

TELFORD & WREKIN COUNCIL

STANDARDS COMMITTEE – 16th JUNE 2011

ANNUAL REPORT OF THE STANDARDS COMMITTEE AND GENERAL UPDATE

REPORT OF HEAD OF GOVERNANCE AND MONITORING OFFICER

1. PURPOSE

To present the draft version of the annual report of Telford & Wrekin Council Standards Committee and to update the Committee regarding developments relating to the ethical framework

2. RECOMMENDATIONS

2.1 That the Committee approve the draft version of the annual report of the Standards Committee, subject to any amendments/comments that they wish to make.

2.2 That the Standards Committee confirm the appointment of all members of the Committee to the Referrals, Review and Dispensation Sub-Committees and the Hearing Panel.

2.3 That the Committee direct the Monitoring Officer regarding what further work they require to be done in respect of forthcoming changes proposed by the Localism Bill

2.4 That the Committee recommends to full Council that Mr Frank Beasland and Arul Selvaratnam are appointed independent members of the Standards Committee from the expiry of their second and first terms respectively for an indefinite period pending developments relating to the provisions of the Localism Bill.

2.5 That the Standards Committee consider the reappointment of Councillor Roy Williams as a Parish Council representative on the Standards Committee.

3. SUMMARY

The annual report of the Standards Committee has been prepared for approval. In addition there have been developments concerning the future of the ethical framework which are contained within the Localism Bill.

4. PREVIOUS MINUTES

Standards Committee 21st April 2009 (ST-39)

Standards Committee 18th June 2009 (ST-6)

Standards Committee 17th June 2010 (ST-5)

Standards Committee 18th December 2010 (ST-20)

5. INFORMATION

5.1 Background

5.1.1 Annual Report of the Standards Committee

Officers have prepared a draft version of the annual report of the Standards Committee for the Municipal Year 2010/11. The draft version of the report is attached as an appendix for consideration by the Committee including the work plan for this municipal year.

5.1.2 Appointment to the Committee and Sub-Committees

It is recommended that all members of the committee are formally appointed to the sub-committees and hearing panel. Often Sub-Committees have to be set up at short notice to consider Code of Conduct complaints and conflicts of interest sometimes prevent some members of the committee from taking part. It is therefore recommended that all members are trained and available to attend Sub-committee meetings to ensure that complaints are dealt with in an expedient manner.

The Committee currently has four independent members places with two vacancies. Standards for England have previously stated that Independent members should serve four year terms and for no longer than two full terms. However, in 2010 Standards for England changed that view and with the impending provisions of the Localism Bill they stated that Independent Members could continue to serve beyond that. In order to formally recognise that provision it is suggested that this Committee ask the full Council to confirm the reappointment of both Mr Frank Beasland and Mr Arul Selvaratnam to continue their term of office from the expiry of their second and first term respectively to such a time that this Committee recommends otherwise (as a result of developments relating to the provisions of the Localism Bill).

Councillor Roy Williams is a Parish Representative on the Standards Committee and as of 7th July 2011 his second term of office will conclude meaning that he will have served eight years on the Committee. The Committee will need to decide if they wish to reappoint Councillor Williams for a further period. The appointment does not need to be made by the full Council (as it does in the case of Independent members of the Committee). If the Committee decide not to reappoint— Councillor Williams the Committee will still meet statutory requirements and comply with Standards for England guidance but there will be a more limited availability when Parish Representatives are required for sub-committee meetings at relatively short notice.

5.1.3 The Future of the ethical framework

The government have pledged to abolish the Standards Board regime. The Localism Bill currently contains the provision to do so. New proposals rely on a mix of a criminal liability for elected members and local arrangements for

administering an ethical framework. The main features of the Bill in this regard are as follows :-

- **All authorities will continue to have a duty to promote and maintain high standards of conduct by its members and co-opted members.** It is not currently specified as to how this will be done. It is anticipated that local authorities will make their own decisions as to whether or not they have a Standards Committee with a voluntary code of conduct.
- **Standards for England to be abolished.** Standards for England currently oversees the Standards regime and provides guidance and support for local Standards Committees and Monitoring Officers as well as dealing with the most serious Code of Conduct breaches.
- **The mandatory model code of conduct for members to be revoked.** As mentioned above, a criminal liability and the potential for a voluntary code of conduct could replace the statutory code.
- **The requirement for an authority to have a Standards Committee to be revoked.** As mentioned above, each authority must make its own decision as to whether it should maintain a Standards Committee. The constitution of the committee may also be left for the authority concerned to decide upon.
- **The First Tier Tribunal will be abolished.** Previously known as the Adjudication Panel for England, the tribunal currently deals with the most serious breaches of the Code and appeals of Standards Committee decisions.
- **New regulations will create criminal offences for failure, by a member, to register or disclose certain interests.** Convictions could result in a fine of up to £5,000 and disqualification from being a Councillor of up to five years.

Elected members will still be required to maintain a register of interests and may apply for dispensations in certain circumstances to allow them to take part in the business of the authority that they may otherwise have to be excluded from. It is expected that the current regime will probably continue until spring next year when transitional provisions will be put in place to transfer to the new arrangements.

5.2 Equality and Diversity

All processes and procedures undertaken by the Standards Committee need to comply with the appropriate equality and diversity legislation, regulations and guidance.

5.3 Environmental Impact

No implications.

5.4 Legal Comment

It is not a legal requirement to produce an annual report with regard to the work undertaken by the Standards Committee. However it is good practice to do so and has been a recommendation of Standards for England.

5.5 Links with Corporate Priorities

Providing an annual report which is made available to Standards for England and to the public assists the Council in ensuring it meets the corporate priority of being a customer focussed and efficient Council.

5.6 Opportunities and Risks

The risks associated with producing an annual report for the Standards Committee have been assessed. Every effort will be made to ensure that the risks are managed effectively and the opportunities arising from producing the annual report are maximised.

5.7 Financial Implications

The management and administration of the Standards Committee is met from within existing resources which includes the production of the Annual Report.

6. WARD IMPLICATIONS

District wide

7. BACKGROUND PAPERS

None

End of Report

Report prepared by Matthew Cumberbatch, Legal Services Manager, Tel: 01952 383255