 | 1,392.79 | 1,566.89 | 1,915.09 | 2,263.29 | 2,611.49 | 3,133.79 |
| Warwick | 1,043.06 | 1,216.89 | 1,390.74 | 1,564.58 | 1,912.27 | 2,259.95 | 2,607.64 | 3,129.17 |
| Weston-under-Wetherley | 1,049.16 | 1,224.01 | 1,398.87 | 1,573.73 | 1,923.45 | 2,273.17 | 2,622.89 | 3,147.47 |
| Whitnash | 1,050.08 | 1,225.08 | 1,400.10 | 1,575.11 | 1,925.14 | 2,275.16 | 2,625.19 | 3,150.23 |
| Proportion of Band D | 6/9 | 7/9 | 8/9 | 9/9 | 11/9 | 13/9 | 15/9 | 18/9 |

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.

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 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:

| Subject | Prescribed description |
|---|---|
| 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. |

| | |
|--|--|
| 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.

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 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.

- (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.

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.

- (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

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*):

| |
|--|
| <p>Employment - Employment, office, trade, profession or vocation, carried on for profit or gain by you or your partner</p> |
| |
| <p>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.</p> |
| |
| <p>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</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p> |
| |

| |
|--|
| <p>Land - "Land, any beneficial interest in land which is within the area of Warwick District Council, this <u>excludes</u> 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</p> |
| <p>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.</p> |
| <p>Corporate tenancies - Any tenancy where (to your knowledge)—</p> <ul style="list-style-type: none"> (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. |
| <p>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</p> <p>Any beneficial interest in securities of a body held by you or your partner where—</p> <ul style="list-style-type: none"> (a) that body (to your knowledge) has a place of business or land in the area of the Warwick District Council; and (b) either— <ul style="list-style-type: none"> (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. |

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.

PROTOCOL ON MEMBER/OFFICER RELATIONS

1 INTRODUCTION

- 1.1 The purpose of this Protocol is to guide the Council's Members and Officers in their relations with one another.
- 1.2 Given the variety and complexity of such relations, this Protocol does not seek to be either prescriptive or comprehensive. It seeks simply to offer guidance on some of the issues that most commonly arise. It is intended, however, that the approach that it adopts to these issues will serve as a guide to dealing with other, related, issues.
- 1.3 This Protocol is to a large extent no more than a written statement of current practice and convention. In some respects, however, it seeks to promote greater clarity and certainty.
- 1.4 Following the Protocol will help to ensure that Members receive objective and impartial advice and that Officers are protected from accusations of bias and any undue influence from Members.
- 1.5 This Protocol should be read in conjunction with the Members' and Employees' Codes of Conduct, the Council's Constitution and other relevant guidance that may be issued from time to time.
- 1.6 This Protocol seeks to reflect the principles underlying the respective Codes of Conduct that apply to members and officers. Consequently, a breach of the provisions of this Protocol may also constitute a breach of those Codes.
- 1.7 The Protocol therefore supplements and interprets, but does not supplant:
 - ∨ statutory provisions, the Code of Conduct for Members, the Code of Conduct for Employees and other codes and guidance;
 - ∨ the other provisions of the Council's own adopted constitution and especially the rules of procedure;
 - ∨ disciplinary codes that regulate the conduct of Officers.
- 1.8 A relevant extract from the National Code of Local Government Conduct for Members is reproduced below:
 23. *Both councillors and officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the council. Their job is to give advice to councillors and the council, and to carry out the council's work under the direction and control of the council, their committees and sub-committees.*
 24. *Mutual respect between councillors and officers is essential to good local government. Close personal familiarity between individual councillors and officers can damage this relationship and prove embarrassing to other councillors and officers.*

- 1.9 In line with the National Code’s reference to “mutual respect”, it is important that any dealings between members and officers should observe reasonable standards of courtesy and that neither party should seek to take unfair advantage of their position.
- 1.10 Mutual respect and trust should be founded on The Ten General Principles of Public Life (developed from the Nolan Principles). The principles, applying equally to Members and Officers, are:
- Selflessness
 - Honesty and Integrity
 - Objectivity
 - Accountability
 - Openness
 - Personal Judgment
 - Respect for Others
 - Duty to Uphold the Law
 - Stewardship
 - Leadership

