

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held on Tuesday, 21 April, 2009 at 6.00 p.m. at Civic Offices, Telford

PRESENT: Councillors R. Aveley, V.A. Fletcher, C.R.P. Mollett, K.S. Sahota, A.J. Stanton and A.G.P. Williams
A. Simpson (Chairman), F. Beasland and A. Selvaratnam (Independent Members)
Councillors D. Edwards, P. Picken, R. Wickson and R. Williams (Parish Council representatives)

ST-33 MINUTES

RESOLVED – that the minutes of the meeting of the Standards Committee held on 11 February 2009 be confirmed and signed by the Chairman.

ST-34 APOLOGIES FOR ABSENCE

Councillors H. Rhodes & U.E. Sambrook, and B. Bayley (Independent Member)

ST-35 DECLARATIONS OF INTEREST

Mr A. Simpson declared a personal and prejudicial interest in relation to agenda item 7 – Independent Membership of the Standards Committee.

ST-36 MEMBERS CODE OF CONDUCT TRAINING UPDATE

The Group Solicitor: Standards & Regulatory presented a report which, further to Minute ST-30 at the last meeting, provided an update on the work undertaken on the arrangements for Code of Conduct training for the next municipal year.

A letter from the Chair of the Standards Committee had been sent to all Borough and Parish Councillors inviting comments on topics they would like to see covered in the forthcoming training. In terms of the delivery of the training, a small number of training providers were to be asked to submit quotes. Different venues for the training were being explored, and it was proposed to arrange sessions in the north (possibly Newport), south (possibly Madeley) and central (possibly Civic Offices or Priorslee Training Centre) areas of the Borough. In addition, it was hoped to co-ordinate the provision and promotion of the training with the Shropshire Association of Local Councils, which could result in additional training opportunities for Members.

During the ensuing discussion, there were some further suggestions relating to venues for Code of Conduct training, including whether Oakengates/Ketley or Wellington would be better locations for the northern part of the Borough.

RESOLVED – that the report be noted.

ST-37 **CODE OF CONDUCT COMPLAINTS MADE TO THE STANDARDS COMMITTEE - QUARTERLY UPDATE: 1ST JANUARY TO 31ST MARCH 2009.**

The Group Solicitor: Standards & Regulatory presented a report which detailed the Code of Conduct complaints received by the Standards Committee during the period 1 January 2009 to 31 March 2009.

During that period, the Standards Committee received two Code of Conduct complaints under the new system for local assessment. The complaints both related to Parish Councillors, and had been considered by the Referrals Sub-Committee on 23 February and 27 March 2009 respectively. In the first case, the Sub-Committee decided to direct the Monitoring Officer to invite the Councillor concerned and the rest of the Parish Council to be provided with Code of Conduct training, particularly in relation to aspects of Code around prejudicial interests and failing to act appropriately. In the second case, the Sub-Committee decided that no further action was to be taken. No request for a review of that decision had been received from the complainant. A quarterly return had been forwarded to the Standards Board for England.

In response to a question regarding the numbers of complaints compared to other local authority areas, the Group Solicitor advised that year-end comparative data from the Standards Board was not yet available.

RESOLVED – that the contents of the report be noted.

ST-38 **STANDARDS COMMITTEE WORK PLAN 2009/10**

The Group Solicitor: Standards & Regulatory presented a report which proposed the establishment of a work plan for the Committee for the next Municipal Year. The draft Work Plan was appended to the report.

The intention of the work plan was to identify the main areas of work to be undertaken by the Committee over the next 12 months, and to make plans to ensure that the work was undertaken within appropriate timescales. The Plan would be a “living document” and could be changed if there was a need to react to new legislative requirements. Members were invited to provide any suggestions or comments on the draft work plan.

The Committee welcomed the Work Plan, which would help to structure their activities. In relation to the expected changes to the Code of Conduct, clarification was sought on the timescales and actions in the Plan to reflect this. The Group Solicitor advised that there was still no definite date for the issuing of the necessary Regulations by the Government. It was expected to be in the next two or three months, and therefore the aim would be to complete training for Members on the new Code by the end of October 2009.

RESOLVED – that the Standards Committee Work Plan for 2009/10, as shown at Appendix 1 of the report, be approved.

Before the commencement of the next item, the Chairman, having previously declared an interest, withdrew from the meeting.

ST-39 ELECTION OF CHAIRMAN FOR THE NEXT ITEM OF BUSINESS

It was reported that the Committee needed to elect an Independent Member as Chairman for the transaction of business on the next item on the agenda.

RESOLVED - that Mr A. Selvaratnam be elected Chairman for the purposes of the following item of business only.

ST-40 INDEPENDENT MEMBERSHIP OF STANDARDS COMMITTEE – MR A SIMPSON

The Group Solicitor: Standards & Regulatory presented a report concerning the re-appointment of Mr A. Simpson as an Independent Member of the Standards Committee.

Mr Simpson was approaching the end of his second four year term of office, and a decision was needed as to whether or not he was to be re-appointed. The appointment of Independent Members was the role of full Council, but the Committee could make a recommendation on the matter, including the term of office to be served.

Details of the Standards Board guidance on the appointment of Independent Members were outlined in the report. Mr Simpson had indicated that he was prepared to be considered for re-appointment for a 12 month period. This would then allow sufficient time for a replacement Independent Member to be recruited and appointed.

In response to questions, the Group Solicitor advised that the chairmanship of the Committee was a separate issue to Mr Simpson's re-appointment. Irrespective of whether Mr Simpson was re-appointed, the Committee would need to elect a Chairman for the 2009/10 Municipal Year at their June meeting. In relation to changing the number of Independent Members on the Committee, this would require a change in the Constitution and/or a revision in the numbers of Elected Members on the Committee.

