

 Council 15 November 2017		Agenda Item No. 11
Title	Standards Committee for Warwick District	
For further information about this report please contact	Graham Leach, Democratic Services Manager & Deputy Monitoring Officer 01926 456114 graham.leach@warwickdc.gov.uk	
Wards of the District directly affected	None	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number	18 April 2016 Minute 13 27 June 2016 Minute 6 5 July 2017 Minute 6	
Background Papers	Localism Act 2011	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No
Equality Impact Assessment Undertaken	No

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	7/11/2017	Andrew Jones
Head of Service		
CMT		
Section 151 Officer	6/11/2017	Mike Snow
Monitoring Officer	7/11/2017	Andrew Jones
Finance	7/11/2017	Jenny Clayton
Portfolio Holder(s)	7/11/2017	Michael Coker
Consultation & Community Engagement		
Final Decision?	Yes	
Suggested next steps (if not final decision please set out below)		

1. **Summary**

- 1.1 This report brings forward proposals on the future operation of Warwick District Council's Standards Committee.

2. **Recommendation**

- 2.1 The Council notes the outcome of the consultation with all Parish & Town Councils in Warwick District and Warwickshire Association of Local Councils (WALC) as set out at Appendix 1 to the report.
- 2.2 That Warwick District Council does not to proceed with a Joint Standards Committee with all Parish & Town Councils.
- 2.3 That the Constitution be amended to reflect that the Standards Committee will be a body of Warwick District Council made up of 11 Warwick District Councillors with a remit as set out below:
- i. To promote and maintain high standards of conduct by Members of the Council.
 - ii. To ensure Members of the Council observe the Council's Code of Conduct.
 - iii. To advise the Council on the adoption or revision of a Code of Conduct.
 - iv. Monitor the operation of the Code of Conduct.
 - v. To provide advice and training (or arrange training) for Members on matters relating to the Code of Conduct.
 - vi. To recommend to the Council on the appointment of Independent persons for the Council and of the Code of Conduct adopted by the Parish and Town Councils in the District.
 - vii. To consider and determine requests for dispensation from requirements relating to the adopted Members' Code of Conduct;
 - ix. To grant dispensations, as it considers appropriate, if so requested.
- 2.4 Warwick District Council will commit, so long as it is reasonably practicable, that at least three Members of its Standards Committee will be both District and Parish/Town Councillors (dual hatters) so they are aware of the nature of this role.
- 2.5 Warwick District Council commits that any revisions to the Code of Conduct or associated processes will be consulted on with all District Councillors and Parish & Town Councils in Warwick District for at least 6 weeks. In addition the proposals will also be presented to a meeting of the WALC Warwick Area Committee for discussion. Following the consultation, a response will be provided to each of the comments made and circulated to all Parish/Town Councils in Warwick District and all comments made will be considered by the Standards Committee before any amendments are approved.
- 2.6 That all Parish & Town Councils be sent a copy of the agenda for the Standards Committee meeting and will be alerted (via email) as soon as the draft minutes are available on line.
- 2.7 That the Chair of any Code of Conduct hearing Panel involving a Parish/Town Councillor will attend the relevant Parish/Town meeting that considers any proposed sanction from the Hearing to respond to questions from the relevant Council.

2.8 The Council notes that in line with Council procedure rule 35, the Committee has considered a refresh of its procedures for handling complaints about the conduct of councillors and, subject to approval of 2.2, these will now be consulted on as set out above.

3. **Reasons for the Recommendation**

3.1 Warwick District Council had sought to form a Joint Standards Committee for Warwick District with all the Parish & Town Councils. This has never formally come into being and following a review by Officers it was agreed at the Standards Committee in July 2015 to consult on ending this proposal.

3.2 The responsibility under the Localism Act is for the District Council to have sufficient arrangements in place. There is no requirement for this to involve Parish/Town Councils.