3 THE ROLE OF MEMBERS

- 3.1 Members are elected democratically. It is their policies, ideas and decisions that people vote for. Members agree a policy framework, set the corporate goals and promote the Council in all its work. Members are also the key channels of democratic accountability and Members are the channel for the voices of the people in their wards.
- 3.2 The Council meets as a body when all its Members are summoned to attend a Council meeting. This meeting has ultimate authority over the affairs of the Council, subject only to the law. The Council can delegate authority to the Executive, committees and sub-committees of Members (and co-opted members in some circumstances) and to Officers. When Members meet as the Executive, a committee or sub-committee they can take decisions and act on behalf of the Council, within that body’s terms of reference and delegated powers, again subject only to the law.
- 3.3 Members will also be involved in a variety of less formal meetings, correspondence and discussions with other Members, Officers and people outside the Council, to help the Council develop policies and deliver services.
- 3.4 As a Member attending a meeting of Council, the Executive, or of a committee or sub-committee, or in less formal settings, Members will have a variety of roles:

THE POLICY MAKING ROLE – DECIDING THE BROAD DIRECTION OF COUNCIL POLICY

THE EXECUTIVE ROLE – DECIDING HOW THOSE POLICIES ARE TO BE DELIVERED IN PRACTICE

THE SCRUTINY ROLE – HOLDING EXECUTIVE AND OFFICERS TO ACCOUNT FOR THEIR DECISIONS AND ACTIONS

THE WARD MEMBER ROLE – REPRESENTING THE INTERESTS OF INDIVIDUAL RESIDENTS OR RESIDENTS’ GROUPS WITHIN THEIR WARD, IN THE OVERALL PUBLIC INTEREST.

- 3.5 Members will be involved in individual staffing matters only if they are a member of a committee or panel set up for that purpose. This may include being part of an appeals process or in the case of the Chief Executive and other senior officers in the appointment process.
- 3.6 In other circumstances, however, Members must not become embroiled in the management of the Council (such as officer-related disciplinary, capability or grievance processes). They must not engage in activities that might undermine the management line of command or adherence to Council HR procedures, or try to influence the recruitment process.

4 **THE ROLE OF OFFICERS**

- 4.1 Officers can also have a variety of roles:

THEY ARE RESPONSIBLE FOR THE OPERATIONAL MANAGEMENT OF THE COUNCIL.

THEY ADVISE MEMBERS TO HELP THEM TO TAKE DECISIONS IN THE EXECUTIVE, COMMITTEE, SUB-COMMITTEE AND COUNCIL.

SOME OFFICERS HAVE PERSONAL STATUTORY POWERS AND DUTIES, FOR EXAMPLE, THE OFFICERS DESIGNATED AS HEAD OF PAID SERVICE (CHIEF EXECUTIVE), CHIEF FINANCE OFFICER (HEAD OF FINANCE AND THE MONITORING OFFICER (HEAD OF MEMBERS' SERVICES AND MONITORING OFFICER.

THE COUNCIL HAS GIVEN DELEGATED POWERS TO THE CHIEF EXECUTIVE, DEPUTY CHIEF EXECUTIVES AND OTHER OFFICERS SO THAT THEY CAN ACT AND TAKE DECISIONS ON BEHALF OF THE COUNCIL IN MANY AREAS, PROVIDED THAT THEY FOLLOW THE RULES OF DELEGATION AND THAT MEMBERS HAVE ACCESS TO THEIR DECISIONS.

THE COUNCIL IS A LARGE ORGANISATION, AND OFFICERS HAVE A ROLE TO PLAY WITHIN THE ORGANISATION ITSELF.

- 4.2 Officers' roles have two dimensions. Some Officers have professional skills relevant to a particular organisational task. Others have managerial responsibility primarily. Many Officers have elements of both in their job.
- 4.3 Officers should expect to have the opportunity to give 'honest advice' and to have their professional integrity respected (e.g. not to be required to make recommendations they cannot support professionally) and the chance to explain what may appear to be a shortcoming in performance.
- 4.4 In addition Members and Officers must understand there is a clear and acceptable division of responsibilities regarding policy and implementation. It is the duty of Officers to manage the implementation of policy, in agreement with Members.
- 4.5 Officers serve the Council through its committees and other Council bodies. They work to the instructions of their Head of Service or the Chief Executive - not individual Members of the Council, whatever office the Member might hold.

