



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE STANDARDS COMMITTEE

WEDNESDAY 23RD MARCH 2011, AT 6.00 P.M.

CONFERENCE ROOM, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

SUPPLEMENTARY PAPERS

The attached papers were specified as "to follow" on the Agenda previously distributed relating to the above mentioned meeting.

3. Minutes of the meetings of the Standards Committee held on 26th January and 2nd February 2011 (Pages 1 - 6)
4. Monitoring Officer's Report (Pages 7 - 14)

Note: There are no confidential minutes arising from the meetings of the Standards Committee held on 26th January and 2nd February 2011. Agenda Item 16 does not therefore apply.

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

22nd March 2011

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Agenda Item 3

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE STANDARDS COMMITTEE

WEDNESDAY, 26TH JANUARY 2011 AT 6.00 P.M.

PRESENT: Independent Members: Mr. N. A. Burke (Chairman), Ms. K. J. Sharpe (Vice-Chairman) and Mrs. G. Bell

Councillors: Miss D. H. Campbell JP (during Minute No's. 27/10 to 33/10), Mrs. A. E. Doyle (during Minute No's. part of 30/10 to 33/10) and E. C. Tibby (during Minute No's. 27/10 to 33/10)

Parish Councils' Representatives: Mr. J. Cypher and Mr. I. A. Hodgetts

Observer: Mr. S. H. Malek (Deputy Parish Councils' Representative)

Officers: Mrs. C. Felton, Mrs. S. Sellers and Ms. D. Parker-Jones

27/10 **APOLOGIES FOR ABSENCE**

No apologies for absence were received.

28/10 **DECLARATIONS OF INTEREST**

No declarations of interest were declared.

It was noted however that Councillors Miss D. H. Campbell JP, Mrs. A. E. Doyle and E. C. Tibby, who comprised the normal District Councillor membership of the Standards Committee, were affected by some of the issues under consideration at Agenda Item 10 (confidential minutes of the meeting of the Standards Committee held on 17th December 2010). The meeting in question had considered the Investigating Officer's final reports into the complaints made against the members of the Labour Group arising from the meetings of Full Council on 29th July 2009 and 20th January 2010. As the Councillors were not participating in the consideration of the complaints they therefore left the room on receipt of the minutes.

29/10 **MINUTES**

The public minutes of the meeting of the Standards Committee held on 17th December 2010 were submitted.

RESOLVED that the minutes be approved as a correct record.

30/10 **MONITORING OFFICER'S REPORT**

The Committee noted the comments of the Monitoring Officer's (MO's) report and the following issues were raised during the consideration of this:

(i) Member Investigations

The MO advised that the investigation into Complaint Reference 94/09 had been completed and that she was due to receive the Investigating Officer's report within the next few days. The two remaining local investigations were ongoing.

A question was raised regarding the awaited report on linked Complaint References 03/10 and 04/10, against two Alvechurch parish councillors, in view of the upcoming local elections, together with the effect any possible sanctions arising from current investigations generally might have on Members given the proximity of the elections and of the possible need for additional meetings of the Committee to facilitate any associated business. The MO advised that delays could be encountered with investigations which at first sight appeared straight forward but which could give rise to additional issues being identified during the course of an investigation. She added that investigations would proceed as planned and that final reports would be brought to the Committee as soon as they were available, with additional meetings of the Committee being arranged as necessary to consider these.

(ii) Pre-Hearing Meeting

Regarding the complaints against the members of the Labour Group detailed at paragraph 3.2 of the report, the MO confirmed that a pre-hearing meeting of the Committee to look at procedural issues as part of the pre-hearing process was due to take place at 6.00pm on 2nd February 2011.

(iii) Monitoring Officer's Other Action

The MO advised that having spoken with the Subject Member concerned that day on an unrelated matter, the issue of the outstanding training had been raised and the Member had stated that he would be willing to undertake the required training. The MO confirmed that she would report back to the Committee on any further developments in this regard in due course.

(iv) Member Training

The MO updated the Committee on the work of the Member Development Steering Group and formulation of the Member Development Programme. It was noted that dates for training had also been identified for Members at Redditch Borough Council and that, where appropriate, training included support for the parish councils.

