



Telford & Wrekin
COUNCIL

Addenbrooke House, Ironmasters Way, Telford TF3 4NT

STANDARDS COMMITTEE

Tuesday, 20 January 2015

6.00 pm

**Meeting Room G3, Ground Floor,
Addenbrooke House, Ironmasters Way,
Telford TF3 4NT**

Lead Officer

Jonathan Eatough

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STANDARDS COMMITTEE

Membership:

Cllr S Davies	Vice Chair	(Lab)
Cllr N England	Chair	(Lab)
Cllr K Guy		(Lab)
Cllr T Hope		(Con)
Cllr M Hosken		(Con)
Cllr T Kiernan		(Con)
Cllr A McClements		(Lab)

Terms of Reference:

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

Additional Information:

The meetings of the Committee are held in public. The filming, recording or taking of photographs of proceedings is allowed, as well as the use of social networking and micro-blogging to communicate with people about what is happening at the meeting. These activities are subject to a protocol, which can be accessed from the following link http://www.telford.gov.uk/info/354/council-minutes_agendas_and_reports/1596/filming_photography_recording_and_use_of_social_net_working_at_meetings

A copy of the Agenda and papers are available from Addenbrooke House in Telford Town Centre, electronically upon request or by visiting the Borough's Web Site at www.telford.gov.uk

Emergency Evacuation Procedure

On hearing the fire alarm, please evacuate the building as quickly as possible by the nearest Fire Exit. A Democratic Services Officer will direct you to the assembly point.

STANDARDS COMMITTEE

AGENDA

Meeting to be held on Tuesday, 20th January 2015 in
Meeting Room G3, Addenbrooke House, Ironmasters Way,
Telford at 6.00pm

1. **Minutes** Appendix A
To confirm the minutes of the meeting held on
8 July 2014
2. **Apologies for Absence**
3. **Declarations of Interest**
4. **Standards Update from the Monitoring Officer** Appendix B
The report of the Assistant Director: Law, Democracy
& Public Protection & Monitoring Officer
5. **Hearings Sub-Committee** Appendix C
To note the minutes of the Sub-Committee meeting
held on 15th December 2014

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held on Tuesday, 8 July, 2014 at 6.00 pm at Darby House, Telford

PRESENT: Councillors N A M England (Chair), K.R. Guy, T.J. Hope, R.T. Kiernan and A.D. McClements

ST-01 MINUTES

RESOLVED – that the minutes of the meeting held on 19 November 2013 be confirmed and signed by the Chair.

ST-02 APOLOGIES FOR ABSENCE

Councillors S. Davies and M.B. Hosken

ST-03 DECLARATIONS OF INTEREST

None.

ST-04 STANDARDS UPDATE

The Legal Services Manager & Deputy Monitoring Officer presented a report which provided the Committee with an update on matters relating to the ethical framework since the last meeting in November 2013.

As this was the first meeting of the new Municipal Year, the Committee was also asked to review its terms of reference, a copy of which was appended to the report. There had been no legislative or other changes arising from case law etc, nor any new best practice guidance, and therefore the Monitoring Officer was not proposing any changes to the terms of reference at present.

Since the last report to the Committee, three new formal Code of Conduct complaints against Parish/Town Councillors had been received, although the most recent one had been withdrawn. None of the complaints had been referred for investigation. In addition, the Monitoring Officer and Deputy Monitoring Officer had continued to give advice and information to elected members, the public and officers from both the Borough and Parish Councils on Code of Conduct matters. In response to a question about the nature of the complaints that had been received, the Deputy Monitoring Officer advised that these usually arose out of situations in some parishes where there were ongoing issues between some Members and individual residents. They were generally complaints at the lower end of the scale, and there had been no instances where allegations of serious misconduct or fraudulent activity had been made.

A “refresher” training session for Borough Councillors took place on 20 November 2013, and was attended by 24 Members. There was little in the way of feedback, but some advice on interests was addressed after the training. Unless there were any significant changes to the ethical framework, it was proposed that no further Code of Conduct training would be provided until after the local elections in May 2015.

In relation to the Independent Person, the annual subscription to Hoey Ainscough to provide independent support and advice to the Independent Person and the Monitoring Officer had been renewed for a further year.

RESOLVED -

- (a) that no changes are required to the Committee's Terms of Reference;**
- (b) that the report be noted.**

The meeting ended at 6.11pm

Chairman:

Date:

TELFORD & WREKIN COUNCIL

STANDARDS COMMITTEE – 20th January 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, Independent Person and training.

2 RECOMMENDATIONS

That the Committee :-

- 2.1 Review the Members' Code of Conduct and decide if changes need to be recommended to full Council.
- 2.2 Note the Code of Conduct complaints received since the last report to this Committee
- 2.3 Consider the proposals for Code of Conduct training for the new municipal year
- 2.4 Agree a recommendation to full Council that the term of appointment for the Independent Persons, namely Michael Tebbutt and Chris Humphries continue and will be subject to a further review in four years' time.

