

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held on Thursday, 16 September, 2010 at 6.00 p.m. at Civic Offices, Telford

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

ST-9 MINUTES

RESOLVED – that the minutes of the meeting of the Standards Committee held on 17 June 2010 be confirmed and signed by the Chairman.

ST-10 APOLOGIES FOR ABSENCE

Councillor H. Rhodes

ST-11 DECLARATIONS OF INTEREST

None

ST-12 APPOINTMENT OF STANDARDS COMMITTEE INDEPENDENT MEMBERS AND PARISH REPRESENTATIVES

The Head of Governance & Monitoring Officer presented a report which updated Members on the recent exercises to recruit for vacancies on the Committee for an Independent Member and for a Parish representative.

Following, the completion of two terms of office by Mr Andy Simpson in May 2010, an advertisement was placed in the Shropshire Star seeking interest in the vacant Independent Member post. Unfortunately, no applications had been received. In addition, Mr Barry Bayley had indicated his intention to resign as an Independent member of the Committee, so a further vacancy would arise. The Committee were asked whether they wished to make a further attempt to recruit a new Independent member (or members), bearing in mind that the latest information from Standards for England was that the current standards regime and arrangements would continue until at least November 2011. One option was to approach the Independent Members on the Combined Fire Authority's Standards Committee to ascertain whether they could assist this Committee in undertaking its statutory responsibility to consider Code of Conduct complaints.

In terms of the vacancy for a Parish Council representative on the Committee, four applicants were invited to interview. One candidate subsequently

withdrew, and an interview panel consisting of the Chairman, Cllr Dugmore, Cllr Wickson and the Monitoring Officer met the three remaining candidates on 26th August 2010. The Panel's preferred candidate was Councillor Pat Fairclough, a member of Wellington Town Council, and the Committee were recommended to appoint Councillor Fairclough for the role of Parish representative. Some biographical details provided by Cllr Fairclough were detailed in the report.

The Head of Governance & Monitoring Officer reported that for the purposes of clarification regarding the membership of sub-committees of the Standards Committee, the recommendation for appointing Councillor Fairclough should be amended to include her appointment to all sub-committees. An additional recommendation was also suggested in order to formalise the membership of all sub-committees as consisting of all members of the Committee.

RESOLVED –

- (a) that Councillor Pat Fairclough be appointed as a Parish Representative on the Standards Committee, and on all sub-committees of the Committee, for a fixed term of four years;**
- (b) that the Monitoring Officer be authorised to approach the Independent Members of the Combined Fire Authority's Standards Committee regarding any assistance they could provide to this Committee in relation to the consideration of Code of Conduct complaints;**
- (c) that all members of the Standards Committee be confirmed as members of all sub-committees of the Committee.**

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The meeting ended at 6.14 pm

Chairman:

Date:

TELFORD & WREKIN COUNCIL

STANDARDS COMMITTEE – 10th MARCH 2011

STANDARDS COMMITTEE WORK PLAN UPDATE

REPORT OF HEAD OF GOVERNANCE AND MONITORING OFFICER

1. PURPOSE

To provide an update of the work of the Committee during the municipal year.

2. RECOMMENDATIONS

2.1 That the contents of the report are noted and agreed.

3. SUMMARY

The work of the Standards Committee was planned at the beginning of the municipal year and set out in a work plan. The plan is attached and updated to confirm the work that has been undertaken and explain why some areas have not been addressed.

4. PREVIOUS MINUTES

Standards Committee 17th June 2010 – ST5

5. INFORMATION

5.1 Background

5.1.1 At the beginning of the municipal year the Standards Committee agreed a work plan to direct the monitoring Officer in relation to work which the Committee wanted to address. Deadlines were set as appropriate and the plan was included in the Standards Committee's annual report.

Since the work plan was agreed the government has announced plans to abolish the Standards Board regime and the Localism Bill contains provisions to make significant changes to the ethical framework. These proposals have had an impact upon the work of the Standards Committee this year. At appendix 1 the work plan had been reproduced with an update on each area of work.

The Committee are requested to review the work plan and provide comments and suggestions as appropriate.

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 a work plan. However it is seen as good practice to do so. Future work plans will be determined by the changes to the ethical framework proposed in the Localism Bill which is expected to come into force from the end of this year onwards.

5.5 Links with Corporate Priorities

Providing an work plan for officers to work to during the municipal year 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 a work plan 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

The work of Standards Committee is carried out within existing budgets and any variances are reported through the regular financial monitoring process. Any financial implications arising from the Localism Act will have to be assessed once further detail is known.

6. WARD IMPLICATIONS

District wide

7. BACKGROUND PAPERS

None

End of Report

Report prepared by Matthew Cumberbatch, Legal Services Manager, Tel: 01952 383255

STANDARDS COMMITTEE WORK PROGRAMME**MAY 2010 – APRIL 2011**

	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 Continuing
2.	Review of Member Officer protocol	Standards Committee and Monitoring Officer	April 2011 Planned for inclusion in the ongoing fundamental review of constitution that will be completed during the civic year 2011/12
3.	Attendance at Standards Board Assembly	Chair of Standards Committee, Monitoring Officer, Deputy Monitoring Officers	The next annual Assembly of Standards Committees is currently scheduled to take place in October 2010 Removed from the work plan. This event was cancelled by Standards for England
4.	Ensuring provision of Code of Conduct training for all Telford & Wrekin Members	Standards Committee assisted by Monitoring Officer and Deputy Monitoring	30 th November 2010 Training was postponed due to