RESOLVED – TO RECOMMEND TO COUNCIL that Mr A. Simpson be re-appointed as an Independent Member of the Telford & Wrekin Standards Committee for a 12 month period from the start of the 2009/10 Municipal Year.

Mr Simpson then returned to the meeting room to chair the remainder of the meeting.

ST-41

REPORT ON ACTION UNDERTAKEN BY THE MONITORING OFFICER FOLLOWING A CODE OF CONDUCT COMPLAINT – COUNCILLOR LINDA BAKER-OLIVER AND WATERS UPTON PARISH COUNCIL

The Group Solicitor: Standards & Regulatory presented a report which updated the Committee on the action undertaken at the direction of the Referrals Sub-Committee following a complaint alleging a breach of the Code of Conduct.

On 23 February 2009, the Referrals Sub-Committee had met to consider a complaint made by a member of the public alleging a breach of the Code of Conduct by a Member of Waters Upton Parish Council. The Sub-Committee decided that they would direct the Monitoring Officer to invite Councillor Linda Baker-Oliver to undertake Code of Conduct training. They also decided that it would be appropriate to invite all Members of Waters Upton Parish Council for Code of Conduct training. A copy of the Decision Notice was appended to the report.

A meeting had been held with the Parish Clerk on 16 April, and arrangements had been made for the Monitoring Officer to visit the Parish Council on 24 June 2009. A meeting with Councillor Baker-Oliver had provisionally been arranged for 30 April 2009.

Members expressed some concerns that the recommended training had not yet been undertaken, and it was suggested that for such cases there could be a timescale specifying a date by which the training should be completed. In response to questions, the Head of Legal Services & Monitoring Officer advised that there had not been any resistance or obstruction from the Member or Parish Council concerned. It was also stressed that the Sub-Committee had not found a breach of the Code of Conduct, and therefore it could only seek voluntary agreement to training being undertaken. As the training had not yet taken place, Members expressed the view that they could not be satisfied at this stage that the outcome of the Sub-Committee's direction had been achieved.

RESOLVED –

- (a) that a further report on the outcome of the action undertaken by the Monitoring Officer following the decision of the Referrals Sub-Committee on 23 February 2009 be presented to the next meeting.**
- (b) that on future occasions when the Referrals or Reviews Sub-Committee decide to direct the Monitoring Officer to invite member(s) to attend code of conduct training, consideration is given (on a case by case basis) as to whether a time limit to undertake such training is specified.**

The meeting ended at 7.00 pm

Chairman:

Date:

TELFORD & WREKIN COUNCIL

STANDARDS COMMITTEE – 18th JUNE 2009

ANNUAL REPORT OF THE STANDARDS COMMITTEE

REPORT OF HEAD OF LEGAL SERVICES AND MONITORING OFFICER

1. PURPOSE

To present the draft version of the annual report of Telford & Wrekin Council Standards Committee.

2. RECOMMENDATIONS

2.1 That the Committee approve the draft version of the annual report of the Standards Committee, subject to any amendments/comments that they wish to make.

2.2 That the Committee consider the points raised in paragraph 5.1.2 of this report, and provide directions to the Monitoring Officer concerning any further work that needs to be done.

3. SUMMARY

The annual report of the Standards Committee has been prepared for approval.

4. PREVIOUS MINUTES

Standards Committee 21st April 2009 (ST-39)

5. INFORMATION

5.1 Background

5.1.1 Officers have prepared a draft version of the annual report of the Standards Committee for the Municipal Year 2008 – 09. The preparation of the report is in accordance with the work plan agreed by the Standards Committee at the meeting on 21 April 2009. The draft version of the report is attached as an appendix for consideration by the Committee.

5.1.2 At the same time as preparing the draft annual report, the Monitoring Officer has been required by the Standards Board for England to submit an annual return providing information to the Standards Board in relation to the operation of the Standards Committee and including other information covering a number of areas such as promoting standards, training and leadership. Some of the questions asked by the Standards Board have raised a number of issues not recently considered by the Standards Committee. These topics are set out below:-

- Promotion of Standards – Does the Committee want to do more to promote standards to members and officers of the authority and to the wider public?
- Leadership – Does the Committee and/or Chairman of the Committee wish to have meetings with the Leader of the Council and/or the Chief Executive to discuss ethical issues?

- Register of interests – Should members' register of interest forms and the members' gifts and hospitality book be made available to the public via the Council's website?

5.2 Equality and Diversity

All processes and procedures undertaken by the Standards Committee need to comply with the appropriate equality and diversity legislation, regulations and guidance.

5.3 Environmental Impact

No implications.

5.4 Legal Comment

It is not a legal requirement to produce an annual report with regard to the work undertaken by the Standards Committee. However, the Standards Board for England, in accordance with powers acquired under the Local Government and Public Involvement in Health Act 2007 can request information from Standards Committees. The annual return requested by the Standards Board for England represents a request for such information.

5.5 Links with Corporate Priorities

Providing an annual report which is made available to the Standards Board for England and to the public assists the Council in ensuring it meets the corporate priority of being an effective efficient and customer focussed Council.

5.6 Opportunities and Risks

The risks associated with producing an annual report for the Standards Committee have been assessed. Every effort will be made to ensure that the risks are managed effectively and the opportunities arising from producing the annual report are maximised.

5.7 Financial Implications

There are no financial implications arising directly from the production of the Annual Report.