(v) Monitoring Officer Liaison Meetings

The Deputy Monitoring Officer reported that the first of the Monitoring Officer Liaison Meetings (MOLMs), which had taken place in October, had been very successful and that officers had received positive feedback on these from the parish clerks/executive officers. Question and answer sessions had been included for any issues clerks/executive officers wished to raise. A need for Code of Conduct training for the parishes had been raised, which had been

built into the Member Development Programme. It was noted that the next meeting would take place in March 2011.

The Committee noted the usefulness of the meetings and felt that these should continue in the future notwithstanding what might happen to the standards regime following any changes under the Localism Bill. The Monitoring Officer confirmed that the MOLMs would continue irrespective of any future changes to the standards regime.

(vi) Appointment of Parish Councils' Representatives on the Committee

Members noted the position with the terms of office of the Parish Councils' Representatives on the Committee and supported the recommendation to Full Council that the July 2011 appointments be for a period of one year in light of the proposed changes to the standards regime under the Localism Bill.

(vii) National Standards Regime - The Localism Bill

The MO informed the Committee of a report which had been considered at the 19th January 2011 meeting of Full Council which reviewed the Council's current committee structure. As part of that report, and in view of the coalition government's intention to substantially alter the current standards regime, Full Council had approved a recommendation that the Head of Legal, Equalities and Democratic Services examine the feasibility of replacing the Standards Committee and the Audit Board with a new Board to deal with audit and ethical governance matters, to be chaired by an independent person; and that the feasibility study include consideration of the roles of district councillor and parish councillor representatives. The MO added that work on the review would not commence until later in the year, when more was known about any changes under the Localism Bill.

RESOLVED:

- (a) that the report be noted;
- (b) that any action points detailed in the preamble above be acted upon and reported back to the Committee as appropriate; and
- (c) that it be recommended to Full Council that in view of the proposed changes to the standards regime as a consequence of the Localism Bill, the terms of office of the Parish Councils' Representatives on the Standards Committee, effective from July 2011, be for a period of one year, with nominations for appointees to follow from the Bromsgrove Area Committee of the Worcestershire County Association of Local Councils in due course.

31/10 **PARISH COUNCILS' REPRESENTATIVES' REPORT**

Mr. Cypher advised that, owing to the severe weather conditions, the December 2010 meeting of the Bromsgrove Area Committee of the Worcestershire County Association of Local Councils had been aborted and that he had nothing further on which to update the Committee.

RESOLVED that the position be noted.

32/10 **PUBLICATIONS**

Members noted the publications detailed in the agenda. A request was made by the Committee that, where available and where neutral in their content, any executive summaries relating to relevant publications be provided to members for information.

RESOLVED:

- (a) that the publications detailed be noted; and
- (b) that officers provide members of the Committee with any available executive summaries, where neutral in nature, of relevant publications in the future.

33/10 **WORK PROGRAMME**

Consideration was given to the Committee's Work Programme.

The Monitoring Officer advised that she was currently meeting with officers regarding the Planning Services Code of Practice and that she hoped to bring a report on this to the Committee as early as possible in the new municipal year. This also linked with various upcoming training which had been arranged for Members as part of the Modern Councillor Programme.

RESOLVED that the Work Programme be approved.

34/10 **EXCLUSION OF THE PUBLIC**

RESOLVED that under Section 100 I of the Local Government Act 1972, as amended, the public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act, as amended, the relevant paragraph of that part being as set out below, and that it is in the public interest to do so:

<u>Minute No.</u>	<u>Paragraph</u>
34/10	7C.

35/10 **CONFIDENTIAL MINUTES**

The confidential minutes of the meeting of the Standards Committee held on 17th December 2010 were submitted.

RESOLVED that, subject to the inclusion of the names of the Committee members, the minutes be approved as a correct record.

The meeting closed at 6.39 p.m.

Chairman

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE STANDARDS COMMITTEE

WEDNESDAY, 2ND FEBRUARY 2011 AT 6.00 P.M.

PRESENT: Independent Members: Mr. N. A. Burke (Chairman) and Ms. K. J. Sharpe (Vice-Chairman)
Councillors: Mrs. J. Dyer M.B.E. (substituting for Miss D. H. Campbell JP) and D. L. Pardoe (substituting for Mrs. A. E. Doyle)
Parish Councils' Representatives: Mr. I. A. Hodgetts

Observers: Councillors Mrs. C. M. McDonald, P. M. McDonald and S. P. Shannon

Invitees: Ms. B. Evans, Legal Advisor

Officers: Ms. D. Parker-Jones

36/10 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Mrs. G. Bell, Independent Member, and Mr. J. Cypher, Parish Councils' Representative.

