

To: All Members of the Standards Committee

Professor Steven Broomhead
Chief Executive
Town Hall
Sankey Street
Warrington
WA1 1UH

Councillors:
Chair – C Fitzsimmons

S Bland, P Carey, H Mundry, J Wheeler

Parish Councillors M Banner, S Barlow and T Gartland
(Invitations extended to Mr D Clarke, Mr K Horseman and Mrs S Mason as
Independent Persons)

Standards Committee

Date: Thursday, 16 April 2015

Time: 18:30

Venue: Council Chamber, Town Hall, Sankey Street, Warrington, WA1 1UH

Contact Adam Kellock, Democratic & Member Services, Tel: 01925 442144,
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AGENDA

Part 1

Items during the consideration of which the meeting is expected to be open to members of the public (including the press) subject to any statutory right of exclusion.

1 Apologies

To record any apologies received.

2 Code of Conduct - Declarations of Interest

**Relevant Authorities (Disclosable Pecuniary Interests)
Regulation 2012**

Members are reminded of their responsibility to declare any disclosable pecuniary or non-pecuniary interest which they have in any item of business on the agenda no later than when the item is reached.

3 Minutes - 1 October 2014

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To confirm the minutes of the meeting held on 1 October 2014 as a correct record.

4 **Update on Members Interests**

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Report of the Monitoring Officer.

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

1 OCTOBER 2014

Present:

Councillors - C Fitzsimmons (Chair), S Bland, P Carey, H Mundry and J Wheeler
Parish Councillors - M Banner and T Gartland
Independent Persons - Mr D Clarke and Mrs S Mason

ST1 Apologies for Absence

Apologies for absence were received from Parish Councillor S Barlow and Mr K Horseman.

ST2 Code of Conduct

There were no declarations of interest made.

ST3 Minutes

The Minutes of the meeting held on 17 April 2014 were agreed as a correct record and signed by the Chair.

ST4 Update on Standards Related Matters

The Committee received the report of the Solicitor to the Council which gave an update on Standards related matters for consideration as follows -

Complaints

Members were advised that there were currently 3 outstanding complaints that the Independent Persons (IPs) would be asked to determine the necessity or otherwise for investigations into these complaints.

New members of the Committee asked for clarification on the status of the IPs in so far as how were they independent from the Council. Members were advised that the IPs were not members of this Committee but were invitees only. Their appointment had been via a robust application and interview process. They were unremunerated and were not co-opted to the Council. This meant that they were independent of the Council.

Disclosable Pecuniary Interests

At the Council meeting of September 2012, Members determined that Councillors were required to complete a Register of Interests that was compliant with Section 29 of the Localism Act 2011 (the Act). They were also required to act in accordance with Section 25 of the Act which covered bias and predetermination.

A copy of the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012/1464, Schedule 1 was appended to the report for reference.

Although the declaration of any interest remained a matter for Councillors, officers were available to offer guidance upon issues of disclosure.

Misconduct in public office

The Police and Crime Prosecution Service (CPS) appeared to be placing increasing reliance upon the common law officer of misconduct in public office to tackle inappropriate behaviour by public officials. This law was applicable to both Council Officers and Councillors.

Appended to the report was a copy of the CPS Misconduct in Public Office legal guidance note that highlighted the key areas for consideration.

Parish Council Complaints

The Localism Act 2011 (the Act) made specific provision in relation to the role of the Monitoring Officer to Parish Councils. Under the Act borough Monitoring Officers must ensure that copies of the parishes' registers of interest were available for inspection.

Prior to the Act Borough Councils were also responsible for the investigation of complaints made against Parish Councillors. Although this was not so under the 2011 Act the Borough had continued to deal with complaints due to the very low number received. Some neighbouring principle councils had stopped receiving complaints from parish and town councils and it was timely to consider the arrangements in Warrington.

County-wide collaborations

All four councils in Cheshire share good practice about standards matters.

It was sometimes the case that when a complaint was received a Monitoring Officer might have a conflict of interest in dealing with a specific complaint. Informal preliminary discussions had occurred across the county to discuss reciprocal arrangements for dealing with such complaints.