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; the changes to the principles of conduct in public life, Code of conduct complaints received since the last meeting of the Committee, training and the Independent Person role.

4. PREVIOUS MINUTES

- 4.1 Standards Committee – 13th December 2012, 19th September 2012, 10th July 2013, 19th November 2014, 8th July 2014
Full Council – 13th September 2012, paragraph number 38

5. INFORMATION

- 5.1 The Monitoring Officer provides updates on the following matters since the last meeting of this Committee on 8th July 2014.

The Committee for Standards in Public Life

The Committee for Standards in Public Life have the role of raising the profile and reviewing the ethical framework for public sector organisations. Its term of reference specifically is to "examine concerns about standards of conduct of all holders of public office, including arrangements relating to financial and commercial activities, and make recommendations for changes in present arrangements which might be required to ensure the highest standards of respectability in public life."

As part of this role the Committee recently reviewed the principles which form the basis of this Council's Members' Code of Conduct, commonly known as the Nolan principles. These are as follows:

- (a) selflessness;
- (b) integrity;
- (c) objectivity;
- (d) accountability;
- (e) openness;
- (f) honesty;
- (g) leadership.

Attached at Appendix 1 of this report is the current Code of Conduct showing some amendments for members' consideration that take into account the reviewed Nolan Principles.

Following the review of the principles the Committee for Standards in Public Life this Committee is asked whether it considers changes need to be made to the current Code of Conduct.

Complaints

There have been 2 formal complaints received since the last meeting in 8th July 2014, further details are below.

Time Period	Number of complaints	Complaints against Borough Councillors	Complaint against Parish/ Town Councillors	Outcome: No Further Action	Outcome: Further action/ investigation
July 2014– December 2014	2	1	1 (In the complaint against 2 Cllrs they were also Borough Cllrs)	2	0

In addition to these formal complaints 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

Following on from previous discussions at this Committee, a provisional date of 18th May 2015 has been set aside to provide Code of Conduct training.

This will be delivered by the Monitoring Officer and Deputy Monitoring Officer and will be combined with other training on issues such as information governance. The date has been set so that advice can be provided on completion of the DPI forms to assist Councillors to complete their forms within the statutory time period of 28 days from their appointment. The Monitoring Officer and Deputy Monitoring Officers will be available during that period in any event to provide advice and assistance in relation to completing the forms.

The 'Independent Person'

The Independent Person plays an important role in the Code of Conduct complaints process. The appointment is made by full Council following an appointment process set out in statute. The Council's Independent Person role is held by Michael Tebbutt and Chris Humphries. Both have been

involved in training and Mr Tebbutt, in particular, has been consulted on complaints which the Monitoring Officer has received and reviewed. Both Mr Tebbutt and Mr. Humphries were appointed by full Council on 13th September 2012 for an initial two and a half year term which is due for review now. The Monitoring Officer recommends that their appointment is extended for a further four years and should be reviewed again towards the end of 2018.

The Monitoring Officer also puts on record his thanks to Mr. Tebbutt and Mr Humphries for their commitment. This is an unpaid volunteer role which often requires them to give their time at short notice. As a result of how they have carried out their role since their appointment the Monitoring Officer believes that extending their term of appointment is appropriate. It is suggested that this is confirmed by full Council. If the Committee is not minded to agree to the extension of the appointments then a full recruitment process will be required to appoint someone new to the role and the Committee would need to provide their approval to commence that process as soon as possible.

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.

Regarding the Members' Code of Conduct, any proposed changes would require the changes to be formally adopted at full Council and publicised.

The record of complaints set out above relate to formal written complaints received by the Monitoring Officer on behalf of this Committee. The complaints were 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, particularly with the potential for new Councillors to be appointed at the next local elections in May 2015. 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.

Specifically the appointment and criteria for the role of the Independent Person is set out in section 28 of the Localism Act 2011. The Council

must always have at least one Independent Person in place. If the Committee decide not to extend the term of the people holding the Independent Person role currently, a new recruitment process must be undertaken which meets the statutory requirement including qualification criteria for candidates.

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. Changes to the Code of Practice and the training identified will be managed within existing resources. As mentioned in the report, the role of Independent Person is a voluntary unpaid role; if a recruitment exercise is required there would be some associated costs which would also be funded from within the Legal Services budget. Any variations will be reported as part of the financial monitoring process.

6. WARD IMPLICATIONS

No ward specific implications

7. BACKGROUND PAPERS

The Localism Act 2011

The Committee on Standards in Public Life Annual Report 2013

Report prepared by Jonathan Eatough, Monitoring Officer, telephone 01952 383200 and Matthew Cumberbatch, Legal Services Manager. Telephone 01952 383255

APPENDIX 1

- ✓ Members should serve only the public interest and should treat everyone that they deal with equally and with respect.

Selflessness

Link to co-operative value of Fairness and Respect

- ✓ 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 not act or take decisions in order to gain financial or other material benefits for themselves, their family or their friends
- ✓ 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 and resolve 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

Integrity

Link to co-operative value of Fairness and Respect

- ✓ Members should act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Objectivity

Link to co-operative value of Fairness and Respect

- ✓ 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.

