

 Council 27th June 2012		Agenda Item No. 15
Title	New Standards Regime	
For further information about this report please contact	Andrew Jones 01926 456830 Andrew.jones@warwickdc.gov.uk Graham Leach 01926 453375 Graham.leach@warwickdc.gov.uk	
Wards of the District directly affected	All	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?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	Executive 15 February 2012 Overview & Scrutiny Committee 14 February 2012 Standards Committee 1 February 2012 Council 7 March 2012	
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 & Sustainability Impact Assessment Undertaken	Not required

Officer/Councillor Approval	Date	Name
Chief Executive	15 th June 2012	Chris Elliott
CMT	15 th June 2012	Chris Elliott Bill Hunt Andrew Jones
Section 151 Officer	15 th June 2012	Mike Snow
Monitoring Officer	15 th June 2012	Author
Portfolio Holder	15 th June 2012	Councillor Caborn

Consultation & Community Engagement	
<p>Executive established a Working Group to formulate the new Standards arrangements for Council's consideration. Working Group Members are – Councillor Caborn (Chairman); Councillor Davies; Councillor Falp; Councillor Mrs Syson; Councillor Wilkinson; Councillor Williams.</p> <p>Warwickshire and West Midlands Association of Local Councils – Secretary (Alison Hodge) and Chairman (Councillor Vaughan Owen) have been part of the Working Group as has Christopher Purser the current Chairman of the Standards Committee.</p>	
Final Decision?	Yes
Suggested next steps (if not final decision please set out below)	

1. **SUMMARY**

- 1.1 This report brings forward the proposals for a new Standards regime for Warwick District Council, which includes a new Code of Conduct; the arrangements for a new Standards Committee; the process for handling complaints about Councillors; and amendments to Standing Orders.

2. **RECOMMENDATIONS**

- 2.1 That Council approves the new Code of Conduct as set out at **Appendix A**.
- 2.2 That Members note that Part B (Disclosable Pecuniary Interests) of the new Code of Conduct is a legal requirement and provides for criminal sanction should Members not reveal any Disclosable Pecuniary Interests.
- 2.3 That Council approves the revised Warwick District Council Standards Committee Guide as set out at **Appendix B**.
- 2.4 That Council approves the procedure for handling complaints about Councillors, as set out at **Appendix C**.
- 2.5 That subject to agreeing recommendation 2.1, Council recommends to all Parish & Town Council's within Warwick District adoption of the new Code of Conduct;
- 2.6 That Council approves that the current co-opted Parish & Town Council Standards Committee members transfer to the new Standards Committee until Parish & Town Council elections in May 2015.
- 2.7 That subject to agreeing recommendations 2.1 to 2.3, Council approves the following revisions to the Council's Constitution:
- Council Procedure Rules, as set out at **Appendix D**;
 - Article 9 of the Constitution, as set out at **Appendix E**; and
 - Part 3 – Section 2 Council Functions, as set out at **Appendix F**;
- 2.8 That Council agrees that the Monitoring Officer, in collaboration with the Independent Person(s) and new Standards Committee Chairman, develops procedures for *Conducting an Investigation and Standards Committee Decision Making*.
- 2.9 That Council agrees that the Monitoring Officer bring forward for approval any changes to the arrangements contained in this report once the new Code of Conduct and Standards Committee have bedded-in.

3. **REASONS FOR THE RECOMMENDATION**

- 3.1 The Localism Act 2011 has abolished the Model Code of Conduct for Councillors with effect from 1st July 2012. However, there is a requirement for this Council to adopt a new Code of Conduct to govern elected and co-opted Members' conduct when acting in that capacity. At its meeting of 15th February 2012, Executive agreed that a Member Working Group should be established to, amongst other things, formulate a Code of Conduct for this Council.

