

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held on Thursday, 10 March, 2010 at 6.00 p.m. at Civic Offices, Telford

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

ST-13 MINUTES

In relation to Minute ST-12(b), the Head of Governance & Monitoring Officer reported that there had not yet been a need to approach the Independent members of the Combined Fire Authority's Standards Committee for any assistance in considering Code of Conduct complaints.

RESOLVED – that the minutes of the meeting of the Standards Committee held on 16 September 2010 be confirmed and signed by the Chairman.

ST-14 APOLOGIES FOR ABSENCE

Councillor R.E. Groom

ST-15 DECLARATIONS OF INTEREST

Councillor K.S. Sahota declared a personal and prejudicial interest in relation to Agenda item 5 – Update on a Decision of the Referrals Sub-Committee.

ST-16 STANDARDS COMMITTEE WORK PLAN UPDATE

The Head of Governance & Monitoring Officer presented a report which updated Members on the work of the Committee during the municipal year.

Since the Work Plan was agreed by Members at the start of the municipal year, the Government had announced plans to abolish the Standards for England regime, with the Localism Bill containing proposals to make significant changes to the ethical framework. This had had an impact on the Work Plan – for example, the Standards Assembly in October 2010 (which the Chairman was going to attend) was cancelled by Standards for England, and some training and updates to protocols/guidance had been delayed. The work programme, including commentary on the progress of each item, was appended to the report.

Members noted the uncertainty as a result of the Government's intention to bring in a new ethical framework, and it was suggested that at the next meeting of the Committee (which would be in the 2011/12 Municipal year), a

report could be provided setting out the details of the emerging legislation and what options would be available to the Council in terms of a Code of Conduct for Members or similar.

RESOLVED – that the report be noted.

Councillor Sahota withdrew from the meeting room for the following item.

ST-17 **UPDATE ON A DECISION OF THE REFERRALS SUB-COMMITTEE**

The Head of Governance & Monitoring Officer presented a report which outlined the action undertaken at the direction of the Referrals Sub-Committee following a complaint alleging a breach of the Code of Conduct by Councillor Adrian Williams.

On 4 August 2010, the Referrals Sub-Committee considered a complaint made by two members of the public alleging a breach of the Code of Conduct by Councillor Williams. The Sub-Committee did not make any finding of fact, but decided to direct the Monitoring Officer to provide Code of Conduct training to Councillor Williams. This was on the basis that it appeared a breach of the Code may have taken place, but the conduct complained of was not so serious as to require substantial formal action. A copy of the public summary of the decision was attached to the report.

Following this direction, the Monitoring Officer wrote to Councillor Williams and there then followed an exchange of correspondence, which included an outline of the Code of Conduct in relation to 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 Civic Offices to undertake training in person, the Monitoring Officer reported that he was satisfied that the areas of the Code that the Sub-Committee had asked to be covered in the training had been addressed during the exchange of correspondence with Councillor Williams. However, the Committee were required to consider whether or not they were satisfied with the outcome achieved.

During the ensuing debate, some concerns were expressed that an elected member had not apparently fully complied with the Sub-Committee's direction. The Head of Governance & Monitoring Officer advised that the decision made by the Sub-Committee for further training was not a sanction against Councillor Williams, although a refusal to co-operate was potentially a breach of the Code. However, in this instance, it was felt that there had been some co-operation and engagement.

Upon being put to the vote, it was:

RESOLVED (2 against) – that the Committee are satisfied with the outcome of the action undertaken by the Monitoring Officer following the decision of the Referrals Sub-Committee on 4 August 2010.

The meeting ended at 6.30 pm

Chairman:

Date:

TELFORD & WREKIN COUNCIL

STANDARDS COMMITTEE – 16th JUNE 2011

ANNUAL REVIEW OF STANDARDS COMMITTEE TERMS OF REFERENCE

REPORT OF THE HEAD OF GOVERNANCE AND MONITORING OFFICER

1. PURPOSE

To provide details of the Terms of Reference and role and function of the Standards Committee as it appears in the Council's Constitution for review by this Committee

2. RECOMMENDATIONS

2.1 That the Committee

- (i) Review the terms of reference and make amendments as appropriate;**
- (ii) Note and agree the changes proposed by the Monitoring Officer outlined at paragraph 5.1.4 of this report**

3. SUMMARY

The Standards Committee reviews its Terms of Reference annually. The Committee are asked to consider whether any amendments are required and make any recommendations for further changes as appropriate.

