

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held on Thursday, 17 September, 2009 at 6.00 p.m. at Civic Offices, Telford

PRESENT: Councillors R. Aveley, R.E. Groom, C.R.P. Mollett, H. Rhodes and K.S. Sahota
A. Simpson (Chairman) and B. Bayley (Independent Members)
Councillors D. Edwards, P. Picken, R. Wickson and R. Williams (Parish Council representatives)

ST-9 MINUTES

RESOLVED – that the minutes of the meeting of the Standards Committee held on 18 June 2009 be confirmed and signed by the Chairman.

ST-10 APOLOGIES FOR ABSENCE

Councillors V.A. Fletcher and A.J. Stanton (TWC); F. Beasland and A. Selvaratnam (Independent Members)

ST-11 DECLARATIONS OF INTEREST

Councillor K.S. Sahota declared a personal and prejudicial interest in agenda item 8 – Code of Conduct Complaints made to the Standards Committee – Quarterly Update 1 April to 30 June 2009, and stated that he would leave the meeting during consideration of that item.

ST-12 UPDATE OF THE COUNCIL'S GIFTS & HOSPITALITY GUIDANCE

The Audit & Risk Manager presented the report of the Interim Corporate Director: Resources which outlined proposed changes to the Gifts and Hospitality Guidance for Members and employees. The draft revised Guidance was attached to the report.

The Gifts and Hospitality Guidance was last updated in March 2006, and had recently been reviewed again in the light of revised requirements for Members in respect of registering gifts and hospitality and some minor queries from employees. The key change being proposed was the introduction of a form for employees to complete when registering gifts and hospitality. This would ensure there was a consistent and full record of what had been offered and the action taken. The forms (a copy of which was appended to the report) would be retained on a register within each Portfolio for three years.

Members would be required to provide information to the Monitoring Officer but only to the level required by their statutory Code of Conduct and this guidance. Appended to the report was a checklist for Members to identify

relevant information that would be required if they needed to declare a gift or hospitality offered, accepted or rejected.

Other minor changes to the Guidance were highlighted in the revised draft document.

Members enquired as to whether the Guidance also applied to Independent Members of this Committee and to other external Co-optees (eg: Scrutiny). The Head of Legal Services & Monitoring Officer advised that this was the case, and that this could be clarified within the Guidance document.

RESOLVED – to RECOMMEND to COUNCIL that the updated Gifts & Hospitality Guidance, as set out at Annex 1 of the report, be adopted, subject to the inclusion of wording to clarify that the guidance also applies to co-opted and independent members.

ST-13 JOINT STANDARDS COMMITTEES

The Head of Legal Services & Monitoring Officer presented a report which provided further information relating to Joint Standards Committees, along with issues and proposals for Members to consider.

At the last meeting on 18 June 2009, the Committee had asked the Monitoring Officer to investigate the possible provision of a joint standards committee (minute ST-8(c)). Standards for England had now issued guidance with regards to joint standards committees, and this was appended to the report. The guidance set out the benefits of a joint committee, including the avoidance of conflict of interests through using a wider pool of members for assessing and determining complaints, as well as potential problems/issues. The most likely partner would be the Shropshire & Wrekin Fire Authority, although the Fire Authority had not yet been formally approached. It was therefore suggested that recommendation 2.1 in the report be amended, so that rather than making a recommendation to full Council, the Committee be asked to agree in principle to discussions taking place with potential partners, including Shropshire Council as well, about the establishment of a Joint Standards Committee.

The Standards for England guidance also contained three possible models for a joint committee, and these were detailed in the report. In deciding which option to choose, Standards for England had provided a checklist of issues to consider, and this was appended to the report. Subject to further discussions with the Fire Authority, Members were minded to adopt Model C – a joint committee to carry out all the functions of a standards committee – but did not feel able to consider all the issues in the checklist until the principle of a joint committee had been more fully explored with the Fire Authority and Shropshire Council. The Head of Legal Services & Monitoring Officer advised that he could take a similar report to the Fire Authority seeking outline agreement to participating in a joint committee, and that the Chairs of interested Authorities' Standards Committees could be involved in developing a joint committee model.