- 3.2 At the same time as the Working Group was undertaking its work, the Local Government Association (LGA) and Department for Communities and Local Government (DCLG) were preparing their own respective suggested Codes to assist Councils with their deliberations. The Working Group has decided that it should recommend to Council the LGA's version of the Code but also include the ten General Principles contained in the current Code. At Appendix A is the recommended Code of Conduct.
- 3.3 Members attention is specifically drawn to Part B of the Code which deals with *Interests*. In particular the requirement to reveal any Disclosable Pecuniary Interests (DPI) is of the utmost importance as failure to comply with the Government's Regulations could leave a Member open to criminal sanction. The Monitoring Officer will be providing training on this area for all Members.
- 3.4 The Localism Act repeals Section 55 of the Local Government Act 2000, which provides for the current statutory Standards Committee. There is therefore no requirement for a Standards Committee. However, the Act requires that this Council adopts "arrangements" for dealing with complaints against Members and those complaints are dealt with in accordance with such "arrangements". The "arrangements" must set out in some detail the process for dealing with complaints of misconduct and the actions which may be taken against a Member who is found to have failed to comply with any of the provisions of the new Code of Conduct.
- 3.5 This Council agreed that a new Standards Committee should be established to oversee the "arrangements" and deal with complaints against Councillors. The Working Group has developed the purpose, composition, role and duties & responsibilities of the Standards Committee and these are shown at Appendix B for Council approval. At Appendix C are the detailed arrangements for dealing with complaints which also require Council approval.
- 3.6 This Council will continue to have responsibility for dealing with complaints against elected and appointed members of Parish and Town Councils but the current Parish/Town Council Standards Committee representatives will cease to hold office. For the new Standards Committee there is a choice between:
- Establishing a Standards Committee as a Committee of the District Council, with co-opted but non-voting Parish/Town Council representatives (which could then only make recommendations in respect of Parish Council members); or
 - Establishing a Standards Committee as a Joint Committee with the Parish/Town Councils within the District (or as many of them as wish to participate) and having a set number of Parish/Town Council representatives as voting members of the Committee (which could then take operative decisions in respect of members of Parish/Town Councils, where the Parish/Town Council had delegated such powers to such a Joint Standards Committee).
- 3.7 The Working Group is of the view that the latter option should be recommended and this is reflected in Appendix B to this report. Although it is not a requirement for Parish & Town Councils to adopt the same Code of Conduct as the District Council, from the aspect of consistency, ease of administration and cost limitation it is recommended that all Parish & Town Councils be encouraged

to adopt the District Council's Code of Conduct: Warwickshire and West Midlands Association of Local Councils' Secretary and Chairman, who were members of the Working Group, support this approach.

- 3.8 The Council's current Standards Committee has four co-opted Parish & Town Council members who were appointed following a Parish/Town Council election process. The Working Group is proposing that the same number (4) of Parish/Town Councillors is co-opted onto the new Standards Committee. Should Council approve the composition of the new Standards Committee, it is recommended that the co-opted Parish/Town Councillors who serve on the current Committee are co-opted onto the new Committee.
- 3.9 The Council's Constitution is written to reflect the current Model Code of Conduct and Standards Committee arrangements. If Council agrees to adopt the recommended new Code of Conduct and Standards Committee arrangements then consequential alterations to the Council's Constitution will be required. These amendments are shown in Appendices D to F and are recommended for Council approval.
- 3.10 The current arrangements for conducting Standards investigations and the decision making process of the Standards Committee are very tightly prescribed by Standards for England. It is felt by officers that the procedures are overly bureaucratic and have significant cost implications for the Council. Against this, the current procedures ensure that proceedings are fair and impartial. It is therefore recommended that in collaboration with the soon to be appointed Independent Person(s) and the Chair of the new Standards Committee, the Monitoring Officer devises procedures in respect of conducting investigations and Standards Committee decision making.
- 3.11 The new approach to the Code of Conduct and Standards Committee is uncharted territory for Councils throughout England & Wales. There will obviously be learning points as the new arrangements get up-and-running. It is therefore recommended that the Monitoring Officer maintains close scrutiny of how the arrangements are working bringing any further changes to Council as required.

4. POLICY FRAMEWORK

- 4.1 The Appendices to this report recommend significant changes to the Council's Constitution. If the changes be agreed the Constitution will be updated accordingly.

5. BUDGETARY FRAMEWORK

- 5.1 The Council has established budgets to deal with the current Standards Committee arrangements. It is not envisaged that any increase in budget will be required and there may be scope for reduction. The situation will be monitored over the next twelve months.

6. ALTERNATIVE OPTION(S) CONSIDERED

- 6.1 The Working Group has examined various options as it has undertaken the different aspects of its work. These alternatives are not reproduced here but

access to the working papers can be provided by the Council's Monitoring Officer.

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 their 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, 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.
- Recognising that by failing to adhere to the Code, I could bring my office or Council into disrepute.

Part B - 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 relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992 ⁽¹⁾ .
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (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 includes an easement, servitude, interest or right in or over land which	Any beneficial interest in land which is within the area of the relevant authority.

(1) 1992 c. 52.

does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income	
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person 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 ⁽²⁾ 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 M's knowledge) has a place of business or land in the area of the relevant authority; 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;
- “M” means a member of the relevant authority;
- “member” includes a co-opted member;
- “relevant authority” means the authority of which M is a member;
- “relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) of the Act;

(2) 2000 c. 8.

- “relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

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 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 authority, or any committee, sub-committee, joint committee or joint sub-committee of the authority, and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting:
 - (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 (Unless dispensation has been granted by the Standards Committee).
 - (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: In addition, Council Procedure rule 36 requires you to leave the room where the meeting is held while any discussion or voting takes place.

