



To: **Members of the Standards Committee**

**Councillors S Bland, C Fitzsimmons,
B Maher, T McCarthy and J Walker**

Professor Steven Broomhead
Interim Chief Executive

**(Invitations extended to Mr A Mackie, Mr M Organ and
Mr W Ravenscroft as Independent Persons)**

2 January 2013

Standards Committee

Thursday, 10 January 2013 at 6.30pm

Council Chamber, Town Hall, Warrington

Agenda prepared by Louise Murtagh, Democratic Services Officer – Telephone (01925) 442111 E-mail lmurtagh@warrington.gov.uk

AGENDA

Part 1

Items open to members of the public (including the press) subject to any statutory right of exclusion.

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1. Apologies for Absence

To record any apologies for absence received

2. Code of Conduct – Declaration of Interests

Members are reminded of their responsibility to declare any personal or prejudicial interest they have in any item of business on the agenda no later than when the item is reached.

3. Minutes

To confirm the Minutes of the meeting of the Committee held on 25 July 2012 as a correct record.

4. **Requests for Dispensation - Warrington Borough Council Meeting Monday, 4 March 2013** 1

Report of Solicitor to the Council

5. **Parish Council representation on the Standards Committee**

Verbal report of the Solicitor to the Council

Part 2

Items of a “confidential or other special nature” during which it is likely that the meeting will not be open to the public and press as there would be a disclosure of exempt information as defined in Section 100I of the Local Government Act 1972.

Nil

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STANDARDS COMMITTEE

25 JULY 2012

Present: Councillors Bland, Fitzsimmons, Maher,
Mc Carthy and Walker

Also present: Councillors Axcell and Kennedy (as members of the
Constitutional Sub-Committee)

ST1 Appointment of Chairman

Resolved that Councillor Fitzsimmons be appointed as Chairman

ST2 Apologies for Absence

Apologies for absence were received from Councillors Bretherton and Joyce (as members of the Constitutional Sub-Committee).

ST3 Code of Conduct

There were no declarations of interest received.

ST4 Minutes

The Minutes of the meeting held on 27 February 2012 were agreed as a correct record and signed by the Chair.

ST5 The Localism Act 2011 – The Amended Standards Regime

Members considered the report of the Solicitor to the Council which advised of the next steps that needed to be taken to implement the requirements of the Localism Act 2011 in relation to member conduct.

At the Council meeting of 25 June 2012 a basic Code of Conduct and the requirements of the Relevant Authorities (Disclosable Pecuniary Interest) Regulations 2012 had been adopted. Council requested that the Standards Committee considered any outstanding matters relating to the new standards regime hence the report presented to Members.

The Committee was advised of the Council's duty to promote and maintain high standards of conduct for its elected and co-opted members. This included the option for the Council to set up a new Standards Committee to deal with its obligations to investigate alleged breaches in the Code of Conduct. This committee would be an ordinary committee of the Council and as such the co-option of Independent Members would cease.

The Act allowed for a new designation of 'Independent Persons' who would be invited to attend Standards Committee meetings but not allowed voting

rights. They would however, be actively involved in the consideration of alleged breaches against the Code of Conduct.

The Council still had the responsibility for dealing with standards complaints against Parish Councillors. There was the option for the Council to co-opt Parish Councillors to the Standards Committee in a non-voting capacity.

A number of proposals were put to the Committee following which it was resolved that at the meeting of the Council on 10 September it be recommended:

1. That the Council establish a Standards Committee comprising 5 elected members of the Council, appointed proportionally in confirmation of its decision of 21 May 2012;
2. That the Council invite a maximum of three Parish Councillors to be co-opted as non-voting members of the Committee;
3. That the Council invite the three former Independent Members of the Standards Committee as the 'Independent Persons' for the person for the purposes of the Localism Act 2011. This appointment would be for maximum period of 1 year;
4. That the Council re-adopts the Code of Conduct approved at its 25 June 2012;
5. That the Monitoring Officer prepare and maintain a new register of members interests to comply with the requirements of the Act and of the Council's Code of Conduct, once adopted, and ensure that it is available for inspection as required by the Act;
6. That the Monitoring Officer be appointed as the Proper Officer to receive complaints of failure to comply with the Code of Conduct;
7. That the Monitoring Officer be given delegated power, after consultation with the Independent Person, to determine whether a complaint merits formal investigation and to arrange such investigation. That he be instructed to seek resolution of complaints without formal investigation wherever practicable, and that he be given discretion to refer decisions on investigation to the Standards Committee where he feels that it is inappropriate for him to take the decision, and to report quarterly to Standards Committee on the discharge of all functions delegated to him;
8. Where an investigation finds no evidence of failure to comply with the Code of Conduct, the Monitoring Officer be instructed to close the matter, providing a copy of the report and findings of the investigation to the complainant and to the member concerned, and to the Independent Person, and reporting the findings to the Standards Committee for information;
9. Where an investigation finds evidence of a failure to comply with the Code of Conduct, the Monitoring Officer in consultation with the Independent Person be authorised to seek local resolution to the satisfaction of the complainant in appropriate cases, with a summary report for information to Standards Committee. Where

such local resolution is not appropriate or not possible, he is to report the investigation findings to a three voting member sub committee of the Standards Committee for determination;