4. PREVIOUS MINUTES

24/01/07 – ST-32
18/12/08 – ST-24
10/12/09 – ST –22
17/06/10 – ST – 7

5. INFORMATION

5.1 Background

5.1.1 Within the Terms of Reference of the Standards Committee there is a provision that the Committee should annually review its Terms of Reference. The Terms of Reference for the Committee (together with confirmation of the Committee's functions, powers and duties) appear in the Council's Constitution. Comments are welcome from the

Committee regarding any points in either the Terms of Reference or role and function which they consider are in need of amendment. The terms of reference are attached at appendix 1.

5.1.2 The review of the terms of reference is an area of work identified in the Standards Committee's draft work plan which is to be considered by the Standards Committee on 17th June 2011.

5.1.3 The Localism Bill proposes the abolition of the Standards Board regime and is expected to come into force in late 2011/early 2012. However, in the meantime the ethical framework as set out in the Local Government Act 2000, as amended, remains in force. It is therefore suggested that there are only minor changes to the terms of reference proposed at this stage but that the Monitoring Officer reports back to this Committee when there are further significant developments.

5.1.4 The minor changes proposed are as follows –

- (i) Change the elected membership number to “up to eight elected members” to reflect the current political balance
- (ii) Change references to Standards Board to England to Standards for England to reflect the current operating name of the Standards Board.

5.2 Equal Opportunities

No implications identified

5.3 Environmental Impact

No implications identified

5.4 Legal Comment

The Standards Committee undertakes functions in accordance with legislative requirements set out in the Local Government Act 2000, as amended, and other associated legislation. Any changes to the Terms of Reference must not only be compliant with legislative requirements but should also take into account guidance from Standards for England.

5.5 Links with Corporate Priorities

Ensuring that the terms of reference for the Committee are up to date and compliant with legislative requirements assists the Council in meeting its objective of being a Community Focused and Efficient Council”.

5.6 Opportunities and Risk

The opportunities and risk associated with this review have been identified and assessed. Arrangements will be put in place to manage the risks and maximise the opportunities that have been identified.

5.7 Financial Implications

There are no financial implications arising from this report; the administration and operation of Standards Committee and the sub-committee are met from within existing revenue budgets.

6. WARD IMPLICATIONS

District wide implications

7. BACKGROUND PAPERS

Local Government Act 2000

Local Government and Public Involvement in Health Act 2007.

Standards Committee (England) Regulations 2008.

Standards Board for England Guidance - "The Role and Make-Up of Standards Committees", "Local Assessment of Complaints".

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

Article 9 – The Standards Committee and 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** –

(i) 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.
- e. 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.
- f. 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.

(ii) 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.

(iii) **Terms of Reference of the Dispensations Sub-Committee**

As approved by the Standards Committee

1. Terms of Reference

The Dispensations Sub-Committee is established to determine applications from members of the authority and members of other relevant authorities for a dispensation in accordance with the provisions of the Local Government Act 2000 (as amended) and the Standards Committee (Further Provisions) (England) Regulations 2009.

2. Composition of the Dispensations Sub-Committee

The Dispensations Sub-Committee shall comprise 4 members, of whom at least 1 shall be an independent member of the Standards Committee and at least two 2 shall be elected members of the Authority. When the Dispensations Sub-Committee considers an application from a Parish or Town Councillor, the Sub-Committee shall also include a Parish or Town Council representative. The Chairman of the Dispensations Sub-Committee must be an independent member of the Standards Committee.

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 an application from a Parish or Town Councillor.

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

9.04 Audit Committee

The full Council will establish an Audit Committee.

9.05 Composition

Political Balance

The Audit Committee will be politically balanced, as per the Political Balance Rules in section 15 of the Local Government & Housing Act 1989.

- (a) **Membership:** The Audit Committee will be composed of:
 - six councillors, excluding the Leader and any member of the Cabinet;
 - the Leader and/or any Cabinet Member can be invited to attend by the Chairman and he/she may contribute to the debate, through the Chair, but will not be able to vote;
- (b) **Co-opted Members:** one or more persons can be co-opted to the Committee who are not councillors or officers of the Council. Co-opted members will not be entitled to vote.

FUNCTIONS, POWERS AND DUTIES OF STANDARDS COMMITTEE

Delegated Matters (i.e. matters which can be decided (resolved))