3.3 The benefit of having a joint Committee with the Parish & Town Councils would be in a single primary area. This would be to enable them to sit and vote at a hearing concerning the conduct of Councillors. However, this would only be possible for the cases where each Council has agreed to be part of the Joint Committee. All other cases would have to be considered by a separate Standards Committee solely made up of Warwick District Councillors. All other matters would need to remain within the remit of Warwick District Council i.e. the procedures for considering complaints and revising the Code of Conduct for the District Council.

3.4 Baddesley Clinton Parish Council, Weston-Under-Wetherley Parish Council, Leek Wootton Parish Council and Radford Semele Parish Council indicated they would like to join the Committee but they are yet to pass the resolution to join the Standards Committee of Warwick District and amend their standing orders to reflect this.

3.5 Eathorpe, Hunningham, Offchurch and Wappenbury Parish Council has declined to join the Standards Committee of Warwick District.

3.6 Officers also sought to ensure each Parish/Town Council understood the power they were delegating to the Joint Committee and for this reason they had provided a template report for them to use.

3.7 During the subsequent review of the proposal it was clear Officers had not taken into consideration, and therefore not provided guidance to Members, regarding the liability for decisions taken by the Joint Committee, support costs for the joint committee, or expenses for Members and how these should be shared. The District Council needs to take these issues into consideration because if a Joint Committee was established for those who wished to participate it would also need to appoint its own Standards Committee as well to consider all other cases from authorities not participating in the Joint Committee as well as the administrative functions outlined earlier.

3.8 The District Council would also need to be mindful, if the two Committees were established, of ensuring clarity on the role of each Committee both for Councillors and the public, along with ensuring consistency of training and decision making. Most of these could be overcome by ensuring the District Council appoints the same Councillors to both Committees and training is held at the same time.

- 3.9 There is a question on the representation of the Parish/Town Councils on the Joint Committee. At present, the proposal is for a Committee of 15. This would be 11 District Councillors and 4 Parish/Town representatives. While no Parish or Town Council has questioned this, there is a question of legitimacy of the Joint Committee if all parties are not represented by individual membership and this could lead to a challenge on decisions of a Joint Committee. This is because, to the best of officers' knowledge, no other Joint Standards Committee has been introduced with Parish & Town Councils at any other District authorities.
- 3.10 In addition to these points, officers recognise the low workload of the Standards Committee and it is felt to be a disproportionate time and effort to establish a Joint committee to the level of detail required.
- 3.11 The Standards Committee, in approving the Consultation, was aware that there was likely to be dissatisfaction with the revised proposal from Parish & Town Councils. The Committee had noted the limited number of code of conduct complaints that have been made since 2015 and that none of these have progressed to an investigation.
- 3.12 This Council is committed to engaging with Parish and Town Councils and the proposal continues to ensure a strong voice for the Parish & Town Councils as part of the consultation process.
- 3.13 The consultation started on 29 September and ran until midday on 13 November 2017. The District Council has received 3 responses to date about consultation. One in favour of the proposal from Kenilworth Town Council; and two against the proposal from Warwick & Whitnash Town Councils. These are set out at Appendix 1 to the report. Any responses received after the publication of the agenda on 7 November 2017 will be reported in an addendum to the Council.
- 3.14 The response from Whitnash Town Council was very detailed and for this reason officers, after consultation with Councillor Davies as Chairman of the Standards Committee, provided a response to this. This response is attached as Appendix 2 to the report.
- 3.15 While the majority of respondents to the consultation are against the proposal it there is a very low response (three from 24). Therefore it is recommended that the Joint Committee proposal should cease.

4. **Policy Framework**

4.1 **Fit for the Future (FFF)**

The Council's FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. To that end amongst other things the FFF Strategy contains several Key projects.

The FFF Strategy has 3 strands – People, Services and Money and each has an external and internal element to it. The table below illustrates the impact of this proposal if any in relation to the Council's FFF Strategy.