4.6 Officers should:

- a. **PURSUE EVERY KNOWN LAWFUL POLICY OF THE COUNCIL**
- b. **IMPLEMENT THE DECISIONS OF COUNCIL, THE EXECUTIVE, COMMITTEES AND SUB-COMMITTEES**
- c. **INFORM MEMBERS THROUGH THEIR HEAD OF SERVICE OF ANY DECISION THAT THEY CANNOT FULLY IMPLEMENT AND THE REASONS FOR THIS**
- d. **BE HELPFUL AND RESPECTFUL TO MEMBERS**
- e. **BEHAVE IN A PROFESSIONAL MANNER**
- f. **SERVE ALL MEMBERS, NOT JUST THOSE OF THE ADMINISTRATION GROUP(S)**
- g. **MAINTAIN CONFIDENTIALITY**
- h. **DEAL WITH MEMBER ENQUIRIES EFFICIENTLY**
- i. **STRIVE CONTINUALLY TO COMPLY WITH THE COUNCIL'S PERFORMANCE MANAGEMENT AND SCRUTINY PROCESSES**
- j. **SUPPORT MEMBERS IN THEIR ROLE AS WARD COUNCILLORS**

4.7 Officers must not raise directly with Members, either acting independently or on behalf of others, any personal matter to do with their jobs, or relating to any potential appointment within the Authority. Formal procedures have been agreed with the trade unions for dealing with such issues.

5 OFFICER SUPPORT TO MEMBERS AND PARTY GROUPS

5.1 It must be recognised by all Officers and Members that in discharging their duties and responsibilities, Officers serve the Council as a whole and not any political group, combination of groups or any individual Member of the Council.

5.2 There is statutory recognition for party groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision making body.

5.3 Officers may properly be called upon to support and contribute to such deliberations by party groups but must at all times maintain political neutrality. All Officers must, in their dealings with political groups and individual Members, treat them in a fair and even-handed manner.

5.4 The support provided by Officers can take many forms. Whilst in practice such Officer support is likely to be in most demand from whichever party group is in control of the Council, such support is available to all party groups.

5.5 Certain points must, however, be clearly understood by all those participating in this type of process, Members and Officers alike. In particular:

- a. Officer support must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business. The observance of this distinction will be assisted if Officers are not present at meetings or parts of meetings, when matters of party business are to be discussed;
- b. party group meetings, whilst they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not

therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such; and

- c. similarly, where Officers provide information and advice to a party group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant Committee or Sub-Committee when the matter in question is considered.

- 5.6 Special care needs to be exercised whenever Officers are involved in providing information and advice to a party group meeting that includes persons who are not Members of the Council. Such persons are not bound by the National Code of Local Government Conduct (in particular, the provisions concerning the declaration of interests and confidentiality) and, for this and other reasons, Officers may not attend and/or give advice to such meetings.
- 5.7 Officers must respect the confidentiality of any party group discussions at which they are present in the sense that they should not relay the content of any such discussion to another party group.
- 5.8 Whilst any Member may ask a relevant senior manager for written factual information about a service, such requests must be reasonable. Requests will be met subject to any overriding legal considerations or if the recipient of any request considers the cost of providing the information requested or the nature of the request to be unreasonable. If a Member requesting such information is dissatisfied by such a response, they should raise the matter in the first place with the relevant head of service and, if still dissatisfied, should raise the matter with the Chief Executive who will discuss the issue with the relevant Group Leader(s) and relevant Portfolio Holder(s), as appropriate.
- 5.9 Officers should ensure that any information supplied does not contain any personal information (within the meaning of the Data Protection Act 1998) relating to individual employees such as salary, grade, Trade Union affiliation etc.
- 5.10 Requests for personal information about specific employees or where the group of employees is so small that individual employees personal details are likely to be revealed should only be considered where a Member has a demonstrable need for such detailed personal information in order to carry out the business of the Council and they could not carry out that business without the information being supplied in a redacted form. Any such request must be properly justified.
- 5.11 All information held by the Council, in whatever form, is confidential to the Council unless and until such confidentiality is waived by the Proper Officer and subject to the requirements of the Data Protection Act 1998. Officers and elected Members are responsible for ensuring that personal information and data is only handled and processed in accordance with the provisions of the Act and to familiarise themselves with their obligations under the Act accordingly. Officers or Members who require advice or assistance in relation to their duties under the Data Protection Act 1998 should take advice from the Monitoring Officer or the Council's legal service as appropriate.