- (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 authority may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

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
- (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

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

Other interests

1 Notification of interests

- (1) Subject to paragraph 4 (below), Sensitive interests, you must, within 28 days of—
 - (a) this Code being adopted by or applied to your authority;
 - (b) your election or appointment to office (where that is later); or
 - (c) any changes occurring to the declared interest

Notify the Monitoring Officer in writing of the details of your personal interests, where they fall within the categories at 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 your authority, and where you are aware or ought reasonably to be aware of the existence of the personal interest, and you attend a meeting of your authority 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 your authority 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—
 - (i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;
 - (ii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.
 - (B) In sub-paragraph (2) (A), a *relevant person* is—
 - (a) a member of your family or any person with whom you have a close association; or
 - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

- (d) any body of which you are a member is affected by the matter being considered.
- (C) You have a personal interest in any business of your authority in those matters set out under Disclosable Pecuniary Interests at Part B paragraph 1.
- (3) Where you have a personal interest in any business of your authority which relates to or is likely to affect a 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 authority 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 your authority 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 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 and will be published on the authority's website.

Where a disclosable pecuniary interest is notified to the Monitoring Officer it need not be separately notified or separately registered as an interest under this Code.

4 Sensitive interests

Where you consider that disclosure of the details 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 pecuniary interest

- (1) Where you have a personal interest in any business of your authority and you also have a pecuniary interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business—
 - (a) affects your financial position or the financial position of a person or body described in paragraph 2;
 - (b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph;
 - (c) or relates to any disclosable pecuniary interest.

Then paragraph 2 shall apply.

- (2) Subject to paragraph (3) and (4), where you have a pecuniary interest in any business of your authority—
 - (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.
 - (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: In addition to the above requirements Council Procedure Rule 37 requires you to leave the room where the meeting is held while any discussion or voting takes place.

- (3) Where you have a pecuniary interest in any business of your authority, 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) Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a pecuniary interest that relates to the functions of your authority in respect of—
 - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you 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 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.
- (5) Where, as an executive member, you may discharge a function alone, and you become aware of a pecuniary 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 your authority (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 your authority'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,

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 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 and the date it was received.



WARWICK DISTRICT COUNCIL **STANDARDS COMMITTEE** **GUIDE**

Warwick District Council has decided to have a Standards Committee. Its main purpose is to promote and maintain high standards of conduct and governance within the Council and within the Parish and Town Councils within the District. The full role and responsibilities of the Committee are set out within Article 9 of the Warwick District Council's Constitution.

The Committee comprises: ten Warwick District Councillors and four Parish/Town Council representatives. In addition the Council's Independent Persons will be invited to attend the meetings but shall not have voting rights.

The ten Warwick District Councillors are appointed to the Committee at the Annual Council meeting. The four Parish/Town Council representatives are appointed every four years with each Parish/Town Council being given the opportunity to nominate a member for appointment and to vote on who they think should be on the Committee as their representatives. However these representatives shall be formed of two Councillors from Town Councils and one Councillor from a Parish Council within the Warwick Rural East and Warwick Rural West Community Forum areas respectively.

The Standards Committee is responsible for the assessment of complaints about all Warwick District Councillors and Parish/Town Councillors within Warwick District, in relation to any potential breach of the Code of Conduct for Councillors.

Member of the Standards Committee – Role Description

These are taken from Article 9 and Part 3 (Council Choice Functions) of the Warwick District Council constitution, where they are set out in detail.

Main Role

To attend meetings of the Standards Committee to:

- (a) assist in the maintenance of high standards of conduct for Members of the District Council and Parish/Town Councils within the District; and
- (b) assist in the consideration of complaints brought in respect of the conduct of Members of those Councils at (a).

Duties and responsibilities

As a member of the Council's Standards Committee, to:

1. be responsible for promoting and maintaining high standards of conduct by members of the District and Parish/Town Councils within the District;

2. monitor the operation of the Council's Code of Conduct relating to members and employees;
3. consider reports or matters referred to the Standards Committee by the Council's Monitoring Officer;
4. attend meetings of the Committee as and when required;
5. participate in any training sessions arranged to assist with the carrying out of the responsibilities of the Committee;
6. be involved in the determination of any complaints referred to the Committee in relation to the conduct of any District or Parish/Town Councillor within the District (as set out with the procedure adopted by the Standards Committee);
7. act as a member of the Standards Committee for the Parish and Town Councils (where relevant); and
8. be responsible, as a member of the Standards Committee, for any other function delegated by the Council to the Committee.

Independent Persons of the Standards Committee

It is a legal requirement, of the Localism Act 2011, that Warwick District Council appoints an Independent Person to assist in matters relating to a potential breach of the Code of Conduct. The Council will select a person who will command the respect of Council Members and the local community.