It was noted that, as detailed on the agenda, District Councillors Miss. D. H. Campbell JP, Mrs. A. E. Doyle and E. C. Tibby, who comprise the normal District Councillor membership of the Committee, were affected by some of the issues under consideration and therefore were not participating in the meeting. District Councillors Mrs. J. Dyer M.B.E. and D. L. Pardoe substituted in their places.

37/10 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

38/10 **EXCLUSION OF THE PUBLIC**

The Committee considered whether or not to exclude the public from the consideration of Agenda Item No. 4; Member Complaints - Pre-Hearing Update. In doing so, the Chairman announced that the meeting be adjourned to take legal advice.

Accordingly, the meeting adjourned from 6.04pm to 6.35pm.

Having re-convened, the Chairman advised that the Committee had decided that the meeting would remain in closed session in line with the consideration meeting which had taken place on 17th December 2010. However, the

Committee invited the three Subject Members present, namely Councillors Mrs. C. M. McDonald, P. M. McDonald and S. P. Shannon, to remain in the room and listen to the proceedings. The Subject Members were provided with a copy of the confidential report relating to Agenda Item No. 4, which the Chairman highlighted remained confidential.

It was therefore

RESOLVED that under Section 100 I of the Local Government Act 1972, as amended, the public, save for the three Subject Members in attendance, be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act, as amended, the relevant paragraph of that part being as set out below, and that it is in the public interest to do so:

<u>Item No.</u>	<u>Paragraph</u>
4	7C.

39/10 **MEMBER COMPLAINTS - PRE-HEARING UPDATE**

The Committee considered a report which summarised the current position, in accordance with Standards for England's suggested pre-hearing process, for the final determination hearing into the complaints against the members of the Labour Group which was scheduled to take place on 22nd February 2011. The meeting was purely procedural and sought to identify any decisions or directions the Committee wished to make in order to ensure that all parties were sufficiently well prepared for the hearing.

Members heard that following a response received from the Subject Members' representative there were still outstanding actions in relation to the pre-hearing process which had not been completed and which were needed before the Committee was in a position to proceed to a hearing

RESOLVED:

- (a) that the contents of the report be noted;
- (b) that the Subject Members' representative in conjunction with the Investigating Officer be asked to provide further clarity on those areas within the Investigating Officer's report which are at dispute, the areas which might be agreed and which witnesses need to be called to give evidence at the hearing, and that this information be provided by Friday 11th February 2011 at the latest; and
- (c) that should any further administrative and/or procedural matters arise as a consequence of the information received following the request at (b) above, that authority to decide on these be delegated to the Director of Finance and Resources in consultation with the Chair of the Standards Committee.

The meeting closed at 6.45 p.m.

Chairman

BROMSGROVE DISTRICT COUNCIL

STANDARDS COMMITTEE 23rd March 2011

MONITORING OFFICER'S REPORT

Relevant Portfolio Holder	Councillor Geoff Denaro
Relevant Head of Service	Claire Felton, Monitoring Officer

1. SUMMARY OF PROPOSALS

- 1.1 The Standards Committee has requested the Monitoring Officer to report to each meeting of the Standards Committee on a number of items. This report sets out the latest position in relation to key items since the last meeting of the Committee at which such matters were reported on 26th January 2011.
- 1.2 Any further updates will be reported verbally at the meeting.

2. RECOMMENDATIONS

Members are requested to note the report and to comment on any aspects of this, in particular the issues raised in paragraphs 3.8 and 3.9, as appropriate.

3. BACKGROUND

Member Investigations and Associated Matters

- 3.1 The Investigating Officers' final reports into Complaint References 94/09 and (linked complaints) 07/10, 08/10 and 09/10 appear later in this agenda for consideration by the Committee.
- 3.2 The investigation into Complaint References 03/10 and 04/10 (linked complaints against two Alvechurch Parish Councillors) is ongoing and the final report for this will be referred to the Committee once available.
- 3.3 A meeting of the Standards Committee took place on 2nd February 2011 to consider the procedural arrangements as part of the pre-hearing process for the final determination of the complaints against the members of the Labour Group arising from the meetings of Full Council on 29th January 2009 and 20th January 2010. It was noted at that meeting that there were still outstanding actions in relation to the pre-hearing process which had not been completed and which were needed before the Committee was in a position to proceed to a hearing. It was agreed therefore that clarity be sought from the Subject Members' representative, in conjunction with the Investigating

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Officer, on the outstanding issues and that authority be delegated to the Director of Finance and Resources, in consultation with the Chairman of the Committee, to decide on any outstanding administrative and/or procedural matters arising as a consequence of any further information received. At the request of the Chairman, the final determination hearing which was scheduled to take place on 22nd February was subsequently postponed as the required pre-hearing paperwork had not been agreed. The hearing is now due to take place in May.

