

TELFORD & WREKIN COUNCIL

STANDARDS COMMITTEE – 25 April 2017

STANDARDS UPDATE FROM THE MONITORING OFFICER

**REPORT OF ASSISTANT DIRECTOR: GOVERNANCE, PROCUREMENT
AND COMMISSIONING**

1. PURPOSE

- 1.1 To update the Committee on matters relating to the ethical framework since the last Standards Committee meeting.

2 RECOMMENDATIONS

- 2.1 That the Committee note the contents of the report and provides guidance to the Monitoring Officer in relation to any further work that the Committee considers appropriate to promote good governance and the ethical framework in relation to the matters highlighted in the report.

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; updates to the register of disclosable pecuniary interests, complaints received, training and the introduction of a social media protocol.

4. PREVIOUS MINUTES

- 4.1 Standards Committee – 20th January 2015, 7th July 2015, 9th February 2016, 5th July 2016

5. INFORMATION

- 5.1 The Monitoring Officer provides updates on the following matters since the last meeting of this Committee on 5th July 2016.

5.2 The Register of Interests

It is a statutory requirement that the Monitoring Officer must establish and maintain a register of interests for members and co-opted members of the Council. A similar register must be established and

maintained for all the Parishes Councils within the Borough. The registers are reviewed from time to time and reminders are sent out to Parish Councils to remind their members of their statutory duty to notify the Monitoring Officer of any disclosable pecuniary interests.

- 5.3 (This declaration of disclosable pecuniary interests must be done within 28 days of them becoming a member of the Council or them declaring an interest not currently on the register which arises as a result of a meeting agenda item being considered by the Council that they are a Councillor of.)
- 5.4 Despite the reminders our records show that many register entries have not been amended for a long time and some have not been even been submitted for the first time. Whilst it is possible that the interests have not changed and therefore there would be no amendments or updates for a lot of members it is an offence not to comply with the initial registration requirements and so this is a matter of concern for the Monitoring Officer that this remains the situation, in some cases, since the election in 2015. To correct this situation the Monitoring Officer is writing to the Clerks of all the Parish Councils to ask them to remind their members of their responsibilities under the Localism Act 2011, as described above. A reminder will also been sent to all members of the Borough Council. In respect of the Borough Council the Monitoring Officer can confirm that there is an entry into the register of members' interests for every member and co-opted member of the Council so the reminder will be about reviewing interests only.
- 5.5 We have also implemented a process where a reminder will be sent out along similar lines in June and December each year. If the situation is not remedied before the next Standards Committee it is proposed that the Monitoring Officer will report back to the next Standards Committee detailing those Parish and Town Councillors who have not yet disclosed any pecuniary interests.

5.6 Complaints

There has been 1 formal complaint received since the last meeting on 5 July 2016.

Ref.	Date	Council	Referral	Details	Current status
1	Dec 16	T&W	No	Allegations of breach of code - planning related. Discussed with IP.	Completed February 2017
2	Jan 17	Parish Council	No	Comments made on social media. Resolved locally.	Completed January 2017
3	Feb 17	Parish Council	Not yet determined	Comments made on social media.	On -going

4	Feb 17	T&W	No	Allegations against the Councillor in personal life. Discussed with IP.	Completed February 2017
5	Feb 17	T&W	No	Complaints made on social media. Discussed with IP.	Completed March 2017
6	Mar 17	Parish Council	Dealt with locally	Allegations about behaviour.	On-going
7	Mar 17	Parish Council	Dealt with locally	Allegations about behaviour.	On-going
8	Mar 17	T&W	No	Comments made on social media	Completed April 2017
9	Mar 17	T&W	No	Comments made on social media	Completed April 2017
10	Mar 17	T&W	Not yet determined	Comments made on social media	On-going
11	Mar 17	T&W	No	Comments made on social media	Completed April 2017

5.7 The Monitoring Officer and Deputy Monitoring Officers continue 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. A small number of issues have been resolved without the need to progress to formal complaint. There is an emerging theme about complaints, namely the use of social media, and this is the subject of a separate report on this agenda.

5.8 Members are asked to note that Suzanne Dodd has joined the Council in February as the new Legal Services Manager and Deputy Monitoring Officer. Thanks should be recorded for Matthew Cumberbatch, the previous Legal Services Manager who has left recently to take a new role at Warrington Borough Council.

5.9 Training

As the result of a further request for training, the Deputy Monitoring Officer provided further Code of Conduct training to Parish Councillors and Clerks on 12th September 2016 at Lilleshall Memorial Hall. Ten people were in attendance including 7 Parish Councillors and 3 clerks or other officers from Parish Councils. Accordingly during 2016 two Code of Conduct training sessions have taken place for Parish Councillors and Clerks in different venues with a total attendance of 22 people; 15 Councillors and 7 Parish Council staff.

5.10 As requested by this Committee, further Code of Conduct training for Borough Councillors took place on 20 October 2016. The training covered the Code of Conduct, DPI's, the complaints process and focused on the use of social media and recent conduct issues elsewhere and what lessons can be learnt. 7 Borough Councillors attended.

5.11 The Monitoring Officer seeks views from the Committee on the issue of training and whether any further work needs to be done. Again, specific training on the use of social media is addressed in the next report on this agenda.

5.12 Social Media Protocol

A report is to be considered on this on another agenda item at this meeting.

5.13 Equal Opportunities

No implications

5.14 Environmental Impact

None

5.15 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.

It is a criminal offence for a member not to complete a register of disclosable pecuniary interests within a defined time frame, depending upon when the interest becomes apparent.

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 and the Independent Person(s) on the ethical framework is not compulsory but is recommended.

5.16 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.

5.17 Opportunities and Risks

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

5.18 Financial Implications

There are no financial implications arising directly from the recommendations of this report. If the Committee requires further work to be done to promote good governance and this gives rise to a need for resources then this will be considered as part of ongoing service management and dealt with in accordance with the Council's established constitutional rules on budget management.

The financial statements of the authority require disclosures on matters affecting the final accounts such as transactions with parties who are connected/have interests associated with the Council. These are requested annually as part of the process to prepare financial statements for publication.

6. WARD IMPLICATIONS

No ward specific implications

7. BACKGROUND PAPERS

The Localism Act 2011

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