6. WARD IMPLICATIONS

District wide

7. BACKGROUND PAPERS

None

End of Report

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

Article 1– The Standards Committee The Audit Committee

Explanatory Comment

The Standards Committee has an important role in ensuring and promoting good ethical conduct of Councillors and officers. The Audit Committee has an important role in overseeing financial processes, audit and risk management. They both support good governance in the public sector, with particular reference to local government.

(Section 53-55 and Sections 81(5), Local Government Act 2000)

(CIPFA Position Statement –“Audit Committee Principles in Local Government”)

9.01 Standards Committee

The full Council will establish a Standards Committee.

9.02 Composition

Political Balance

The Standards Committee will be politically balanced as per the political balance rules in **section 15 of the Local Government & Housing Act 1989**.

- (a) **Membership:** The Standards Committee will be composed of:-
- eight Councillors, excluding the Leader and only one of whom may be a member of the Cabinet;
 - four persons who are not Councillors or Officers of the Council or any other body having a Standards Committee (independent members);
 - at least three parish council representatives (who are not members of the Council)
- (b) **Independent Members** – Independent members will be appointed in accordance with guidance issued. Independent members will be entitled to vote at meetings;
- (c) **Chairing the Committee** – The Chairman must be an Independent Member of the Committee and should either have previous knowledge or have received training on standards, regulation and ethical issues.
- (d) **Quorum** – The quorum for a meeting of the Standards Committee shall be three which must include one of the independent members.
- (e) **Training** – In addition to the Chairman’s training outlined above, all members of the Committee should be properly trained to fulfil their role, including awareness of standards, ethics and governance.
- (f) **Sub-committees** –

Terms of Reference of the Referrals Sub-Committee

As approved by the Standards Committee

1. Terms of Reference

- a. The Referrals Sub-Committee is established to receive allegations that a member of the Authority has failed, or may have failed, to comply with the Authority's Code of Conduct.
- b. Upon receipt of each allegation and any accompanying report by the Monitoring Officer, the Sub-Committee shall make an initial assessment of the allegation and shall then do one of the following:
 - i. refer the allegation to the Monitoring Officer, with an instruction that he/she arrange a formal investigation of the allegation, or directing that he/she arrange training, conciliation or such appropriate alternative steps as permitted by Regulations;
 - ii. refer the allegation to the Standards Board for England;
 - iii. decide that no action should be taken in respect of the allegation; or
 - iv. where the allegation is in respect of a person who is no longer a member of the Authority, but is a member of another relevant authority (as defined in Section 49 of the Local Government Act 2000), refer the allegation to the Monitoring Officer of that other relevant authority;

and shall instruct the Monitoring Officer to take reasonable steps to notify the person making the allegation and the member concerned of that decision.

- c. Upon completion of an investigation by the Monitoring Officer, the Sub-Committee shall be responsible for determining whether:
 - i. it accepts the Monitoring Officer's finding of no failure to observe the Code of Conduct;
 - ii. the matter should be referred for consideration at a hearing before the Hearings Sub-Committee of the Standards Committee; or
 - iii. the matter should be referred to the Adjudication Panel for determination.
- d. Where the Sub-Committee resolves to do any of the actions set out in Paragraph 1(b) or 2(c) above, the Sub-Committee shall state its reasons for that decision.
- d. The Sub-Committee shall consider any application received from any officer of the Authority for exemption from political restriction under Sections 1 and 2 of the Local Government and Housing Act 1989 in respect of the post held by that officer and may direct the Authority that the post shall not be considered to be a politically restricted post and that the post be removed from the list maintained by the Authority under Section 2(2) of that Act.
- e. The Sub-Committee shall, upon the application of any person or otherwise, consider whether a post should be included in the list maintained by the Authority under Section 2(2) of the 1989 Act, and may direct the Authority to include a post in that list.

2. Composition of the Referrals Sub-Committee

The Referrals Sub-Committee shall comprise 4 members, of whom at least 1 shall be an independent member of the Standards Committee (and one of whom shall chair the Sub-Committee), and at least 2 elected members of the Authority. When the Referrals Sub-Committee considers a matter relating to the conduct of a person in his/her capacity as a Parish or Town Councillor, the Sub-Committee shall also include a Parish or Town Council representative.

3. Quorum

The quorum for a meeting of the Sub-Committee shall be 3 members, with an Independent member as Chairman, and at least one elected member of the Council and at least one Parish or Town Council representative when considering a matter relating to the conduct of a member as Parish or Town Councillor.

Terms of Reference of the Review Sub-Committee

As approved by the Standards Committee

1. Terms of Reference

- a. The Review Sub-Committee is established to review, upon the request of a person who has made an allegation that a member of the Authority has failed, or may have failed, to comply with the Authority's Code of Conduct, a decision of the Referrals Sub-Committee that no action be taken in respect of that allegation.
- b. Upon receipt of each such request and any accompanying report by the Monitoring Officer, the Sub-Committee shall review the decision of the Referrals Sub-Committee and shall then do one of the following:
 - i. refer the allegation to the Monitoring Officer, with an instruction that he/she arrange a formal investigation of the allegation, or specifying that he/she take an alternative action as permitted by Regulations;
 - ii. refer the allegation to the Standards Board for England;
 - iii. decide that no action should be taken in respect of the allegation; or
 - iv. where the allegation is in respect of a person who is no longer a member of the Authority, but is a member of another relevant authority (as defined in Section 49 of the Local Government Act 2000), refer the allegation to the Monitoring Officer of that other relevant authority;

and shall instruct the Monitoring Officer to take reasonable steps to notify the person making the allegation and the member concerned of that decision.

