

# STANDARDS COMMITTEE

Minutes of the meeting held on Tuesday 9 September 2014 at the Town Hall, Royal Leamington Spa at 6.00 pm.

**Present:** Councillor Pratt (Chairman); Councillors Mrs Bunker, Ms Dean, Ms De-Lara-Bond, Mrs Higgins, Mrs Knight, Mrs Syson and Williams.

Parish and Town Council representatives: Councillors Cooke, Owen and Smart.

**Also Present:**

Independent Persons: Mr R Meacham and Mr R Tomkinson.

Officers: Mr R Barr (Audit & Risk Manager) and Mr G Leach (Democratic Services Manager & Deputy Monitoring Officer).

Apologies for absence were received from Councillors Brookes and Mrs Mellor and from Parish and Town Representative Councillor Mrs Gordon.

**6. Substitutes**

There were no substitutes.

**7. Declarations of Interest**

There were no declarations of interest.

**8. Minutes**

The minutes of the meetings of the Standards Committee on 2 April, 22 April and 21 July 2014 were taken as read and signed by the Chairman as a correct record.

**9. Minutes**

The minutes of the Hearing Panels on 28 April 2014 (starting at 4.00pm and 6.00pm) were taken as read and subject to a correction (to replace the name of Councillor Coles with Councillor Mrs Mobbs on page 6 paragraph 6) were signed by the Chairman as a correct record.

**10. Review of Councillor Code of Conduct & Associated Documents**

The Committee considered a report from the Code of Conduct Working Party and Democratic Services Manager & Deputy Monitoring Officer that brought forward the proposed revised arrangements for handling complaints about Councillors' Conduct, along with its associated documents.

The Constitution Working Party had considered the current arrangements and feedback received on these and brought forward revised proposals based on them to enable formal consultation to be undertaken.

The revised documents were not radically different but incorporated a number of matters, previously undertaken, but not formally written down.

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In addition, the process had been reduced in both size and length and now written in the third person.

Previously members of the Standards Committee had expressed their frustration with the "lack of teeth" of the current Standards Regime. This was also expressed in some of the feedback from the first set of consultation. From this, the Working Party drafted a set of views they thought would be supported by the Committee and Council for submission to the Secretary of State of the Department of Communities and Local Government.

In response to a question regarding the potential for appeals to a Hearing Panel decision, the Democratic Services Manager & Deputy Monitoring Officer responded explaining that it would be difficult to determine who should/or could consider any such appeal. As an example he sighted Planning Applications being determined by the Council then going to the Planning Inspectorate for independence, this level of independence for Code of Conduct complaints (the Standards Board) had been removed by the Government.

The Democratic Services Manager & Deputy Monitoring Officer also confirmed that a sanction of suspension was not currently lawful but the representation in paragraph 8.4 of the report was simply a representation to the Secretary of State to say this should be reintroduced for limited circumstances. This had been the view of the Working Party and the Chairman explained that members of the Committee could not moan that it had no teeth to take action then argue to retain the current level of sanctions available.

### **Resolved that**

- (1) the documents appended to the report were approved for consultation subject to:
  - (i) minor amendments suggested by Mr Tomkinson being incorporated following discussion between the Chairman and the Democratic Services Manager & Deputy Monitoring Officer;
  - (ii) the continuation of the requirement to register gifts and hospitality (contrary to the suggestion from the Council's legal advisor);
  - (iii) the description of relevant person be amended within the revised Code of Conduct so that it is the same as that used within legislative requirements of Disclosable Pecuniary Interests; and
  - (iv) a complaint will not be allowed to progress to a Hearing Panel if a complainant is not willing to accept an appropriate resolution

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proposed by the Monitoring Officer if it has been accepted by the Councillor.

- (2) the documents be sent for consultation to:
  - (i) all Warwick District Councillors;
  - (ii) all Parish & Town Councillors within Warwick District; and
  - (iii) the Warwickshire Association of Local Councils.
- (3) the timetable for the introduction of the new Code of Conduct and associated arrangements, be noted.

### **Recommended** to Council that:

- (1) the Chairman writes to Secretary of State for the Department of Communities and Local Government outlining the main concerns and proposals set out below:
  - (i) it expresses concern that the lack of a sanction of suspension has removed the teeth of the standards regime when dealing with serious matters that are not within the Disclosable Pecuniary Interest regime;
  - (ii) express concern that the lack of sanctions, in the case of this Council has led to situations where Councillors have been found by their peers to have breached the Code of Conduct but have refused to accept the sanctions imposed by the Council which in our opinion has brought the whole standards regime into disrepute;
  - (iii) the current sanctions available such as a public notice, as recognised in the statement from DCLG on 9 July 2014 regarding public notices, are ineffective in providing a deterrent to Members for their bad behaviour;
  - (iv) the Council seeks guidance from DCLG on what it should do when under the current regime a Councillor refuses to apologise to a member of the public and officers for their actions when they have been found to be in breach of the Code;
  - (v) due to the concerns of Councils the sanction of suspension, for the most serious of cases, should be reintroduced for Local Government but only by resolution by Full Council on which at least

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half plus one member of the Council must vote for the suspension;

- (vi) explains why it does not feel it is acceptable for it to have to seek Political Party Intervention to put more serious sanctions on Councillors who have been found to breach the Code, i.e. suspension from the Political group and removal from committees;
- (vii) asks for clarification as to why it is acceptable for Parliament to have the opportunity to suspend members and not Local Government referencing the Patrick Mercer Case; and
- (viii) seeks a set Code of Conduct for all elected representatives of Parliament through to Parish Councils to enable clarity for all on what is expected in terms of the behaviour of all elected representatives.

