

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held on Thursday, 13 December, 2012 at 6.00 p.m. at Civic Offices, Telford

PRESENT: Councillors R.C. Evans (Chair), T.J. Hope, A.D. McClements and R.J. Sloan

ST-14 MINUTES

RESOLVED – that the minutes of the meeting of the Standards Committee held on 19 September 2012 be confirmed and signed by the Chair.

ST-15 APOLOGIES FOR ABSENCE

Councillors S. Davies, M.B. Hosken and A.J. Stanton

ST-16 DECLARATIONS OF INTEREST

None

ST-17 UPDATE ON THE IMPLEMENTATION OF THE NEW STANDARDS REGIME

The Legal Services Manager and Deputy Monitoring Officer presented a report which provided the Committee with an update on the implementation of the new standards regime.

Except for two Parish Councils where details were still awaited, all authorities had now confirmed that they had adopted a Code of Conduct. Unfortunately, there were still a number of Declaration of Interest Forms outstanding from Parish Councillors. Officers continued to chase these, and had clearly explained to the Clerks of Town and Parish Councils the implications of failure to provide this information. The Parish and Town Councils with outstanding Declarations of Interests forms were listed in the report. The information from all the forms received had now been uploaded to the Council's website. There had been no complaints against Councillors received since the last meeting of the Committee in December.

Members considered what further action could be taken to encourage compliance with the new regime, and enquired whether there was resistance from some Parish Councils. The Legal Services Manager advised that, apart from a couple of Parishes, some, though not all, forms had been received from those Councils listed in the report. There did not appear to be any open hostility from Parishes to the new regime, and the Monitoring Officer had been attempting to strike a balance between monitoring and enforcement. While endorsing a low-key approach, Members felt that it was unfair to those who had completed a Declaration of Interests form if others were not doing so, and

therefore a further reminder should be sent to Town and Parish Council Clerks about outstanding forms.

The Chair referred to the Committee's work programme, and whether anything needed to be added. It was felt that there was still some confusion among Members about the implications of the new standards framework on issues such as pre-determination, and that some more training and guidance could be provided (including examples from case studies). The Legal Services Manager stated that a Members Information Seminar could be arranged for 2013, and that dispensations was another topic that could be covered. In terms of the number of meetings for the 2013/14 municipal year, Members were of the view that only three programmed meetings were required for delivering the work programme. It was noted that the Committee's terms of reference stated that quarterly reports would be received from the Monitoring Officer, but that these didn't necessarily need to be in the form of a formal Committee report.

RESOLVED –

- (a) that progress towards adoption of a code of conduct by the Borough and Town & Parish Councils, and the completion of their interests forms by Members, be noted, and that the Monitoring Officer be authorised to send a reminder to the Clerks of those Parish and Town Councils with forms still outstanding;**
- (b) that the update on complaints received since the adoption of the new code of conduct be noted;**
- (c) that an Information Seminar, for Borough and Town & Parish Members, be arranged for the first quarter of 2013 to provide further clarification and guidance on the new standards regime;**
- (d) that for the 2013/14 municipal year, meetings of the Committee be programmed for July 2013, November 2013 and March 2014.**

The meeting ended at 6.25 pm

Chairman:

Date:

TELFORD & WREKIN COUNCIL

STANDARDS COMMITTEE – 10TH JULY 2013

STANDARDS UPDATE FROM THE MONITORING OFFICER

REPORT OF ASSISTANT DIRECTOR: LAW, DEMOCRACY AND PUBLIC PROTECTION

1. PURPOSE

To update the Committee on matters relating to the ethical framework during 2013 to date.

2 RECOMMENDATIONS

2.1 That the report is noted;

2.2 That the Committee review the Terms of Reference and the Code of Conduct attached at Appendices 1 and 2 respectively

3. SUMMARY

3.1 There have been 4 new code of conduct complaints made during the calendar year so far, none have been referred for investigation

4. PREVIOUS MINUTES

4.1 Standards Committee – 13th December 2012, 19th September 2012

5. INFORMATION

5.1 The Monitoring Officer provides the following updates on the following matters

Complaints

There have been 4 complaints received during the calendar year to date. All have been from Parish/Town Councils. The Independent Member, Michael Tebbutt, has attended the Council offices to consult with the Monitoring Officer on whether further investigation of the complaints was needed. The outcome has been that in three cases the complaints were assessed and it was decided that the matters

should not be looked into any further. In the fourth case the complainant, after discussing the matter with the Monitoring Officer, decided not to pursue the complaint.

In addition to these formal complaints the Monitoring Officer and Deputy Monitoring Officer have continued to give advice and information to elected members from both the Borough and Parish Councils on Code of Conduct matters.

