

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held on Tuesday, 21 April, 2009 at 6.00 p.m. at Civic Offices, Telford

PRESENT: Councillors R. Aveley, V.A. Fletcher, C.R.P. Mollett, K.S. Sahota, A.J. Stanton and A.G.P. Williams
A. Simpson (Chairman), F. Beasland and A. Selvaratnam (Independent Members)
Councillors D. Edwards, P. Picken, R. Wickson and R. Williams (Parish Council representatives)

ST-33 MINUTES

RESOLVED – that the minutes of the meeting of the Standards Committee held on 11 February 2009 be confirmed and signed by the Chairman.

ST-34 APOLOGIES FOR ABSENCE

Councillors H. Rhodes & U.E. Sambrook, and B. Bayley (Independent Member)

ST-35 DECLARATIONS OF INTEREST

Mr A. Simpson declared a personal and prejudicial interest in relation to agenda item 7 – Independent Membership of the Standards Committee.

ST-36 MEMBERS CODE OF CONDUCT TRAINING UPDATE

The Group Solicitor: Standards & Regulatory presented a report which, further to Minute ST-30 at the last meeting, provided an update on the work undertaken on the arrangements for Code of Conduct training for the next municipal year.

A letter from the Chair of the Standards Committee had been sent to all Borough and Parish Councillors inviting comments on topics they would like to see covered in the forthcoming training. In terms of the delivery of the training, a small number of training providers were to be asked to submit quotes. Different venues for the training were being explored, and it was proposed to arrange sessions in the north (possibly Newport), south (possibly Madeley) and central (possibly Civic Offices or Priorslee Training Centre) areas of the Borough. In addition, it was hoped to co-ordinate the provision and promotion of the training with the Shropshire Association of Local Councils, which could result in additional training opportunities for Members.

During the ensuing discussion, there were some further suggestions relating to venues for Code of Conduct training, including whether Oakengates/Ketley or Wellington would be better locations for the northern part of the Borough.

RESOLVED – that the report be noted.

ST-37 **CODE OF CONDUCT COMPLAINTS MADE TO THE STANDARDS COMMITTEE - QUARTERLY UPDATE: 1ST JANUARY TO 31ST MARCH 2009.**

The Group Solicitor: Standards & Regulatory presented a report which detailed the Code of Conduct complaints received by the Standards Committee during the period 1 January 2009 to 31 March 2009.

During that period, the Standards Committee received two Code of Conduct complaints under the new system for local assessment. The complaints both related to Parish Councillors, and had been considered by the Referrals Sub-Committee on 23 February and 27 March 2009 respectively. In the first case, the Sub-Committee decided to direct the Monitoring Officer to invite the Councillor concerned and the rest of the Parish Council to be provided with Code of Conduct training, particularly in relation to aspects of Code around prejudicial interests and failing to act appropriately. In the second case, the Sub-Committee decided that no further action was to be taken. No request for a review of that decision had been received from the complainant. A quarterly return had been forwarded to the Standards Board for England.

In response to a question regarding the numbers of complaints compared to other local authority areas, the Group Solicitor advised that year-end comparative data from the Standards Board was not yet available.

RESOLVED – that the contents of the report be noted.

ST-38 **STANDARDS COMMITTEE WORK PLAN 2009/10**

The Group Solicitor: Standards & Regulatory presented a report which proposed the establishment of a work plan for the Committee for the next Municipal Year. The draft Work Plan was appended to the report.

The intention of the work plan was to identify the main areas of work to be undertaken by the Committee over the next 12 months, and to make plans to ensure that the work was undertaken within appropriate timescales. The Plan would be a “living document” and could be changed if there was a need to react to new legislative requirements. Members were invited to provide any suggestions or comments on the draft work plan.

The Committee welcomed the Work Plan, which would help to structure their activities. In relation to the expected changes to the Code of Conduct, clarification was sought on the timescales and actions in the Plan to reflect this. The Group Solicitor advised that there was still no definite date for the issuing of the necessary Regulations by the Government. It was expected to be in the next two or three months, and therefore the aim would be to complete training for Members on the new Code by the end of October 2009.