They will be invited to attend all meetings of the Standards Committee and Hearings Panels, but not to be a formal member of the Committee or Panel. They will need to be available to be consulted by Members against whom a complaint has been made. Where they have been so consulted, they would be unable to be involved in the determination of that complaint.

Ultimately, it is the way the Independent Person operates independently, and is seen to operate independently, that should enhance confidence in the integrity of the Standards Committee. It is also the Independent Person's status that should provide a clear signal that the Committee is fair.

Person Specification for an Independent Person

All appointments of an Independent Person are for a four year period.

<u>Experience</u>	<u>Essential or Desirable</u>	<u>Assessed by</u>
Membership or involvement in any organisational environment where decisions are taken in meetings	D	Application/ Interview
A person who can demonstrate an understanding of ethical issues	E	Application/ Interview
<u>Qualifications</u>		
Over 18 years of age	E	Application
A resident and local government elector of the District	D	Application

Skills, Knowledge, Abilities and Personal Qualities for an Independent Person

A person who is an active and respected member of the community	E	Interview
A person with some knowledge of Local Government	D	Application/ Interview
A person willing to serve the public interest and the local community	E	Interview
A person who can demonstrate honesty and integrity which has never been impugned	E	Interview
A person with the ability to look at issues objectively and make decisions on their merit	E	Interview
A person who can put aside political affiliation when making decisions	E	Interview
A person who understands the concept of accountability	E	Interview
A person willing to give reasons for decisions or actions taken in a spirit of openness whilst respecting issues of confidentiality	E	Interview
A person who can take account of the views of others but is able to reach their own conclusions on issues before them	E	Interview

A person who can show respect for others and the impartiality and integrity required of Council Officers	E	Interview
A person who can demonstrate an understanding of the duty to uphold the law and trust placed on them	E	Interview
A person who can demonstrate stewardship and prudence	E	Interview
A person with leadership qualities prepared to lead by example, always acting in a way that preserves public confidence	E	Interview

Other Requirements for an Independent Person

An ability to attend at least five evening meetings a year, plus training events	E	Interview
An ability to attend meetings in any part of the District and, if necessary, occasionally outside its boundaries	E	Interview
An ability to act as a consultee to members who have either made a complaint about a member or have had a complaint made about their conduct	E	Interview

Disqualifications of an Independent Person

Any of the following disqualifications prevent a person from being an Independent Person:

- (1) Employment by or Membership (including co-opted) of Warwick District Council in the last five years or an independent member of the Districts Standards Committee within the last five years
- (2) Any bankrupt or person who has made a composition or arrangement with creditors which is extant
- (3) Having, within five years of the appointment, a conviction for an offence resulting in a sentence of imprisonment (whether or not suspended) for a period of not less than three months without the option of a fine
- (4) A disqualification for being elected or being a member of an authority under the Representation of the People Act 1983 (corrupt electoral practices)
- (5) Being an officer of another local authority
- (6) Is or has been within the past 5 years, a member, co-opted member or officer of a Parish/Town Council within the Council's area

- (7) Being a relative of a Member or officer of the District Council or Parish/Town Council within Warwick District

For this purpose, "relative" means –

Spouse or civil partner;

Living with the other person as husband and wife or as if they were civil partners;

Grandparent of the other person;

A lineal descendent of a grandparent of the other person;

A parent, sibling or child of a person within paragraphs (1) or (6);

A spouse or civil partner of a person within paragraphs (1) or (6); or

Living with a person within paragraphs (1) or (6) as husband and wife or as if they were civil partners.

Person Specification for a Parish/Town Council representative on the Standards Committee

Must be a member of a Town/Parish Council wholly or mainly in the Council's area, who shall not be a member of the District Council

Must be appointed in accordance with adopted procedure.

Person Specification for a Warwick District Councillor on the Standards Committee

Must be an elected member of Warwick District Council but cannot be the Leader, Chairman or Vice Charman of the Council or any member of the Executive.

June 2012

Policy for Handling 'unreasonable complainant behaviour' and 'unreasonably persistent complainants' in respect of Complaints about Councillors.

Generally, dealing with a complaint is a straightforward process, but in a minority of cases people pursue their complaints in a way which can either impede the investigation of their complaint or can have significant resource issues for authorities. These actions can occur either while their complaint is being investigated, or once an authority has concluded the complaint investigation.

We use the terms 'unreasonable complainant behaviour' and 'unreasonably persistent complainants'.

For us, unreasonable complainant behaviour and unreasonably persistent complainants are those complainants who, because of the frequency or nature of their contacts with an authority, hinder the authority's consideration of their, or other people's, complaints.