- 5.12 In relation to budget proposals:
- a. the Administration shall be entitled to confidential information/discussions with Officers regarding options and proposals. These will remain confidential until determined by the Administration or until published in advance of Committee / Council meetings, whichever is the earlier; and
 - b. the opposition groups shall also be entitled to confidential information/discussions with Officers to enable them to formulate alternative budget proposals. These will remain confidential until determined by the respective opposition groups or until published in advance of Committee/Council meetings, whichever is the earlier.
- 5.13 As part of the Budget process, Officers may be called upon to give advice on budgetary proposals, wherever they may emanate from (once political confidentiality has been lifted). This is in addition to the "normal" rights that any member has to seek advice "in confidence" from Officers.
- 5.14 In addition, Officers may feel it appropriate to offer advice to individuals, groups or all Members. In doing so, they should be aware of the need to remain impartial. It is appropriate and indeed, in certain circumstances, necessary that as a matter of professional judgement, if a proposed course of action is imprudent, Officers should advise the Members of the Authority that this is so. It would, however, be for the Officer to decide how and when to do so. This is without prejudice to issues of legality and financial administration which are covered by specific duties placed on the Chief Financial Officer and Monitoring Officer.
- 5.15 Members should consider, when attending a meeting, whether or not minutes should be taken and/or an officer should be present. It is a matter for Members' judgement whether this is necessary, but factors such as whether any commitment is likely to be given on behalf of the Council and/or whether any complex financial, legal or procurement issues may be discussed will be relevant in deciding that. In such situations, Members are generally recommended to have an officer present and to ensure that contemporaneous minutes are taken and, where appropriate, shared with the other parties present to ensure that an accurate record is maintained. It will, however, be a case of judgement on each and every occasion as to how and when this principle is applied.
- 5.16 It must not be assumed by any party group or Member that any Officer is supportive of any policy or strategy developed because of that Officer's assistance in the formulation of that policy or strategy.
- 5.17 Any particular cases of difficulty or uncertainty in this area of Officer advice to party groups should be raised with the Chief Executive who will discuss them with the relevant group leader(s).
- 5.18 It is clearly important that there should be a close working relationship between Members serving on committees (including the Executive) and the Officers who support and/or interact with them. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officer's ability to deal impartially with other Members and other party groups.

6 OFFICER SUPPORT TO MEMBERS ON EXECUTIVE AND ON SCRUTINY COMMITTEES

- 6.1 Officer support to Members serving on the Executive and on Committees should adhere to certain principles and standards regardless of which body the Member is serving on. In all cases Officers are expected:”
- a. to maintain political impartiality at all times when commenting on the Council’s policies and actions;
 - b. to be prepared to explain and justify advice given to Members and to justify decisions they themselves have taken under the Scheme of Delegation;
 - c. to ensure that an Officer of sufficient seniority appears before the relevant meeting in the light of the topics under discussion;
 - d. to provide information in a comprehensive and timely fashion;
 - e. to respond to questions from Members in an open, constructive and helpful manner;
 - f. not to mislead or be economical with the truth.
- 6.2 As set out above, although much of the advice concerning officer support is generic, applying equally to the provision of support to all types of committees, there are some aspects of the Executive and Scrutiny Committees that necessitate some additional, specific, guidance, as follows:

Executive

- 6.3 It is clearly important that there should be a close working relationship between Members serving on the Executive and the Officers who support and/or interact with them. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officer’s ability to deal impartially with other Members and other party groups.
- 6.4 Whilst Executive Members will routinely be consulted as part of the process of drawing up proposals for consideration or the agenda for a forthcoming meeting, it must be recognised that in some situations an Officer will be under a professional duty to submit a report. Similarly, a Head of Service or other senior Officer will always be fully responsible for the contents of any report submitted in his/her name. This means that any such report will be amended only where the amendment reflects the professional judgement of the author of the report. This is to be distinguished from a situation where there is a value judgement to be made. Any issues arising between an Executive Member and a Head of Service in this area should be referred to the Chief Executive for resolution in conjunction with the Leader of the Council.
- 6.5 Members serving on the Executive have wide ranging leadership roles. They will:
- a. lead the preparation of the Council’s policies and budget;
 - b. take in-year decisions on resources and priorities, together with other stakeholders and partners in the local community, to deliver and implement the budget and policies decided by the Full Council; and

