

## **TELFORD & WREKIN COUNCIL**

**FULL COUNCIL – 12<sup>th</sup> JULY 2012**

### **THE MEMBERS' CODE OF CONDUCT AND THE NEW ETHICAL FRAMEWORK**

#### **REPORT OF THE MONITORING OFFICER**

## **1. PURPOSE**

- 1.1 To consider final arrangements for the new standards regime at Telford & Wrekin Council in accordance with the provisions of the Localism Act 2011 and regulations made under it which have come into force since this matter was last considered by full Council on the 3<sup>rd</sup> May 2012.

## **2. RECOMMENDATIONS**

**That Council endorses its decisions made on the 3<sup>rd</sup> May 2012 to:**

- 2.1 Create a Standards Committee and a Hearings Sub Committee, (approving the terms of reference as set out in Appendix 1) to come into effect immediately;**
- 2.2 Approve the Code of Conduct for adoption (as attached at Appendix 2 of this report) as the Council's Code of Conduct to come into effect immediately;**

**Further decisions for Council:**

- 2.3 That Council approve the payment of an allowance of £3,935 to the Chair of the Standards Committee**
- 2.4 That Council approve the arrangements for the investigation of allegations and for decisions on allegations to be made as detailed in Appendix 3:**
- 2.5 That the appointment of the Independent Person be considered by Council at its next meeting on 13<sup>th</sup> September 2012.**

## **3. SUMMARY**

- 3.1 The Localism Act 2011 and regulations have replaced the Council's existing standards regime. This report finalises the arrangements for the new arrangements to be adopted.

## **4. PREVIOUS MINUTES**

Standards Committee 21<sup>st</sup> September 2011  
Standards Committee 21<sup>st</sup> April 2009 (ST-39)  
Standards Committee 18<sup>th</sup> June 2009  
Standards Committee 17<sup>th</sup> June 2010  
Standards Committee 16<sup>th</sup> June 2011  
Standards Committee 8<sup>th</sup> December 2011  
Standards Committee 8<sup>th</sup> February 2012

## **5. INFORMATION**

### **5.1 What is new**

Regulations published on the 8<sup>th</sup> June 2012 included provisions which mean that Council has to re-visit a number of decisions made previously and make some further decisions in the light of the Regulations.

### **5.2 Breaches of the code**

The Borough Council has to have in place arrangements for investigations and consideration of investigation reports for both complaints against its members and members of Town and Parish Council. A copy of the proposed arrangements are included in Appendix 3 for Members' approval. Members will note that discretion is given to the Monitoring Officer to decide what to do with a complaint although proposed amendments to the terms of reference for the Hearing Sub Committee now include power to consider complaints referred to them by the Monitoring Officer. The Standards Committee will be considering a protocol for how this works when it next meets in September.

### **5.4 The Independent member**

We are currently recruiting the Independent Member and the appointment, which must be approved by Council. This approval will be sought from members in September 2012.

### **5.5 Disclosable Pecuniary Interests and the Register of Interests**

Regulations have now defined Disclosable Pecuniary Interests which must be disclosed. Generally this will be required within 28 days of taking office or at a meeting when it becomes apparent that a member or their spouse or partner has a Disclosable Pecuniary Interest. Members have already been circulated with details of these interests, how they work and forms to facilitate the disclosure of these interests. The Monitoring Officer recommends that these forms are completed and returned by 27<sup>th</sup> July 2012.

Notwithstanding this the requirement to declare these Disclosable Pecuniary Interests exists from tomorrow both for members and their partner.

A Register of Interests is already available for public inspection and on the authority's web-site that also includes the Disclosable Pecuniary Interests of Town and Parish Councillors.

### **5.6 Offences**

West Mercia Police have been briefed about the new criminal offences.

## **6. EQUALITY AND DIVERSITY**

6.1 The draft code and arrangements have been subject to an equality impact assessment and the conclusion was that this Code and procedure are classed as low impact and accordingly a full impact assessment is not required

## **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) is in a transitional phase. The current system at a local level remains in force without provision for referrals to Standards for England which has now been abolished. The published timetable envisages that the changes will take effect from 1<sup>st</sup> July 2012 at which point the current regime will cease completely and the new framework will come into force.

## **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 Independent 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 It was agreed at Annual Council that Councillor Rae Evans would become Chair of this committee and it is proposed that the Chair receives the same SRA as the Independent Chair previously received. There will be no co-optee allowances thus there will be a saving of £1,040. (This would be subject to review by a remuneration panel in due course)

9.3 There are costs associated with the role of Independent Person. It is proposed that this role receives expenses only but may need some professional support from time to time for which there is no budget.

## **10. WARD IMPLICATIONS**

10.1 Borough wide

## **11. BACKGROUND PAPERS**

11.1 The Localism Act 2011 and regulations made under it

11.2 Local Government Association template code of conduct and guidance note

## **End of Report**

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