

TELFORD & WREKIN COUNCIL

STANDARDS COMMITTEE – 21ST APRIL 2009

**REPORT ON ACTION UNDERTAKEN BY THE MONITORING OFFICER
FOLLOWING A CODE OF CONDUCT COMPLAINT - COUNCILLOR LINDA
BAKER-OLIVER AND WATERS-UPTON PARISH COUNCIL**

REPORT OF 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 23 February 2009

3. SUMMARY

Following a complaint to the Standards Committee, the Referrals Sub-Committee directed that the Monitoring Officer invite both a Councillor and all other Councillors from the Parish Council concerned to attend Code of Conduct training. At the time of preparing this report the Clerk to the Parish Council and the Councillor that was subject to the complaint has contacted the Monitoring Officer and arrangements are being put in place for that training to be provided. 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

Standards Committee Referrals Sub-Committee – 23 February 2009

5. INFORMATION

5.1 Background

On the 23 February 2009 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 Member of Waters-Upton Parish Council. Having considered the complaint, and taken advice, the Sub-Committee decided that, in respect of the complaint against Councillor Linda Baker-Oliver at Waters-Upton Parish Council, they would direct the Monitoring Officer to invite Councillor Linda Baker-Oliver to undertake Code of Conduct training. Having considered the complaint and background information before them, they also decided that it would be appropriate to invite all Members of Waters-Upton Parish Council for Code of Conduct training.

Following this direction the Monitoring Officer wrote to both Councillor Baker-Oliver and the Clerk to Waters-Upton Parish Council. At the time of preparing this report a response has been received by both the Clerk to Waters-Upton Parish Council and Councillor Baker-Oliver and meetings are scheduled to take place in order that the appropriate training can be arranged. A copy of the Decision Notice is attached at Appendix 1.

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 Standards Committee within three 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 23 February and decide whether the matter can be considered closed now that arrangements are in place for the Code of Conduct training to take place.

5.2 Equality and Diversity

The Monitoring Officer will ensure that any equality and diversity issues are addressed in respect of Code of Conduct training.

5.3 Environmental Impact

No implications

5.4 Legal Comment

The Referrals Sub-Committee of the Standards Committee referred the allegation against Councillor Baker-Oliver to the Monitoring Officer with the direction that the Councillor concerned and all other Members of the Parish Council attend training. This was in accordance with their authority under Section 57 A (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 Act Regulation 13 (3) (a)). The training course referred to in the legislation is to be undertaken by the Monitoring Officer and one of the Deputy Monitoring Officers.

In accordance with the Standards Committee (England) Regulations 2008 Act 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 is being 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 Act Regulation 13 (7)).

5.5 Links with Corporate Priorities

Processing complaints in accordance with statutory guidelines together with ensuring that appropriate action is taken in order to resolve issues raised by the complaints, assist the Council in meeting the corporate priority of being an efficient and effective Council.

5.6 Opportunities and Risks

The opportunities and risks associated with providing this Code of Conduct training in complying with the 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 will be funded from within existing budgets.

6. WARD IMPLICATIONS

District wide implications

7. BACKGROUND PAPERS

Local Government and Public Involvement in Health Act 2008

The Standards Committee (England) Regulations 2008

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