RESOLVED – that the Standards Committee Work Plan for 2009/10, as shown at Appendix 1 of the report, be approved.

Before the commencement of the next item, the Chairman, having previously declared an interest, withdrew from the meeting.

ST-39 ELECTION OF CHAIRMAN FOR THE NEXT ITEM OF BUSINESS

It was reported that the Committee needed to elect an Independent Member as Chairman for the transaction of business on the next item on the agenda.

RESOLVED - that Mr A. Selvaratnam be elected Chairman for the purposes of the following item of business only.

ST-40 INDEPENDENT MEMBERSHIP OF STANDARDS COMMITTEE – MR A SIMPSON

The Group Solicitor: Standards & Regulatory presented a report concerning the re-appointment of Mr A. Simpson as an Independent Member of the Standards Committee.

Mr Simpson was approaching the end of his second four year term of office, and a decision was needed as to whether or not he was to be re-appointed. The appointment of Independent Members was the role of full Council, but the Committee could make a recommendation on the matter, including the term of office to be served.

Details of the Standards Board guidance on the appointment of Independent Members were outlined in the report. Mr Simpson had indicated that he was prepared to be considered for re-appointment for a 12 month period. This would then allow sufficient time for a replacement Independent Member to be recruited and appointed.

In response to questions, the Group Solicitor advised that the chairmanship of the Committee was a separate issue to Mr Simpson's re-appointment. Irrespective of whether Mr Simpson was re-appointed, the Committee would need to elect a Chairman for the 2009/10 Municipal Year at their June meeting. In relation to changing the number of Independent Members on the Committee, this would require a change in the Constitution and/or a revision in the numbers of Elected Members on the Committee.

RESOLVED – TO RECOMMEND TO COUNCIL that Mr A. Simpson be re-appointed as an Independent Member of the Telford & Wrekin Standards Committee for a 12 month period from the start of the 2009/10 Municipal Year.

Mr Simpson then returned to the meeting room to chair the remainder of the meeting.

ST-41

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

The Group Solicitor: Standards & Regulatory presented a report which updated the Committee on the action undertaken at the direction of the Referrals Sub-Committee following a complaint alleging a breach of the Code of Conduct.

On 23 February 2009, the Referrals Sub-Committee had 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. The Sub-Committee decided that they would direct the Monitoring Officer to invite Councillor Linda Baker-Oliver to undertake Code of Conduct training. They also decided that it would be appropriate to invite all Members of Waters Upton Parish Council for Code of Conduct training. A copy of the Decision Notice was appended to the report.

A meeting had been held with the Parish Clerk on 16 April, and arrangements had been made for the Monitoring Officer to visit the Parish Council on 24 June 2009. A meeting with Councillor Baker-Oliver had provisionally been arranged for 30 April 2009.

Members expressed some concerns that the recommended training had not yet been undertaken, and it was suggested that for such cases there could be a timescale specifying a date by which the training should be completed. In response to questions, the Head of Legal Services & Monitoring Officer advised that there had not been any resistance or obstruction from the Member or Parish Council concerned. It was also stressed that the Sub-Committee had not found a breach of the Code of Conduct, and therefore it could only seek voluntary agreement to training being undertaken. As the training had not yet taken place, Members expressed the view that they could not be satisfied at this stage that the outcome of the Sub-Committee's direction had been achieved.

RESOLVED –

- (a) that a further report on the outcome of the action undertaken by the Monitoring Officer following the decision of the Referrals Sub-Committee on 23 February 2009 be presented to the next meeting.**
- (b) that on future occasions when the Referrals or Reviews Sub-Committee decide to direct the Monitoring Officer to invite member(s) to attend code of conduct training, consideration is given (on a case by case basis) as to whether a time limit to undertake such training is specified.**

The meeting ended at 7.00 pm

Chairman:

Date: