

## **Ethics and Standards Committee**

### **Annual Report 2009/2010**



**Meetings**

The Ethics and Standards Committee continues to meet quarterly during the municipal year. The Membership of the Committee is outlined at the end of this report.

**Role of the Standards Committee/Terms of Reference**

- (1) Promotes and maintains high standards of conduct by councillors and co-opted members;
- (2) Assists the councillors and co-opted members to observe the Members' Code of Conduct;
- (3) Advises the Council on the adoption or revision of the Members' Code of Conduct;
- (4) Monitors the operation of the Members' Code of Conduct;
- (5) Advises, trains or arranges to train councillors and co-opted members and on matters relating to the Members' Code of Conduct;
- (6) Grants dispensations, if necessary, to councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;
- (7) Considers complaints against any member relating to alleged breach of the National Code of Local Government Conduct or such local code as shall replace the National Code, to make findings of fact and decisions in respect of the action to be taken, and where necessary to make recommendations to full Council;
- (8) Advises and brings forward proposals to the Council on a local Code of Conduct, including provisions which properly reflect the mandatory elements of the Model Code to be produced nationally, once such a code is available;
- (9) Exercises (1) to (8) above in relation to the parish councils wholly or mainly within the Wyre Forest District area and the members of those parish councils.
- (10) Recommends approval and adoption of relevant codes, plans and policies;
- (11) Oversees the Whistle Blowing Policy;
- (12) Oversees the complaints handling and Ombudsman investigations;  
and
- (13) Oversees the constitution;

### **Local Assessment of Complaints**

During the municipal year 2009/2010 the Council received 3 complaints. Two concerned District Council Members and one concerned a Town Council Member. Two of the complaints were determined to be outside jurisdiction and the other complaint was referred to the Monitoring Officer for 'Other Action'.

For a Council to only have received 3 complaints it is considered to be a good record, particularly as the Council oversees not only the ethical standards regime for its own Members but also for 10 Parish and 2 Town Councils.

A review of a decision that the matter fell outside the committee's jurisdiction was requested during February 2010. This was the first time that the authority's Review Sub Committee had met. However, all procedures were in place and the review went smoothly.

The Monitoring Officer continues to provide a confidential conflict advice service to Members and uses mediation and guidance to promote the most efficient and effective way of addressing potential complaints.

### **Independent Members**

Last year the Ethics and Standards Committee required an additional Independent Member and as it did not have the required 25% of Independent Members. I am happy to report that this situation has been rectified and the Ethics and Standards Committee now has 4 Independent Members. The outstanding vacancy was filled towards the end of May 2009 when Mr R Reynolds was appointed.

### **Feedback from Independent Members' Forum**

Members of the Committee have been apprised of items discussed at the Independent Members' Forum. Members find it useful to keep abreast of topics discussed by the Forum – particularly as the Independent Members are able to share experiences with Independent Members from other authorities such as how the determination of breaches of the Code of Conduct and are dealt with.

### **Returns to Standards for England**

The authority has submitted its quarterly returns within the timeframe set by Standards for England.

Last year it submitted its first annual return and at the time of writing is currently preparing its annual return for the municipal year 2009/2010. The Annual Return will be published shortly on the Council's website.

### **Member Activity Reports**

Members continue to submit an annual activity report which outlines their activities during the municipal year. During the current municipal year only one report was outstanding and it was produced once a reminder had been sent. Significant work has been undertaken to ensure that the reports are detailed and are a useful tool for Members of the electorate to see the activities their elected Member have been undertaking during the municipal year.

### **Guidance on the Use of ICT in Meetings**

Members considered it was important for the Council to produce guidance on the use of ICT in meetings. Of particular concern was Members using their mobile phones during Council meetings – particularly in regulatory meetings.

The Ethics and Standards Committee included this matter on their work programme and in the new municipal year it is proposed that the constitution be amended to prohibit the making or receiving of calls at committee meetings and that all phones are to be turned to silent.

### **Complaints to the Local Government Ombudsman**

At its meeting on 27<sup>th</sup> January 2010 the Ethics and Standards Committee considered a report that gave details of three reports that had been submitted to the Local Government ombudsman. The Committee noted that for the fourth year running that the Ombudsman had not issued any reports against the Council. Members noted that this year the Council received the lowest number of complaints that were considered by the Ombudsman in the last 9 years.

### **Training**

Preparations are in place for a bespoke training event to take place. This year there will be a change of format and rather than Members receiving a presentation there will be an interactive session involving all those attending.

### **Work Programme**

During the municipal year it was agreed that the Committee would devise its own work programme. This has proved to be successful with suggestions being given by Members and it will be a regular item on the Committee's agenda for the forthcoming municipal year.

### **Consultations**

The Committee responded to one consultation from Standards for England regarding the establishment of a protocol on partnership working.

**Membership of the Committee**

Independent Members

Rev J Cox (Chairman), Mrs C A Noons (Vice-Chairman), Mr J T Hipkiss, Mr R Reynolds.

Town/Parish Members

Councillor A Mace (Town Council Member), Mr R Hobson (Parish Member), Mr J Swift (Parish Member).

WFDC Members

R Akathiotis, H E Dyke, P Dyke, D R Godwin, M J Hart, S M Hayward, C D Nicholls, K J Stokes, J Thomas.

**Challenges for the forthcoming Municipal Year**

It can never be predicted how many local determinations of alleged breach of the code of conduct will occur. This Council has a good record and will continue to promote high standards of behaviour amongst its Members.

Further challenges that may arise in the forthcoming months may include the considerations of possible revisions to the Council Constitution by the Transformation Board, as it is necessary to ensure that we have a modern Constitution that meets the needs of the Council and the Councillors. Also, there will need to be an induction and training for new Members on the Code of Conduct. Finally, there is a possibility that the Code of Conduct may be amended should there be Parliamentary approval, for amendments to Section 52 of the Local Government Act 2000 which reinstates the situation prior to Collins J's decision in Livingstone V Adjudication Panel for England 2006.

**Reverend J A Cox**  
**Chairman Ethics and Standards Committee**