

**TELFORD & WREKIN COUNCIL**

**STANDARDS COMMITTEE – 11 FEBRUARY 2009**

**REPORT ON ACTION UNDERTAKEN BY THE MONITORING OFFICER  
FOLLOWING A CODE OF CONDUCT COMPLAINT – COUNCILLOR  
NICOLA HOLMES**

**REPORT OF THE HEAD OF LEGAL SERVICES AND MONITORING  
OFFICER**

**1. PURPOSE**

To update the Standards Committee as to action undertaken at the direction of the Standards Committee referrals Sub-Committee following a complaint alleging a breach of the Code of Conduct

**2. RECOMMENDATIONS**

- 2.1 That the Standards Committee confirm that they are satisfied with the outcome of the action undertaken by the Monitoring Officer following the decision of the Referrals Sub-Committee on 15 December 2008.**

**3. SUMMARY**

Following a complaint to the Standards Committee, the Referrals Sub-Committee directed the Monitoring Officer to invite a Councillor to attend Code of Conduct training. That Code of Conduct training has now taken place and the Committee are required to consider whether they are satisfied with the action undertaken by the Monitoring Officer in accordance with the direction given.

**4. PREVIOUS MINUTES**

Standard Committee Referrals Sub-Committee – 15 December 2008  
(5(c))

**5. INFORMATION**

**5.1 Background**

On 15 December 2008 the Referrals Sub-Committee of the Standards Committee met to consider a complaint made by a member of the public alleging a breach of the Code of Conduct by a number of Borough and Parish Councillors. Having considered the complaint, and taken advice,

the Sub-Committee decided that, in respect of the complaint against Councillor Nicola Holmes of Great Dawley Parish Council, they would direct the Monitoring Officer to invite Councillor Holmes to undertake Code of Conduct training. A copy of the decision notice is attached at Appendix 1.

Following this direction the Monitoring Officer wrote to Councillor Holmes who subsequently arranged to attend training at the Civic Offices. This training took place on 28th January 2009.

The Code of Conduct training included viewing the Standards Board for England's training DVD entitled "The Code Uncovered", and receiving further training covering the whole of the Code of Conduct with particular emphasis on personal and prejudicial interests. The Councillor concerned was also provided with the Standards Board for England fact sheets in respect of the key areas including personal and prejudicial interest.

It is a requirement that when any other action is directed by the Standards Committee (or Sub-Committee to the Standards Committee) that the outcome is reported back to the Committee within 3 months of the decision being made. It is also a requirement that the Standards Committee have to confirm whether or not they are satisfied with the outcome achieved. Accordingly, the Committee are required to consider the action undertaken following the decision made by the Referrals Sub Committee on 15<sup>th</sup> December and decide whether the matter can now be closed.

## **5.2 Equality and Diversity**

There are no issues to be addressed

## **5.3 Environmental Impact**

No implications

## **5.4 Legal Comment**

The Referrals Sub-Committee of the Standards Committee referred the allegation against Councillor Holmes to the Monitoring Officer with the direction that the Councillor concerned attend training in accordance with their authority under section 57A (2) (a) of the Local Government Act 2000 (as amended by section 185 of the Local Government and Public Involvement in Health Act 2007, and the Standards Committee (England) Regulations 2008 at Regulation 13(3) (a)). The training course referred to in the legislation was undertaken by the Monitoring Officer and one of the Deputy Monitoring Officers.

In accordance with the Standards Committee (England) Regulations 2008 at Regulation 13 (4)(c) the Standards Committee are required to

make a decision as to whether or not they are satisfied with the action which has been undertaken as a result of the referral to the Monitoring Officer. If no further action is required notification is to be given to the member who is subject to the report, the person who made the allegations and the Parish Council concerned (in accordance with the Standards Committee (England) Regulations 2008 at Regulation 13(7)).

## **5.5 Links with Corporate Priorities**

Processing complaints in accordance with statutory guidelines together with insuring that appropriate action is taken in order to resolve issues raised by the complaints assist the Council in meeting the corporate priority of being inefficient and effective Council. It also assists in meeting the CPA requirement that “the Council has undertaken their assessment of Standards of Conduct, including how effectively members are complying with the Code of Conduct, the number and types of complaints received, and takes action as appropriate”.

## **5.6 Opportunities and Risks**

The Opportunities and Risks associated with providing this training and complying with this direction from the Referrals Sub Committee has been identified and assessed. Arrangements have been put in place to manage the risks and maximise the opportunities that have been identified.

## **5.7 Financial Implications**

The cost of the training provided was within existing budgets.

## **6. WARD IMPLICATIONS**

District wide implications

## **7. BACKGROUND PAPERS**

Local Government & Public Involvement in Health Act 2008  
The Standards Committee (England) Regulations 2008

## **End of Report**

***Report prepared by Matthew Cumberbatch, Group Solicitor  
Tel: 01952 383255***