Actions and behaviours of unreasonable and unreasonably persistent complainants

These are some of the actions and behaviours of unreasonable and unreasonably persistent complainants which authorities often find problematic. It is by no means an exhaustive list and local factors will vary, but they are examples that the Council consider relevant:

- Refusing to specify the grounds of a complaint, despite offers of assistance with this from the authority's staff.
- Refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- Refusing to accept that issues are not within the remit of a complaints procedure despite having been provided with information about the procedure's scope.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Making what appear to be groundless complaints about the staff dealing with the complaints, and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds and/or denying statements he or she made at an earlier stage.
- Introducing trivial or irrelevant new information which the complainant expects to be taken into account and commented on, or raising large numbers of detailed but unimportant questions and insisting they are all fully answered.
- Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.
- Adopting a 'scattergun' approach: pursuing a complaint or complaints with the authority and, at the same time, with a Member of Parliament/a councillor/the authority's independent auditor/local police/solicitors/the Ombudsman.
- Making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being looked into, by, for example, excessive telephoning or sending emails to numerous council staff, writing lengthy complex letters every few days and expecting immediate responses.
- Submitting repeat complaints, after complaints processes have been completed, essentially about the same issues, with additions/variations which the complainant insists make these 'new' complaints which should be put through the full complaints procedure.

- Refusing to accept the decision – repeatedly arguing the point and complaining about the decision.
- complaints that are instituted, without sufficient grounds, which intend to cause annoyance or embarrassment
- complaints that are not serious or sensible in content, attitude or behaviour, and unworthy of serious sensible treatment.
- complaint that has been previously considered and responded to through its complaints process and found not to be justified, unless sufficient new evidence can be provided.
- Combinations of some or all of these.

Who decides?

If a complaint is considered by the Monitoring Officer to be either unreasonable complainant behaviour and/or unreasonably persistent, they will consult with the Independent Person on what action should be taken.

How is a decision taken?

The Monitoring Officer will consider the aspects of the complaints in relation to the Policy. If it is considered there are aspects which fall within this Policy, they will consider what action should be taken.

If it is considered there are no aspects that fall within this policy no action will be taken and the complaints will progress through the normal channels.

What decisions can be taken

The following decision can be taken:

Refuse to investigate the complaint;

Refuse to investigate the complaint until complainant provides further information;

Explain that the Council's Corporate Complaints Policy has to be followed and nominate a single point of contact within the Council for the complainant;

How long any restrictions should apply to the complainant;

To accept the complaint;

Refer complainant to the Citizen's Advice Bureau for assistance in formulating their complaint;

Refuse to respond to further questions on a complaint already considered and refer the complainant to the LGO;

How restrictions can be lifted, when they will be reviewed and by whom.

Who is informed?

Any decision to take action under the policy will be communicated in writing to the complainant.

In addition to the complainant, the Chief Executive, relevant officers and Councillors, will be informed of the decision.

Only these people (detailed above), representatives on behalf of the complainants (once written consent is received) and the LGO will be entitled to receive the detailed information.

How can a decision be appealed ?

As the Monitoring Officer has taken the decision, if the complainant is unhappy with the decision they would need to submit their complaint along with their objection to

the decision of the Monitoring Officer for the Council not to investigate their complaint to the LGO.

Record

A record of all the decisions taken under this policy will be retained and reported annually to the Council's Standards Committee. This will be a summarised report which does not name individuals.

The details and reasoning behind any sanctions will be retained for five years after any sanctions have been lifted.

Arrangements for dealing with complaints against Councillors

1 Context

These arrangements set out how you may make a complaint that an elected or co-opted member of this Council or of a Parish/Town Council within its area has failed to comply with the Council's Code of Conduct and sets out how the Council will deal with allegations of a failure to comply with the its Code of Conduct.

Under Section 28(6) and (7) of the Localism Act 2011, the Council must have in place arrangements under which allegations that a member or co-opted member of the authority *or* of a Parish/Town council within the authority's area, or of a Committee or Sub-Committee of the Council, has failed to comply with its Code of Conduct, can be investigated and decisions made on such allegations.

Such arrangements must provide for the authority to appoint at least one Independent Person, whose views must be sought by the authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the Council at any other stage, or by a member or a member or co-opted member of a Parish/Town Council against whom an allegation as been made.

2 The Code of Conduct

The Council has adopted a Code of Conduct for members, which is attached as Appendix One to these arrangements, and available for inspection on the Council's website and on request from a Riverside House.

Each Parish/Town Council is also required to adopt a Code of Conduct and those in this District have been recommended to adopt the Code of Conduct used by Warwick District Council. If you wish to inspect a Parish/Town Council's Code of Conduct, you should inspect any website operated by the Parish/Town Council and request the Parish/Town clerk to allow you to inspect the Parish/Town Council's Code of Conduct.