FFF Strands		
People	Services	Money
External		
Health, Homes, Communities	Green, Clean, Safe	Infrastructure, Enterprise, Employment
<u>Intended outcomes:</u> Improved health for all Housing needs for all met Impressive cultural and sports activities Cohesive and active communities	<u>Intended outcomes:</u> Area has well looked after public spaces All communities have access to decent open space Improved air quality Low levels of crime and ASB	<u>Intended outcomes:</u> Dynamic and diverse local economy Vibrant town centres Improved performance/productivity of local economy Increased employment and income levels
Impacts of Proposal		
Nil	Nil.	Nil
Internal		
Effective Staff	Maintain or Improve Services	Firm Financial Footing over the Longer Term
<u>Intended outcomes:</u> All staff are properly trained All staff have the appropriate tools All staff are engaged, empowered and supported The right people are in the right job with the right skills and right behaviours	<u>Intended outcomes:</u> Focusing on our customers' needs Continuously improve our processes Increase the digital provision of services	<u>Intended outcomes:</u> Better return/use of our assets Full Cost accounting Continued cost management Maximise income earning opportunities Seek best value for money
Impacts of Proposal		
Nil	Nil	If accepted there is a small saving through a reduction in the number of co-optees allowances previously paid to the Parish/Town Council representatives.

- 4.2 **Supporting Strategies** – This report does not relate to any of the supporting strategies within Fit for the Future.
- 4.3 **Changes to Existing Policies** – The report brings forwards amendments to the Constitution to ensure the Council has a Committee in place to consider appropriate case work if required by the Monitoring Officer.
- 4.4 **Impact Assessments** – An equality impact assessment has not been undertaken because the proposals are in relation to governance and operation of the Council and not amendments to Council Policy.
5. **Budgetary Framework**

- 5.1 The report does not impact on the Budgetary Framework of this Council.
- 5,2 If agreed there would be a saving of circa £800 (in total) that had previously been paid to the four Parish & Town Council representatives. However if the joint Committee approach is taken the Council would need to reconsider this payment as it, along with the Chairman's allowance, should be considered for an equal contribution to the payments from those authorities which joined the joint Committee.

6. Risks

- 6.1 The main risk associated with this report is continuing with the current position of the District Council to clearly identify that it had the necessary arrangements under the Localism Act 2011 in place if a case was to come forward.

7. Alternative Option(s) considered

- 7.1 The Council could decide that it wishes to proceed with a Joint Standards Committee but this is considered not a best use of resources for the reasons stated above.
- 7.2 The Committee could consider asking officers to look at alternative options for the Committee structure of District Council to see if they could be remodelled to provide a different structure.

The view from Warwick Town Council is leave well alone - it feels that this is correct group to deal with complaints.

Kenilworth Town Council, unanimously, fully supports the setting up of a Standards Committee of Warwick District Councillors, of which at least three would be dual hatted members who were also either on a Parish or Town Council.



WHITNASH TOWN COUNCIL

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Town Clerk

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23rd October 2017

Mr Graham Leach
Democratic Services Manager and
Deputy Monitoring Officer
Democratic Services
Warwick District Council
Riverside House
Milverton Hill
Royal Leamington Spa
CV32 5HZ

Dear Mr Leach

Warwick District Joint Standards Committee

Members of Whitnash Town Council discussed the proposal for the Joint Standards Committee for Warwick District at the Town Council meeting last week.

Our Members do not agree with this proposal.

Town and Parish Councils, which have signed up to the District Code of Conduct, are being penalised because of the few Town and Parish Councils that have not signed up.

Town Councillors have the right, and the clear expectation that they will be judged by other town councillors. It is not correct to expect 'double hatted' District and Town councillors to be 'Town councillors' at a district meeting when they are operating in their capacity as district councillors.

If the Joint Standards Committee want 'twin hatted' District councillors, clarity is needed about which hat they going to be wearing when adjudicating a specific case.

The District Councillors often follow party political lines and in the past the Parish / Town councillors have tended to operate independently in each case.

Separating Town / Parish councillors from District Councillors gives Town / Parish councillors a clearer voice on matters.

The District Council signed up to work in partnership with Town / Parish Councils and this would be a step against it.

The approach to the Joint Standards Committee has worked well in the past, so if it isn't broken why fix it for the few councils which have not signed up to the District Code of Conduct?