Accountability

Link to co-operative value of Ownership

- ✓ Members should be as open as possible about their decisions and actions and should give reasons for their decisions and actions. Information should not be withheld from the public unless there are clear and lawful reasons for doing so and which they can reasonably be expected to know is either exempt or confidential and is not to be disclosed to protect the wider public interest.

Openness

Link to co-operative value of Openness and Involvement

- ✓ Holders of public office should be truthful.
- ✓ Members have a duty to declare any private interests that relate to their duties as a Member and do whatever is

Honesty

necessary to resolve any such conflict in a way that protects the public interest

Link to co-operative value of Honesty

✓ Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs

Leadership

HEARINGS SUB-COMMITTEE OF STANDARDS COMMITTEE

Minutes of a meeting of the Hearings Sub-Committee held on Monday, 15 December, 2014 at 5.30 pm at Addenbrooke House, Telford

PRESENT: Councillors N A M England (Chair), M.B. Hosken and A.D. McClements

Also Present: Councillor S Bentley
J. Eatough – Assistant Director: Law, Democracy & People
Services and Monitoring Officer
P Smith – Democratic Services Team Leader

SHSC-01 ELECTION OF CHAIR

RESOLVED – that Councillor N A M England be elected Chair for the meeting.

SHSC-02 APOLOGIES FOR ABSENCE

None

SHSC-03 DECLARATIONS OF INTEREST

None.

SHSC-04 REQUEST FOR A DISPENSATION BY A COUNCILLOR

The Monitoring Officer presented a report which detailed an application from Councillor S Bentley for a dispensation to allow him to speak as a Ward Councillor at meetings of the Planning Committee in relation to two specific planning applications in his ward (Ercall Magna).

The report outlined the current framework for dispensations under the provisions of the Localism Act 2011. This related to situations where a Member might be precluded from speaking at a meeting due to that Member having a disclosable pecuniary interest in the matter being considered. A written application for a dispensation had been received from Councillor Bentley on 4 December 2014, a copy of which was appended to the report. The Sub-Committee was being asked to consider whether or not Councillor Bentley could be given a dispensation to enable him to represent his constituents in respect of these planning applications notwithstanding the existence of his disclosable pecuniary interest. It was emphasised that Councillor Bentley was not a member of the Planning Committee and therefore did not have a vote on the planning applications concerned.

Councillor Bentley was invited to address the Sub-Committee to present his application. The planning applications in question were for a residential development of 130 houses east of Waters Upton (TWC/2014/0761) which was due to be considered by Planning Committee on 17 December 2014, and for an application for residential and commercial development at the former Dairy Crest site at Crudginton (due to be considered by the Planning Committee in the New Year). He explained his personal circumstances as a resident of Waters Upton and in particular as sub-postmaster for Waters Upton Post Office whose business could be affected (potentially in positive and negative ways) by both development proposals. This

created a disclosable pecuniary interest which would potentially prevent him from participating in any discussion of these matters at Planning Committee. There was very strong local opinion about these applications, and he had been asked to represent the views of his constituents (as local Borough Ward member) at the relevant Planning Committee meetings. He was sole member for Ercall Magna ward, and another Councillor speaking on his behalf would not have the same level of local knowledge nor the same level of commitment to Waters Upton. Therefore, a dispensation would be in the interests of persons living in the area of the Borough of Telford & Wrekin.

The Monitoring Officer advised the Sub-Committee of the need to consider the application on its own merits, give consideration to all of the relevant circumstances, and whether the application met the relevant criteria.

The Sub-Committee then carefully considered the application for a dispensation and whether it met one (or more) of the criteria (or outcomes) set out in the Code of Conduct.

RESOLVED -

- (a) **that a dispensation for Councillor Bentley to speak as Ward member for Ercall Magna at meetings of the Planning Committee when considering specific applications for residential and commercial development at land east of Waters Upton and at the former Dairy Crest site in Crudgington be granted.**

Reasons for Decision:

It is an important part of the democratic process that Councillors are able to represent the views and interests of their constituents. It is recognised that the nature and scale of these planning applications will have a significant impact on the local community in and around Waters Upton, and that there is considerable local opposition to the proposed development on land to the east of Waters Upton. It is further recognised that local people have a legitimate expectation, in circumstances where there are such exceptional levels of community interest, that they should be represented by their local Ward member when the planning applications come before the Planning Committee for determination. Councillor Bentley is the sole member for Ercall Magna ward, and such representation would be denied to local people if he was unable to speak at the Planning Committee meetings. It is noted that Councillor Bentley's employment interests are well known by local residents, but nevertheless he has been asked to speak on their behalf on these matters. Therefore his involvement as Ward Councillor at these meetings would be in the public interest and as such his disclosable pecuniary interest should not preclude him from participating in the meetings. The dispensation relates only to the specific planning applications referred to above.

- (b) **that authority be delegated to the Monitoring Officer to confirm the outcome of the application in writing to the applicant.**

The meeting ended at 5.51pm

Chairman:

Date: