

## **STANDARDS COMMITTEE**

### **Minutes of a meeting of the Standards Committee held on Wednesday, 8 February, 2012 at 6.00 p.m. at Civic Offices, Telford**

**PRESENT:** Councillors S. Davies, A.D. McClements, R.J. Sloan and A.J. Stanton;  
Mr A. Selvaratnam (Chair) (Independent Member);  
Councillors D. Edwards, P. Fairclough, R. Wickson and R. Williams (Parish Council representatives)

#### **ST-17        MINUTES**

**RESOLVED** – that the minutes of the meeting of the Standards Committee held on 8 December 2011 be confirmed and signed by the Chairman.

#### **ST-18        APOLOGIES FOR ABSENCE**

Councillors C.B.A. Elliott and T.J. Hope  
Mr F Beasland (Independent member)

#### **ST-19        DECLARATIONS OF INTEREST**

None

#### **ST-20        THE WAY FORWARD FOR STANDARDS**

The Assistant Director: Law, Democracy & Public Protection and Monitoring Officer presented a report which set out proposals for a future ethical standards regime at Telford & Wrekin in accordance with the provisions of the Localism Act 2011.

Following the principles that were agreed at the last meeting (minute ST-16(a)), proposals had been developed for a new ethical standards framework for the Council. Appended to the report were a draft Members' Code of Conduct based on the seven principles identified in the legislation; proposed arrangements for dealing with complaints of a breach of the Code of Conduct; and the proposed terms of reference for the new Standards Committee. Since the last meeting, the Government had announced that the start date for the new regime would now be 1 July 2012 instead of 1 April. Parish and Town Councils had been asked for their views on the proposals, although only a couple of them had responded so far – both of whom were broadly in favour of what was being proposed. The Parish representatives stated that many Parish & Town Councils had not yet had an opportunity to meet and discuss the proposals. In response, the Monitoring Officer stated that, due to the implementation date being put back, recommendations could be delayed to the May Council meeting, which would give more time for responses from parishes to be submitted.

During discussion on the impact the new regime would have on Parish and Town Councils, the Monitoring Officer advised that the new regime was based much more on self-regulation, with Parish Councils taking on responsibility for the conduct of their members and deciding on what action should be taken in the event of a breach of the Code. However, appropriate support would continue to be provided to Parish and Town Clerks. In terms of the new Code of Conduct, the Monitoring Officer confirmed that the Act required all Parish Councils to draw-up their own Code. Members suggested that it would be beneficial if a common Code of Conduct was adopted by all the Parishes in order to establish a common benchmark and to make it easier for individuals who were a member of more than one Parish Council. The Legal Services Manager advised that the National Association of Local Councils was working on a model Code for Parish and Town Councils to adopt – but ultimately it would be for each individual Council to decide.

The Monitoring Officer further reported on discussions he had had with the Fire Authority and with the Monitoring Officer for Shropshire. There was agreement that there should be a consistency of approach in respect of the new regime, and accordingly the same Code (and arrangements) were being recommended for approval at each authority. As part of these discussions, there had been recognition of the advantages of having a joint or shared Independent Person resource. The Committee were therefore asked to amend the delegation given at the last meeting for the Monitoring Officer to recruit an Independent Person, in order to pursue a shared option with Shropshire Council and/or the Combined Fire Authority.

Members were in broad agreement to progress the way forward outlined in the report. However, it was suggested that the new Standards Committee undertake a review of the new ethical standards regime after six months of operation, in order to assess how effectively it had been operating. The Monitoring Officer advised that a review mechanism could be incorporated into the proposed terms of reference for the Committee.

**RESOLVED – To RECOMMEND to COUNCIL**

- (a) that a politically balanced Standards Committee comprising of 7 members of the Council, including at least one member of the Executive, be established;**
- (b) that a politically balanced Hearings Sub-Committee comprising 3 members of the Council be established;**
- (c) that, subject to (d) below, the draft Code of Conduct, as appended to the report, be approved for adoption as the Council's Code of Conduct with effect from 1 July 2012 or the date that the ethical standards regime must be implemented by;**
- (d) that authority be delegated to the Monitoring Officer, in consultation with the Deputy Leader, to make the necessary**

amendments to the draft Code of Conduct to accommodate the provision of regulations made pursuant to the Localism Act.