Complaints for Local Assessment

- 3.4 One request for review of a decision has been received and was considered by the appropriate Review Sub-Committee on 26th January 2011. The Review Sub-Committee decided that no further action be taken with the complaint.
- 3.5 The Committee is reminded that details of only those complaints which have been assessed by the relevant Sub-Committee appear in this report. Any complaints which have yet to be assessed and/or for which Sub-Committee decision notices have still to be issued are not included as the Subject Members concerned will not be aware of the complaints. Equally, only information relating to review requests which have been considered by the appropriate Review Sub-Committee and for which the parties involved have been notified of the outcome are included.

Local Assessment Statistics

- 3.6 Members will be aware that at the time when the local assessment of complaints was introduced, Standards for England imposed a requirement on authorities to provide them with detailed statistical information ('monitoring returns') on a quarterly basis to support their role in ensuring the effectiveness of local standards arrangements. Authorities were required to give a full breakdown of the complaints they were dealing with including total numbers received, outcome at assessment stage and outcome at hearing stage. This was a time consuming process for staff to comply with. As the information had been collected it was passed on to Members by way of an Appendix to the Monitoring Officer's report.
- 3.7 As members will be aware, the new government announced in the autumn its intention to wind down Standards for England, and to pass new legislation to end the standards regime and no longer require authorities to have standards committees. The draft proposals in this

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regard are now set out in the Localism Bill which is currently before Parliament.

- 3.8 In advance of the winding up of Standards for England the Council was advised in June 2010 that it was no longer required to submit local assessment statistics as previously. Officers had initially intended to continue providing the statistics for the Committee. They were last due on 26th January 2011 but were deferred to this meeting. However, as referred to above, compiling the information is time consuming and the Monitoring Officer questions whether this is the best use of resources given the number of other substantive complaints that the Committee is continuing to deal with. The current statistics are cumulative and need to be broken down into separate years for them to be useful as data to identify trends or issues in particular areas. Given the amount of time that would have to be invested to continue to produce the statistics the Monitoring Officer is not minded to continue with providing this data for every meeting but would like to hear members' views on the issue before making a decision.

3.9 **Annual Report**

Similarly, the Monitoring Officer would like to canvass the views of members on the timing of producing an Annual Report. Due to pressure of work caused by the July 2009/January 2010 investigation, it has not been possible for officers to complete an Annual Report for the current municipal year. Again, given the level of substantive complaints being dealt with, do the Committee see the production of an Annual Report as a priority? Alternatively, would members be content for this project to be put off and for one single report covering the 2009/2010 and 2010/2011 municipal years to be produced at the end of the current municipal year?

Monitoring Officer's Other Action

- 3.10 Further to the update provided at the last meeting regarding the partial completion of Other Action by a district councillor and for which the training element had not been completed by the Member concerned, the Monitoring Officer can now advise that the Subject Member has since complied with the outstanding training element. The other action requested by the Committee has therefore now been completed in full.

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Member Training

- 3.11 The timetable of events for the Modern Councillor Programme 2011/12 has now been established. As reported at the last meeting this will involve a briefing on the Code of Conduct at the induction evening. A mandatory training session ['Introduction to the operation of the Standards Committee'] for all members of the Committee, both new and returning, together with any other district councillors who are interested in attending this will take place from 5.00pm to 6.00pm on Wednesday 8th June 2011; immediately prior to the first meeting of the Committee of the new municipal year.
- 3.12 A separate briefing session on 'Ethical Standards and the Code of Conduct' will take place from 6.00pm to 7.00pm on 26th September 2011, with a further date also to be arranged for this. This session will be mandatory for all members of the Committee and will also be opened up to any other district or parish councillors and parish clerks/executive officers who wish to attend.
- 3.13 The Modern Councillor Programme comprises a number of training events including mandatory sessions on the operation of the Council's committees and boards, as well as additional detailed training in planning, licensing and overview and scrutiny. Various other sessions are also planned which include, amongst others: Charing Skills; Mock Meetings of Full Council and Planning Committee; and Equality and Diversity Awareness.

