

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held on Thursday, 17 June, 2010 at 6.00 p.m. at Civic Offices, Telford

PRESENT: Councillors D.G. Allen, R. Aveley, D.R. Chaplin, N.G. Dugmore, R.E. Groom, H. Rhodes, K.S. Sahota and R.M. Tyler
F. Beasland and A. Selvaratnam (Independent Members)
Councillors D. Edwards and R. Williams (Parish Council representatives)

ST-1 ELECTION OF CHAIRMAN FOR 2010/11

In accordance with the statutory requirements, the Chairman had to be an Independent Member of the Committee. The previous Chairman, Mr A. Simpson, had reached the end of his term as an Independent Member, and was no longer a member of the Committee. It was moved, seconded and

RESOLVED - that Mr A Selvaratnam be elected Chairman of the Standards Committee for the 2010/11 Municipal Year.

ST-2 MINUTES

In relation to Minute ST-29(b), the Monitoring Officer sought guidance from Members as to whether the process to recruit a new Independent member of the Committee should be put on hold until it became clearer as to the intentions of the new Government in revising the national standards framework. Members indicated that officers should continue with the recruitment process as originally planned.

RESOLVED – that the minutes of the meeting of the Standards Committee held on 25 March 2010 be confirmed and signed by the Chairman.

ST-3 APOLOGIES FOR ABSENCE

Mr B. Bayley (Independent Member) and Councillor R. Wickson Parish Council representative)

ST-4 DECLARATIONS OF INTEREST

None

ST-5 ANNUAL REPORT OF THE STANDARDS COMMITTEE

The Head of Governance & Monitoring Officer presented a draft version of the annual report for 2009/10 for approval.

Because there had not been a Chairman in post from 20 May until this meeting, he had not been able to consult on the content of the Chairman's

Introduction to the Report. Members' views were sought, particularly on whether more reference needed to be made to the challenges ahead regarding the national standards regime. In terms of the work programme shown at Appendix 2 of the report, item 3 – Attendance at Standards Boards Assembly – would be removed, because the event had recently been cancelled.

Given that the main purpose of the report was to reflect activity and work that had taken place over the last year, Members did not feel it necessary to add further references in the report to possible future changes in the national standards framework.

RESOLVED – that, subject to the minor amendment to Appendix 2, the draft version of the Annual Report of the Standards Committee be approved.

ST-6 REVIEW OF STANDARDS COMMITTEE PROCEDURES

The Head of Governance & Monitoring Officer presented a report setting out proposed amendments to a number of procedures in relation to the processing and investigation of complaints.

The procedures had been reviewed in the light of the experiences that had been gained since May 2008 in operating the local system for the assessment of complaints. The proposed amendments were highlighted in appendices to the report. In relation to the Monitoring Officer Protocol, some minor changes in wording were suggested in order to provide greater clarity. The Assessment and Review Criteria included a new process to ensure that members who were subject to a complaint that was withdrawn were informed about the withdrawal as soon as possible. In relation to the Local Investigation Procedure, it was proposed to delete the paragraph specifying a 21 day period for a response regarding an allegation from the member who was subject to the complaint, as this could slow down the investigation process, particularly in smaller cases.

In terms of the Local Hearings Procedure, there were some proposed changes to paragraph 3 in order to clarify the process for considering the final report of the Investigator. In considering the revised Procedure, Members suggested that the proposal at paragraph 1 to give the Monitoring Officer delegated authority to amend the procedure be subject to consultation with the Chairman of the Committee.

RESOLVED –

- (a) that the amendments to the Monitoring Officer Protocol, Assessment and Review Criteria and Local Investigation Procedure be approved;**
- (b) that the amendments to the Local Hearings Procedure be approved, subject to the further amendment to paragraph 1;**

- (c) that the Head of Governance & Monitoring Officer, in consultation with the Chairman, be given delegated authority to amend the procedures when he considers it necessary to do so.

ST-7 ANNUAL REVIEW OF STANDARDS COMMITTEE TERMS OF REFERENCE

The Head of Governance & Monitoring Officer presented a report, to which was appended the current terms of reference for the Committee.

There was a provision that the Committee should annually review its terms of reference, and Members were asked whether any amendments or changes were required.

RESOLVED – that the current Terms of Reference, as shown at Appendix 1 of the report, be confirmed without change.

ST-8 CODE OF CONDUCT COMPLAINTS MADE TO THE STANDARDS COMMITTEE – QUARTERLY UPDATE 1 JANUARY – 31 MARCH 2010

The Head of Governance & Monitoring Officer presented a report which detailed the complaints about elected Members which had proceeded to the referrals sub-committee during the period 1 January to 31 March 2010.

During that period, two complaints were received and proceeded to local assessment. Both complaints related to Parish/Town Councillors. One complaint was made by a member of the public and the other by a local town councillor. The Referrals Sub-Committee referred one complaint for local investigation, and decided no further action should be taken in respect of the other complaint. One final hearing scheduled to take place during this period was adjourned after problems were raised relating to witness availability. A quarterly return had been sent to Standards for England.

RESOLVED – that the report be noted.

The meeting ended at 6.25 pm

Chairman:

Date:

TELFORD & WREKIN COUNCIL

STANDARDS COMMITTEE – 16 SEPTEMBER 2010

**APPOINTMENT OF STANDARDS COMMITTEE INDEPENDENT MEMBERS AND
PARISH REPRESENTATIVES**

REPORT OF THE HEAD OF GOVERNANCE AND MONITORING OFFICER

1. PURPOSE

To confirm the outcome of recent recruitment exercises for vacant parish representative and independent member vacancies and seek decisions on both issues from the Committee.