Training

At the time of preparing this report, dates are being scheduled for the autumn for an hour long training session for elected members on current Code of Conduct issues. This had been discussed previously and it had been hoped that training could have been arranged earlier but a date in or around September now seems to be the best option. In order to keep costs down we propose to use the Council offices as a venue and for officers to present the training. This will provide some constraints regarding the size of the venue but more training can be set up if there is sufficient interest. Officers would welcome the views of the Committee on the training provisions suggested.

Independent Person

Our two Independent Members, Michael Tebbutt and Chris Humphries, now have Independent support from Hoey Ainscough, a company formed by former employees with Standards for England. The cost is £300 per year and ensures that the Independent Persons get independent training, guidance and support in their role. This is particularly important given that the new rules allow members who are subject to a complaint the option of contacting the Independent Members directly during the complaints process.

Terms of Reference

It is good practice for the Committee to review its terms of reference at the start of the new municipal year. The terms of reference are attached at appendix 1 for consideration by the Committee. The Monitoring Officer has recommended one change to the terms of reference at this time which is set out as a track change to on the document and relates to the quarterly updates.

Code of Conduct

The work plan agreed by the Committee at the meeting on 19th September suggested that the new Code of Conduct should be reviewed in March 2013. As there was no March meeting the Code is attached at appendix 2 for review now. The Monitoring Officer has not recommended any change to the Code of Conduct at this time.

5.2 Equal Opportunities

No implications

5.3 Environmental Impact

None

5.4 Legal Comment

The statutory requirements for Code of Conduct and ethical framework for Councillors is set out at part 1, chapter 7 of the Localism Act 2011.

Part of the responsibilities in the statute relate to adopting a Code of Conduct. In this report the Committee are asked to review the Code of Conduct previously adopted and approved by full Council. When doing so the Committee have to be mindful that any code adopted by the Council must comply with the provisions of section 28 of the Localism Act 2011 namely that any Code of Conduct must consist of the following principles

selflessness;
integrity;
objectivity;
accountability;
openness;
honesty;
leadership.

The current code of Conduct complies with this requirement.

The Committee are also asked to review its Terms of Reference. It should be noted that any decision made by this Committee to change the terms of reference must be put forward as a recommendation for full Council to approve before it can take effect.

5.5 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.

5.6 Opportunities and Risks

Risks relating to this particular report are low provided statutory provisions are followed. Opportunities are identified in the report to improve the terms of reference and to improve the elected member's knowledge of the Code of Conduct through training opportunities.

5.7 Financial Implications

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. Any variations will be reported as part of the financial monitoring process. No other financial implications arise from this report.

6. WARD IMPLICATIONS

No ward specific implications

7. BACKGROUND PAPERS

None

***Report prepared by Matthew Cumberbatch, Legal Services Manager.
Telephone 01952 383255***

STANDARDS COMMITTEE

(including the Hearings Sub Committee)

The Committee has the responsibility on behalf of the Council for dealing with, and oversight of the Council's ethical governance.

TERMS OF REFERENCE

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 twice a year 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 investigation reports in respect of Code of Conduct complaints that are referred to them by the Monitoring Officer.
2. To report its findings to the Borough Council, Town or Parish Council, as appropriate for information.
3. Where a breach is found. to make decisions about sanctions including:-
 - 3.1. To make recommendations to the relevant Group Leader regarding future membership of committees and sub committees;

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- 3.2. To make recommendation to Council regarding the removal of a non aligned member from membership of committee and sub-committees;
 - 3.3. To make recommendations to the Leader of the Council regarding the removal of a member from Cabinet, or the removal of portfolio responsibilities;
 - 3.4. To instruct the Monitoring Officer to arrange training for a Borough Council member;
 - 3.5. To remove a member from all outside appointments to which he/ she has been appointed or nominated by the Council; and
 - 3.6. 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).
4. To consider applications for dispensations where:-
- 4.1. The dispensation is in the interests of persons living in the Borough of Telford & Wrekin area; or
 - 4.2. It is otherwise appropriate to grant a dispensation.

PROCEDURE

1. As a general rule the [Council Procedure Rules](#) govern the way that committees operate but these may be varied or suspended¹ at the discretion of the Chairman of the Committee in the interests of efficient and effective management of the committee.
2. Separate procedures will apply when the committee is undertaking administrative or quasi-judicial functions, as below:-

COMPLAINING ABOUT A COUNCILLOR

All Councillors, whether a Borough, Town or Parish Councillor have to comply with a code of conduct that details what is expected of them when they carry out their role as a Councillor.

This document explains how to make a complaint about a Councillor if you think that they might have breached a code of conduct that applies to them and also how the complaint is dealt with.

The Code of Conduct

Telford & Wrekin Council has adopted a code of conduct that applies to all members and co-opted members of the Council. You can get a copy by following this link [*insert link*] or by contacting the Monitoring Officer whose contact details are provided below.

¹ With the exception of paragraph 12

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All Town and Parish Councils have their own code of conduct which you can obtain from their individual web-sites or, if there isn't one, by contacting the Clerk directly. If you are not sure which Council a Councillor belongs to then you can obtain help and support from the Monitoring Officer.

Can I be confident that my complaint will be properly dealt with

The law requires the Council to appoint an Independent Person: a person who has nothing to do with the Council other than in this role who is consulted at various stages during the complaints process and whose role is to ensure that all complaints are dealt with fairly, a role that can also include giving views to the Councillor who is the subject of the complaint.

Making a Complaint

Write to the Monitoring Officer, Civic Offices, PO Box 215, Telford, TF3 4LF or alternatively by e-mail at monitoring.officer@telford.gov.uk

The Monitoring Officer is the person responsible for administering this complaints system. There is a form for you to use [*insert link*] but you do not need to use it as long as you include all the information that is included on the form.

What happens next?

The Monitoring Officer will acknowledge receipt of your complaint within 5 working days of receiving it.

The Monitoring Officer will review your complaint, discuss it with the Independent Person and write to you to inform you whether or not he/she has decided to refer it for investigation. Normally this will be within 14 working days of receiving your complaint.

The Monitoring Officer might ask for more information, he/ she might also ask for information from the Councillor who you are complaining about or the Council that the Councillor is a member of.

The Monitoring Officer might seek to resolve the complaint informally, ie before deciding to refer your complaint for investigation. Obviously your views are important here but if the Monitoring Officer believes that the proposed solution is reasonable, for example acceptance that behaviour was unacceptable and an offered apology, this might affect the decision of the Monitoring Officer about whether or not the complaint merits formal investigation.

Investigations

If referring for formal investigation the Monitoring Officer will appoint an Investigating Officer who will contact you and the Councillor that you have complained about and undertake any other such investigations as he/she considers appropriate for the purposes of the investigation. In exceptional cases your identity will be protected for some or all of the investigation. If you consider that it would be appropriate to do this in your case you must let the Monitoring Officer know when you make your complaint. (This would generally only be done where providing your details might prejudice the investigation).

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The Investigation Officer will publish a draft report for consideration by you and the Councillor that you have complained. Once any comments have been considered by the Investigating Officer a Final Report will be produced and sent to the Monitoring Officer. The Final Report will then be considered by the Monitoring Officer who may either accept the report or ask the investigating Officer to re-consider his/ her report.

Investigation finding of No Breach

The Monitoring Officer will write to you and the Councillor who you have complained about enclosing a copy of the Final Report and confirming that no further action is required. If it is a complaint about a Town or Parish Councillor then a copy will also be sent to the Clerk of the relevant Town or Parish Council.

Investigation finding of Breach

The Monitoring Officer will write to you and the Councillor who you have complained about enclosing a copy of the Final Report and will either seek local resolution or will convene a hearing of the Council's Hearings Committee.

Local Resolution

If the Monitoring Officer, the Independent Person and you all agree a fair resolution of the complaint in a way that promotes high standards of conduct and the Councillor complies with the suggested resolution then the Monitoring Officer will report the matter to the Standards Committee for information but will take no further action.

Hearing

If local resolution is not possible then the Monitoring Officer will convene a meeting of the Council's Hearings Sub Committee for it to consider the Investigating Officer's Report and the views of the Independent Person on the allegation and determine whether or not there has been a breach of the Council's Code of Conduct and if so what action, if any, to take in respect of the Councillor.

Hearing Procedure

A copy of the Hearings Procedure is set out below:-

Pre Hearing

1. Notification of hearing date (Investigation Report already provided to the Councillor)
2. Invitation to Councillor to submit list of further documents/ witnesses that he/she wishes to call
3. Circulation of papers

Hearing

4. Introductions
5. Chair explains the process to be followed
6. Investigating Officer present his/ her report (and may ask witnesses to attend if necessary)
7. Panel may ask questions
8. Councillor or his/ her representative may ask questions

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9. Councillor or his/ her representative presents his/ her case (and may ask witnesses to attend if necessary)

Decision – no breach

10. The complaint is dismissed.

Decision - breach

11. After offering the Councillor complained about an opportunity to speak

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Telford & Wrekin Council's Councillors' Code of Conduct 2

Standards of Conduct

Members (including all voting co-opted members) of Telford & Wrekin Council will at all times promote and maintain high standards of conduct when they are acting in that capacity. To do this they will:-