10. That Council delegate to a three member sub committee such of its powers as can be delegated to take decisions in respect of a member who is found on hearing to have failed to comply with the Code of Conduct, such actions to include –

- a. Reporting its findings to Council (*or to the Parish Council*) for information;
- b. Recommending to the member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub Committees of the Council;
- c. Recommending to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- d. Instructing the Monitoring Officer to (or recommend that the Parish Council) arrange training for the member;
- e. Removing (or recommend to the Parish Council that the member be removed) from all outside appointments to which he/she has been appointed for nominated by the authority (or by the Parish Council);
- f. Withdrawing (or recommend to the Parish Council that it withdraws) facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or
- g. Excluding (or recommend that the Parish 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.

Dated.....

Signed.....

WARRINGTON BOROUGH COUNCIL

STANDARDS COMMITTEE – 10 JANUARY 2013

Report of the: Solicitor to the Council
Report Author: Louise Murtagh, Democratic Services Officer
Contact Details: **Email Address:** lmurtagh@warrington.gov.uk **Telephone:** 01925 442111

Ward Members: All

**TITLE OF REPORT: REQUESTS FOR DISPENSATION – WARRINGTON
BOROUGH COUNCIL MEETING MONDAY, 4 MARCH 2013**

1. PURPOSE

- 1.1 At its forthcoming meeting on Monday, 4 March 2013, the Council is to consider the Budget 2013/14 report. **Councillors living in the borough and paying Council Tax are likely to be affected financially by the decision to set the budget and therefore the level of Council Tax.**
- 1.2 The Localism Act prevents Members from participating in any business of the Council where they have a Disclosable Pecuniary Interest unless they have sought a dispensation under Section 33 of the Act. Applications must be made in writing and dispensations may be sought for a period of up to four years. Dispensations may be sought on the following grounds:
 - That so many Members of the decision making body have a disclosable pecuniary interest in a matter that the business of the meeting would be impeded.
 - Without a dispensation the representation of different political groups on the body would be so upset as to alter the outcome of any vote
 - The dispensation is in the interests of persons living in the area
 - It is otherwise appropriate to grant a dispensation

2. CONFIDENTIAL OR EXEMPT

- 2.1 This report is not confidential or exempt.

3. THE DISPENSATION PROCEDURE

- 3.1 The most relevant criterion is that which states that dispensations can be granted if the business of the meeting would be impeded. In the case of a meeting to set the budget and Council Tax, the meeting would be likely to be inquorate due to

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the number of members having a pecuniary interest in the item of business to be discussed.

5. PRACTICAL GUIDANCE

5.1 An application is submitted to this Committee on behalf of all those members having a discloseable pecuniary interest in land within the borough. An email has been sent to all members of the Council explaining the background to the matter and inviting members to confirm that they wish to apply for a dispensation. Any variations in respect of individual members will be reported to the committee on 10 January 2013.

5.2 The Committee's decision should be based upon application of the criteria described in this report. The Committee can also decide how long the dispensation should apply and this can be up to a period of 4 years.

6. CONSULTATION

6.1 No consultation has been undertaken upon this matter because the decision is, by virtue of statute, a matter entirely one for the Standards Committee.

7. FINANCIAL IMPLICATIONS

7.1 There are no financial implications arising from this report.

8. EQUALITY AND DIVERSITY / EQUALITY IMPACT ASSESSMENT

8.1 There are no immediately apparent equality issues arising from this report.

9. RISK ASSESSMENT

9.1 Without appropriate dispensations being made the risk to the Council is that it would be unable to deal with a matter of significance given the large number of Councillors who have a disclosable pecuniary interest in the setting of the Budget for 2013/2014

10. REASON FOR RECOMMENDATION

10.1 To enable the Standards Committee to discharge its obligation to consider applications for dispensation.

11. RECOMMENDATION

11.1 To consider the applications for dispensations in accordance with the Localism Act 2011, Section 33 and the period that these dispensations should be applied for.

12. **BACKGROUND PAPERS**

12.1 None other than as identified in this report.

Contacts for Background Papers:

Name	E-mail	Telephone
Louise Murtagh	lmurtagh@warrington.gov.uk	01925 442111

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ITEM 5 – PARISH COUNCIL REPRESENTATION

At it's meeting of 25 July 2012 the Standards Committee resolved:

That the Council invite a maximum of three Parish Councillors to be co-opted as non-voting members of the Committee

Accordingly letters were sent to the three previous parish council representatives. Responses were received as follow -

Parish Councillor Maureen Banner is happy to join the committee as a co-optee.

Mr George Warburton did not stand for election as a Parish Councillor in May 2012 and is therefore ineligible.

Parish Councillor Val Allen, although still a parish councillor has thanked the Council for the invitation but is unable to offer her services to the Committee