

 Standards Committee 18 November 2015		Agenda Item No. 3
Title	Revised Code of Conduct for Warwick District Council	
For further information about this report please contact	Graham Leach 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Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?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	Council 25 February 2015 Minute 88	
Background Papers	Localism Act 2012, first and second Consultation Responses, Minutes and Agendas of the Standards Committee.	

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	10/11/2015	Andrew Jones
Head of Service		
CMT		
Section 151 Officer		
Monitoring Officer	10/11/2015	Andrew Jones
Finance		
Portfolio Holder(s)		
Consultation & Community Engagement		
Final Decision?		No
Suggested next steps (if not final decision please set out below)		
Subject to the decision of the Committee there made need to be a matter considered by Council.		

1. **Summary**

- 1.1 To update the Committee on the progress made in relationship to; the revised Code of Conduct as adopted by Warwick District Council in February 2015; and the arrangements for a Joint Standards Committee for Warwick District.

2. **Recommendation**

- 2.1 The Committee notes that Baddesley Clinton Parish Council, Eathorpe, Hunningham, Offchurch and Wappenbury Joint Parish Council, Radford Semele Parish Council and Warwick Town Council have not adopted the revised Code of Conduct and asks them to provide a copy of the Code they are using.
- 2.2 The Committee recommend to Council that a Joint Standards Committee is not offered to the Parish & Town Councils in Warwick District on the basis that not all Parish/Town Council's have signed up to the proposal.
- 2.3 The Committee ask the Monitoring Officer to write to all Parish & Town Councils regarding the above decision, if approved by Council, and seeking nominations for co-option to the Committee, which would take place at Standards meeting in December 2015.
- 2.4 The Committee notes the verbal update on the receipt and publication of Disclosable Pecuniary Interests from Parish & Town Councillors following the election in May 2015.

3. **Reasons for the Recommendation**

- 3.1 Parish and Town Councils are entitled to adopt any Code of Conduct that they feel meets the requirements of the law. The Council can therefore accept that Baddesley Clinton Parish Council, Eathorpe, Hunningham, Offchurch and Wappenbury Joint Parish Council, Radford Semele Parish Council and Warwick Town Council had adopted their own preferred model or continued with the previous recommended Code of Conduct from the District Council.
- 3.2 In February 2015 Warwick District Council agreed to continue a Joint Standards Committee with all Parish and Town Councils within the District. 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 they had brought forward the proposals for a Joint Committee. However it was recognised that if all Parish & 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 & 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. To ensure the Committee could act in confidence of being 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.

- 3.3 Eathorpe, Hunningham, Offchurch and Wappenbury Joint Parish Council and Shrewley Parish Council have refused the offer to form a Joint Standards Committee. In addition none of Ashow & Stoneleigh, Baddesley Clinton, Bishop's Tachbrook, Bubbenhall, Burton Green, Hatton, Radford Semele and Warwick Town Council, have despite requests confirmed if they do or do not wish to participate in a Joint Standards Committee arrangement. Therefore, as ten of the 24 Parish/Town Councils in Warwick District either do not want a Joint Committee or have not confirmed if they do, officers cannot provide the assurance to the Council that a Joint Committee can act lawfully across all Parish & Town Councils in Warwick District.
- 3.4. The recommendation of co-option provide the Parish & Town Councils with a voice on the Standards Committee to provide their views, but would remove the ability for them to vote on matters being considered by the Committee.
- 3.5 With regard to recommendation 2.4 each Councillor is required, under the Localism Act, to disclose any pecuniary interest within 28 days of election. Copies of these should be passed by the Clerk to the relevant Council, to the Monitoring Officer and the Monitoring Officer should ensure that they are published on the District Council's website. It should also be noted that the relevant Parish/Town Council should also publish their Councillors' Disclosable Pecuniary Interests on their Parish/Town Council website. However Warwick District Council has taken a pragmatic view to this and provided a link for each Parish & Town Council to include on their website.

4. **Policy Framework**

- 4.1 **Policy Framework** – The report does not impact on the Council's Policy Framework.
- 4.2 **Fit for the Future** – The report does not directly impact on Fit for the Future or the Sustainable Community Strategy.
- 4.3 **Impact Assessments** – This report has no or minimal impact on the equalities of individuals.

5. **Budgetary Framework**

- 5.1 The report does not impact on the Council's Budgetary Framework or budget.

6. **Risks**

- 6.1 The main risks from the proposal concerns a potential disengagement in the Standards process from those Councils which wished to continue with a Joint Committee. However in terms of fairness and transparency it was difficult to recommend the continuation of the Joint Standards Committee for the District if not all parties wished to participate.

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

- 7.1 It was considered that rather than co-opting to the Standards Committee that observers were requested from the local Parish & Town Councils in a similar role to observers to the Executive. This in essence is no real difference to being a co-optee to the Committee as they would also not be entitled to vote but could still address the Committee. The only practical difference would be that

they were not entitled to an allowance to cover expenses of attending meetings.

- 7.2 Consideration was given to continuing with a Joint Standards Committee however this was not taken forward because of the reasons set out in section 3 of the report. In addition to this while it is recognised this is a technical area of law, all Parish & Town Councils were provided with a template report to cover the introduction of the new Code of Conduct, arrangements associated with this and the proposed Joint Committee. This was with a view to reducing the burden or work required on Parish and Town Council Clerks but also to ensure the specific points were available in detail for the relevant Council to consider.