Yours sincerely

A handwritten signature in black ink that reads "Jenny Mason". The signature is written in a cursive style with a large, looped initial "J" and a distinct "M" for "Mason".

Jenny Mason
TOWN CLERK

From: Graham Leach
Sent: 06 November 2017 11:18
To: 'jenny.mason@whitnashtowncouncil.gov.uk'
Cc: Richard Davies; Andrew Jones
Subject: Warwick District Standards Committee

Dear Mrs Mason,

Thank you for your letter on behalf of Whitnash Town Council regarding the Warwick District Joint Standards Committee.

I feel it is important to provide a few points of clarification.

The proposal not to proceed with the Joint Standards Committee does not relate to the adoption of the Code of Conduct by a Parish or Town Council. The matter relates to the Councils agreeing to be members of the Joint Standards Committee and confirming they have amended their procedure rules to show they have delegated authority to appoint to the proposed Joint Committee. As not all Council's had agreed to this, and/or demonstrated they had put these arrangements in place, the District Council was left in the position of either changing the approach (to the proposal as consulted on) or having two standards committees.

In the scenario of having two Standards Committees, the first would be responsible for handling cases which related to Councillors from those Councils who had agreed to be part of the Joint Committee. This would be formed of 11 District Councillors plus potentially four representatives for the Parish/Town Councils. There would have to be a second committee comprising of just District Councillors to consider those cases for Members of those Councils who had not agreed to join the Committee or put the necessary arrangements in place.

The legislation for the Localism Act, which these arrangements are brought forward under, requires the District Council to have arrangements in place for determining complaints – however, they do not state what these should be. The current arrangements for a holding a hearing within Warwick District are as follows:

"The Panel will comprise of 5 members of the Standards Committee. It will consist of Councillors drawn from at least 2 different political parties. For complaints against District Councillors there will be at least one Parish/Town Councillor on the Panel and for complaints against Town/Parish Councillors there will be at least one District Councillor on the Panel."

These arrangements, therefore, only guarantee that there should be a Parish/Town Councillor for hearings regarding the conduct of a Parish or Town Councillor.

The Councillors on a hearing Panel, would need to be considering the case on its merits and the evidence in front of them and not on political grounds. It should be noted that of those members nominated to represent the Parish/Town Council, two of the three were members of registered political parties. The key to having dual hatted members on the proposed Committee is to enable Councillors to bring forward their knowledge and experience of being a member of a Parish or Town Council.

The District Council has considered the impact for those Councils who had agreed to join the Joint Committee, and whilst it notes the Whitnash Town Council statement of "if it ain't broke don't fix it", there are other considerations which suggest issues exist that have not previously been considered or resolved and which are hard to mitigate against.

The District needs to be confident that the arrangements in place are robust and cannot be challenged. On reviewing the last four years, officers did not think this was the case. Officers also considered that if there was a joint Committee, an option existed to share a cost of the Committee. At present, the cost of this is at least £2750 per annum, minus officer time and the potential costs of hearings, and that this expenditure could be shared between the Council's on the Joint Committee. Thought was also given to the sharing of risk and liabilities

for the Joint Committee (because it would not just be District Councillors taking a decision) and how this could be shared between the participating authorities. This was combined with the remaining need for the District Council to have a second Committee as set out above, where the District Council would take all liability. In addition, having these two committees would remove clarity for all parties about the responsibility.

Therefore it was considered, in these circumstances, that the best approach would be to have a single Committee which Warwick District Council took all responsibility for including both cost and liabilities.

This said Warwick District Council is still committed to working with Parish & Town Council's which is why it decided to consult on the proposals before taking a decision and also sought to enhance its consultation process for any future proposed revisions. This enhancement would enable all Council's (less Kenilworth Town Council who are not members of WALC but support these proposals) to have an informed discussions on changes proposed and participate in the discussions, rather than limiting this to four representatives.

Yours sincerely

Graham Leach

Democratic Services Manager and
Deputy Monitoring Officer

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