- c. be the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.
- 6.6 Where functions that are the responsibility of the Executive are delegated to Officers or other structures outside the Executive, the Executive will nevertheless remain accountable to the Council, through the Scrutiny Committees, for the discharge of those functions. That is to say, the Executive will be held to account for both its decision to delegate a function and the way that the function is being carried out.
- 6.7 Under Executive Arrangements, individual Members of the Executive are allowed to formally take decisions. Members serving on the Executive must satisfy themselves that they are clear what exactly they can and cannot do.
- 6.8 The Council has mechanisms and protocols that ensure that (as with the Council and its Committees) an individual Executive Member seeks advice from relevant Officers before taking a decision within her or his delegated authority. This includes taking legal advice, financial advice and professional officer advice (particularly about contractual matters) as well as consulting the Monitoring Officer where there is doubt about the extent of legal authority.
- 6.9 Members also need to comply with the Code of Financial Practice and Code of Procurement Practice when they are directly involved in procurement exercises, particularly in discussions with potential and/or actual tenderers.
- 6.10 Decisions taking by individual Members of the Executive give rise to legal and financial obligations in the same way as decisions taken collectively. Therefore, Members of the Executive should always be aware of legal and financial liabilities (consulting the Monitoring Officer and Chief Financial Officer as appropriate) that will arise from their decisions. To ensure effective leadership for the Council and the community it serves, there are arrangements to ensure co-ordination of and sharing responsibility for Executive decisions including those made by individuals.
- 6.11 Officers will continue to work for and serve the Local Authority as a whole. Nevertheless, as the majority of functions will be the responsibility of the Executive, it is likely that in practice many Officers will be working to the Executive for most of their time. The Executive must respect the political neutrality of Officers. Officers must ensure that, at all times, their political neutrality is not compromised.
- 6.12 In organising support for the Executive, there is potential for tension between Officers and Members of the Executive with portfolios. All Members and Officers need to be constantly aware of the possibility of such tensions arising and both Officers and Members need to work together to avoid such tensions, whether real or perceived.

Committees

- 6.13 Scrutiny Committees are an important element of the Council's arrangements. It is not, however, a Scrutiny Committee's role to act as a Disciplinary tribunal in relation to the actions of Members or Officers. Neither is it the role of Officers to become involved in what would amount to disciplinary investigations on a Panel's behalf. This is the Chief Executive's function alone in relation to staff and the Monitoring Officer's and the Standards Committee as regards the conduct of Members. This means:
- a. A Scrutiny Committee's questioning should not be directed to the conduct of individuals, not in the sense of establishing the facts about what occurred in the making of decisions or implementing of Council policies, but with the implication of allocating criticism or blame;
 - b. in these circumstances, it is for the Chief Executive to institute a formal enquiry, and a Scrutiny Committee may ask (but not require) him to do so.
- 6.14 Scrutiny Committees should not act as a "court of appeal" against decisions or to pursue complaints by individuals (Councillors, Officers or members of the public) as other procedures exist for this. These are internal, e.g. the Corporate Complaints Procedure, and external/statutory, e.g. Local Government Ombudsman or appeal to the Courts. That said, Scrutiny Committees may:
- a. investigate the manner in which decisions are made but should not pass judgements on the merits of a decision in individual cases;
 - b. comment on the merits of a particular policy affecting individuals.
- 6.15 It would be unfair to invite someone to appear at a Scrutiny Committee without telling them in general terms what they will be asked and without giving them adequate time to prepare. Scrutiny Committees ought to provide written questions, or at least "indicative topics", beforehand, so that the answers can form the basis of the questioning and discussion. In addition, speakers ought to be told the general line that further questioning is likely to take. Questioning should not stray outside the subject area that the Panel had previously indicated.
- 6.16 The way in which Scrutiny Committee Members probe Officers should be influenced by the level of seniority of the Officers present – accordingly when calling Officers to give evidence, Members should consider the level of the Officer they wish to have before them in the light of the line of questioning they wish to follow.
- 6.17 Officers may be asked to give a professional opinion, including presenting alternative options. Officers may not confine themselves solely to justifying either the position of or the advice that they gave to the Executive although, in giving options, it is to be expected that they will explain the rationale for the advice they gave.
- 6.18 It is appropriate for Members of Scrutiny Committees to ask Officers to explain and justify advice given to Members, whether on the Executive or otherwise, prior to decisions being taken, and to justify decisions that Officers have taken under delegated powers.