Decision, That the Committee

1. Noted the number of outstanding complaints and agreed the action put forward by the Monitoring Officer
2. Noted the position regarding the declaration of pecuniary interests and instructed officers to further advise Members of relevant legal requirements in this respect.
3. Noted the information regarding misconduct in public office and instructed officers to further disseminate information thereon to both Officers and Members
4. Considered the issues relating to Parish Council complaints and agreed that the Council should continue to consider complaints received about Parish Councillors.
5. Noted that there had been discussions in terms of county wide collaboration and instructed officers that due to the low numbers of complaints received in Warrington not to pursue the matter currently.

Signed.....

Dated.....

WARRINGTON BOROUGH COUNCIL

STANDARDS COMMITTEE – 16 APRIL 2015

Report of the: Monitoring Officer
Report Author: Timothy Date, Solicitor to the Council and Assistant Director Corporate Governance
Contact Details: Email Address: Telephone:
Tdate1@warrington.gov.uk 01925 442150
Ward Members: All

TITLE OF REPORT: UPDATE ON MEMBERS INTERESTS

1. PURPOSE

- 1.1 To describe the legal framework applicable to the registration and declaration of member interests.

2. CONFIDENTIAL OR EXEMPT

- 2.1 This report contains information which is neither confidential nor exempt.

3. INTRODUCTION AND BACKGROUND

- 3.1 The report describes the Council's current arrangements in respect of registration and declaration of interests and identifies areas for further consideration.

4. CURRENT LEGAL FRAMEWORK

- 4.1 The current legal framework relating to members interests and standards is set out in the Localism Act 2011.
- 4.2 The starting point in understanding the framework is section 27 of the Act which requires:
- Councils to promote and maintain high standards of conduct by its members, and;
 - The adoption of a code dealing with the conduct that is expected of its members.
- 4.3 The arrangements in respect of these matters prior to the Localism Act were considerably more rigid and prescriptive than those now in force and it may be recalled that there previously had been a mandatory, nationally prescribed Model Code of Conduct.

4.4 No such mandatory code now exists and the formal requirement is simply that a council's code is consistent with the following principles:

- Selflessness;
- Integrity;
- Objectivity;
- Accountability;
- Openness;
- Honesty; and
- Leadership

Those principles will be recognised as the Nolan Principles of standards in public life.

4.5 A council must ensure that its code includes such provisions the council considers appropriate in respect of the registration and disclosure of both:

- Pecuniary interests; and
- Interests other than pecuniary interests.

4.6 What constitutes a pecuniary interest is relatively easy to determine because the specific requirements are set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. The list of those matters coming within the definition of a Disclosable Pecuniary Interest (DPI) is attached at Appendix 1.

4.7 The Localism Act establishes a series of criminal offences which include a failure to register a DPI and participating in discussion and voting upon a matter where such an interest arises.

4.8 If an interest is other than a pecuniary interest there is no statutory obligation to register and declare in the same way applicable to a pecuniary interest.

4.9 However, a council should address the appropriateness of requiring its members to register and disclose interests other than pecuniary interests (see paragraph 4.5 above).

4.10 If a council did require members to register and declare interests other than non-pecuniary interests and one of its members failed to register or declare as require it is clear that such a failure would not attract a criminal sanction.

4.11 It will be noted from the way DPI's are defined in the regulations (see appendix 1) that some matters that might be regarded as interests are not defined as such. For example there is no requirement to register an office or role for which there is no remuneration. Examples of such offices include school governorships, memberships of parish councils and unremunerated directorships of companies.

All those three activities (and there may be others) could be formally designated by the council as 'non-pecuniary' interests with a corresponding duty upon members to register and declare such interests.

5. WARRINGTON BOROUGH COUNCIL'S CURRENT ARRANGEMENTS

5.1 At its September 2012 meeting, the Council adopted a Code of Conduct compliant with the principles set out in paragraph 4.4 above and made arrangements for pecuniary interests to be registered and declared. The Code of Conduct then adopted is attached at appendix 2.

5.2 However, in practice members make much more extensive declarations than formally required. This arises for two reasons:

5.3 First, the written form members are required to complete requires members to register four types of non-pecuniary interests as follows:

- Any body to which the member has been appointed or nominated by the Council;
- Any body exercising functions of a public nature;
- Any body directed to charitable purposes;
- Any body, one of whose principal purposes includes the influence of public opinion or policy, including any political parties or Trade Union.

