

To: **Members of the Standards Committee**

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

Professor Steven
Broomhead
Interim Chief Executive

Town Hall
Sankey Street
Warrington
WA1 1UH

17 September 2013

Standards Committee

Wednesday, 25 September 2013 at 6.30pm
Council Chamber, Town Hall, Warrington

Agenda prepared by Louise Murtagh, Democratic Services Officer – Telephone
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AGENDA

Part 1

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

	Page Number
1. <u>Apologies for Absence</u>	
To record any apologies for absence received	
2. <u>Code of Conduct – Declaration of Interests</u>	
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. <u>Minutes</u>	1
To confirm the Minutes of the meeting of the Committee held on 5 June 2013 as a correct record.	
4. <u>Standards Regime Update</u>	3
Report of the Solicitor to the Council and Assistant Director Corporate Governance	

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

5 JUNE 2013

Present: S Bland, C Fitzsimmons, B Maher, T McCarthy and J Walker

ST1 Apologies for Absence

There were no apologies for absence recorded.

ST2 Code of Conduct

There were no declarations of interest made.

ST3 Minutes

The Minutes of the meeting held on 11 April 2013 were agreed as a correct record and signed by the Chair.

ST4 Exclusion of the Public (Including the Press)

Resolved,

That, members of the public (including the Press) be excluded from the meeting by reason of exempt information considered in the course of the following item of business being within Category 1 of Schedule 12A to the Local Government Act 1972.

ST5 Appointment of Parish Council Representatives to the Standards Committee and Independent Persons to assist with complaint resolution

The Committee received the report of the Solicitor to the Council which provided Members with details of applicants for the vacant positions of Parish Council Representatives on the Standards Committee and Independent Persons to assist with complaint resolution.

At the meeting of this Committee on 25 July 2012 it had been resolved that the Council invite a maximum of three Parish Councillors to be co-opted as non-voting members of the Committee. In response to this Parish Councillor M Banner had confirmed her wish to continue with the work of the Standards Committee. Additionally, three further applications had been received. Of these two had submitted the required resume and were asked to attend an interview session.

At the Committee meeting of 11 April 2013 officers had been asked to produce and advertisement for the 3 vacancies for Independent Persons. In response to this 8 applications had been received.

A panel consisting of Councillors C Fitzsimmons, B Maher and J Walker interviewed a total of 9 candidates. Candidates were asked 5 key questions which had been designed to test their knowledge of local authority working

and their experiences of dealing with sensitive information and investigative work.

Following this process the panel found that they were able to make recommendations to the Standards Committee regarding appointments to the vacant positions.

Councillors wished for it to be note that they were impressed with all applicants interviewed.

Decision – That the Standards Committee

1. Recommends to full Council on 24 June 2013 the following appointments
 - a. Parish Councillor Representatives
 - i. Parish Councillor M Banner (Woolston Parish Council (PC) and Rixton-with-Glazebrook PC)
 - ii. Parish Councillor T Gartland (Great Sankey PC)
 - iii. Parish Councillor S Barlow (Stockton Heath PC)
 - b. Independent Persons
 - i. Mr D I Clark
 - ii. Mr K J Horseman
 - iii. Mrs S Mason
2. Requests that a letter was sent to all those who attended interviews following the Council meeting of 24 June 2013 thanking them for their attendance and also requesting that their details were kept on file for any future appointments.

Dated.....

Signed.....

WARRINGTON BOROUGH COUNCIL

STANDARDS COMMITTEE 25 SEPTEMBER 2013

Report of Executive Board Member: Not applicable

Executive Director: Katherine Fairclough, Assistant Chief Executive

Senior Responsible Officer: Timothy Date, Solicitor to the Council and Assistant Director Corporate Governance

Contact Details: **Email Address:** **Telephone: 442150**
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Key Decision No. n/a

Ward Members: All

TITLE OF REPORT: STANDARDS REGIME UPDATE

1. PURPOSE

- 1.1 To provide the Standards Committee with an overview of how the new standards regime has worked since Council adopted a new Code of Conduct at its meeting of 10th September 2012.

2. CONFIDENTIAL OR EXEMPT

- 2.1 The report does not contain either confidential or exempt information.

3. INTRODUCTION AND BACKGROUND

- 3.1 The Localism Act 2011 ('the Act') made substantial changes to the standards regime for local authority members.
- 3.2 Section 27 of the Act requires local authorities to promote and maintain high standards of conduct by members and co-opted members of the authority. In pursuit of that duty, a local authority must adopt a Code of Conduct dealing with the conduct that is expected of its members when they are acting in that capacity.
- 3.3 As indicated in paragraph 1.1 the Council adopted a Code of Conduct in compliance with Section 27 of the Act at its meeting on 10th September 2012. This is included in Appendix A.