- c. Where the Sub-Committee resolves to do any of the actions set out in Paragraph 1(b) above, the Sub-Committee shall state its reasons for that decision.

2. Composition of the Review Sub-Committee

The Review Sub-Committee shall comprise 4 members, of whom at least 1 shall be an independent member of the Standards Committee (and one of whom shall chair the sub-committee), and at least two shall be elected members of the Authority. When the Referrals Sub-Committee considers a matter relating to the conduct of a person in his/her capacity as a Parish or Town Councillor, the Sub-Committee shall also include a Parish or Town Council representative.

3. Quorum

The quorum for a meeting of the Sub-Committee shall be 3 members, with an Independent member as Chairman, and at least one elected member of the Council and at least one Parish or Town Council representative when considering a matter relating to the conduct of a member as Parish or Town Councillor.

4. Frequency of Meetings

The Review Sub-Committee shall meet as and when required to enable it to undertake the review of any decision of the Referrals Sub-Committee within 3 months of the receipt of the request for such a review from the person who made the allegation.

9.03 **Role and Function**

The Standards Committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct by Councillors, parish councillors and co-opted members, (including church and parent governor representatives);
- (b) assisting the Councillors, parish councillors and co-opted members (including church and parent governor representatives) to observe the Members' Code of Conduct;
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) monitoring the operation of the Members' Code of Conduct;
- (e) advising, training or arranging training in relation to the Code of Conduct;
- (f) granting dispensations to Councillors, co-opted members (including church and parent governor representatives) from requirements relating to interests set out in the Members' Code of Conduct;
- (g) receiving allegations that a member of the Authority has failed, or may have failed, to comply with the Authority's Code of Conduct
- (h) establish sub-committees of the standards committee to make initial assessments of complaints received by the Standards Committee alleging a breach of the Members' Code of Conduct;

- (i) establish sub-committees to consider requests received by the Standards Committee to review decisions to take no action in relation to a complaint made to its sub-committee set out at paragraph (g) above
- (i) dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter which is referred by a sub-committee of the Standards Committee or an ethical standards officer to the Monitoring Officer and setting up hearings sub-committees to deal with those reports as and when required
- (k) in conjunction with the operation of the Standards Board for England, the Standards Committee will work within the existing policy and procedures for handling of issues relating to probity and matters of an ethical nature.
- (l) consider any application received from any officer of the Authority for exemption from political restriction under Sections 1 and 2 of the Local Government and Housing Act 1989 in respect of the post held by that officer and may direct the Authority that the post shall not be considered to be a politically restricted post and that the post be removed from the list maintained by the Authority under Section 2(2) of that Act
- (m) advising the Council on the appointment of independent members taking account of guidance issued by the Standards Board for England
- (n) selecting and recruiting Parish Council representatives to serve on the Standards Committee taking account of guidance issued by the Standards Board for England

Appendix 2

STANDARDS COMMITTEE WORK PROGRAMME

MAY 2009 – APRIL 2010

	Action	Who is responsible	Completion Date
1.	Undertaking local assessment of Code of Conduct complaints received by the Standards Committee	Monitoring Officer and Deputy Monitoring Officer	On-going responsibility
2.	Review of Member Officer protocol	Standards Committee and Monitoring Officer	July 2009
3.	Attendance at Standards Board Assembly	Chair of Standards Committee, Monitoring Officer, Deputy Monitoring Officers	The eighth annual Assembly of Standards Committees is currently scheduled to take place on 12 and 13 October 2009
4.	Ensuring provision of Code of Conduct training for all Telford & Wrekin Members and all Parish/Town Council Members	Standards Committee assisted by Monitoring Officer and Deputy Monitoring Officer	This could vary depending upon when forthcoming changes to the Code are introduced. Current completion date is 31 st October 2009
5.	Review/update of Members Register of Interest forms for both Telford & Wrekin Council and all Parish/Town Councils in the	Standards Committee, Monitoring Officer, Deputy Monitoring Officer, Democratic Services	30 November 2009

	Borough		
6.	Training for Independent Members of Standards Committee in relation to chairing Standards Sub-Committees	Monitoring Officer and Deputy Monitoring Officer	November 2009
7.	Review of local code of conduct complaints documentation and publicity	Standards Committee, Monitoring Officer, Deputy Monitoring Officer	30 November 2009
8.	Review of the Terms of Reference of the Standards Committee	Standards Committee assisted by Monitoring Officer and Deputy Monitoring Officer	31 December 2009
9.	Review of local investigation and local hearing procedures	Standards Committee, Monitoring Officer and Deputy Monitoring Officer	31 December 2009
10.	Review of Plans Board protocol – guidance for Members of Plans Board	Standards Committee assisted by Monitoring Officer and Deputy Monitoring Officer in consultation with Plans Board	31 December 2009
11.	Annual report on the work of the Standards Committee for submission to full Council	Chair of Standards Committee, Monitoring Officer, Deputy Monitoring Officer	31 December 2009
12.	Review dispensation application procedures	Standards Committee, Monitoring Officer and Deputy Monitoring Officer	31 December 2009 depending upon introduction of legislation
13.	Review the role descriptions for Members of the Standards Committee	Standards Committee assisted by Monitoring Officer, Deputy Monitoring Officer and Member Services	March 2010
14.	Evaluate the options and implications of joint working with other Standards Committees	Standards Committee, Monitoring Officer and Deputy Monitoring Officer	March 2010

Appendix 3

**MEETINGS OF TELFORD & WREKIN COUNCIL
STANDARDS COMMITTEE
MAY 2009 TO APRIL 2010**

2009

**18TH JUNE
17TH SEPTEMBER
10TH DECEMBER**

2010

4TH FEBRUARY

Meetings normally take place at the Civic Offices and commence at 6pm.



***ANNUAL REPORT OF THE STANDARDS
COMMITTEE OF TELFORD & WREKIN COUNCIL
2008 – 09***

CONTENTS

- 1. INTRODUCTION FROM THE CHAIRMAN OF THE STANDARDS COMMITTEE**
- 2. SUMMARY OF WORK UNDERTAKEN**
- 3. COMPLAINTS, INVESTIGATIONS AND DETERMINATIONS**
- 4. TRAINING**
- 5. THE YEAR AHEAD**
- 6. CONTACT DETAILS**

APPENDIX 1 - STANDARDS COMMITTEE TERMS OF REFERENCE

APPENDIX 2 – STANDARDS COMMITTEE WORK PLAN FOR 2009/10

APPENDIX 3 – DIARY OF GENERAL MEETINGS OF THE STANDARDS COMMITTEE 2009/10

INTRODUCTION FROM THE CHAIRMAN OF THE STANDARDS COMMITTEE

Welcome to the Annual Report for Telford & Wrekin Council Standards Committee. It has been a busy year for the Standards Committee particularly with the change to a local system for assessing Code of Conduct complaints. The Committee has ensured that there is a system in place so that all complaints can be considered fairly and objectively and appropriate action can be taken. Fortunately during the past year we have not had any matters which have resulted in findings being made against any Councillors from Telford & Wrekin.

However, the Standards Committee are keen to ensure that they keep elected members informed with regard to the changes in the ethical framework and provide appropriate training which is available to everybody.

The forthcoming year will again be challenging as we are expecting changes to the regulations concerning the ethical framework including changes to the Code of Conduct. In anticipation of those changes the Committee are undertaking a full review of Code of Conduct training and hope to provide training that is even more accessible and useful for all elected Members in the Borough of Telford & Wrekin.

Andy Simpson

Chairman of the Standards Committee

SUMMARY OF WORK UNDERTAKEN

On 8 May 2008 a new framework was set up for considering Code of Conduct complaints. From that date any complaints about Borough Councillors or Parish and Town Councillors in the Borough of Telford & Wrekin started to be considered by Telford and Wrekin Council Standards Committee rather than the Standards Board for England which was the case previously. The Standards Committee have set up a Sub Committee to initially assess complaints and consider any new complaints and a review sub-committee if a decision of no further action was challenged by the person making the complaint. The Standards Committee have also made provision for hearing committees to consider any matter which proceeds to investigation. In order to ensure a fair and consistent decision making process the Standards Committee have set out a protocol to be followed by the Monitoring Officer upon the receipt of Code of Conduct complaints and the Committee has also agreed an assessment and review criteria in order to ensure that the same considerations are given to each individual complaint. Code of Conduct Complaint forms are available to the public from the Council website, main reception in Civic Offices and from Town or Parish Councils within the Borough.

There were four general meetings of the whole Standards Committee, four meetings of the Referral Sub-Committee and one meeting of the Review Sub-Committee during the last year. During the same period no Consideration meeting or Hearing Sub-Committees were required.

Training is continuing to be provided. In November 2008 an external trainer conducted two Code of Conduct training seminars at the Civic Offices which were made available for Telford & Wrekin Borough Councillors and Parish and Town Councillors in the Borough. The Committee have analysed the feedback following that training and have been planning changes to the training for the forthcoming year. The Standards Committee has also undertaken training with two separate training sessions being provided with particular emphasis on the new local system concerning the assessment of complaints. Further, the Chairman of the Standards Committee attended the annual assembly of Standards Committees arranged by the Standards Board for England that took place in October 2008.

The Standards Committee have agreed a work plan for the forthcoming year and some arrangements are already being made with regards to some of the work which is to be undertaken.

COMPLAINTS, INVESTIGATIONS AND DETERMINATIONS

Since the new system came into effect on 8 May 2008 the following complaints have been received by Telford & Wrekin Council's Standards Committee:-

Councillors subject to a code of conduct complaint to the Standards Committee – 7

Of the seven named above two of those Councillors were Telford & Wrekin Councillors (subject to a complaint both as Telford & Wrekin Councillors and also in their capacity as Parish Councillors), the remainder related to Parish Councillors within the Borough. In one case a complaint was made against two people who were no longer serving as Parish Councillors and accordingly those complaints were not pursued.

One of the four complainants was a Borough and Parish Councillor; the remaining complaints were made by members of the public.

OUTCOMES

There were no referrals by the Standards Committee for investigation either by way of a local investigation or to the Standards Board for England

In the cases of five of the Councillors who were subject to a complaint the Referrals Sub-Committee decided that no further action should be taken in respect of the complaints.

In the case of two of the Parish Councillors who had been subject to a complaint the Referrals Sub Committee decided to direct the Monitoring Officer to undertake further action by providing training.

There was only one request by a complainant for a review of a decision not to take further action from a complaint. The Review Sub-Committee agreed to uphold the decision of the Referrals Sub-Committee and decided to take no further upon the complaint.

At the time of the introduction of the new system there were no matters which were ongoing that required resolution.

TRAINING

On 12 November 2008 two Code of Conduct training seminars were held at the Civic Offices (one afternoon and one evening session). Training was provided by an external trainer and consisted of a PowerPoint presentation, including Code of Conduct case scenarios requiring audience participation. Detailed guidance notes were also provided.

The attendance at the training was as follows:-

- Borough Councillors – 28
- Parish Councillors (who are not also Borough Councillors) – 36
- Independent Members of Standards Committee - 1
- Officers - 22
- Others (for example Fire Authority members) – 10
- Parish Clerks – 4
- Scrutiny Co-optees - 2

Training was also provided to members of the Standards Committee on 28 April and 24 September 2008 respectively. Training dealt predominantly with the local assessment for Code of Conduct complaints in order to prepare members of the Committee for undertaking assessments, reviews etc.

In addition to formal training, ethical standards bulletins were released on a regular basis throughout 2008 and 2009. The bulletin contained information such as reminders to update Register of Interest forms, copies of the Standards Board for England's fact sheets on different sections of the Code of Conduct and information to promote Conduct of Conduct training.

PROMOTING STANDARDS

The Standards Committee continued to promote ethical standards by providing the code of conduct training and making provision for the Ethical Standards Bulletin to be distributed to elected members in the Borough and senior council officers. The Committee aims to go further in the forthcoming year by providing training outside of the Civic Offices to make the training more easily available to Parish and Town councillors in the Borough.

THE YEAR AHEAD

On 21 April 2009 the Standards Committee approved a work plan for the forthcoming year. Details of the plan are set out at Appendix 2.

CONTACT DETAILS

Further information about the work of the Standards Committee and details of how to make a complaint regarding the conduct of a Councillor can be obtained from the following council officers:-

- Jonathan Eatough – Head of Legal Services and Monitoring Officer.
Telephone 01952 383255
email: Jonathan.Eatough@telford.gov.uk
- Matthew Cumberbatch – Group Solicitor and Deputy Monitoring Officer.
Telephone 01952 383255
email: Matthew.Cumberbatch@telford.gov.uk
- Ian Ross – Group Solicitor and Deputy Monitoring Officer.
Telephone 01952 383255
email Ian.Ross@telford.gov.uk
- Phil Griffiths – Head of Democratic Services.
Telephone 01952 383210
email: Phil.Griffiths@telford.gov.uk

Or alternatively by writing to the officers referred to above at:

Telford & Wrekin Council,
Legal Services,
Civic Offices,
PO Box 215,
Telford
TF3 4LF

TELFORD & WREKIN COUNCIL

STANDARDS COMMITTEE – 18th JUNE 2009

REVIEW OF MEMBER OFFICER PROTOCOL

REPORT OF HEAD OF LEGAL SERVICES AND MONITORING OFFICER

1. PURPOSE

To update the Standards Committee with regard to the review of the Member Officer protocol.

2. RECOMMENDATION

That the contents of this report are noted.

3. SUMMARY

The Standards Committee work plan for 2009 – 2010 has set out that there will be a review of the Member Officer protocol. The review is currently ongoing.

4. PREVIOUS MINUTES

Standards Committee – 21st April 2009 (ST-39)

5. INFORMATION

5.1 Background

The protocol on Member/Officer relations is currently contained within the Council's constitution at Part 5, Section 3 (copy attached at Appendix 1). The need for a review of this protocol was reflected in the work plan established by the Standards Committee for the current municipal year. A review of the protocol has been commenced and the Monitoring Officer aims to have a first draft of an updated policy available for consultation shortly. This is likely to go beyond the initial deadline of July 2009 set out in the Standards Committee's work plan.

The Standards Committee may wish to provide comments in respect of the existing protocol to assist the Monitoring Officer during the review process. The Monitoring Officer will continue to keep the Standards Committee up to date with regard to progress in this matter.

5.2 Equality and Diversity

Any updated/revised Member Officer protocol must ensure fairness for all employees and elected members and comply with all equality legislation.

5.3 Environmental Implications

None

5.4 Legal Comment

A Member Officer protocol is not a legal requirement but is recommended as good practice.

If the protocol is to be changed it will have to be approved by the Council Constitution Committee and ratified by a meeting of the full Council before it becomes effective.

5.5 Links with Corporate Priorities

Having an up to date and effective member officer protocol assists the Council in achieving the Corporate Priority of being an efficient effective and customer-focused Council.

5.6 Opportunities and Risks

The risks associated with the revision of the Member Officer protocol have been assessed. Every effort will be made to ensure that all opportunities that arise from this review are maximised and that any risks involved are managed effectively.

5.7 Financial Implications

The review is being undertaken within existing budgets and no additional costs are anticipated.

6. WARD IMPLICATIONS

District wide implications

7. BACKGROUND PAPERS

None

End of Report

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

Protocol on Member/Officer Relations

1. INTRODUCTION

- 1.1 The relationship between members and employees is an essential ingredient that goes into the successful working of the organisation. This relationship within the Council is characterised by mutual respect, informality and trust. Members and employees feel free to speak to one another openly and honestly. Nothing in this Protocol is intended to change this relationship, it is rather to help members and employees to perform effectively by giving guidance on their respective roles and expectations and on their relationship with each other. The Protocol also gives guidance on what to do on the rare occasions when things go wrong. Responsibility for the operation of this Protocol lies with the Head of Human Resources
- 1.2 The Protocol must be read and operated in the context of any relevant legislation and national and local Codes of Conduct and any procedure for speaking up (whistle blowing).

2. ROLES OF MEMBERS AND EMPLOYEES

- 2.1 The respective roles of members and employees can be summarised as follows:

Members and employees are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Members are responsible to the electorate and serve only so long as their term of office lasts. Employees are responsible to the Council. Their job is to give advice to members and the Council, and to carry out the Council's work under the direction and control of the Council, the Cabinet, and relevant committees, boards, panels etc.