6. DECLARING INTERESTS

6.1 As indicated in paragraph 4.7 where section 34 of the Localism Act 2011 establishes a series of criminal offences of failing to register a DPI. There are other offences relating to participation in decisions where a DPI exists.

6.2 In relation to non-pecuniary interests the current Code of Conduct refers to Department of Communities and Local Government guidance which requires members to observe 'all restrictions your authority places on your involvement in matters where you have a pecuniary or non-pecuniary interest as defined by your authority'.

7. FINANCIAL CONSIDERATIONS

7.1 There are no significant financial considerations arising from this report

8. RISK ASSESSMENT

8.1 Strategic Risk Register Reference 4 - Inadequate Strategic Governance arrangements leading to failure to deliver the Council's objectives/statutory. Ensuring there are robust standards arrangements in place will assist in the mitigation of risk

9. EQUALITY AND DIVERSITY / EQUALITY IMPACT ASSESSMENT

9.1 Democratic and Member Services have an Equality Impact Assessment in place.

10. CONSULTATION

10.1 Previous consultation with the Standards Committee

11. REASONS FOR RECOMMENDATIONS

11.1 To fulfil the committee's role in promoting high standards of ethical behaviour by monitoring all relevant procedures and practices.

12. RECOMMENDATIONS

12.1 The committee is recommended to consider the necessity for revising the current Code of Conduct and in particular to consider the desirability for any revised Code to include more detailed guidance upon non pecuniary interests

13. BACKGROUND PAPERS

Contacts for Background Papers:

Name	E-mail	Telephone
Timothy Date	tdate1@warrington.gov.uk	01925 442150



REGISTER OF MEMBERS' INTERESTS

I, *(full name) (capitals)* _____

As a Member/Co-opted Member of Warrington Borough Council, **GIVE NOTICE**, as I am required to do **under Section 30 Localism Act 2011**, that I have the following Disclosable Pecuniary Interests. *(Please state 'None' where appropriate).*

***SPOUSE/PARTNER** – In the notice below my spouse or partner means anyone who meets the definition in the Localism Act, i.e. my spouse or civil partner, or a person with whom I am living as husband or wife or a person with whom I am living as if we are civil partners, and I am aware that that person has the interest.

SECTION 1	ANY EMPLOYMENT, OFFICE, TRADE, PROFESSION OR VOCATION CARRIED ON FOR PROFIT OR GAIN	MYSELF	SPOUSE/PARTNER*
1.1	Name of employer and/or any business carried on by you.		
1.2	Description of employment or business activity		
1.3	The name of any firm in which you are a partner.		
1.4	The name of any company for which you		

	are a remunerated director		
SECTION 2	SPONSORSHIP	MYSELF	SPOUSE/PARTNER
2.1	<p>Any payment or provision of any other financial benefit (other than from the Council) in respect of any expenses incurred in carrying out duties as a Member or towards the election expenses.</p> <p><i>This includes any payment or financial benefit from a Trade Union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992 (a)</i></p>		
SECTION 3	CONTRACTS	MYSELF	SPOUSE/PARTNER
	<p>Any contract which is made between you (or a body in which the relevant person has a beneficial interest) and the Council.</p> <p>(a) under which goods or services are to be provided or works are to be executed; and: (b) which has not been fully discharged.</p>		
SECTION 4	LAND	MYSELF	SPOUSE/PARTNER
	Any beneficial interest you have in land which is within the area of the Council.		
SECTION 5	LICENCES	MYSELF	SPOUSE/PARTNER

<p>5.1</p>	<p>Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer</p>		
<p>SECTION 6</p>	<p>CORPORATE TENANCIES</p>	<p>MYSELF</p>	<p>SPOUSE/PARTNER</p>
<p>6.1</p>	<p>Any tenancy where (to your knowledge) –</p> <p>(a) The landlord is the Council named above; and</p> <p>(b) The tenant is a body in which the relevant person has a beneficial interest.</p>		
<p>SECTION 7</p>	<p>SECURITIES</p>	<p>MYSELF</p>	<p>SPOUSE/PARTNER</p>
<p>7.1</p>	<p>Any beneficial interest in securities of a body where:-</p> <p>(a) that body (to my knowledge) has a place of business or land in the area of the Council; and</p> <p>(b) either –</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(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 has a beneficial</p>		

	<p>interest exceeds one hundredth of the total issued share capital of that class.</p>		
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SENSITIVE INTERESTS

I have/have not got any Sensitive Interests as defined by Section 32** Localism Act 2011 and the Monitoring Officer considers that disclosure could lead to the risk of violence or intimidation. *(Delete as appropriate)*

NOTIFICATION OF CHANGE OF CIRCUMSTANCES

A Member must, within 28 days of becoming aware of any change to the interests specified above, provide written notification to the Monitoring Officer, of that change.