	and all Parish/Town Council Members	Officer	expected abolition of the Standards Board regime. Member training on the code of conduct is an integral part of the proposed induction programme for members after the local elections in May 2011.
5.	Review/update of Members Register of Interest forms for both Telford & Wrekin Council and all Parish/Town Councils in the Borough	Standards Committee, Monitoring Officer, Deputy Monitoring Officer, Democratic Services	30 November 2010 Proposed changes to the ethical framework mean that this update was not undertaken
6.	Training for Independent Members of Standards Committee in relation to chairing Standards Sub-Committees	Monitoring Officer and Deputy Monitoring Officer	November 2010 Training has been provided for members of the Standards Committee as and when required. No new Independent Members have been appointed this year.
7.	Review of MO Protocol and Assessment and Review Criteria	Standards Committee, Monitoring Officer, Deputy Monitoring Officer	October 2010 Undertaken in June 2010
8.	Review of the Terms of Reference of the Standards Committee	Standards Committee assisted by Monitoring Officer and Deputy Monitoring Officer	June 2010 Undertaken in June 2010
9.	Review of local investigation and local hearing procedures	Standards Committee, Monitoring Officer and Deputy Monitoring Officer	October 2010 Undertaken in June 2010
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 st December 2010 The protocol makes numerous references to the Members' Code of Conduct. Accordingly

			the revision has been delayed pending the review of the ethical framework suggested in the Localism Bill
11.	Annual report on the work of the Standards Committee for submission to full Council	Chair of Standards Committee, Monitoring Officer, Deputy Monitoring Officer	June 2010 Undertaken in June 2010

TELFORD & WREKIN COUNCIL

STANDARDS COMMITTEE – 10th MARCH 2011

UPDATE ON A DECISION OF THE REFERRALS SUB-COMMITTEE

REPORT OF HEAD OF GOVERNANCE 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. RECOMMENDATION

- 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 4th August 2010.**

3. SUMMARY

Following a complaint to the Standards Committee, the Referrals Sub-Committee directed that the Monitoring Officer provide training to Councillor Adrian Williams. 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

Standards Committee Referrals Sub-Committee – 4th August 2010

5. INFORMATION

5.1 Background

On the 4th August 2010 the Referrals Sub-Committee of the Standards Committee met to consider a complaint made by two members of the public alleging a breach of the Code of Conduct by Councillor Adrian Williams. Having considered the complaint and taken advice the Sub-Committee decided that they would direct the Monitoring Officer to provide Code of Conduct training to Councillor Williams.

The Sub-Committee did not make any finding of fact and accordingly did not reach a conclusion as to whether Councillor Williams failed to comply with the Code of Conduct in relation to the complaint.

A copy of the public summary is attached at Appendix 1.

Following this direction the Monitoring Officer wrote to Councillor Williams and what followed was an exchange of correspondence which included an outline of the Code of Conduct in relation to two areas of the code, namely; bullying and using your position as a member improperly to confer or secure an advantage or disadvantage. Whilst Councillor Williams did not agree to attend the Civic Offices to undertake training in person, the Monitoring Officer is satisfied that the areas of the code that the sub-committee asked to be covered in the training have been addressed during the exchange of correspondence with Councillor Williams.

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 Standards Committee within three months of the decision being made or as soon as possible thereafter. In this particular instance there were ongoing investigations into a code of conduct matter relating to similar issues and involving the same complainants. Accordingly this matter is being referred back to the sub-committee now as that matter has now concluded.

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 4th August and decide whether the matter can be considered closed.

5.2 Equality and Diversity

The Monitoring Officer will ensure that any equality and diversity issues are addressed in respect of Code of Conduct training.

5.3 Environmental Impact

No implications

5.4 Legal Comment

The Referrals Sub-Committee of the Standards Committee referred the allegation against Councillor Williams to the Monitoring Officer with the direction that the Councillor undertake training. This was in accordance with their authority under Section 57 A (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 Act Regulation 13 (3) (a)).

In accordance with the Standards Committee (England) Regulations 2008 Act 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 is being 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 and the person who made the allegations (in accordance with the Standards Committee (England) Regulations 2008 Act Regulation 13 (7)).

5.5 Links with Corporate Priorities

Processing complaints in accordance with statutory guidelines together with ensuring that appropriate action is taken in order to resolve issues raised by the complaints, assist the Council in meeting the corporate priority of being an efficient and effective Council.

5.6 Opportunities and Risks

The opportunities and risks associated with providing this Code of Conduct training in complying with the 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 funded from within existing budgets.

6. WARD IMPLICATIONS

District wide implications

7. BACKGROUND PAPERS

Local Government and Public Involvement in Health Act 2008

The Standards Committee (England) Regulations 2008

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



Telford & Wrekin

C O U N C I L

Summary of Standards Committee Decision Pursuant to Section 8(1)(iv) of the Standards Committee (England) Regulations 2008

Reference: 2010/7

On 4th August 2010 the Referrals Sub Committee of the Standards Committee considered a complaint from two members of the public concerning the alleged conduct of Councillor Adrian Williams, a member of Telford & Wrekin Council.

The complaint made allegations in relation to Councillor Williams's conduct concerning alleged comments made in an email and on a website posting.

The Sub Committee assessed the matter and decided to direct the Monitoring Officer to invite Councillor Williams to attend Code of Conduct training. The sub-committee took the view that the conduct outlined appeared to show that a breach of the Code of Conduct may have taken place but that the conduct complained of is not so serious that it would require a substantial formal sanction such as suspension or disqualification.

The Sub-Committee did not make any finding of fact and accordingly did not reach a conclusion as to whether Councillor Williams failed to comply with the Code of Conduct in relation to the complaint.