

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held on Thursday, 24 August, 2012 at 10.00 a.m. at Civic Offices, Telford

PRESENT: Councillors R.C. Evans (Chair), M.B. Hosken, A.D. McClements and R.J. Sloan.

ST-5 MINUTES

RESOLVED – that the minutes of the meeting of the Standards Committee held on 14 June 2012 be confirmed and signed by the Chair.

ST-6 APOLOGIES FOR ABSENCE

Councillors S, Davies, T.J. Hope and A.J. Stanton

ST-7 DECLARATIONS OF INTEREST

Councillor M.B. Hosken enquired as to whether he should declare an interest as he knew the person who was the subject of the code of conduct investigation. The Monitoring Officer advised that this would not require a declaration in the circumstances described.

ST-8 EXCLUSION OF PRESS AND PUBLIC

RESOLVED – that the public and press be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

ST-9 REVIEW OF AN ONGOING CODE OF CONDUCT INVESTIGATION

The report of the Assistant Director: Law, Democracy & Public Protection updated the Committee of recent developments on the ongoing code of conduct investigation and sought a decision on whether the matter should proceed to a final hearing. Previously, an investigation had been completed which found a breach of the Code of Conduct. Mr. Wood had now resigned his position as a Town councillor and the Committee were asked whether the matter should proceed to hearing or whether no further action should be taken.

From 1 July a new Standards framework was in place. It was possible to consider complaints made under the old Standards framework within the new system but the process and the sanctions were different.

The Monitoring Officer told the Committee that it had taken over a year to get to this stage of the proceedings.

The Monitoring Officer asked the Committee to consider three main considerations:

- Was there sufficient public interest to proceed with the matter against a former councillor?
- What powers the Committee and/or the Town Council had in relation to sanctions if a finding of a breach of the code was made?
- Was it an appropriate use of public funds in the current circumstances?

Members discussed the issues and concluded that no effective sanctions were available and that further action was not in the public interest.

RESOLVED – That the complaint against Mr. Steve Wood, former Oakengates Town Councillor should not proceed to a final hearing.

The meeting ended at 10.17 a.m.

Chairman:

Date:

TELFORD & WREKIN COUNCIL

STANDARDS COMMITTEE – 19th SEPTEMBER 2012

THE STANDARDS COMMITTEE – A NEW ROLE FOR A NEW FUTURE

REPORT OF THE ASSISTANT DIRECTOR: LAW, DEMOCRACY AND PUBLIC PROTECTION AND MONITORING OFFICER

1. PURPOSE

- 1.1 To provide the Committee with an update on the implementation of the new standards regime and for members to consider how best to develop its role in the future.

2. RECOMMENDATIONS

That Members

- 2.1 **Subject to the decision of full Council on the 13th September 2012, note the appointment of the Independent Person and reserve;**
- 2.2 **To note progress towards adoption of a code of conduct by the Borough and Town and Parish Councils across the Borough and the completion of their interests forms by members;**
- 2.3 **Note the update on complaints received since the adoption of the new code of conduct;**
- 2.4 **Consider the terms of reference of the committee in the light of discussions on previous agenda items and make any changes that they consider necessary to enable them to meet their responsibilities;**
- 2.5 **Consider the development of a work-plan for the committee for the year to March 2013; and**
- 2.6 **To appoint all members of the Standards Committee to the Hearings Sub Committee.**

3. SUMMARY

- 3.1 The Borough Council finally and fully implemented the new standards regime at its Council meeting on the 12 July 2012. Since then an Independent Person (and reserve) has been identified and recommended for approval by full Council on 13 September 2012 and the Monitoring Officer has been working with Borough Councillors and Town and Parish Clerks to ensure that the new regime is successfully implemented across the Borough. One complaint has been received but not been referred for investigation and, as the first meeting of this new format committee, it is important that members of the committee consider how to move forward in developing their role within the Council and as a resource for supporting Town and Parish Councils manage their standards responsibilities.

4. PREVIOUS MINUTES

- 4.1 None

5. INFORMATION

The Independent Person

- 5.1 On 12 July 2012 the Borough Council adopted a new code of conduct, complaints procedure and terms of reference for the newly created Standards regime. The final piece of the jigsaw is the appointment of an Independent Person whose role is advisory, providing advice to the council on any allegation it is considering, and to a member facing an allegation who has sought the views of that person. Interviews were held for 3 applicants on 23 August 2012 with the Chair of this committee, a member of the Combined Fire Authority (with whom we are sharing this post) and the Monitoring Officer on the interview panel. By the time that this report is considered the appointment of the Independent Person and reserve should have been confirmed by Council and officers will be liaising with the 2 appointed persons to discuss the training that they will require to develop into this new role.

Adoption of the code and completion of the register of interests

- 5.2 The Monitoring Officer has been working closely with Town and Parish Clerks to ensure both adoption of a code and completion of interest forms for all members. The Clerks' help in supporting this task has been invaluable and members are asked to note this when considering this report. Although there is some outstanding work to be completed progress is good and we would expect this process to be substantially complete by the end of October, at which time adoption details will be published on line on behalf of the Borough and parish and town councils that have adopted the code. Further details of the progress towards full implementation of the new framework across the Borough will be available for the Committee to view at the meeting.

