

TELFORD & WREKIN COUNCIL

COUNCIL – 5th MARCH 2015

UPDATE TO THE COUNCILLORS' CODE OF CONDUCT

REPORT OF THE MONITORING OFFICER

LEAD CABINET MEMBER – CLLR RICHARD OVERTON

PART A) – SUMMARY REPORT

1. SUMMARY OF MAIN PROPOSALS

The Council is asked to consider recommendations from the Standards Committee to make amendments to the Councillors' Code of Conduct as a result of changes made by the Committee for Standards in Public Life to the (Nolan) principles which form the basis of the Code of Conduct. The Council is also asked to consider recommendations from the Standards Committee to extend the term of office of the Independent Persons appointed to assist with the Code of Conduct complaint process.

2. RECOMMENDATIONS

- 2.1 That the Council adopt the amended Code of Conduct for Councillors attached at Appendix 1 with immediate effect;**
- 2.2 That the Council agree to extend the term of office of the Independent Persons, namely Michael Tebbutt and Chris Humphries, and that a further review takes place in four years time.**

3. SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to specific Co-Operative Council priority objective(s)?	
	Yes	The proposals contribute to the Council's co-operative values of openness and honesty, fairness and respect and ownership.
	Will the proposals impact on specific groups of people?	
	No	
TARGET COMPLETION/DELIVERY DATE	<p>If the Council agree to amend the Code of Conduct as set out in this report, the changes can take place with immediate effect.</p> <p>If the Council agree to extend the term of office of the Independent Persons then this will continue with a view to a review after a further four years have elapsed.</p>	
FINANCIAL/VALUE FOR MONEY IMPACT	Yes	<p>Changes to the Code of Practice will be managed within existing resources. As mentioned in the report, the role of Independent Person is a voluntary unpaid role; if a recruitment exercise is required there would be some associated costs including training costs which would also be funded from within the Legal Services budget. Any variations will be reported as part of the financial monitoring process.</p> <p>MLB 13.02.15</p>
LEGAL ISSUES	Yes	<p>The statutory requirements for a Code of Conduct and ethical framework for Councillors is set out at part 1, chapter 7 of the Localism Act 2011.</p> <p>Regarding the Members' Code of Conduct, any proposed changes require the changes to be formally adopted at full Council and Publicised.</p> <p>The appointment and criteria for the role of the Independent Person is set out in section 28 of the Localism Act 2011. The Council must always have at least one Independent Person in place. If the Council decide not to extend the term of the people holding the Independent Person role</p>

		currently, a new recruitment process must be undertaken which meets the statutory requirement including qualification criteria for candidates.
OTHER IMPACTS, RISKS & OPPORTUNITIES	Yes	Risks relating to this particular report are low provided statutory provisions are followed.
IMPACT ON SPECIFIC WARDS	No	Borough-wide impact

PART B) – ADDITIONAL INFORMATION

4. INFORMATION

4.1.1 Proposed Changes to the Councillors' Code of Conduct

On 20th January 2015 the Standards Committee considered a report from the Monitoring Officer which requested consideration of amendments to the Councillors' Code of Conduct. The Committee considered the information which is repeated below and shows the rationale for the proposed changes. It was agreed that the proposed changes were to be recommended to full Council for adoption.

4.1.2 Reasons for the proposed changes

The Committee for Standards in Public Life have the role of raising the profile and reviewing the ethical framework for public sector organisations. Its term of reference specifically is to "examine concerns about standards of conduct of all holders of public office, including arrangements relating to financial and commercial activities, and make recommendations for changes in present arrangements which might be required to ensure the highest standards of respectability in public life."

As part of this role the Committee recently reviewed the principles which form the basis of this Council's Members' Code of Conduct, commonly known as the Nolan principles. These are as follows:

- (a) selflessness;
- (b) integrity;
- (c) objectivity;
- (d) accountability;
- (e) openness;
- (f) honesty;
- (g) leadership.

Attached at Appendix 1 of this report is the revised Code of Conduct for members' consideration which takes into account the definitions of the

Nolan Principles which were updated by the Committee for Standards in Public Life. Attached at Appendix 2 is the current Code of Conduct (with track changes to show the proposed update) so that members can compare the proposed revisions with the existing standards.

Council are asked to consider the recommendation to change the Code of conduct to the version set out at Appendix 1 of the report.

4.2 The Independent Person

4.2.1 Further on the 20th January 2015 the Standards Committee also considered a request from the Monitoring Officer to consider the role of the Independent Person and the Committee also recommend to the Council that the current Independent Person postholders have their term of office extended.

4.2.2 The Independent Person plays an important role in the Code of Conduct complaints process. The appointment is made by full Council following an appointment process set out in statute. The Council's Independent Person role is currently held by Michael Tebbutt and Chris Humphries. Both have been involved in training and Mr Tebbutt, in particular, has been consulted on complaints which the Monitoring Officer has received and reviewed.

Both Mr Tebbutt and Mr. Humphries were appointed by full Council on 13th September 2012 for an initial two and a half year term which is due for review now. The Monitoring Officer recommends that their appointment is extended for a further four years and should be reviewed again towards the end of 2018.

The Monitoring Officer also puts on record his thanks to Mr. Tebbutt and Mr Humphries for their commitment. This is an unpaid volunteer role which often requires them to give their time at short notice. As a result of the exemplary way that they have carried out their role since their appointment the Monitoring Officer believes that extending their term of appointment is appropriate.

Council are asked to consider the recommendation of the Committee and to extend their term of office as requested. If the Council is not minded to agree to the extension of the appointments then a full recruitment process will be required to appoint someone new to the role and the Council would need to provide their approval to commence that process as soon as possible.

5 PREVIOUS MINUTES

Full Council – 13/09/2012 – minute number 38

6 BACKGROUND PAPERS

The Localism Act 2011

The Committee on Standards in Public Life Annual Report 2013

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