Mutual respect between Councillors and employees is essential to good local government

- 2.2 Members

Members have three main areas of responsibility: determining the policy of the Council and giving it political leadership, representing the Council externally, and acting as advocates on behalf of their constituents. It is not the role of members to involve themselves in the day to day management of Council services.

- 2.3 Members of the Cabinet, Chairmen and Vice-Chairmen

Members of the Cabinet and Chairmen and Vice-Chairmen of Committees, Boards, Panels etc have additional responsibilities. Because of those responsibilities, their relationships with employees may be different from, and more complex than those of members without those responsibilities, and this is recognised in the expectations they are entitled to have.

- 2.4 Opposition Members

As individual members of the Council, all members have the same rights and obligations in their relationship with employees and should be treated equally. This principle is particularly important in the context of scrutiny and overview.

However, where a political group forms an administration, either alone or in partnership with another group or groups, it is recognised that the relationship between employees, particularly those at a senior level in the organisation, and the administration will differ from that with opposition groups.

2.5 Employees

The role of employees is to give advice and information to members and to implement the policies determined by the Council.

Certain employees e.g. Head of Paid Service, Monitoring Officer, Chief Financial Officer (Section 151 Officer) and the Statutory Chief Officers have responsibilities in law over and above their obligations to the Council and its Members that they must be allowed to discharge.

3 EXPECTATIONS

Members can expect from employees:

- A commitment to the Council as a whole, and not to any political group
- A working partnership
- An understanding of and support for respective roles, workloads and pressures
- Timely response to enquiries and complaints
- Professional advice, not influenced by political views or preference, which does not compromise the political neutrality of employees.
- Regular, up to date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold
- Awareness of and sensitivity to the political environment
- Respect, dignity and courtesy
- Training and development in order to carry out their role effectively
- Integrity, mutual support and appropriate confidentiality
- Not to have personal issues raised with them by employees outside the agreed procedures
- That employees will not use their relationship with members to advance their personal interests or to influence decisions improperly
- That employees will at all times comply with the relevant Code of Conduct

Employees can expect from members:

- A working partnership

- An understanding of and support for respective roles, workloads and pressures
- Political leadership and direction
- Respect, dignity and courtesy
- Integrity, mutual support and appropriate confidentiality
- Not to be subject to bullying or to be put under undue pressure. Members should have regard to the seniority of employees in determining what are reasonable requests, having regard to the power relationship between members and employees, and the potential vulnerability of employees, particularly at junior levels
- That members will not use their position or relationship with employees to advance their personal interests or those of others or to influence decisions improperly
- That members will at all times comply with the relevant Code of Conduct

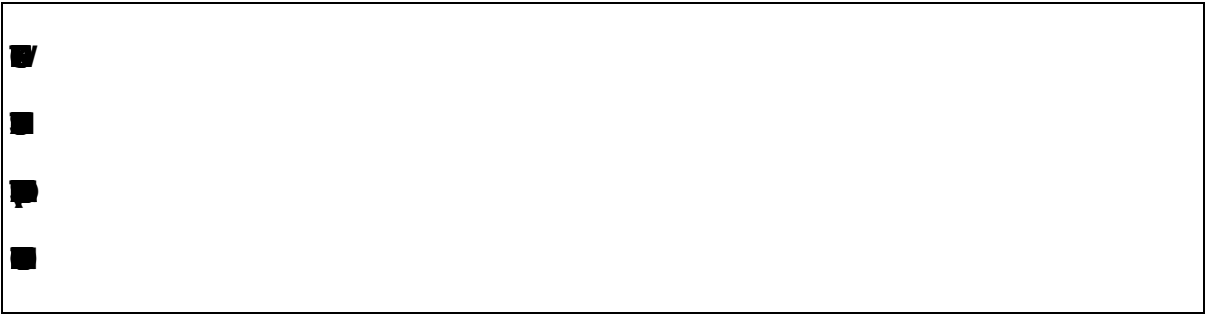
4 WHEN THINGS GO WRONG

Procedure for employees

- 4.1 From time to time the relationship between members and employees may break down or become strained. Whilst it will always be preferable to resolve matters informally, through conciliation by an appropriate senior manager or member, employees will have recourse to the Grievance Procedure or to the Council's Monitoring Officer, as appropriate to the circumstances. Within each portfolio, one male and one female manager will be identified to whom an initial approach may be made by a concerned employee. In the event of a grievance or complaint being upheld, the matter will be referred to the Chief Executive, who, having advised the Leader of the Council and the appropriate Group Leader will decide on the course of action to be taken, following consultation with the Chairman and Vice-Chairman of the Standards Committee.

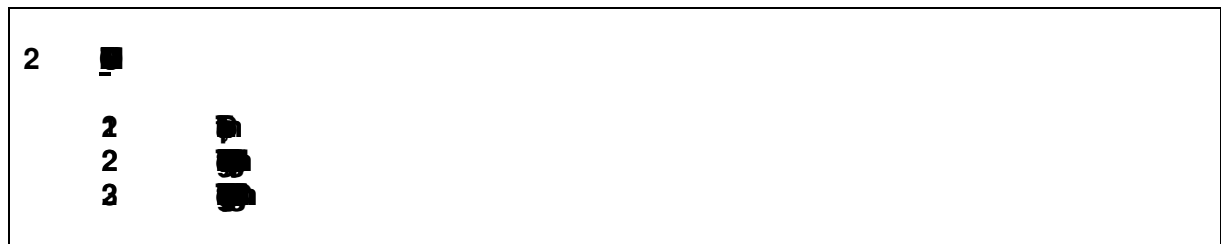
Procedure for members

- 4.2 In the event that a member is dissatisfied with the conduct, behaviour or performance of an employee, the matter should be raised with the appropriate Head of Service. A member may choose to express their concern specifically to a male or female manager. Where the employee concerned is a Head of Service or Corporate Director, the matter should be raised with the appropriate Corporate Director or with the Chief Executive. Where the employee concerned is the Chief Executive, the matter should be raised with the Head of Human Resources. If the matter cannot be resolved informally, it may be necessary to invoke the Council's Disciplinary Procedure.