RESOLVED –

- (a) that agreement in principle be given to discussions taking place with potential partners on the establishment of a Joint Standards Committee;**
- (b) that Model C – a joint standards committee to carry out all the functions of a standards committee – be the preferred model to be adopted for a Joint Standards Committee;**
- (c) that following discussions with potential partners, a further report be brought back to the Committee with a framework setting out the proposed structures and procedures for a Joint Committee.**

ST-14 DISPENSATIONS

The Head of Legal Services & Monitoring Officer presented a report which informed the Committee of new rules for dispensations, and to update the process for making dispensation applications.

Following the changes introduced by the Standards Committee (Further Provisions) (England) Regulations 2009 (as reported at the last meeting), Standards for England had released guidance on granting dispensations under the new Regulations. The guidance document was appended to the report. The new provisions clarified the grounds on which standards committees may grant dispensations to local authority members. Consequently, there was a need to revise and update the dispensations application form and the guidance to applicants and the Standards Committee.

Members were also asked to consider establishing a dispensations sub-committee. The benefits of using a sub-committee would be the ability to quickly consider applications which are sometimes made at relatively short notice. It would also fit in with the structure already established to assess Code of Conduct complaints. Proposals for making a change to the Committee's terms of reference to allow for the establishment of a dispensations sub-committee were appended to the report. If agreed, the amended terms of reference would need to be considered by the Council Constitution Committee.

In response to a question, the Head of Legal Services & Monitoring Officer advised that the application form was mainly intended for use by individual members, but in certain circumstances it could apply to a group of members if the reason(s) for seeking the dispensation was the exactly the same for all of them. However, each case would have to be considered on its own merits.

RESOLVED –

- (a) that the new dispensations application form and guidance, as shown at Appendix 2 of the report, be approved;
- (b) to approve the establishment of a Dispensations Sub-Committee to consider dispensations applications, and to RECOMMEND to the Council Constitution Committee the consequent changes to Article 9 of the Constitution, as shown at Appendix 3 of the report.

ST-15 UPDATE ON ACTION TAKEN BY THE MONITORING OFFICER FOLLOWING A CODE OF CONDUCT COMPLAINT

The Head of Legal Services & Monitoring Officer presented a report which updated Members concerning action undertaken at the direction of the Referrals Sub-Committee following a complaint alleging a breach of the Code of Conduct.

The complaint concerned a Councillor of Waters Upton Parish Council, and the Sub-Committee decided to direct the Monitoring Officer to invite the Councillor to undertake Code of Conduct training. They also decided that it would be appropriate to offer training to all Members of Waters Upton Parish Council. The Head of Legal Services & Monitoring Officer reported back to Members on actions taken to implement their decision.

RESOLVED – that the Committee are satisfied with the action undertaken by the Monitoring Officer following the decision of the Referrals Sub-Committee on 23 February 2009.

ST-16 CODE OF CONDUCT COMPLAINTS MADE TO THE STANDARDS COMMITTEE – QUARTERLY UPDATE 1 APRIL TO 30 JUNE 2009

Councillor Sahota withdrew.

The Head of Legal Services & Monitoring Officer presented a report which provided details of the Code of Conduct complaints received by the Committee during the period April to June 2009.

During the period, complaints about three elected members proceeded to local assessment. The complaints were all submitted by members of the public, and generally related to aspects of the Code about failing to treat others with respect and disrepute. In one case, the Referrals Sub-Committee decided that a local investigation was required, with no further action taken in the other two cases. During the period the Review Sub-Committee considered one review application from a member of the public concerning a Borough Councillor (also when acting as a Parish Councillor). The Sub-Committee decided to uphold the original decision that no further action was required.

The quarterly return had been forwarded to Standards for England in accordance with Section 186 of the Local Government and Public Involvement in Health Act 2008.

RESOLVED – that the report be noted.

The meeting ended at 6.45 pm

Chairman:

Date: