

 Standards Committee 5 July 2017		Agenda Item No. 5
Title	Joint Standards Committee	
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Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?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	
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	3/7/2017	Andrew Jones
Head of Service		
CMT		
Section 151 Officer		
Monitoring Officer	3/7/2017	Andrew Jones
Finance		
Portfolio Holder(s)	3/7/2017	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 for consultation on the future operation of Warwick District Council's Standards Committee.

2. **Recommendation**

- 2.1 The Standards Committee consults with all Parish & Town Council's in Warwick District and Warwickshire Association of Local Councils up to Monday 25 September on the proposals that;

"That Warwick District Council intends not to proceed with a Joint Standards Committee with all Parish & Town Councils.

In its place, Warwick District Council commits that any revisions to the Code of Conduct or associated processes will be consulted on with all Parish & Town Councils for at least 6 weeks. These processes 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 Council's in Warwick District.

Warwick District Council will also 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.

That all Parish & Town Councils will continue to 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.

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."

- 2.2 That, as an interim measure, this Council recommends that Warwick District Council confirms the above arrangements and makes any necessary amendments to the Constitution, up to 16 November 2017 when it will consider the outcome of the consultation but that during this time Councillors Guest (Warwick Town Council), Smart (Whitnash Town Council) and Mrs Gabitas (Bishops Tachbrook Parish Council) be appointed as non-voting co-optees to the Committee.

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 this has now been reviewed by officers.
- 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 from 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 In addition 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 Committee should be aware that there is likely to be dissatisfaction with the revised proposal from Parish & Town Councils. However, the Committee should be aware of 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 provide this opportunity and also as an interim provides the role for nominated Councillors to ensuring a strong voice for the Parish & Town Council's as part of the consultation process. It should, however, be noted that co-opted members to a Committee (excluding few specific circumstances with Scrutiny) cannot be voting members.

3.13 A further nomination had been received from Cubbington Parish Council however this Councillor has since resigned from the Parish.

4. **Policy Framework**

4.1 **Policy Framework** –The report does not impact on the Policy Framework of the Council.

4.2 **Fit for the Future** – The report does not directly impact on Fit for the Future and its aims but is in line with its values of engagement and communication.

5. **Budgetary Framework**

5.1 The report does not impact on the Budgetary Framework of this Council or its budget.

6. **Risks**

6.1 The main risk associated with this report is continuing with the current position of the District Council along with dissatisfaction with the Parish & Town Councils about the proposal.

7. **Alternative Option(s) considered**

7.1 The Standards Committee 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.

7.3 The Committee could consider permanently co-opting representatives from the Parish/Town Councils, while officers do not object to this, previously this Committee has rejected this proposal because they felt there was a need for them to have a vote to ensure they were engaged.