

TELFORD & WREKIN COUNCIL

STANDARDS COMMITTEE – 14th JUNE 2012

THE WAY FORWARD FOR STANDARDS - UPDATE

REPORT OF THE ASSISTANT DIRECTOR: LAW, DEMOCRACY AND PUBLIC PROTECTION AND MONITORING OFFICER

1. PURPOSE

- 1.1 To provide the Committee with a closing update as we await the transfer to the new ethical framework.

2. RECOMMENDATIONS

- 2.1 That the contents of this report are noted
- 2.2 That this committee recognises the commitment and long service to the Standards Committee by the independent members, Mr. Arul Selvaratnam and Mr. Frank Beasland
- 2.3 That this committee recognises the commitment and long service to the Standards Committee by the Parish Representatives, Cllrs. Roy Williams, Ray Wickson, David Edwards and Patricia Fairclough.

3. SUMMARY

- 3.1 The Localism Act 2011 and regulations made under it will change the existing arrangements for the ethical standards regime. The Standards Committee has undertaken much of the work required to prepare for the new regime, Council has agreed the proposed new structure and we now await further Regulations to prepare for the commencement date.

4. PREVIOUS MINUTES

- 4.1 Standards Committee – 8th December 2011
Standards Committee – 8th February 2012

5. INFORMATION

- 5.1 Previous reports to this Committee have set out the changes to the ethical framework that will come into effect when the relevant provisions of the Localism Act 2011 ('the Act') come into force. The various areas that the Committee have addressed in preparing for these changes are set out below with an update to show the current position.

- **Code of Conduct** – The Council agreed to adopt a new Code of Conduct at the full Council meeting on 3rd May 2012. The new Code will become effective when the relevant provisions of the Act come into force. This was expected to be 1st July but the start date has yet to be confirmed.
- **Code of Conduct guidance and council procedure rules.** – Also at the full Council meeting on 3rd May 2012 the Council agreed draft procedures recommended by this Committee in relation to the new disclosable pecuniary

interests. We are awaiting Regulations to assess whether the draft proposals need any amendment and the Monitoring Officer does have delegated powers to amend our procedures if required.

- **Appointment of the independent person** – The recruitment process is underway and will be a joint appointment with the Shropshire & Wrekin Fire Authority.
- **Existing complaints** – There are currently two outstanding Code of Conduct complaints and both are to proceed to a hearing. These matters will be concluded as soon as possible. When the new system is in place the documentation relating to previous complaints will not be retained.
- **Councillor Training** – There are no arrangements for Councillor training at present given the uncertainty concerning the Regulations and the start date for the new provisions. Officers will consult with the Standards Committee about training in due course.

5.2 During the lifetime of the Standards Committee there have been contributions from members who have been appointed to serve as Independent Members or Parish Council Representatives. The Committee currently has some long serving appointed members whose commitment and experience have been invaluable in meeting the increasing demands placed upon the Committee as a result of successive legislative changes. When the new regime commences those appointments will cease. It is suggested that the members concerned are provided with thanks for their contribution to the Committee which in some cases has been for many years.

6. **EQUALITY AND DIVERSITY**

6.1 No implications

7. **ENVIRONMENTAL IMPACT**

7.1 No implications.

8. **LEGAL COMMENT**

8.1 At present the regime for the assessment and determination of Code of Conduct complaints (as set out in the Local government Act 2000 (as amended) and associated legislation) remains in force. The new provisions referred to in this report will only take effect when the relevant provisions of the Localism Act 2011 come into force.

8.2 The appointment of the independent person must be undertaken in accordance with the provisions of section 28 of the Localism Act 2011.

9. **FINANCIAL IMPLICATIONS**

9.1 The cost of standards investigations together with the management and administration of the Standards Committee are currently met from within the Legal Services revenue budget. The Chair of Standards Committee receives a Special Responsibility Allowance (SRA) of £3,935 p.a. There are also 4 co-opted members who each receive £260 p.a. in accordance with the Members' Remuneration Scheme and as set out in the Constitution.

9.2 If an elected chair is appointed under the proposals there is the potential for a Special Responsibility Allowance (the value of which would have to be determined and if it is greater than the current SRA would be an additional cost to the Council). There will also be costs associated with the role of Independent Person;

the value will depend on the appointment made i.e. if a 'professional' person is appointed fees may be applicable. It is difficult to assess any further financial implications of the changes to the Standards Regime set out in the Localism Act at present as the detailed regulations are not yet available.

10. WARD IMPLICATIONS

10.1 District wide

11. BACKGROUND PAPERS

11.1 The Localism Act 2011

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