

STANDARDS COMMITTEE

Minutes of the meeting of the Standards Committee held on Thursday, 18 December, 2008 at 6.00 p.m. in the Civic Offices, Telford

PRESENT: A. Simpson (Independent Member - Chairman), Councillors A.J. Stanton (Vice-Chairman), R. Aveley, C.R.P. Mollett, U.E. Sambrook, K.S. Sahota and A.G.P. Williams
B. Bayley, F. Beasland and A. Selvaratnam (Independent Members). D. Edwards, R. Wickson and R. Williams (Parish Council representatives)

ST-17 MINUTES

RESOLVED – that the minutes of the meeting of the Standards Committee held on 9 October 2008 be confirmed and signed by the Chairman.

ST-18 APOLOGIES FOR ABSENCE

Councillors V.A. Fletcher and H. Rhodes. P.A. Picken (Parish Council representative)

ST-19 DECLARATIONS OF INTEREST

Parish Council representatives D. Edwards, R. Wickson and R. Williams declared a personal and prejudicial interest in Agenda item 8 (Appendix F), recommendation 2.2

The Chairman agreed to hear this item at the beginning of the meeting. The Parish Council representatives all left the room for the duration of this item.

ST-20 STANDARDS BOARD FOR ENGLAND GUIDANCE ON THE ROLE AND MAKE-UP OF STANDARDS COMMITTEES

The report of the Interim Head of Legal Services informed Members of guidance issued by the Standards Board for England. In particular, the guidance concerned Independent members and Parish representatives serving on Standards Committees.

There was nothing in the guidance about the terms of office of Parish and Town Council representatives; however the Committee may take the view that it would be appropriate to have a consistent approach to Parish and Town Council representatives as is taken with Independent members of the Committee. The Committee were invited to establish the current terms of office of the serving Parish and Town Council representatives which would be as follows:-

- Councillor Roy Williams, term of office until 7th July 2011 representing eight years as a Parish Representative of the Committee
- Councillor Roy Wickson, term of office until 22nd January 2012 representing eight years as a Parish Representative of the Committee
- Councillor Pauline Picken, serving a term of office until 17th June 2012 (as agreed at the previous meeting of the Standards Committee) and representing the end of a first term of office and then subject to re-appointment
- Councillor David Edwards serving a term until 11th June 2012 (again as approved at a previous meeting of the Standards Committee) representing the end of a first term of office and then subject to re-appointment

RESOLVED –

a) that the contents of the report be noted.

b) that the Committee agree the Parish Council Representatives terms of office as shown below:

- **Councillor Roy Williams, term of office until 7th July 2011, representing eight years as a Parish Representative of the Committee**
- **Councillor Roy Wickson, term of office until 22nd January 2012, representing eight years as a Parish Representative of the Committee**
- **Councillor Pauline Picken, serving a term of office until 17th June 2012 (as agreed at the previous meeting of the Standards Committee) and representing the end of a first term of office and then subject to re-appointment**
- **Councillor David Edwards serving a term until 11th June 2012 (again as approved at a previous meeting of the Standards Committee) representing the end of a first term of office and then subject to re-appointment**

ST-21 CONSULTATION ON THE CODE OF CONDUCT FOR LOCAL AUTHORITY MEMBERS AND EMPLOYEES

The report of the Interim Head of Legal Services informed the Committee that the Department for Communities and Local Government had issued a consultation paper suggesting proposed changes to the members' Code of Conduct as well as the introduction of a model employees' code of conduct which would be incorporated into local government employees' terms and conditions of employment. The Committee was asked to consider the

consultation document which was attached to the report at Appendix 2 and the proposed draft response which was attached to the report at Appendix 3.

The Head of Human Resources, welcoming the consultation document, informed Members that the Council had already successfully produced an Employee of Conduct. He felt that the proposals for two codes for employees and qualifying employees was unnecessary as one code could adequately cover all employees. In response to questions, he confirmed that the model code would ultimately be enshrined in the contracts of employees and that the code would also cover Parish Councils.

RESOLVED – That the consultation response, at Appendix 3 of the report, subject to the amendments agreed to by the Committee, be submitted to the Department for Communities and Local Government in response to their consultation document.

ST-22 STANDARDS COMMITTEE HANDBOOK

The report of the Interim Head of Legal Services informed the Committee of the progress made in preparing a Standards Committee Members Handbook and sought the Committee's views on documents to be included. A draft index for the Handbook was attached to the report.

RESOLVED – that the Committee approve the Index for the Standards Committee Members Handbook.

ST-23 MEMBERS CODE OF CONDUCT TRAINING

The report of the Interim Head of Legal Services informed the Committee about the recent Member Code of Conduct Training sessions, held on 12 November 2008. Feedback from those attending the session confirm that there were problems with the training and it was not as successful as in previous years. Guidance was sought from the Committee as to how the training could be improved.

A number of Members felt that the main problem with the recent training session was the quality of presentation. A number of Members commented that they strongly preferred the previous training presenter as he had interacted well with those attending the session. The Group Solicitor reported that quotations had been received from training providers and that cost was a significant issue. One suggestion was that Parish Councils be charged a training fee. It was also suggested that the training could be provided using the expertise available within the Council. The Group Solicitor agreed to investigate the options available and report back to the Committee.

RESOLVED – that the Group Solicitor investigates the training options available and brings a report back to the Committee.

ST-24 ANNUAL REVIEW OF STANDARDS COMMITTEE TERMS OF REFERENCE

The report of the Interim Head of Legal Services provided details of the Terms of Reference and the role and function of the Standards Committee, as contained in the Council's Constitution, for review by the Committee. The Standards Committee reviews its Terms of Reference annually. There had been a number of changes to the Terms of Reference within the last few months and the Committee were asked to consider these changes and make any recommendations for further changes as appropriate.

Members considered and reviewed the changes made and had no further recommendations at the current time.

RESOLVED – that the Terms of Reference of the Standards Committee be agreed

ST-25 CODE OF CONDUCT COMPLAINTS MADE TO THE STANDARDS COMMITTEE - QUARTERLY UPDATE: 1ST JULY TO 30TH SEPTEMBER 2008.

The report of the Interim Head of Legal Services provided the Committee with details of the Code of Conduct complaints received by the Standards Committee during the period 1 July 2008 to 30 September 2008.

From 1 July to 30 September 2008 the Standards Committee received one Code of Conduct complaint under the new system for local assessment. A quarterly return had been forwarded to the Standards Board for England.

RESOLVED – that the contents of the report be noted

The meeting ended at 6.55 pm

Chairman:

Date:

TELFORD & WREKIN COUNCIL

STANDARDS COMMITTEE - 11 FEBRUARY 2009

MEMBERS CODE OF CONDUCT TRAINING - UPDATE

REPORT OF HEAD OF LEGAL SERVICES AND MONITORING OFFICER

1. PURPOSE

- 1.1 To report back to the Committee with further suggestions for the Code of Conduct Training programme for the next municipal year.

2. RECOMMENDATIONS

- 2.1 That the Committee consider the proposals put forward and provide approval or further comments as appropriate.**

3. SUMMARY

Following a Code of Conduct training exercise in November 2008 that received relatively poor feedback this Committee has asked for a review of training and for officers to report back with suggestions as to how training can be improved in the future. Officers have considered options available in view of the comments put forward at the last meeting. The suggestion is that the Code of Conduct training is changed to reduce the numbers attending the training, change to a workshop style of training and to provide more training sessions possibly at venues throughout the Borough.

4. PREVIOUS MINUTES

Standards Committee – 24 January 2005,
Standards and Audit Committee – 4 April 2006, 21 April 2006, 12 September 2006, 11 September 2007 (ST – 24), 29 January 2008 (ST – 50),
Standards Committee – 18 December 2008 (ST - 23)

5. INFORMATION

5.1 Background

On 18 December 2008 the Standards Committee considered a report providing feedback on the Code of Conduct training provided for Borough and Parish Councillors on 12 November. The Committee expressed disappointment with the training and asked that officers

consider how training could be improved in the future. Officers were tasked with reporting back to the Standards Committee with proposals for training during the next municipal year.

The proposals for Code of Conduct training are as follows:-

- A more interactive style of training with a workshop/café style layout. This would include more emphasis on elected members looking at case studies and contributing more during the training sessions.
- A reduction in the maximum capacity for the training sessions but with an increase in the amount of training sessions available. This would include stretching the training sessions over a period of a few weeks allowing all members an opportunity to attend and providing afternoon and evening sessions to accommodate and encourage members who may not have attended in the past because of other commitments.
- Providing various venues around the Borough and not limiting the provision of the training solely to the Civic Offices. This again is with a view in particular to encouraging Parish Councillors to attend a nearby location for the training.
- Reviewing the use of external trainers and considering providing more training by officers which would reduce expenditure and allow more workshop sessions to take place.
- Seeking views from elected members as to the aspects of the Code which they find most challenging and preparing the training accordingly.

The Code of Conduct is expected to change this year with particular emphasis on the reintroduction of actions undertaken by members in a private capacity being covered by the Code of Conduct. Accordingly it is important to ensure appropriate timing of the training to encapsulate the new changes. With this in mind the following timetable is proposed for undertaking the training in the future.

- Report back to Standards Committee at the meeting on 21 April 2009 to provide specific details of provisional dates, venues, trainers and an outline of the training material.
- September/October 2009 – provide the Code of Conduct training as agreed by Standards Committee.

- December 2009 – report back to Standards Committee with feedback on the training and for a further decision in respect of whether further training is required during the 2009/10 municipal year or alternatively to commence plans for training for the next municipal year.

5.2 Equal Opportunities

Every effort is made to ensure that the Code of Conduct training is accessible to all. This consideration will continue to be kept under review on future occasions.

5.3 Environmental Impact

No implications

5.4 Legal Comment

Attendance at Code of Conduct training is not compulsory but is recommended as good practice. The expected changes to the Code of Conduct mean that it is important that elected members are offered regular training.

5.5 Links with Corporate Priorities

Providing training for elected members on the Code of Conduct on a regular basis helps the council achieve its priority of being an efficient effective and customer focussed Council that delivers value for money for the community.

5.6 Opportunities and Risks

The opportunities and risks associated with providing regular Code of Conduct training have been identified and assessed but relate primarily to governance and the impact on public confidence in the democratic process.

5.7 Financial Implications

Once the detail of the training is finalised the cost of the training can be calculated. It is anticipated that this will be met from within existing budgets.

6. WARD IMPLICATIONS

District wide implications

7. **BACKGROUND PAPERS**

None

End of Report

***Report prepared by Matthew Cumberbatch, Group Solicitor, Legal Services
Tel: 01952 383255***

TELFORD & WREKIN COUNCIL

STANDARDS COMMITTEE – 11 FEBRUARY 2009

**CODE OF CONDUCT QUARTERLY COMPLAINTS MADE TO THE
STANDARDS COMMITTEE – QUARTERLY UPDATE 1 OCTOBER – 31
DECEMBER 2008**

REPORT OF HEAD OF LEGAL SERVICES AND MONITORING OFFICER

1. PURPOSE

To provide the Committee with details of the Code of Conduct complaints received by the Standards Committee during the period 1 October 2008 – 31 December 2008.

2. RECOMMENDATION

That the contents of this report are noted.

3. SUMMARY

From 1 October to 31 December 2008 the Standards Committee received four Code of Conduct complaints under the new system for local assessment. A quarterly return has been forwarded to the Standards Board for England.

4. PREVIOUS MINUTES

Standards Committee – 9 October 2008 (ST-16).
Standards Committee -18 December 2008 (ST- 25)

5. INFORMATION

5.1 Background

Under Section 186 of the Local Government and Public Involvement in Health Act 2008 (amending the Local Government Act 2000) there is a requirement that the Council provide regular returns to the Standards Board for England confirming the number of Code of Conduct complaints received by the Authority for local assessment.

The third return period was 1 October 2008 – 31 December 2008. During that period the Standards Committee received four complaints for local

assessment. The complaints related to both Borough and Parish Councillors.

The complaints were considered by the Referrals Sub-Committee on 15 December 2008 and four separate decision notices were produced. Two other individuals complained about were no longer elected Members and accordingly those complaints were not considered.

After considering the complaints the Sub-Committee decided that no further action was to be taken in respect of three of the four elected Members. In the case of the other elected Member a direction was made to the Monitoring Officer to invite that elected Member to attend Code of Conduct training. A separate report will be provided to this Committee to provide further information. At the time of preparing this report the indication is that there will be a review requested in respect of at least one of the decisions to take no further action.

The return was sent electronically to the Standards Board for England confirming this information. At the time of preparing this report there is no up to date information regarding the overall complaints received throughout England during this third quarter period.

5.2 Equal Opportunities

There are no issues to be addressed.

5.3 Environmental Impact

No implications

5.4 Legal Comment

The legal comment is contained within the main body of this report.

5.5 Links with Corporate Priorities

Providing regular updates on the complaints made to the Standards Committee demonstrates compliance with the CPA requirement that “the Council has undertaken their assessment of Standards of Conduct, including how effectively Members are complying with the Code of Conduct, the number and types of complaints received, and takes action as appropriate”.

5.6 Opportunities and Risks

The opportunities and risks associated with providing this information to the Committee has been identified and assessed. Arrangements have been put in place to manage the risks and maximise the opportunities that have been identified.

5.7 Financial Implications

Code of Conduct Complaints are dealt with within existing resources and any over spends will be reported as part of the routine financial monitoring process.

6. WARD IMPLICATIONS

District wide implications.

7. BACKGROUND PAPERS

None

Report prepared by Matthew Cumberbatch, Group Solicitor, Legal Services

Tel: 01952 383255

TELFORD & WREKIN COUNCIL

STANDARDS COMMITTEE – 11 FEBRUARY 2009

**REPORT ON ACTION UNDERTAKEN BY THE MONITORING OFFICER
FOLLOWING A CODE OF CONDUCT COMPLAINT – COUNCILLOR
NICOLA HOLMES**

**REPORT OF THE HEAD OF LEGAL SERVICES AND MONITORING
OFFICER**

1. PURPOSE

To update the Standards Committee as to action undertaken at the direction of the Standards Committee referrals Sub-Committee following a complaint alleging a breach of the Code of Conduct

2. RECOMMENDATIONS

- 2.1 That the Standards Committee confirm that they are satisfied with the outcome of the action undertaken by the Monitoring Officer following the decision of the Referrals Sub-Committee on 15 December 2008.**

3. SUMMARY

Following a complaint to the Standards Committee, the Referrals Sub-Committee directed the Monitoring Officer to invite a Councillor to attend Code of Conduct training. That Code of Conduct training has now taken place and the Committee are required to consider whether they are satisfied with the action undertaken by the Monitoring Officer in accordance with the direction given.

4. PREVIOUS MINUTES

Standard Committee Referrals Sub-Committee – 15 December 2008
(5(c))

5. INFORMATION

5.1 Background

On 15 December 2008 the Referrals Sub-Committee of the Standards Committee met to consider a complaint made by a member of the public alleging a breach of the Code of Conduct by a number of Borough and Parish Councillors. Having considered the complaint, and taken advice,

the Sub-Committee decided that, in respect of the complaint against Councillor Nicola Holmes of Great Dawley Parish Council, they would direct the Monitoring Officer to invite Councillor Holmes to undertake Code of Conduct training. A copy of the decision notice is attached at Appendix 1.

Following this direction the Monitoring Officer wrote to Councillor Holmes who subsequently arranged to attend training at the Civic Offices. This training took place on 28th January 2009.

The Code of Conduct training included viewing the Standards Board for England's training DVD entitled "The Code Uncovered", and receiving further training covering the whole of the Code of Conduct with particular emphasis on personal and prejudicial interests. The Councillor concerned was also provided with the Standards Board for England fact sheets in respect of the key areas including personal and prejudicial interest.

It is a requirement that when any other action is directed by the Standards Committee (or Sub-Committee to the Standards Committee) that the outcome is reported back to the Committee within 3 months of the decision being made. It is also a requirement that the Standards Committee have to confirm whether or not they are satisfied with the outcome achieved. Accordingly, the Committee are required to consider the action undertaken following the decision made by the Referrals Sub Committee on 15th December and decide whether the matter can now be closed.

5.2 Equality and Diversity

There are no issues to be addressed

5.3 Environmental Impact

No implications

5.4 Legal Comment

The Referrals Sub-Committee of the Standards Committee referred the allegation against Councillor Holmes to the Monitoring Officer with the direction that the Councillor concerned attend training in accordance with their authority under section 57A (2) (a) of the Local Government Act 2000 (as amended by section 185 of the Local Government and Public Involvement in Health Act 2007, and the Standards Committee (England) Regulations 2008 at Regulation 13(3) (a)). The training course referred to in the legislation was undertaken by the Monitoring Officer and one of the Deputy Monitoring Officers.

In accordance with the Standards Committee (England) Regulations 2008 at Regulation 13 (4)(c) the Standards Committee are required to

make a decision as to whether or not they are satisfied with the action which has been undertaken as a result of the referral to the Monitoring Officer. If no further action is required notification is to be given to the member who is subject to the report, the person who made the allegations and the Parish Council concerned (in accordance with the Standards Committee (England) Regulations 2008 at Regulation 13(7)).

5.5 Links with Corporate Priorities

Processing complaints in accordance with statutory guidelines together with insuring that appropriate action is taken in order to resolve issues raised by the complaints assist the Council in meeting the corporate priority of being inefficient and effective Council. It also assists in meeting the CPA requirement that “the Council has undertaken their assessment of Standards of Conduct, including how effectively members are complying with the Code of Conduct, the number and types of complaints received, and takes action as appropriate”.

5.6 Opportunities and Risks

The Opportunities and Risks associated with providing this training and complying with this direction from the Referrals Sub Committee has been identified and assessed. Arrangements have been put in place to manage the risks and maximise the opportunities that have been identified.

5.7 Financial Implications

The cost of the training provided was within existing budgets.

6. WARD IMPLICATIONS

District wide implications

7. BACKGROUND PAPERS

Local Government & Public Involvement in Health Act 2008
The Standards Committee (England) Regulations 2008

End of Report

***Report prepared by Matthew Cumberbatch, Group Solicitor
Tel: 01952 383255***



Telford & Wrekin

C O U N C I L

DECISION NOTICE: REFERRAL FOR OTHER ACTION

Reference 2008/2(iii)

Complaint

On 15th December 2008, the referrals sub-committee of the standards committee of this authority considered a complaint from [REDACTED] a member of the public from Dawley Bank concerning the alleged conduct of Councillor Nicola Holmes, a member of Great Dawley Parish Council. A general summary of the complaint below:

The complaint relates to the relocation of a telecommunication mast originally planned for Stone Row/Brunel Road (Planning Application W2005/0893) to the Malinslee Playing Fields (W2006/0782).

The complainant states that Councillor Nicola Holmes sat on the Great Dawley Parish Council Sub-Committee on the 19 August 2005 and objected to the telephone mast. It is also stated that she signed the petition which the claimant states was organised by [REDACTED]. The complainant states that in doing so Councillor Holmes did not declare an interest.

The Clerk to Great Dawley Parish Council confirms that Councillor Holmes was a Councillor during 2005 and 2006 and that Councillor Holmes remains a Councillor on Great Dawley Parish Council.

Information from the Clerk to Great Dawley Parish Council including copies of minutes of the Planning and Environment Committee dated 19th August 2005 and 6th July 2006 respectively.

Register of interest forms for Councillor Nicola Holmes from Great Dawley Parish Council.

Decision

In accordance with Section 57A(2) of the Local Government Act 2000, as amended, the referrals sub-committee of the standards committee decided to refer the allegation to the monitoring officer for the provision of Code of Conduct training to be made available to Councillor Holmes.

Potential breaches of the Code of Conduct identified

We have identified below the paragraphs of the Code of Conduct which may apply to the alleged conduct.

- failing to declare a personal or prejudicial interest
- having a prejudicial interest and failing to act appropriately

This decision notice is sent to the person or persons making the allegation, the member against whom the allegation was made and to the Clerk of Great Dawley Parish Council.

What happens now?

The Monitoring Officer is to contact Councillor Holmes and invite her to attend Code of Conduct Training to be arranged and provided by the Monitoring Officer.

The referrals sub-committee believe that it is appropriate to make this direction for the following reason –

The referrals sub-committee are concerned that the complaint revealed that at the time referred to in the complaint there was an apparent lack of guidance, protocols and procedures at Great Dawley Parish Council.

Terms of reference

The Local Government and Public Involvement in Health Act 2007 amends the Local Government Act 2000, which now provides for the local assessment of new complaints that members of relevant authorities may have breached the Code of Conduct. The Standards Committee (England) Regulations 2008 relate to the conduct of authority members and the requirements for dealing with this.

The regulations set out the framework for the operation of a locally based system for the assessment, referral and investigation of complaints of misconduct by members of authorities. They amend and re-enact existing provisions in both the Relevant Authorities (Standards Committee) Regulations 2001, as amended, and the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003, as amended.

Additional Help

If you need additional support in relation to this or future contact with us, please let us know as soon as possible. If you have difficulty reading this notice we can make reasonable adjustments to assist you, in line with the requirements of the Disability Discrimination Act 2000.

We can also help if English is not your first language.

If you require any assistance in this regard please contact us on 01952 383255.

Signed  Date 18/12/08

Mr. A. Simpson - Chair of the Referrals Sub-Committee