- (2) The Chairman sends copies of the letter to:
  - (i) All Warwick District councillors;
  - (ii) All Parish & Town Councils in Warwick District;
  - (iii) The Warwickshire Association of Local Councils;
  - (iv) The two Members of Parliament for Warwick District;
  - (v) The Local Government Association;
  - (vi) The National Association of Local Councils; and
  - (vii) The Chair for the Committee for Standards in Public Life.

(At the conclusion of this item the Committee thanked the Democratic Services Manager & Deputy Monitoring Officer for his effort to bring these proposals forward. In return he thanked the Working Party for its support and effort.)

(Councillor Ms De-Lara-Bond, Councillor Mrs Knight, Independent Person Mr Tomkins and Audit & Risk Manager Mr Barr arrived during this item.)

### **11. Annual Governance Statement 2013/14**

The Committee considered a report from Finance that set out the Annual Governance Statement for 2013/14 describing the governance arrangements that were in place during the financial year. The Statement would be signed by the Chief Executive and the Leader of the Council following reviews by this Committee and the Finance & Audit Scrutiny Committee.

Regulation 4 of the Accounts and Audit (England) Regulations 2011 required that "...the body or committee must approve an annual

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governance statement, prepared in accordance with proper practices in relation to internal control”.

The CIPFA Code of Practice for Internal Audit in Local Government in the United Kingdom 2006 provided the “proper practices” referred to in Regulation 4.

The CIPFA Code of Practice required the Council to designate a committee to consider or approve the Annual Governance Statement. This Council designated the Standards Committee for this task.

In response to a question from the Committee the Democratic Services Manager and Deputy Monitoring Officer read out the comments the minutes of the Finance & Audit Scrutiny Committee regarding this item. He then read out paragraphs 3.5.2 and 3.5.2.1 of the report to the Finance & Audit Scrutiny Committee and to highlight the amendments that had occurred subsequent to that meeting.

The Committee were also informed that from next year the report would not be considered by this Committee and the responsibility would be passed solely to the Finance & Audit Scrutiny Committee.

It was also highlighted to the Committee that the final version of the Annual Governance Statement would be reported to Council on 24 September 2014. Therefore any concerns that the Executive should be made aware of would be seen by all members. In addition any Committee, if so minded, could make a direct recommendation to any other Committee or the Executive for them to consider and if necessary to act on.

**Resolved** that the Warwick District Council Annual Governance Statement for 2013/14, be approved.

### **12. Internal Audit Report 2013/14**

The Committee considered a report from Finance that presented Internal Audit’s annual report, forming part of the evidence for the Annual Governance Statement. The Public Sector Internal Audit Standards required a report that provided an opinion on the overall adequacy and effectiveness of the organisation’s control environment be presented to the committee designated to consider or approve the Annual Governance Statement.

To comply with the Public Sector Internal Audit Standards that provided the “proper practices” referred to in Regulation 4 of The Accounts and Audit (England) Regulations 2011 in respect of production of an annual governance statement the Standards state: *The chief audit executive must deliver an annual internal audit opinion and report that can be used by the organisation to inform its governance statement.*

**Resolved** that the Annual Report of Internal Audit be noted.

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### **13. Review of Effectiveness of Internal Audit**

The Committee considered a report from Finance that presented the findings from the review of the effectiveness of the Council's internal audit for the year ending 31 March 2014. The Accounts and Audit Regulations 2011 required such a review at least once a year and presentation of the results to the committee designated to consider or approve the Annual Governance Statement. Accordingly, this report was being presented to Standards Committee having been considered previously by the Finance and Audit Scrutiny Committee.

Regulation 6 of the Accounts and Audit (England) Regulations 2011 requires that:

- "A relevant body shall, at least once in each year, conduct a review of the effectiveness of its internal audit".
- "The findings of the review ....must be considered, as part of the consideration of the system of internal control...by the committee (designated to approve the Annual Governance Statement)".

As its terms of reference included issues of an audit nature, this Committee required reasonable opportunity to consider reports on the effectiveness of internal audit and to direct its views to the Committee designated under Regulation 6.

**Resolved** that the Review of the Effectiveness of Internal Audit be noted.

### **14. Log of Complaints about Councillors**

The Committee received the log of complaints about the Conduct of Councillors.

Two amendments were noted, firstly the date of the Hearing for Councillors Coles and Mrs Mobbs which should have been recorded as 28 April 2014 and secondly the complaint of 19 August 2014 about Rowington Parish Council was made by a Parish Councillor but in their capacity as a member of the public.

It was suggested that the Democratic Services Manager & Deputy Monitoring Officer investigated ways of illustrating complaints to show the active ones compared to long since closed cases which had previously been reported to the Committee.

**Resolved** that the report be noted.

(The meeting ended at 8.06 pm)