- 3.4 Section 28 of the Act provides that a local authority must secure that its Code of Conduct includes provision for the registration of pecuniary interests and non pecuniary interests.
- 3.5 By way of the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 the government has prescribed those pecuniary interests which must be included in a statutory register. Members' declarations are held both in a paper register and upon the Council's website.
- 3.6 The composition of the Standards Committee was previously prescribed by legislation. In order to maintain the diversity of previous arrangements the Council has chosen to have a committee of five members together with three representatives of parish councils. Additionally three 'independent persons' assist with complaint resolution matters.
- 3.7 On the basis of the above the Council is in a position to demonstrate robust compliance with the requirements of the Act. Against that background it is timely to consider what further developments the Committee feels desirable to further promote and maintain high standards of conduct.

4. ISSUES FOR FURTHER CONSIDERATION

- 4.1 The Committee may wish to give further detailed consideration to the issues of:-
- content of the Code of Conduct
 - non pecuniary interests
 - gifts and hospitality

5. CONTENT OF THE CODE OF CONDUCT

- 5.1 The current Code is firmly based upon the seven Nolan Principles of Standards in Public Life namely selflessness, integrity, objectivity, accountability, openness, honesty and leadership. There is little evidence to suggest that anything beyond those principles is necessary to have a workable standards framework.

6. NON PECUNIARY INTERESTS

- 6.1 As indicated in paragraph 3.5 above there is a statutory requirement upon members to declare their interests on the basis of a prescribed framework. One of the key controversial issues regarding the register is the requirement to register the interests of spouses and partners. There is no evidence that the requirements in respect of spouses and partners has been problematic.
- 6.2 Warrington's Code does require declaration of gifts and hospitality above a certain threshold but, equally, the Code makes no provision for the declaration of interests other than pecuniary interests. Any additional, non pecuniary matters that a local authority may require of its members must be rational and for a proper purpose and must not contravene other rights of members or their

partners. In practical terms the type of activity that could be covered by a non pecuniary interest is membership of a club or organisation (such as Freemasons) or membership of a body discharging a public function such as a school governing body.

7. SANCTIONS

- 7.1 In considering whether to expand the scope of the Code of Conduct the committee may wish to address the question of enforcement under the Act,
- 7.2 If a Council finds that one of its members has failed to comply with the Code of Conduct it may have regard to that failure in deciding first whether to take action in relation to that member and what action to take (Section 28 of the Act)
- 7.3 Unlike the previous regime the 2011 Act does not describe the range of actions or penalties a local authority can take but clearly it does envisage that some action might be taken against a member found to be in breach of the code.
- 7.4 Section 34 of the Act provides for criminal sanctions where a local authority member fails to notify disclosable pecuniary interests. In addition a court can disqualify a person for a period not exceeding 5 years in the event of there being a failure to notify a disclosable pecuniary interest.
- 7.5 Even under the previous regime local authorities had limited sanctions. . In particular a local authority was not able to disqualify one of its own members for misconduct.
- 7.6 In terms of what is now available the sanctions are fairly limited. These include:-
- censure of a member
 - giving advice or making observations about a Councillors conduct
 - reporting a matter to the police
 - making a recommendation to full council to remove a Councillor from a committee
 - mediation
 - training
 - making a recommendation to the Leader to remove a portfolio holder from Executive Board.

It is not permissible to withdraw allowances in the event of a finding of a breach of the Code.

8. FINANCIAL CONSIDERATIONS

- 8.1 Financial considerations would include the cost of dealing with potential complaints and maintaining the Register of Interests. The budget would lie in

Democratic and Member Services but it would need to include a financial element for the Monitoring Officers time.

9. RISK ASSESSMENT

9.1 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

10. EQUALITY AND DIVERSITY / EQUALITY IMPACT ASSESSMENT

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

11. CONSULTATION

11.1 Previous consultation with the Standards Committee and Council.

12. REASONS FOR RECOMMENDATION

12.1 To allow consideration and development, as appropriate, of the Standards regime in Warrington.

13. RECOMMENDATION

That the Standards Committee:

- 13.1 Comments on the report;
- 13.2 Considers whether further work should be undertaken to review and expand the existing Code of Conduct;
- 13.3 Considers in particular the necessity of including specific non pecuniary interests within the Register of Interests;
- 13.4 Considers the adequacy of the remedies available under the new arrangements; and
- 13.5 Instructs the Solicitor to the Council to advise members of the Council of the outcome of this meeting in pursuit of the Committee’s role in promoting good standards of conduct.

14. BACKGROUND PAPERS

Contacts for Background Papers:

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Timothy Date	tdate1@warrington.gov.uk	442150