MEMBER'S SIGNATURE

<p>Date</p>	
<p>Member's Name <i>(Capitals – in full)</i></p>	

Member's signature	
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**** Section 32** – If the interest is entered in the Authority’s register, copies of the register that are made available for inspection and any published version of the register must not include details of the interest, but may state that the Member or Co-opted Member has an interest, the details of which are withheld under this sub-section.

OTHER INTERESTS

Membership of Organisations

I am a member of, or I am in a position of general control or management in:-

- 1. Any body to which I have been appointed or nominated by the Council

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- 2. Any body exercising functions of a public nature (eg school governing body or another council):

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- 3. Any body directed to charitable purposes:

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4. Any body, one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union):

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MEMBER'S SIGNATURE

Date	
Member's Name <i>(Capitals – in full)</i>	
Member's signature	

RECEIPT BY MONITORING OFFICER

Date received by the Council	
Signature of Monitoring Officer	

SECTION A

MEMBERS

CODE OF CONDUCT

CODE OF CONDUCT FOR MEMBERS – 2012

The Code has been adopted under section 27 of the Localism Act 2011 and is based on the following core principles of public life - selflessness, integrity, objectivity, accountability, openness, honesty and leadership. It sets out general obligations about the standards of conduct expected of members and co-opted members of the authority, together with provisions about registering and declaring interests.

A General obligations

Whenever you are acting as a member or co-opted member of this authority you must act in accordance with the following obligations:

Selflessness

- 1 You must act solely in the public interest and must never use or attempt to use your position improperly to confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, friends or close associates.

Integrity

- 2 You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

You should exercise independent judgement. Although you may take account of the views of others (including a political group), you should reach your own conclusions on the issues before you and act in accordance with those conclusions.

Objectivity

- 3 When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.

You should remain objective, listen to the interests of all parties appropriately and impartially and take all relevant information, including advice from the authority's officers, into consideration.

Accountability

- 4 You are accountable to the public for your decisions and you must co-operate fully with whatever scrutiny is appropriate to your office, including by local residents.

Openness

- 5 (a) You must be as open and transparent as possible about your decisions and actions and the decisions and actions of your authority. You should be prepared to give reasons for those decisions and actions. You must not prevent anyone getting information that they are entitled to by law.

(b) Where the law or the wider public interest requires it, you must not disclose confidential information or information to which public access is restricted.

Honesty

6 (a) You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests as set out in Section B below.

(b) You must only use or authorise the use of the authority's resources in accordance with the authority's requirements. You must, when using or authorising the use by others of such resources, ensure that they are used for proper purposes only. Resources must not be used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986

Respect for others

7 (a) You must treat others with respect. You should engage with colleagues and staff in a manner that underpins mutual respect, essential to good local government.

(b) You must not do anything which may cause your authority to breach any equality laws.

(c) You must not compromise or attempt to compromise the impartiality of anyone who works for, or on behalf of, the authority.

(d) You must not bully any person, including other councillors, officers of the authority or members of the public.

Leadership

8 You must promote and support high standards of conduct when serving as member or co-opted member of the authority, by leadership and example, championing the interests of the community.

You should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in you.

B Registering and declaring pecuniary and non-pecuniary interests

1 Registration and declaration of interests shall be made in accordance with the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

Excerpt from CLG text:

You must, within 28 days of taking office as a member or co-opted member, notify your authority's monitoring officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.

In addition, you must, within 28 days of taking office as a member or co-opted member, notify your authority's monitoring officer of any disclosable pecuniary or non-pecuniary interest which your authority has decided should be included in the register.

If an interest has not been entered onto the authority's register, then you must disclose the interest to any meeting of the authority at which you are present, where you have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'*.

Following any disclosure of an interest not on the authority's register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.

Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. Additionally, you must observe the restrictions your authority places on your involvement in matters where you have a pecuniary or non-pecuniary interest as defined by your authority.

*A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.