<ul style="list-style-type: none"> ✓ Members should serve only the public interest and should treat everyone that they deal with equally and with respect. <i>Link to co-operative value of Fairness and Respect</i> 	Selflessness
<ul style="list-style-type: none"> ✓ Members should not place themselves in a position where they either are or give the appearance that they are under any financial or other obligation to anyone that might seek to influence them in the performance of their duties as a Member. ✓ Members should only use the resources of the Authority in accordance with reasonable requirements set out for their use from time to time ✓ Members should declare their interests in accordance with the law and with the provisions of this Code of Conduct ✓ Members should declare gifts and hospitality that they receive in accordance with the Council's Rules on Gifts and Hospitality <i>Link to co-operative value of Fairness and Respect</i> 	Integrity
<ul style="list-style-type: none"> ✓ Members should make decisions on merit and in the public interest, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits. <i>Link to co-operative value of Fairness and Respect</i> 	Objectivity
<ul style="list-style-type: none"> ✓ Members should be accountable to the public for their decisions and actions and should co-operate fully with any scrutiny appropriate to their particular role or office. <i>Link to co-operative value of Ownership</i> 	Accountability
<ul style="list-style-type: none"> ✓ Members should be as open as possible about their decisions and actions and should give reasons for their decisions and actions. They should not disclose information given to them which they can reasonably be expected to know was either exempt or confidential and is not to be disclosed to protect the wider public interest. <i>Link to co-operative value of Openness and Involvement</i> 	Openness
<ul style="list-style-type: none"> ✓ Members have a duty to declare any private interests that relate to their duties as a Member and do whatever is necessary to resolve any such conflict in a way that protects the public interest <i>Link to co-operative value of Honesty</i> 	Honesty
<ul style="list-style-type: none"> ✓ Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence 	Leadership

Disclosable Pecuniary Interests



Telford & Wrekin Council's Councillors' Code of Conduct 2

The Monitoring Officer of Telford & Wrekin Council will maintain a Register of Disclosable Pecuniary Interests which can be found at *[insert link to Council web-site]* or viewed by appointment with the Monitoring Officer *[insert contact details]*

What	When	How	Impact on Meetings
Disclosable Pecuniary Interests	Within 28 days of election or re-election (if not already entered)	In writing to the Monitoring Officer detailing the existence and nature of the interest	Member cannot participate in or vote on the matter
Previously undeclared Disclosable Pecuniary Interest			
Outside a meeting	Within 28 days of the date of disclosure of a Disclosable Pecuniary Interest at a meeting	In writing to the Monitoring Officer detailing the existence and nature of the interest	Member cannot participate in or vote on the matter
During a meeting	As soon as the Member is aware that they have a Disclosable Pecuniary Interest	Verbally to the meeting detailing the existence and nature of the interest	Member cannot participate, participate further, vote or further vote on the matter
Sensitive Interests – ie where the Monitoring Officer agrees that the disclosure of the interest could lead the Member being subject to violence or intimidation	As above – depending upon the circumstances	As above but detailing the existence but not the nature of the interest	As above

Dispensations

Dispensations can be granted by the Monitoring Officer (for 1 & 2) / Hearings Sub Committee (for 3 & 4), if, after considering the relevant circumstances:-

1. The number of Members precluded from transacting the business is so great that it would impede the business of the Council, committee or Executive
2. The political balance is affected to the extent that it could affect the outcome of a vote relating to the business
3. The dispensation is in the interests of persons living in the Borough of Telford & Wrekin area
4. It is otherwise appropriate to grant a dispensation



Telford & Wrekin Council's Councillors' Code of Conduct 2

Disclosable Pecuniary Interests

Disclosable Pecuniary Interests may be amended from time to time by regulation but at 1st July 2012 they were:-

Employment, office, trade or profession	Any employment, office, trade, profession or vocation carried out for profit or gain
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by a person in carrying out duties as a member, or towards the election expenses of that person
Contracts	Any contract which is made between the relevant person(or body in which the relevant person has a beneficial interest) and the relevant authority- (a) Under which goods or services are to be provided or works are to be executed; and (b) Which has not been fully discharged
Land	Any beneficial interest in land which is within the area of the relevant authority
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer
Corporate tenancies	Any tenancy where (to the persons knowledge)- (a) The landlord is the relevant authority; and (b) The tenant is a body in which the relevant person has a beneficial interest
Securities	Any beneficial interest in securities of a body where- (a) That body (to the persons knowledge) has a place of business or land in the area of the relevant authority; and (b) Either- (i) The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) If the share capital of that body is of more than one class, the total nominal value of the shares in any one class in which the relevant person has a beneficial interest that exceeds one hundredth of the total issued share capital of that class