Complaints

- 5.3 1 complaint has been received to date. It was not progressed as the Monitoring Officer, after discussing it with the Independent Person designate (as he then was) concluded that it was more related to the actions of a committee rather than an individual councillor and in any event did not disclose any potentially significant breach of the Borough Council's code of conduct.

Work planning and terms of reference

- 5.4 A copy of the committee's terms of reference is included at Appendix 1. Members are asked to consider these and confirm if, in their view, they consider that these accurately reflect their purpose. This is an essential agenda item for all committees at the beginning of the annual cycle of meetings, which of course this is for this newly constituted committee.
- 5.5 Meetings are planned for 13 December 2012 and 14 March 2013 and members will see below and a suggested draft programme for those meetings for their consideration and are invited to add or change this as appropriate.

DATE OF MEETING	ITEM	RESPONSIBLE OFFICER
13 December 2012	1. Progress on adoption a code of conduct by town and parish councils and completion of interests from by all members 2. Summary of complaints received/ investigation outcomes and dispensations granted. 3. Working with the Town & Parish Councils to adopt promote and maintain high standards of conduct within the Borough	Monitoring Officer
14 March 2012	1. Summary of complaints received/ investigation outcomes and dispensations granted. 2. Review of the Code of Conduct	Monitoring Officer

- 5.6 If members are minded to agree to the proposed work programme then, in respect of item 3, 13 December 2012, it is proposed that before the December meeting all members of the Borough Council and the town and parish councils are contacted and asked if there is any further training/ other support that can be provided to support the successful operation of this new regime.
- 5.7 One specific issue that has been proposed to consult upon is whether or not the Borough Council develop a mediation service to support town and parish councils better to manage conduct issues at a local level. Members views are invited on this idea.
- 5.8 Members are asked to note that training has already been provided in June and July of this year for all members which was well attended and the Monitoring Officer has attended 1 parish council meeting to update them on the code and go through any issues arising from it.
- 5.9 Officers are also working on more detailed explanatory notes to support the register of interests, as suggested by a parish councillor. This should be completed and circulated before the end of September.
- 5.10 One administrative process that needs to be completed is to formally appoint all members of the main committee on to the Hearings Sub-Committee to ensure that, should a complaint proceed to the consideration of investigation stage we have members that can hear the matter or can consider dispensation applications if/ when they are submitted.

6. **EQUALITY AND DIVERSITY**

6.1 No implications

7. **ENVIRONMENTAL IMPACT**

7.1 No implications.

8. LEGAL COMMENT

8.1 The principal statutory responsibility placed upon the Borough Council is to promote and maintain high standards of conduct by members.

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. No other financial implications arise from this report.

10. WARD IMPLICATIONS

10.1 Borough wide

11. BACKGROUND PAPERS

11.1 The Localism Act 2011, associated regulations and guidance from CLG

End of Report

Report prepared by Jonathan Eatough, Assistant Director of Law, Democracy and Public Protection Tel: 01952 383200 and Matthew Cumberbatch, Legal Services Manager Tel : 01952 383255

FUNCTIONS, POWERS AND DUTIES OF STANDARDS COMMITTEE

1. To promote and maintain high standards of conduct by members and co-opted members of the Council.
2. To support Town and Parish Councils within the Borough to promote and maintain high standards of conduct by members and co-opted members of the Council.
3. To recommend to Council the adoption of a code dealing with the conduct that is expected of members and co-opted members of the Authority.
4. To keep the code of conduct under review and recommend changes/ replacement to Council as appropriate.
5. To publicise the adoption, revision or replacement of the Council's Code of Conduct.
6. To oversee the process for the recruitment of an Independent Person (and 2 reserves) and make recommendations to Council for their appointment.
7. To receive quarterly reports from the Monitoring Officer about:-
 - 7.1 complaints;
 - 7.2 the progress and outcome of investigations; and
 - 7.3 the establishment and maintenance of the register of interests of members and co-opted members of the Borough and Town and Parish Councils within the Borough boundaries;
 - 7.4 dispensations granted to members and co-opted members of the Council

HEARINGS SUB COMMITTEE

1. To consider complaints referred to them by the Monitoring Officer to decide if the complaint should be referred for investigation.
2. To consider investigation reports in respect of Code of Conduct complaints that are referred to them by the Monitoring Officer.
3. To report its findings to the Borough Council, Town of Parish Council, as appropriate for information.
4. Where a breach is found. to make decisions about sanctions including:-
 - 4.1. To make recommendations to the relevant Group Leader regarding future membership of committees and sub committees;
 - 4.2. To make recommendation to Council regarding the removal of a non aligned member from membership of committee and sub-committees;
 - 4.3. To make recommendations to the Leader of the Council regarding the removal of a member from Cabinet, or the removal of portfolio responsibilities;
 - 4.4. To instruct the Monitoring Officer to arrange training for a Borough Council member;
 - 4.5. To remove a member from all outside appointments to which he/ she has been appointed or nominated by the Council; and

FUNCTIONS, POWERS AND DUTIES OF STANDARDS COMMITTEE

- 4.6. To withdraw facilities provided to the member or exclude the member from defined premises (except as necessary for the member to attend formally constituted council meetings).
5. To consider applications for dispensations where:-
 - 5.1. The dispensation is in the interests of persons living in the Borough of Telford & Wrekin area; or
 - 5.2. It is otherwise appropriate to grant a dispensation.