

TELFORD & WREKIN COUNCIL

STANDARDS COMMITTEE – 8TH FEBRUARY 2012

THE WAY FORWARD FOR STANDARDS

REPORT OF THE HEAD OF LAW, DEMOCRACY AND PUBLIC PROTECTION AND MONITORING OFFICER

1. PURPOSE

- 1.1 To consider proposals for the future of the ethical standards regime at Telford & Wrekin Council, with a view to reporting final proposals to Council for approval.

2. RECOMMENDATIONS

- 2.1 That this committee recommend the creation of a politically balanced Standards Committee comprising of 7 members of the Council including at least one member of the Executive;
- 2.2 That this committee recommend the creation of a politically balanced Hearings Sub Committee comprising of 3 members of the Council;
- 2.3 Subject to 2.4 below that Council approve the draft Code of Conduct for adoption as the Council's Code of Conduct with effect from the 1 July 2012 or the first date that the ethical standards regime must be implemented by;
- 2.4 That Council delegate to the Monitoring Officer authority to make the necessary amendments to the draft Code of Conduct in consultation with the Deputy Leader to accommodate the provisions of regulations made pursuant to the Localism Act 2011

3. SUMMARY

- 3.1 The Localism Act 2011 and regulations made under it will change the existing arrangements for the ethical standards regime. This report carries forward the development of this new regime in the light of recommendations of the Standards Committee when it met and considered this matter on the 8th December 2011.

4. PREVIOUS MINUTES

- 4.1 Standards Committee – 8th December 2011

5. INFORMATION

- 5.1 For ease of reference the recommendations from the last meeting of this committee are set out below and include an update on the current position as a convenient way of updating members on progress:-

(a) that the Monitoring Officer be	
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<p>instructed to develop a new ethical framework for the Council to accommodate the provisions of the Localism Act 2011, such a framework to be based on the following principles/approaches:</p>	
<p>- the appointment of a Standards Committee consisting of 7 elected members, politically balanced and including at least one member of the Executive;</p>	<p>See recommendations in paragraph 2</p>
<p>- the appointment of a Hearings Sub-Committee of 3 members;</p>	<p>See recommendations in paragraph 2</p>
<p>- consultation with town and parish councils on the appointment of parish councillors as co-opted, non-voting members of the Committee and Sub-Committee;</p>	<p>An e-mail was sent out to all Clerks before Christmas providing a further update on progress and asking for views about, amongst other things continued Town/Parish involvement in the Borough Council Standards Committee. Members should note that the regime materially lessens the roles and responsibility of the Council for Town and parish Council conduct matters.</p>
<p>- paragraphs 3, 4, 5, 6 and 7 of the existing Code of Conduct be used as a template in drafting the new Code of Conduct for Telford & Wrekin Council;</p>	<p>A copy of a draft code is included in Appendix 1A for consideration – Note that the regulations regarding interests have yet to be published – delegated authority is sought for the Monitoring Officer to make the necessary amendments to this element of the Code once they are published.</p>
<p>- the proposed arrangements for dealing with complaints of a breach of the Code of Conduct set out at paragraph 8 of the tabled report;</p>	<p>A copy of the proposed arrangements are included in Appendix 1B for consideration.</p>
<p>- the proposed terms of reference set out at paragraph 10 of the tabled report.</p>	<p>A copy of the proposed terms of reference of this committee are included in Appendix 1C for recommendation to Council.</p>
<p>(b) that the Monitoring Officer be authorised to undertake a recruitment process for an Independent Person (and 2 reserves), and that a sub-committee of three members (including at least one independent member) be established to interview candidates;</p>	<p>See paragraph 6.2 of the main report.</p>
<p>(c) that authority be delegated to the Monitoring Officer, in consultation</p>	<p>See paragraph 6.2 of the main report.</p>

with the Chair, to determine the appropriate allowances/expenses payable to the Independent Person (and reserves);	
(d) that the Monitoring Officer bring a report containing final proposals for a new ethics framework and a new version of the Code of Conduct to a meeting of the Standards Committee in February 2012 (date to be confirmed).	This is the subject of this report.

6. FURTHER PROVISIONS

- 6.1 Since the last meeting of this committee the Monitoring Officer has had discussions about the standards regime with the Fire Authority (as Monitoring Officer for the Fire Authority) and with the Monitoring Officer for Shropshire Council. There is agreement that there should be a consistency of approach in respect to this new regime for the sake of transparency and good administration. Accordingly the same code (and arrangements) are at different stages of being recommended for approval at each authority.
- 6.2 Included in these discussions has been the role of and appointment of an Independent Person. There is some recognition of the advantages (economic, efficiency and effectiveness) of having a joint or shared Independent Person resource. Accordingly it is proposed that the existing delegation to the Monitoring Officer be amended to enable him to pursue a shared option with Shropshire Council and/or the Combined Fire Authority (and other public authorities if appropriate) and agree a slightly different recruitment process whereby at least one member of the Council's Standards Committee is involved in the recruitment of an Independent Person(s) and, as part of that process delegate the Monitoring Officer to agree that expenses be paid to that person.
- 6.3 Members should note that there is now clear advice from Counsel that Independent Person cannot previously have been an independent member of the Standards Committee although further representations to CLG are being made about this by ACSeS, (the Association of Council Secretaries and Solicitors).

7. EQUALITY AND DIVERSITY

- 7.1 The draft code and arrangements need to be Equality Impact Assessed and will be prior to consideration by full Council.

8. ENVIRONMENTAL IMPACT

- 8.1 No implications.

9. LEGAL COMMENT

- 9.1 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. Upon any change in the legislative provisions the Council will need to change its procedures to comply with the new

requirements as contained in this report.

10. FINANCIAL IMPLICATIONS

10.1 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.

10.2 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). It is also proposed that the Independent Person would be entitled to receive expenses but not allowances and it is anticipated that these costs will be minimal. 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.

11. WARD IMPLICATIONS

11.1 District wide

12. BACKGROUND PAPERS

12.1 The Localism Act 2011

End of Report

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