

# STANDARDS COMMITTEE

Minutes of the meeting held on Monday 21 July 2014 at the Town Hall, Royal Leamington Spa at 6.00 pm.

**Present:** Councillors Mrs Bunker, Mrs Higgins, Mrs Knight, Pratt, Mrs Syson, Weber and Williams.

Parish and Town Council representatives: Councillor Cooke.

## **Also Present:**

Independent Person Mr R Meacham.

Officers: Mr A Jones (Deputy Chief Executive & Monitoring Officer) and Miss A Carnall (Committee Services Officer).

Apologies for absence were received from Councillors Brookes, Ms De-Lara-Bond, and Mrs Mellor and from Parish and Town Representatives Councillor Mrs Gordon and Owen.

## 1. **Substitutes**

Councillor Weber substituted for Councillor Ms Dean.

## 2. **Declarations of Interest**

There were no declarations of interest.

## 3. **Appointment of Chairman**

It was proposed, duly seconded and

**Resolved** that Councillor Norman Pratt be appointed Chairman of the Committee for the ensuing municipal year.

## 4. **Appointment of Vice-Chairman**

It was proposed, duly seconded and

**Resolved** that Councillor Glenn Williams be appointed Vice-Chairman of the Committee for the ensuing municipal year.

## 5. **Gypsy & Traveller sites - Dispensations**

The Committee considered a report from the Deputy Chief Executive and Monitoring Officer that sought dispensation for Councillors Boad, Caborn, Gifford, Kirton and Shilton in respect of the matter to be considered on the Council agenda of 13 August 2014 entitled *Gypsy & Traveller sites*.

## **STANDARDS COMMITTEE MINUTES (Continued)**

Within the Council's Constitution, the Standards Committee was responsible for considering and determining requests for dispensation from requirements relating to the Code of Conduct for Councillors (which included the matter of DPI). Dispensations could be granted, in certain circumstances, allowing a Councillor to speak and vote where they had a DPI.

The Council agenda of August 2014 included an item entitled *Gypsy & Traveller sites*. Consideration of this report would lead to an extremely important decision for the Council. It was essential that all members of the Council had the opportunity to express a view and vote on the proposed sites because not having that opportunity would be denying their constituents a voice and would also be inappropriate given the significance of the subject matter.

With the introduction of the Localism Act 2011, Councillors were required to declare any Disclosable Pecuniary Interests (DPI). To not do so was a criminal offence and would also be in breach of Warwick District Council's Code of Conduct for Councillors. With regard to the purpose of this report the relevant DPI was:

- An interest of yourself or your partner within the following description(s) –

<b>Subject</b>	<b>Prescribed description</b>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.

A consequence of declaring a DPI is that a Member present at a meeting which is discussing a matter which gives rise to the DPI shall:

- (a) not participate in any discussion of the matter at the meeting and must leave the room for the duration of this item.
- (b) not participate in any vote taken on the matter at the meeting.
- (c) disclose the interest to the meeting.

As any "office ... carried on for...gain" was a DPI, there was, therefore, an argument that being a County Councillor was "an office carried on for gain" because County Councillors received an allowance and, since they were collectively the embodiment of the County Council, they had a stake whenever the interests of the County Council were affected with the associated implications for attending meetings and voting.

An element of the *Gypsy & Traveller sites* proposals was the allocation of land east of Europa Way which would then lead, in all probability, to a capital receipt for the landowner. The land was held by Warwickshire County Council (WCC). The financial interests of the County Council were certainly affected by any decision on allocation of the site on Europa Way in the *Gypsy & Traveller sites* proposals and thus County Councillors who were also District Councillors (or a District Councillor and the partner of a County Councillor) were at risk of being caught up in the DPI provisions.

## **STANDARDS COMMITTEE MINUTES (Continued)**

As highlighted at previous meetings, the dispensation for Councillor Boad was slightly different to the other Councillors. This was because Councillor Boad had a DPI due to his wife being a Warwickshire County Councillor and not himself.

Mr Jones presented the report and reminded Members that given the nature of the matter to be considered, officers considered it appropriate that all Councillors had the opportunity to speak and vote on the issues.

Members were in agreement that this was an important local issue and Councillors should be given the ability to represent the views of their constituents.

**Resolved** that dispensations be granted to Councillors Boad (Leamington Crown) Caborn (Lapworth), Gifford (Leamington Milverton), Kirton (Whitnash) and Shilton (Kenilworth Park Hill) from the restrictions in section 31(4) Localism Act 2011 thereby allowing them to speak and vote on the matter on the Council agenda of August 2014 entitled *Gypsy & Traveller sites* on the grounds that:

- Granting the dispensation is in the interests of persons living in the authority's area; and
- It is otherwise appropriate to grant a dispensation.

(The meeting ended at 6.06 pm)