3 Making a complaint

If you wish to make a complaint, please write or email to –

The Monitoring Officer
Riverside House
Leamington Spa
CV32 RRQ

The Monitoring Officer is a senior officer of the authority who has statutory responsibility for maintaining the register of members' interests and who is responsible for administering the system in respect of complaints of member misconduct.

In order to ensure that we have all the information which we need to be able to process your complaint, please complete and send us the complaint form, which can be downloaded from the Council's website, next to the Code of Conduct, and is available on request from a Riverside House.

Please do provide us with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form, in which case we will not disclose your name and address to the member against whom you make the complaint, without your prior consent. The authority does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

The Monitoring Officer will acknowledge receipt of your complaint within 5 working days of receiving it, and will keep you informed of the progress of your complaint.

4 Will your complaint be investigated?

The Monitoring Officer will review every complaint received and, after consultation with the Independent Person, take a decision as to whether it merits formal investigation. This decision will normally be taken within 14 days of receipt of your complaint. Where the Monitoring Officer has taken a decision, they will inform you of their decision and the reasons for that decision.

Where they require additional information in order to come to a decision, they may come back to you for such information, and may request information from the member against whom your complaint is directed. Where your complaint relates to a Parish/Town Councillor, the Monitoring Officer may also inform the Parish/Town Council or your complaint and seek the views of the Parish/Town Council before deciding whether the complaint merits formal investigation.

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the member accepting that their conduct was unacceptable and offering an apology, or other remedial action by the Council. Where the member or the Council make a reasonable offer of local resolution, but you are not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police and other regulatory agencies. In addition where a breach may relate to the work of a Councillor when acting at more than one authority the Monitoring Officer would liaise with appropriate officers at the relevant authorities.

The Council would normally expect, unless there are exceptional circumstances, a complaint to be made within 12 months of the potential failure of the code of conduct occurring.

5 How is the investigation conducted?

The Council has adopted a procedure for the investigation of misconduct complaints, which is attached as Appendix Two to these arrangements.

If the Monitoring Officer decides that a complaint merits formal investigation, they will appoint an Investigating Officer, who may be another senior officer of the authority, an officer of another authority or an external investigator. The Investigating Officer will decide whether they need to meet or speak to you to understand the nature of your complaint and so that you can explain your understanding of events and suggest what documents the Investigating Officer needs to see, and who the Investigating Officer needs to interview.

The Investigating Officer would normally write to the member against whom you have complained and provide them with a copy of your complaint, and ask the member to provide their explanation of events, and to identify what documents they need to see and who he needs to interview. In exceptional cases, where it is appropriate to keep your identity confidential or disclosure of details of the complaint to the member might prejudice the investigation, the Monitoring Officer can delete your name and address from the papers given to the member, or delay notifying the member until the investigation has progressed sufficiently.

At the end of their investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to you and to the member concerned, to give you both an opportunity to identify any matter in that draft report which you disagree with or which you consider requires more consideration.

Having received and taken account of any comments which you may make on the draft report, the Investigating Officer will send their final report to the Monitoring Officer.

6 What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will review the Investigating Officer's report and, if they are satisfied, after consultation with the Independent Person, that the Investigating Officer's report is sufficient, the Monitoring Officer will write to you and to the member concerned and to the Parish Council, where your complaint relates to a Parish Councillor, notifying you that they are satisfied that no further action is required, and give you both a copy of the Investigating Officer's final report. If the Monitoring Officer, after consultation with the Independent Person, is not satisfied that the investigation has been conducted properly, he may ask the Investigating Officer to reconsider their report.

7 What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will review the Investigating Officer's report and will then either send the matter for local hearing before a Hearings Panel or, after consulting the Independent Person, seek local resolution.

7.1 Local Resolution

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, they will consult with the Independent Person and with you as complainant and seek to agree what you consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the member accepting that their conduct was unacceptable and offering an apology, and/or other remedial action by the Council. If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee and the Parish/Town Council for information, but will take no further action. However, if you tell the Monitoring Officer that any suggested resolution would not be adequate, the Monitoring Officer will refer the matter for a hearing by the Hearings Panel.

7.2 Hearings Panel

If the Monitoring Officer considers that local resolution is not appropriate, or you are not satisfied by the proposed resolution, or the member concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will report the Investigating Officer's report to the Hearings Panel which will conduct a hearing before deciding whether the member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the member.

The Council has agreed a procedure for local hearings, which is attached as Appendix Three to these arrangements.

The Monitoring Officer will conduct a "pre-hearing process", requiring the member to give their response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing, and the Chair of the Hearings Panel may issue directions as to the manner in which the hearing will be conducted. At the hearing, the Investigating Officer will present their report, call such witnesses as they considers necessary and make representations to substantiate their conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask you as the complainant to attend and give evidence to the Hearings Panel. The member will then have an opportunity to give their evidence, to call witnesses and to make representations to the Hearings Panel as to why they considers that they did not fail to comply with the Code of Conduct.