**RESOLVED** - that the authority delegated to the Monitoring Officer at the last meeting (minute ST-16(b)) in relation to the recruitment of an Independent Person(s) be amended to enable a shared option with Shropshire Council and/or the Combined Fire Authority (and other public bodies if appropriate) to be pursued, and that at least one member of the Standards Committee be involved in the recruitment of an Independent Person(s).

The meeting ended at 6.35 pm

**Chairman:** .....

**Date:** .....

## TELFORD & WREKIN COUNCIL

STANDARDS COMMITTEE – 14<sup>th</sup> JUNE 2012

THE WAY FORWARD FOR STANDARDS - UPDATE

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

### 1. PURPOSE

- 1.1 To provide the Committee with a closing update as we await the transfer to the new ethical framework.

### 2. RECOMMENDATIONS

- 2.1 That the contents of this report are noted
- 2.2 That this committee recognises the commitment and long service to the Standards Committee by the independent members, Mr. Arul Selvaratnam and Mr. Frank Beasland
- 2.3 That this committee recognises the commitment and long service to the Standards Committee by the Parish Representatives, Cllrs. Roy Williams, Ray Wickson, David Edwards and Patricia Fairclough.

### 3. SUMMARY

- 3.1 The Localism Act 2011 and regulations made under it will change the existing arrangements for the ethical standards regime. The Standards Committee has undertaken much of the work required to prepare for the new regime, Council has agreed the proposed new structure and we now await further Regulations to prepare for the commencement date.

### 4. PREVIOUS MINUTES

- 4.1 Standards Committee – 8<sup>th</sup> December 2011  
Standards Committee – 8<sup>th</sup> February 2012

### 5. INFORMATION

- 5.1 Previous reports to this Committee have set out the changes to the ethical framework that will come into effect when the relevant provisions of the Localism Act 2011 ('the Act') come into force. The various areas that the Committee have addressed in preparing for these changes are set out below with an update to show the current position.

- **Code of Conduct** – The Council agreed to adopt a new Code of Conduct at the full Council meeting on 3<sup>rd</sup> May 2012. The new Code will become effective when the relevant provisions of the Act come into force. This was expected to be 1<sup>st</sup> July but the start date has yet to be confirmed.
- **Code of Conduct guidance and council procedure rules.** – Also at the full Council meeting on 3<sup>rd</sup> May 2012 the Council agreed draft procedures recommended by this Committee in relation to the new disclosable pecuniary

interests. We are awaiting Regulations to assess whether the draft proposals need any amendment and the Monitoring Officer does have delegated powers to amend our procedures if required.

- **Appointment of the independent person** – The recruitment process is underway and will be a joint appointment with the Shropshire & Wrekin Fire Authority.
- **Existing complaints** – There are currently two outstanding Code of Conduct complaints and both are to proceed to a hearing. These matters will be concluded as soon as possible. When the new system is in place the documentation relating to previous complaints will not be retained.
- **Councillor Training** – There are no arrangements for Councillor training at present given the uncertainty concerning the Regulations and the start date for the new provisions. Officers will consult with the Standards Committee about training in due course.

5.2 During the lifetime of the Standards Committee there have been contributions from members who have been appointed to serve as Independent Members or Parish Council Representatives. The Committee currently has some long serving appointed members whose commitment and experience have been invaluable in meeting the increasing demands placed upon the Committee as a result of successive legislative changes. When the new regime commences those appointments will cease. It is suggested that the members concerned are provided with thanks for their contribution to the Committee which in some cases has been for many years.

## 6. **EQUALITY AND DIVERSITY**

6.1 No implications

## 7. **ENVIRONMENTAL IMPACT**

7.1 No implications.

## 8. **LEGAL COMMENT**

8.1 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. The new provisions referred to in this report will only take effect when the relevant provisions of the Localism Act 2011 come into force.

8.2 The appointment of the independent person must be undertaken in accordance with the provisions of section 28 of the Localism Act 2011.

## 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. 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.

9.2 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). There will also be costs associated with the role of Independent Person;

the value will depend on the appointment made i.e. if a 'professional' person is appointed fees may be applicable. 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.

## **10. WARD IMPLICATIONS**

10.1 District wide

## **11. BACKGROUND PAPERS**

11.1 The Localism Act 2011

***Report prepared by Jonathan Eatough, Assistant Director: Law, Democracy and Public Protection Tel: 01952 383200 and Matthew Cumberbatch, Legal Services Manager Tel : 01952 383233***