7 SUPPORT SERVICES TO MEMBERS AND PARTY GROUPS

- 7.1 Support services (e.g. stationery, typing, printing, photocopying) to Members must only be used on Council business. They should never be used in connection with party political or campaigning activity or for private purposes.

8 MEMBERS' ACCESS TO INFORMATION AND TO COUNCIL DOCUMENTS

- 8.1 Members have the ability to ask for information pursuant to their legal rights to information. This right extends to such information, explanation and advice as they may reasonably need in order to assist them in discharging their role as a Member of the Council. This can range from a request for general information about some aspect of the Council's activities to a request for specific information on behalf of a constituent. Such approaches should normally be directed to the Head of Service or another senior Officer of the Division concerned.
- 8.2 As regards the legal rights of Members to inspect Council documents, these are covered partly by statute and partly by the common law.
- 8.3 The law concerning access to information is complex, with the following pieces of legislation applying:
- The Access to Information provisions of the Local Government Act 1972
 - The Data Protection Act 1998
 - The Local Government Act 2000
 - The Freedom of Information Act 2000

The Freedom of Information Act has probably the greatest impact, potentially providing Members with a single route through which to obtain information in support of their work, whatever their role within the Authority.

- 8.4 Any Council information provided to a Member is deemed to be information provided in confidence; it is subject to the protections afforded by the Data Protection Act 1998 and must only be used by the Member for the purpose for which it was provided, i.e. in connection with the proper performance of the Member's duties as a Member of the Council. Therefore, for example, early drafts of Committee reports / briefing papers are not suitable for public disclosure and should not be used other than for the purpose for which they were supplied.
- 8.5 Failure to observe this obligation or disclosure of confidential information may amount to a breach of the Code of Conduct. Failure to safeguard and protect the confidentiality of personal information within the meaning of the Data Protection Act 1998 may result in prosecution of the Authority and/or any individual Officer or Member by the Information Commissioner and the imposition of significant monetary penalties.
- 8.6 Any Member request for personal information or personal data about an individual employee (rather than a general group of employees as a whole) should only be supplied where there is a demonstrable need for that Member to have the information at that level of detail in order to carry out their duties as a Member of the Council. Any such requests should be referred to and considered

by the Head of HR who may, if necessary, refer the request to the Monitoring Officer.

- 8.7 In cases where such information is to be released, the Head of HR will specifically remind the Member that the information is confidential, subject to the protection of the Data Protection Act 1998 and confirm the necessary measures for handling that data in order to keep it confidential and ensure that it is not further disclosed to any other person or body either within or external to the Council.

9 CORRESPONDENCE AND ADVICE

- 9.1 Members seeking advice from officers shall be entitled to assume that such advice is given under "Chatham House rules" in terms of disclosure to other Members, unless otherwise agreed with the officer(s) concerned.
- 9.2 Correspondence between an individual Member and an Officer should not normally be copied (by the Officer) to any other Member. In other words, a system of "silent copies" should not be employed.
- 9.3 Official letters on behalf of the Council should normally be sent in the name of the appropriate Officer, rather than in the name of a Member. It may be appropriate in certain limited circumstances (e.g. representations to a Government Minister) for a letter to appear in the name of an Executive Member or the Leader of the Council or the Leaders of all political groups represented on the Council by agreement, but this should be the exception rather than the norm. Letters that, for example, create legal obligations or give instructions on behalf of the Council should never be sent out in the name of a Member, Executive or otherwise.
- 9.4 Officers responding to members' queries should do so in a timely manner, and in accordance with the agreed standards for replying to letters and emails from Members; namely:
- a. Members will receive an acknowledgement within two working days of the date of the enquiry, to include the name and contact details of the officer dealing with the enquiry (subject to leave, etc);
 - b. a response will be given as soon as possible but not later than 10 working days of the date of the enquiry. If it is not possible to give a detailed response within 10 working days, the councillor should be informed within that period of the date by which they can expect to receive the information requested and be given a reason for the delay
- 9.5 Democratic Services provides an alternative route whereby Members may make enquiries or request information from officers within the Authority. Any Member may pass an enquiry to Democratic Services who will then refer it to the appropriate officer and follow it up as necessary. Members can expect to be updated as to progress by the officer responsible for replying to the request.

