

Telford & Wrekin Council

Ethical Standards Bulletin – Spring 2008

Welcome to the latest edition of the Ethical Standards Bulletin. This Bulletin is distributed to elected Members from Telford & Wrekin Council, Parish and Town Councils in the Borough of Telford & Wrekin, Members of Shropshire and Wrekin Fire Authority and non-elected, Independent Members of its Standards Committee.

Code of Conduct Training

Telford & Wrekin Council concluded the Code of Conduct training for this municipal year with a further training session provided by Peter Keith-Lucas on the 20 November 2007. When reviewing the attendance for the training the Council's Standards and Audit Committee expressed concern with regard to the large number of Councillors, particularly from the Parish and Town Councils, who were not able to take up the offer of the training, which Telford & Wrekin Council provides. Set out below are some of the benefits of attending the training and we hope that all Councillors will take the opportunity to attend further training sessions during the next municipal year.

Often, if a Councillor is subject to a complaint, the question as to whether they have attended (or been offered) Code of Conduct training is one of the first, which an investigator will ask.

Briefly, the benefits to attending training are as follows:

- The changes to the Code of Conduct, which took place last year, mean training received before 2007 will be out-of-date. As we expect that the application of the Code of Conduct will change again this year and, indeed, may change again in the future, we always advise that Councillors have up-to-date training in order that they are aware of their current obligations.
- Whilst attending training does not prevent complaints being made against individual Councillors, we would hope that it would reduce the amount of complaints that are made. The complaints and investigation process can be lengthy and expensive, both for the Authority undertaking investigation and, in some cases, for the Councillor, who is the subject of the complaint. We are also aware of the stress and upset it can cause to those who are subject to a complaint, particularly if it is a lengthy investigation.
- Knowledge of the Code will assist in decision making by the Authority. Breaches of the Code have sometimes caused challenges to decisions. This can result in those decisions having to be reconsidered or possibly overturned (in some cases after lengthy and costly court proceedings).

Those, who have not attended training recently, may be interested to learn that the Standards Board for England has produced a training DVD, entitled "The Code of Conduct: The Code Uncovered". The DVD is approximately 33 minutes long and provides information about the new Code of Conduct illustrated by a fictional situation relating to a planning matter. It is recommended that all members view the DVD.

Thank You

Thank you to all of the Parish Councils who replied to the questionnaire, which was sent out in late autumn last year concerning Code of Conduct training for Parish and Town Councils. We are grateful for the responses, which highlighted a number of different views over reasons why some Parish and Town Councillors have not attended the Code of Conduct training provided by Telford & Wrekin Council. The results showed that some Parish and Town Councillors received their own training provided by the Parish Clerk or SALC. We also noted comments on why it is difficult for some Councillors to attend the training.

We are always grateful for any suggestions regarding ways in which we could improve the Code of Conduct training. If you have any other suggestions or comments, please forward them to us, using the contact details at the end of this bulletin.

Forthcoming Changes to the Code of Conduct and the Process for Dealing with Code of Conduct Complaints

The Local Government and Public Involvement in Health Act 2007 will introduce changes both to the application of the Code of Conduct and to how complaints relating to the Code of Conduct are dealt with. At the time of preparing this Bulletin we have yet to receive complete details as to how this will work but in principle we expect the forthcoming changes to be as follows:

- We expect the Code of Conduct to change in relation to its application to Councillors, when acting in a private capacity. As you will be aware, the Code of Conduct currently does not apply to conduct outside of the performance of your functions as a Member. Only if you have engaged in an activity, which has a link to the functions of your office, will any conduct in your private life be covered by the Code. We expect the application of the Code to change in this respect and that it will apply to actions undertaken by Councillors acting in a private capacity, if those actions result in a criminal conviction. At present we are awaiting further information, so as yet this rule **does not** apply. We will provide further details in due course.
- The process for making a complaint about a Member alleging a breach of the Code of Conduct will also change later this year. Instead of sending complaints for consideration by the Standards Board for England, a person, who believes that the Code has been breached, will instead make their complaint to the Local Standards Committee. The Committee will then make an initial decision as to whether or not the matter merits an investigation. If so, this will normally be undertaken locally and subsequently be subject to a local determination by the Standards Committee. There will also be a process whereby a decision to take no further action could be subject to an appeal again to be considered locally by the Standards Committee.

Whilst the Standards board for England will still investigate some complaints, it will take on a more strategic role providing supervision and guidance on Code of Conduct issues. We are still awaiting further details as to how this system will work in practice and we have not yet been given a commencement date when this new process will become effective. Again, we will continue to keep you up-to-date. In the meantime, the process for making a complaint is still to proceed directly to the Standards Board for England.

If you require any further information in respect of any of the matters included in this Bulletin, please contact us, using the contact details below. Alternatively, for further information on Code of Conduct matters generally we suggest that you visit the website for the Standards Board for England at:

www.standardsboard.gov.uk.

The site contains up-to-date information with regard to the forthcoming changes to the ethical standards framework referred to above, advice notes on the Code of Conduct and details of the outcome of some recent investigations.

Next Edition of the Bulletin

A new Bulletin will be circulated in Summer 2008. The aim of the Bulletin is to keep all elected members up to date with current issues and changes in respect of Ethical Standards matters. If there are any issues which you would like to see addressed in the Bulletin then please let us know. Contact details are set out below.

Contacts Details

For Parish and Town Councillors

In the first instance please contact your local parish/town clerk.

For Members of Shropshire and Wrekin Fire Authority

Please contact Sharon Lloyd, Corporate Services Manager, at Brigade Headquarters
Telephone (01743) 260210 E-mail sharon.lloyd@shropshirefire.gov.uk

For Telford & Wrekin Councillors

The points of contact are set out below:

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