1 **B**

1.1 To inform the Committee of recent changes in legislation relating to Standards Committees and to seek instructions on further work to be done.



3 **B**

New Standards Committee Regulations come into force on 15 June 2009. The Regulations give greater powers to the Standards Board, make provision for the establishment of joint standards committees and make changes to the dispensations rules. Some of these issues are addressed in the Standards Committee work plan for the current municipal year and further work will need to be undertaken as a result of the introduction of the regulations.

4 **B**

Standards Committee – 21 April 2009 (ST - 39)

5 **B**

5 **B**

On 21 May 2009 the Standards Committee (Further Provisions) (England) Regulations 2009 were laid before Parliament. The Regulations came into force on 15 June 2009.

The Regulations make the following changes:-

- The provision of powers to the Standards Board for England to issue Directions to suspend certain functions of standards committees. Further, an allowance for the Standards Board for England to undertake certain functions of the Standards Committee to assess Code of Conduct complaints and in certain circumstances to refer certain powers and functions of the Standards Committee to another Standards Committee. These particular powers are contained within the Local Government Act 2000 (as Amended by the Local

Government and Public Involvement in Health Act 2007) and are there to safeguard the provision of service provided by the Standards Committee to Local Communities. The powers ensure that if a standards committee is not performing adequately the Standards Board for England have the power to intervene.

- Standards Committees can now join together to form joint standards committees. The new committees can be made up of two or more individual standards committees, can have their own terms of reference and have powers delegated to them by their respective authorities. Members of the joint committee can be paid an allowance and there is a provision for individual authorities to leave the joint standards committee if they choose to do so at some point in the future. This particular provision is again contained in the Local Government Act 2000 as amended by the Local Government and Public Involvement in Health Act 2007 and it also involves the requirements set out in the Standards Committee (England) Regulations 2008. It is widely considered that the addition of this particular provision is to assist standards committees with the additional resource implications following the introduction of the local filtration system for considering Code of Conduct complaints.
- There are changes to the dispensation arrangements. Dispensations are still to be made in writing to the Standards Committee and can be applied for in the following circumstances in relation to council business:-
 - (i) where the number of members of the authority prohibited from voting on the business of the authority at a meeting exceeds 50% of those members that, but for the granting of any dispensation relating to that business, would otherwise be entitled to vote on that business; or
 - (ii) the number of members prohibited from voting on the business of the authority at a meeting would, but for the granting of any dispensation relating to that business, upset the political balance of that meeting to such an extent as to prejudice the outcome of voting at that meeting.

The wording of this dispensation rule is slightly different and in particular takes into account the changes to the Code of Conduct which allow members to take part in a meeting to a limited extent when they have a personal and prejudicial interest (subject to the rules on public speaking at that particular meeting).

Implications


At the time of preparing this report we have not yet seen any Standards Board guidance which will supplement the new regulations. However, we would expect such guidance to be issued in due course. The implications of the intervention powers given to the Standards Board for England cannot be properly assessed as yet. It will be interesting to see the particular thresholds and procedure which the Standards Board for England will adopt as they develop their new role as the strategic regulator in this area of ethical standards.

As far as the Joint Standards Committee provisions are concerned it will be particularly important to await further guidance from the Standards Board for England. The Standards Committee has already identified joint working as an area to be considered during the municipal year. At part 14 of the work plan agreed by the Standards Committee there is a specific instruction to “evaluate the options and implications of joint working with other standards committees”. The deadline for completing that work is March 2010. It is suggested that now the provisions relating to joint standards authorities have been issued that work can now commence on evaluating the implications and options available for joint working including that of a joint standards committee.

The changes to the dispensation rules need to be communicated to all elected members. It is suggested that the dispensations form and guidance previously agreed by this committee is renewed and updated. The updated information can be made available on the members’ information point, forwarded to all town and parish councils and mentioned in the next Ethical Standards Bulletin.

2 

The Standards Committee will need to ensure that any work that is undertaken as a result of the introduction of these regulations is compliant with equality and diversity requirements.

3 

No implications.

4 

The main legal implications are outlined in the main body of this report.

In order for there to be any changes to the Standards Committee in terms of joint working there will be a requirement to change the terms of reference and delegated functions and this would require the matter to be considered by the Council’s Constitution Committee and approved by the full Council.

5 

Ensuring that the Council complies with the new Standards Committee regulations will assist the Council in achieving its priority of being an efficient, effective and customer-focused council

6 

The risks and opportunities associated with implementing the changes brought about by the new standards regulations have been assessed. Further work undertaken at the request of the Committee can ensure that the opportunities that arise from the introduction of the new regulations are maximised and the risks are managed effectively.

7 

As the report mentions, further guidance is awaited in relation to the establishment of Joint Standards Committees and work will be needed to

evaluate options and implications which will include highlighting any financial implications.

6 ■

District wide implications.

7 ■

The Standards Committee (Further Provisions) (England) Regulations 2009.
The Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002
Local Government Act 2000
Local Government and Public Involvement in Health Act 2007
The Standards Committee (England) Regulations 2008

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