10 PUBLICITY AND PRESS RELEASES

- 10.1 Local authorities are accountable to their electorate. Accountability requires local understanding. This will be promoted by the Authority, explaining its objectives and policies to the electors and rate-payers. In recent years, all local authorities have used publicity to keep increasingly the public informed and to encourage public participation. Every council needs to tell the public about the services it provides. Increasingly, local authorities see this task as an essential part of providing services. Good, effective, publicity aimed to improve public awareness of a council's activities is, in the words of the Government, to be welcomed.
- 10.2 Publicity is, however, a sensitive matter in any political environment because of the impact it can have. Expenditure on publicity can be significant. It is essential, therefore, to ensure that local authority decisions on publicity are properly made in accordance with clear principles of good practice. The Government has issued a Code of Recommended Practice on Local Authority Publicity that provides guidance on the subject and that should be complied with.
- 10.3 Particular care should be paid to any publicity used by the Council around the time of an election. Advice will be given on this by the Monitoring Officer.

11 ALLEGATIONS OF MEMBER OR OFFICER MISCONDUCT

- 11.1 In a situation where a Member identifies that an Officer may have committed a breach of the Council's disciplinary rules and procedures, they should draw the issue to the attention of the Chief Executive who, following consultation with the Council's Monitoring Officer, will ensure an appropriate investigation.
- 11.2 In respect of an Officer who believes a Member has breached the Members' Code of Conduct, they should:
- a. not offer any opinion or judgement upon that conduct to the Member;
 - b. they must advise the Monitoring Officer immediately of the circumstances, facts, their belief and the rationale behind it, including supplying all and any documentation; and
 - c. they should not comment further on the issue to any other Officer or Member without the prior consent of the Monitoring Officer.

These provisions are to protect both the Member and Officer, avoid Officers from becoming unduly involved in allegations of Member misconduct at an inappropriate level and to ensure that any investigation that may need to be carried out by the Monitoring Officer or other agency, is not compromised in any way.

- 11.3 Any complaints made regarding the alleged conduct of Councillors will be dealt with in accordance with the Council's agreed arrangements for handling complaints.
- 11.4 The Monitoring Officer will investigate allegations of fraud or criminal misconduct against Members. They may investigate other allegations of misconduct against Councillors, but only if:

- a. THE MATTER AFFECTS THE BUSINESS OF THE COUNCIL OR ITS REPUTATION;
AND**
- b. IT IS PROPER FOR THE MONITORING OFFICER TO INVESTIGATE.**

11.5 Some issues are matters of party discipline. Even if the allegations were proved, there may be no action or sanction that the Council can apply. Normally such matters must be investigated by the party itself. The Monitoring Officer will refer the matter to the group leader.

11.6 The Monitoring Officer:

- a. WILL INVESTIGATE ANY MATTERS WHICH ARE PROPERLY RAISED WITH THEM;**
- b. WILL ALWAYS INFORM THE COUNCILLOR WHO IS THE SUBJECT OF THE ALLEGATIONS - UNLESS THIS WOULD PREJUDICE THE INVESTIGATION;**
- c. HAS NO OBLIGATION TO REPORT THE FINDINGS TO THE COUNCILLOR MAKING THE ALLEGATION BUT IS RESPONSIBLE FOR SATISFYING THE COUNCILLOR THAT APPROPRIATE ACTION HAS BEEN TAKEN; AND**
- d. HAS A DUTY TO TAKE WHATEVER ACTION THEY THINK FIT AS A RESULT OF THE INVESTIGATION, IN ACCORDANCE WITH THEIR STATUTORY DUTIES.**

11.7 Investigations will be subject to supervision by and report to the Standards Committee of the Council or any equivalent body.

11.8 Where the allegation is within the terms of reference of the Council's auditors, the police, the matter will be referred to them.

12 CONCLUSION

12.1 Straightforward respect and consideration between Members and Officers provide the greatest safeguard of the integrity of the Council.

13 APPROVAL / DISTRIBUTION / CLARIFICATION

13.1 This version was approved by the Council as part of the Constitution in (*to be completed*).

13.2 Copies of the Protocol will be issued to all Members as part of the Constitution upon election.

13.3 Questions of interpretation of this Protocol will be determined by the Chief Executive in consultation with the Monitoring Officer.