

TELFORD & WREKIN COUNCIL

STANDARDS COMMITTEE – 7th JULY 2015

STANDARDS UPDATE FROM THE MONITORING OFFICER

REPORT OF ASSISTANT DIRECTOR: LAW, DEMOCRACY AND PEOPLE SERVICES

1. PURPOSE

To update the Committee on matters relating to the ethical framework since the last Standards Committee meeting and to address issues relating to the Code of Conduct complaint process, Disclosable Pecuniary Interest forms, training and to review the Terms of Reference of the Committee.

2 RECOMMENDATIONS

That the Committee :-

- 2.1 Note the contents of the report**
- 2.2 Consider the issues relating to the Code of Conduct complaints process**
- 2.3 Review the Terms of Reference of the Standards Committee and decide if any amendments are required.**

3. SUMMARY

- 3.1 The Monitoring Officer provides an update to the Committee on work undertaken in relation to the ethical framework and particularly issues relating to; complaints received, training, DPI forms and the Code of Conduct complaints procedure. A review of the Terms of Reference of the Committee is also required.

4. PREVIOUS MINUTES

- 4.1 Standards Committee – 20th January 2015

5. INFORMATION

- 5.1 The Monitoring Officer provides updates on the following matters since the last meeting of this Committee on 20th January 2015.

Complaints

There have been no formal complaints received since the last meeting on 20th January 2015.

As previously reported the Monitoring Officer and Deputy Monitoring Officer have again continued to give advice and information to elected members, members of the public and officers from both the Borough and Parish Councils on Code of Conduct matters.

Training

As requested by this Committee, Code of Conduct training for Borough Councillors took place on 18th May 2015. The training formed part of the Councillor's induction training and was accompanied by other training which concentrated on information governance issues.

The training covered the Code of Conduct, DPI's, the complaints process and issues relating to pre-determination and bias. The Monitoring Officer and Deputy Monitoring Officer delivered the training and 14 Borough Councillors attended, 9 of which were new appointments to the Council this time. There are no plans for any further training at this time. It is noted that in the past the Committee had asked if further training sessions could be made available but the Councillor induction process did contain a number of other sessions and it has not been possible to diarise further sessions. The Monitoring Officer seeks views from the Committee on the issue of training and whether any further work needs to be done.

DPI forms

Following the election officers issued new DPI forms to all Borough Councillors and to Parish and Town Clerks. At the time of preparing this report 50 forms have been returned by Borough Councillors with 4 outstanding. It is the personal responsibility of elected members to complete and return their DPI forms.

Code of Conduct Complaint Procedure

At the last meeting of this Committee a discussion took place about the procedure that is followed when a formal written Code of Conduct complaint is received by the Monitoring Officer.

At present, when a formal complaint is received, the Monitoring Officer has the discretion to make an initial assessment of the complaint and decide whether the matter needs to be referred to this Committee for

further consideration. Options available before the matter reaches the Committee include being able to reject the complaint or to seek an informal resolution.

The current practice is that Councillors who are the subject of the complaint will be informed about it if the matter proceeds to the Standards Committee or if the informal resolution requires their participation.

At the last Committee the issue of disclosure to the Councillor complained about was discussed. There were differing views about whether or not to maintain the current procedure or whether there should be a presumption to disclose to the Councillor that the complaint had been made. It was agreed that this would be considered further at this Committee meeting. Whilst the Monitoring Officer is not recommending a change to the current practice, attached to this report at Appendix 1 is the current guidance note as it relates to the complaints process with a track change that shows how it might look if the mandatory disclosure point was introduced. At Appendix 2 is a copy of the current complaint form. Whilst there is no requirement to use this form it should be noted that the form does already allow the Monitoring Officer the option to contact the Councillor concerned at any point following the receipt of the complaint but that is discretionary.

The Committee are asked to consider this issue and decide on what procedure is most appropriate.

Review of the Terms of Reference of the Standards Committee

At the first meeting of the new municipal year the Standards Committee undertakes a review of its terms of reference. This is not a legal requirement but is good practice. The terms of reference are attached at Appendix 3 for consideration by this Committee. The Monitoring Officer is not recommending any changes to the terms of reference on this occasion, there have been no changes in relevant legislation or guidance which would require any changes to be made. The Monitoring Officer seeks views from the Committee about the current terms of reference.

The Committee should note that if any changes to legislation or guidance take place during the year then the Monitoring Officer will report back to the Committee with any amendments that need to be made.

5.5 Equal Opportunities

No implications

5.6 Environmental Impact

None

5.7 Legal Comment

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.

The record of complaints set out above relate to formal written complaints received by the Monitoring Officer on behalf of this Committee. Complaints are dealt with by the Monitoring Officer in accordance with his delegated powers.

Training for Councillors on the ethical framework is not compulsory but is recommended.

Whilst advice will be provided to Councillors when completing their DPI forms it should be noted that the responsibility for completing the forms and for their accuracy is solely the responsibility of the Councillor concerned. Failure to do so constitutes a criminal offence.

The Committee have a wide discretion as to how the Code of Conduct complaint process is administered. When deciding on whether changes should be made to the current procedure the Committee should keep in mind that the rules should not prejudice the chances of a fair investigation and hearing.

5.8 Links with Corporate Priorities

The work of the Committee contributes to the Council's co-operative values of openness and honesty, fairness and respect and ownership.

5.9 Opportunities and Risks

Risks relating to this particular report are low provided statutory provisions are followed.

5.10 Financial Implications

The cost of standards investigations together with the management and administration of the Standards Committee are met from within the Legal Services revenue budget. Any variations will be reported as part of the financial monitoring process.

It should also be noted that Councillors of Telford & Wrekin Council are also required to complete and return a *Related Party Declaration* form each year (which will be requested annually by Corporate Finance).

This is so that any relevant disclosures are included in the Council's published Statement of Accounts which is audited by external auditors.

6. WARD IMPLICATIONS

No ward specific implications

7. BACKGROUND PAPERS

The Localism Act 2011

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