1. To prepare Codes of Conduct for members and employees taking account of national codes and guidance.
2. To submit these Codes for approval by full Council.
3. To ensure that the Codes are understood and implemented throughout the Council and the local community.
4. To monitor the implementation of the Codes and advise Council of any changes that may be desirable.
5. To grant dispensations to councillors, parish councillors and co-opted members (including church and parent governor representatives) from requirements relating to interests set out in the Members' Code of Conduct.
6. To prepare an Anti-Fraud and Corruption Strategy for the Council, submit it to the Council and review it on an annual basis.
7. To instigate a '*whistle blowing*' or Speak Up policy for the Council, and to monitor its operation
8. To receive and investigate/determine allegations of breaches of the members Code (employees to be part of the disciplinary process) in accordance with the provisions of the Local Government and Public Involvement in Health Act 2007 and associated legislation and guidance.
9. To consider and deal with reports relating to issues of conduct referred to the Committee by the Monitoring Officer/Finance Officer both of whom shall have a right of direct access to the Committee.
10. To prepare a Protocol for members/Employee relations within the Council
11. To arrange and/or provide training for Councillors on ethical conduct.
12. Annually review their effectiveness and their terms of reference.
13. To 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
14. To Advise the Council on the appointment of independent members taking account of guidance issued by the Standards Board for England
15. To select and recruit Parish Council representatives to serve on the Standards Committee taking account of guidance issued by the Standards Board for England

TELFORD & WREKIN COUNCIL

STANDARDS COMMITTEE – 16th JUNE 2011

ANNUAL REPORT OF THE STANDARDS COMMITTEE AND GENERAL UPDATE

REPORT OF HEAD OF GOVERNANCE AND MONITORING OFFICER

1. PURPOSE

To present the draft version of the annual report of Telford & Wrekin Council Standards Committee and to update the Committee regarding developments relating to the ethical framework

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 Standards Committee confirm the appointment of all members of the Committee to the Referrals, Review and Dispensation Sub-Committees and the Hearing Panel.

2.3 That the Committee direct the Monitoring Officer regarding what further work they require to be done in respect of forthcoming changes proposed by the Localism Bill

2.4 That the Committee recommends to full Council that Mr Frank Beasland and Arul Selvaratnam are appointed independent members of the Standards Committee from the expiry of their second and first terms respectively for an indefinite period pending developments relating to the provisions of the Localism Bill.

2.5 That the Standards Committee consider the reappointment of Councillor Roy Williams as a Parish Council representative on the Standards Committee.

3. SUMMARY

The annual report of the Standards Committee has been prepared for approval. In addition there have been developments concerning the future of the ethical framework which are contained within the Localism Bill.

4. PREVIOUS MINUTES

Standards Committee 21st April 2009 (ST-39)

Standards Committee 18th June 2009 (ST-6)

Standards Committee 17th June 2010 (ST-5)

Standards Committee 18th December 2010 (ST-20)

5. INFORMATION

5.1 Background

5.1.1 Annual Report of the Standards Committee

Officers have prepared a draft version of the annual report of the Standards Committee for the Municipal Year 2010/11. The draft version of the report is attached as an appendix for consideration by the Committee including the work plan for this municipal year.

5.1.2 Appointment to the Committee and Sub-Committees

It is recommended that all members of the committee are formally appointed to the sub-committees and hearing panel. Often Sub-Committees have to be set up at short notice to consider Code of Conduct complaints and conflicts of interest sometimes prevent some members of the committee from taking part. It is therefore recommended that all members are trained and available to attend Sub-committee meetings to ensure that complaints are dealt with in an expedient manner.

The Committee currently has four independent members places with two vacancies. Standards for England have previously stated that Independent members should serve four year terms and for no longer than two full terms. However, in 2010 Standards for England changed that view and with the impending provisions of the Localism Bill they stated that Independent Members could continue to serve beyond that. In order to formally recognise that provision it is suggested that this Committee ask the full Council to confirm the reappointment of both Mr Frank Beasland and Mr Arul Selvaratnam to continue their term of office from the expiry of their second and first term respectively to such a time that this Committee recommends otherwise (as a result of developments relating to the provisions of the Localism Bill).

Councillor Roy Williams is a Parish Representative on the Standards Committee and as of 7th July 2011 his second term of office will conclude meaning that he will have served eight years on the Committee. The Committee will need to decide if they wish to reappoint Councillor Williams for a further period. The appointment does not need to be made by the full Council (as it does in the case of Independent members of the Committee). If the Committee decide not to reappoint— Councillor Williams the Committee will still meet statutory requirements and comply with Standards for England guidance but there will be a more limited availability when Parish Representatives are required for sub-committee meetings at relatively short notice.