The Hearings Panel, with the benefit of any advice from the Independent Person, may conclude that the member did not fail to comply with the Code of Conduct, and so dismiss the complaint. If the Hearings Panel concludes that the member did fail to comply with the Code of Conduct, the Chair will inform the member of this finding and the Hearings Panel will then consider what action, if any, the Hearings Panel should take as a result of the member's failure to comply with the Code of Conduct. In doing this, the Hearings Panel will give the member an opportunity to make representations to the Panel and will consult the Independent Person, but will then decide what action, if any, to take in respect of the matter.

The Hearing Panel will be subject to the access to information procedure rules for the Council.

8 What action can the Hearings Panel take where a member has failed to comply with the Code of Conduct?

The Standards Committee will establish a Hearing Panel with powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly the Hearing Panel may issue sanctions that are relevant and proportionate to the matter from within the options listed below: –

- 8.1 Publish its findings in respect of the member's conduct;
- 8.2 Report its findings to Council or to the Parish/Town Council for information;
- 8.3 Recommend to the member's Group Leader (or in the case of un-grouped members and Group Leaders, recommend to Council or to Committees) that they be removed from any or all Committees or Sub-Committees of the Council;
- 8.4 Recommend to the Leader of the Council that the member be removed from the executive, or removed from particular Portfolio responsibilities, or if it is the Leader of the Executive, make recommendations to Council;
- 8.5 Instruct the Monitoring Officer to or recommend that the Parish/Town Council arrange training for the member;
- 8.6 Remove or recommend to the Parish/Town Council that the member be removed from all outside appointments to which they have been appointed/nominated by the authority or by the Parish/Town Council;
- 8.7 Withdraw or recommend to the Parish/Town Council that it withdraw facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or
- 8.8 Exclude or recommend that the Parish/Town Council exclude the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings;
- 8.9 Require the member to apologise to the Council, in a meeting of the Full Council, including an explanation for their action;
- 8.10 When a member is asked to undertake training they will be asked to contribute half of the training cost to that authority;

The Hearings Panel has no power to suspend or disqualify the member or to withdraw members' basic or special responsibility allowances.

9 What happens at the end of the hearing?

At the end of the hearing, the Chair will state the decision of the Hearings Panel as to whether the member failed to comply with the Code of Conduct and as to any actions which the Hearings Panel resolves to take.

As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Hearings Panel, and send a copy to you, to the member and to the Parish/Town Council, make that decision notice available for public inspection and report the decision to the next convenient meeting of the Council.

When a member is a member of more than one Council the decision notice will also be sent to the proper officer and Monitoring Officer of those authorities so that they are aware the case.

Where a breach of the Code is found a copy of the decision notice will be published in a local newspaper and on the Council's website.

10 Who is the Hearings Panel?

The Hearings Panel is a Sub-Committee of the Council's Standards Committee. The Standards Committee has decided that it will comprise a maximum of five members of the Committee, and comprising members drawn from at least 2 different political parties. Subject to those requirements, it is appointed by the Monitoring Officer in Consultation with the Independent Person.

The Independent Person is invited to attend all meetings of the Hearings Panel and his views are sought and taken into consideration before the Hearings Panel takes any decision on whether the member's conduct constitutes a failure to comply with the Code of conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

11 Who is the Independent Person?

The Independent Person is a person who has applied for the post following advertisement of the vacancy and is the appointed by a positive vote from a majority of all the members of Council.

Any of the following disqualifications prevent a person from being an Independent Person:

- (1) Employment by or Membership (including co-opted) of Warwick District Council in the last five years or an independent member of a the District's Standards Committee within the last five years
- (2) Any bankrupt or person who has made a composition or arrangement with creditors which is extant
- (3) Having, within five years of the appointment, a conviction for an offence resulting in a sentence of imprisonment (whether or not suspended) for a period of not less than three months without the option of a fine

- (4) A disqualification for being elected or being a member of an authority under the Representation of the People Act 1983 (corrupt electoral practices)
- (5) Being an officer of another local authority.
- (6) Is or has been within the past 5 years, a member, co-opted member or officer of a Parish/Town Council within the Council's area
- (7) Being a relative of a Member or officer of the District Council or Parish/Town Council within Warwick District

For this purpose, "relative" means –

Spouse or civil partner;

Living with the other person as husband and wife or as if they were civil partners;

Grandparent of the other person;

A lineal descendent of a grandparent of the other person;

A parent, sibling or child of a person within paragraphs (1) or (6);

A spouse or civil partner of a person within paragraphs (1) or (6); or

Living with a person within paragraphs (1) or (6) as husband and wife or as if they were civil partners.