2. RECOMMENDATIONS

- 2.1 That Councillor Pat Fairclough be appointed as a Parish Representative on the Standards Committee
- 2.2 That the Committee give instructions to the Monitoring Officer as to how to proceed in respect of the current independent member vacancy.

3. SUMMARY

A recruitment exercise has been undertaken in respect of the independent member vacancy but there were no applications. Further guidance is sought from the Committee as to what further action needs to be taken with regard to the current independent membership of the Committee. A recruitment exercise has also been undertaken in respect of the vacancy for the Parish representative. The interview panel recommends to the Standards Committee that Councillor Pat Fairclough is appointed to the vacant Parish Representative post.

4. PREVIOUS MINUTES

Standards Committee – 25th March 2010 – ST-29

5. INFORMATION

5.1 Background

Recruitment exercises have been undertaken to address both the Standards Committee's independent member vacancy following the completion of the two terms of office by Andy Simpson and the Parish representative vacancy.

5.1.1 Independent Membership Vacancy

In accordance with the regulations an advertisement was placed in a local newspaper (the Shropshire Star) seeking interest for the

vacant independent member post. Unfortunately there were no applications for this post. As a result officers are not able to put forward any potential candidates for consideration by the Committee.

This currently leaves one vacancy and officers have also been made aware by Mr Barry Bailey of his intention to resign from his role as independent member of the Standards Committee. Officers have not received confirmation of that as yet. This will obviously leave two vacant posts.

5.1.3 Whilst it is possible to seek assistance and “borrow” independent members from other neighbouring Standards Committee the Committee may wish to consider whether or not there should be a further attempt to recruit a new independent member (or members) of the Committee. The latest information from Standards for England indicates that the “Standards Board regime” will be in place until at least November 2011 and accordingly it is anticipated that the Committee in its current format will have to continue until that stage at the earliest in order to ensure that the Committee meets its statutory responsibility to consider Code of Conduct complaints.

5.1.4 Instructions are sought by the Monitoring Officer from this Committee for further actions to take to resolve the issue in respect of the independent membership of the Committee.

5.1.5 **Parish Council Representative**

In order to fill the one vacant Parish Council representative post on the Committee, correspondence was sent out to all Parish Councils asking for Councillors to contact us if they were interested in the post. As a result six applications were received and four of the applicants were invited to an interview at the Civic Offices. One candidate withdrew and accordingly an Interview Panel made up of the Chairman of this Committee, Councillor Dugmore, Councillor Wickson and the Monitoring Officer undertook the interviews of three candidates. The Interview Panel were impressed with the standards of the candidates and decided on a preferred candidate who is Councillor Pat Fairclough from Wellington Town Council.

Councillor Fairclough became Wellington’s representative on the Wrekin Area Committee in 2004 and served on the Shropshire Association of Local Councils as a member of various committees, as Vice Chair and then Chair for three years. Councillor Fairclough has also attended the County’s Association of Local Councils’ meetings regularly in Birmingham and served on the regional assembly of the West Midlands representing the first tier of Local Government. Councillor Fairclough states in her application that she gained considerable experience in the work of the Parish and Town Council section of local government in the last seven years.

The appointment of Councillor Fairclough is a matter for the Standards Committee and accordingly the Committee are asked to decide whether to appoint Councillor Fairclough to the role of

Parish Representative and whether or not a fixed term of office should be set. Officers suggest that a fixed term of four years would be appropriate.

5.2 Equality and Diversity

It is important that all recruitment processes and procedures undertaken by the Standards Committee comply with the appropriate equality and diversity legislation, regulations and guidance.

5.3 Environmental Impact

No implications

5.4 Legal Comment

The appointment of independent members to the Standards Committee is set out at section 5 of the Standards Committee (England) Regulations 2008. This is supplemented by further guidance from Standards for England. When considering what further action to take in respect of the recruitment of independent members, the Committee needs to be aware that the statutory process for the recruitment of independent members has to be followed. Ultimately a decision to appoint an independent member of the Standards Committee has to be made by the full Council.

The appointment of Parish representatives has been delegated to the Standards Committee.

Paragraph 4 of the Standards Committee (England) Regulations 2008 states that there should be at least two Parish representatives on the Standards Committee, while Standards for England's guidance states that it is recommended that there are three Parish representatives. This Committee has decided that four parish representatives are appropriate given issues of availability to attend meetings, conflicts of interest etc.

5.5 Links with Corporate Priorities

Ensuring that the Standards Committee has the appropriate membership particularly in respect of independent members and parish representatives assist the Councillor in achieving his priority of being a community focussed and efficient Council in particular by helping to achieve fast and flexible decision making whilst also ensuring good governance, accountability and transparency.

5.6 Opportunities and Risks

The opportunities and risks associated with the recruitment of independent members and parish representatives to the Standards Committee have been assessed. Every effort will be made to make sure that all of the risks are properly addressed and the opportunities to be gained from these appointments are maximised.

5.7 Financial Implications

Advertising for the vacant independent post is met from within existing budgets. The allowance for the independent member relates to a vacant post and is covered from existing budgets. The parish representative receives no allowance. Bernie Morris 8th September 2010.

6. WARD IMPLICATIONS

District wide implications

7. BACKGROUND PAPERS

The Standards Committee (England) Regulations 2008 and Standards for England document – “The Role and Make Up of Standards Committees”.

End of Report

***Report prepared by Matthew Cumberbatch, Legal Services Manager
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