5.1.3 The Future of the ethical framework

The government have pledged to abolish the Standards Board regime. The Localism Bill currently contains the provision to do so. New proposals rely on a mix of a criminal liability for elected members and local arrangements for

administering an ethical framework. The main features of the Bill in this regard are as follows :-

- **All authorities will continue to have a duty to promote and maintain high standards of conduct by its members and co-opted members.** It is not currently specified as to how this will be done. It is anticipated that local authorities will make their own decisions as to whether or not they have a Standards Committee with a voluntary code of conduct.
- **Standards for England to be abolished.** Standards for England currently oversees the Standards regime and provides guidance and support for local Standards Committees and Monitoring Officers as well as dealing with the most serious Code of Conduct breaches.
- **The mandatory model code of conduct for members to be revoked.** As mentioned above, a criminal liability and the potential for a voluntary code of conduct could replace the statutory code.
- **The requirement for an authority to have a Standards Committee to be revoked.** As mentioned above, each authority must make its own decision as to whether it should maintain a Standards Committee. The constitution of the committee may also be left for the authority concerned to decide upon.
- **The First Tier Tribunal will be abolished.** Previously known as the Adjudication Panel for England, the tribunal currently deals with the most serious breaches of the Code and appeals of Standards Committee decisions.
- **New regulations will create criminal offences for failure, by a member, to register or disclose certain interests.** Convictions could result in a fine of up to £5,000 and disqualification from being a Councillor of up to five years.

Elected members will still be required to maintain a register of interests and may apply for dispensations in certain circumstances to allow them to take part in the business of the authority that they may otherwise have to be excluded from. It is expected that the current regime will probably continue until spring next year when transitional provisions will be put in place to transfer to the new arrangements.

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 it is good practice to do so and has been a recommendation of Standards for England.

5.5 Links with Corporate Priorities

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

The management and administration of the Standards Committee is met from within existing resources which includes the production of the Annual Report.

6. WARD IMPLICATIONS

District wide

7. BACKGROUND PAPERS

None

End of Report

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

ANNUAL REPORT OF THE STANDARDS COMMITTEE OF TELFORD & WREKIN COUNCIL 2010 - 11

INTRODUCTION

The work of the Committee has continued whilst the government is formulating changes to the ethical framework. Standards for England have reduced some of the administrative burden upon the Committee by removing the requirement to provide quarterly returns to them. They have also cancelled the Annual Standards Committee Assembly.

During the year the Committee has continued to consider complaints and review its policies and procedures. The Monitoring Officer Protocol, Assessment and Review criteria and investigation and hearing procedure have all been reviewed and updated. The Committee also continues to review its own terms of reference every year.

In setting a work plan for the 2011/12 municipal year, consideration needs to be given to the changes proposed by the Localism Bill which will determine the work of the Committee during the second half of the year and beyond. The work plan for the municipal year 2011/12 is attached to this report.

COMPLAINTS, INVESTIGATIONS AND DETERMINATIONS

During the municipal year 2010/11 the following complaints have been processed:-

Assessments – 4

Matters referred for local investigation – 2

Matters referred to Standards For England for investigation – 1

Matters referred for other action – 1

Matters where no further action was required - 0

Reviews – 0

Consideration Hearings – 4

Determination hearings - 1

OUTCOMES

During the municipal year 2010/11 the Committee considered reports from four local investigations which had been requested by the committee during the previous

municipal year. Three investigations found no breach of the Code of Conduct and those findings were accepted by the Committee. One investigation found a breach which was determined as such by the Standards Committee Hearing Panel. On one occasion the Committee directed the Monitoring Officer to undertake other action, namely to invite a Borough Councillor for code of Conduct training. The Committee subsequently confirmed that they were satisfied with the actions undertaken by the Monitoring Officer to comply with that direction.

TRAINING

Code of Conduct training for borough councillors and councillors from the Town & Parish Councils took place on the 22 February and 2 March 2010 respectively. Due to this training taking place late on in the last municipal year (and tied in with the uncertainty over the future of the ethical framework) no Code of conduct training was provided during the year.

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 Governance and Monitoring Officer.
Telephone 01952 383200
email: Jonathan.Eatough@telford.gov.uk
- Matthew Cumberbatch – Legal Services Manager 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
- Kirsty Fisher – Group Solicitor and Deputy Monitoring Officer
Telephone 01952 383255
Email Kirsty.Fisher@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

DRY

STANDARDS COMMITTEE WORK PROGRAMME

JUNE 2011 – MAY 2012

	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	April 2012
3.	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	Training provided in May 2011 for Borough Councillors, training for Parish Councils to be offered throughout the year
4.	Training for the Standards Committee	Monitoring Officer and Deputy Monitoring Officer	June/July 2011
5.	Review of the Terms of Reference of the Standards Committee	Standards Committee assisted by Monitoring Officer and Deputy Monitoring Officer	June 2011
6.	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	April 2012 or following the implementation of the provisions of the Localism Act, whichever

			is sooner.
7.	Annual report on the work of the Standards Committee	Chairman of Standards Committee, Monitoring Officer, Deputy Monitoring Officer	June 2011
8.	Implementing the provisions of the Localism Act	Standards Committee assisted by Monitoring Officer and Deputy Monitoring Officer	Subject to the legislative timetable, expected to be late 2011/early 2012