12 Revision of these arrangements

The Council may by resolution agree to amend these arrangements, and has delegated to the Chair of the Hearings Panel the right to depart from these arrangements where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.

13 Appeals

There is no right of appeal for you as complainant or for the member against a decision of the Monitoring Officer or of the Hearings Panel

If you feel that the authority has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman.

14 Policy for Handling 'Unreasonable complainant behaviour' and 'Unreasonably persistent complainants'

Generally, dealing with a complaint is a straightforward process but in a minority of cases people pursue their complaints in a way which can either impede the investigation or can have significant resource issues for authorities. These actions can occur either while the complaint is being investigated, or once an authority has concluded the complaint investigation.

For this reason the Council uses the terms 'unreasonable complainant behaviour' and 'unreasonably persistent complainants'. The definition for these is set out below:

"Unreasonable and unreasonably persistent complainants are those complainants who, because of the frequency or nature of their contacts with an authority, hinder the authority's consideration of their, or other people's, complaints."

The Council has an established practice on this and it is set out at Appendix four to this document.

(these will be appended prior to publication)

Appendix One	The authority's Code of Conduct
Appendix Two	Procedure for Investigations
Appendix Three	Procedure for Hearings
Appendix Four	Policy for Handling 'Unreasonable complainant behaviour' and 'Unreasonably persistent complainants'

Council Procedure Rule Addition and Revisions

To add a Council Procedure Rule 36

That any Councillor with a disclosable pecuniary interest must declare that interest in any relevant item at a meeting, and leave the room for the duration of that item, unless a dispensation has been granted by the Standards Committee.

If a member fails to do this, it will be considered as disorderly conduct and the Chairman will move that the Member leave the meeting as set out in procedure rule (15)

To amend Council Procedure 3 – Quorum of Meetings

Standards Committee: The quorum for a meeting of Standards Committee will be amended to as follows:

- (1) for the conduct of general business the quorum will be a quarter of the membership subject to a minimum of four; and
- (2) for the conduct of business directly relating to one or more parish or town councils, the quorum will be a quarter of the membership subject to a minimum of four as provided in (1) above, with the added requirement that at least one parish/town member must also be present when matters relating to parish/town councils or their members are being considered.

To amend Council Procedure Rule 15 Disorderly Conduct

To include clarification that:

The action of improper behaviour by a Member would include the participation of a Member in an item at a meeting when they have not been party to the consideration of all discussions for that item, therefore affecting proper consideration of an item and natural justice.

ARTICLE 9 - THE STANDARDS COMMITTEE

9.01 Standards Committee

The Council has established a Standards Committee to oversee the operation of the Council's Code of Conduct.

9.02 Composition

- (a) **Membership.** The Standards Committee will comprise 14 Members in total, calculated on the following basis, with each member to be of equal status:-
- Ten of the Committee to be District Councillors who shall not include the Leader, Chairman or Vice Charman of the Council nor any member of the Council's Executive; and
 - Four of the Committeeto be Parish or Town Councillors whose Parish/Town is wholly or mainly in the Council's area and who shall not be a Member of the District Council.
- (b) **Independent Persons.** The following provisions apply:-
- Independent Persons will be entitled to attend Standards Committee but not vote;
 - At least one of the Independent Persons must be present for the duration of a meeting of the Standards Committee for the proceedings of that meeting to be valid; and
- (c) **Parish/Town Members.** The following provisions apply:-
- At least one of the Parish/TownCouncil Members must be present when matters relating to Parish/TownCouncils or their Members are being considered;
 - Parish/Town Members will be entitled to vote at meetings.
- (d) **Substitutes.** There will be one named substitute for each District Council member of the Committee.

9.03 Role and Function

The Standards Committee role and functions is defined in Part 3 of the Constitution - Responsibility for Council Functions.

9.04 Quorum

The quorum for a meeting of Standards Committee shall be as set out within Council Procedure Rule 3.

Warwick District Council Constitution Part 3 Section 2 Council Functions

B. **STANDARDS COMMITTEE** (14 members as set out within Article 9)

To exercise the following duties, excluding ix, on behalf of this Council and all Parish/Town Council's within Warwick District, as a Joint Committee under the Local Government Act 1972:-

- 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 act on behalf of the Council and consider matters under the Local Standards Framework taking appropriate action in accordance with the legislative guidelines.
- vii. To recommend to the Council on the appointment of independent members and Parish/Town Council members on the Standards Committee and of the Code of Conduct adopted by the Parish and Town Councils in the district.
- viii. To consider and determine requests for dispensation from requirements relating to the adopted Members' Code of Conduct;
- 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 Whistle blowing policy, Member/Officer Code of Conduct (when the matter relates to member conduct; the approval and monitoring of the Corporate Complaints Policy.
- x. To grant dispensations were so requested.