Parish Council Matters

Monitoring Officer Liaison Meetings

- 3.14 The second of the Monitoring Officer Liaison Meetings (MOLMs) for parish council clerks and executive officers took place earlier this month and was again well attended. Updates were provided by officers on the 2011 parish council elections and proposed changes to the current standards regime under the Localism Bill.
- 3.15 Parish clerks/executive officers were advised of the District Council's intention, following the 2011 elections, to establish a database of all parish councillors, both elected and co-opted. All parish councillors (save for non-voting co-optees to whom the Code of Conduct does not apply), including those who are re-elected to office, will need to complete a new Register of Members' Interests form within 28 days of their election or appointment to office. Parish clerks/executive officers will supply each of their Members with a copy of the form for completion and it is the individual Member's responsibility to ensure

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that the form is completed and returned (to the clerk/executive officer in the first instance in order for them to keep a copy for the Parish records) within the requisite time period.

- 3.16 Parish clerks/executive officers have also been asked to submit to the Monitoring Officer a copy of their parish council's Code of Conduct, which should include the name of the parish council and the date on which the Code was adopted. An item detailing these requirements has been included in the agenda for the Parish Councils' Forum on 21st March 2011.

Appointment of Parish Councils' Representatives to the Standards Committee - Terms of Office

- 3.17 At its meeting on 16th March 2011 Full Council considered and approved the recommendation of the 26th January 2011 Standards Committee for the 2011 Parish Councils' Representative appointments to the Committee to be for a period of one year, to July 2012, with nominations for appointees to follow from the Bromsgrove Area Committee of the Worcestershire County Association of Local Councils after its meeting in June.

National Standards Regime - The Localism Bill

- 3.18 Attached at Agenda Item 7 (Publications) are two publications, one from Standards for England and one from Local Government Improvement and Development, both of which summarise proposed changes to the standards regime in the Localism Bill. The latter also details the range of provisions which will be available to authorities to call upon in dealing with Member conduct following any abolition of the standards regime.
- 3.19 Further updates on the implications of the Localism Bill will be provided by the Monitoring Officer in due course.

4. KEY ISSUES

The Committee is asked to note the information contained within the report and to comment on any aspects of this as it sees fit.

5. FINANCIAL IMPLICATIONS

None

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6. LEGAL IMPLICATIONS

The Local Government Act 2000 introduced primary legislation to enable the implementation of a Members' Code of Conduct, and this was amended by the Local Government and Public Involvement in Health Act 2007 insofar as it related to the application of the Members' Code of Conduct to their private lives. Further details have been provided by the Local Authorities (Model Code of Conduct) Order 2007 and the Relevant Authorities (General Principles) Order 2001. The local assessment regime was introduced by the LGPIHA 2007, and further expanded in the Standards Committee (England) Regulations 2008 which also set out the rules and procedures governing the investigation and determination of complaints.

7. POLICY IMPLICATIONS

None

8. COUNCIL OBJECTIVES

This item does not link directly with any Council objectives.

9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

9.1 The main risks associated with the details included in this report are:

- Risk of challenge to Council decisions; and
- Risk of complaints about elected Members.

9.2 These risks are being managed as follows:

- Risk Register: Legal, Equalities and Democratic Services
Key Objective Ref No: 3
Key Objective: Effective ethical governance

10. CUSTOMER IMPLICATIONS

None

11. EQUALITIES AND DIVERSITY IMPLICATIONS

None

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12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

None

13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

None

14. HUMAN RESOURCES IMPLICATIONS

None

15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS

The Standards Committee is responsible for promoting and maintaining high standards of behaviour among Members and its work is therefore key to the ethical governance arrangements in place within the Council.

16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998

None

17. HEALTH INEQUALITIES IMPLICATIONS

None

18. LESSONS LEARNT

None

19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

None

20. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	No
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BROMSGROVE DISTRICT COUNCIL

STANDARDS COMMITTEE 23rd March 2011

Chief Executive	No
Executive Director (S151 Officer)	No
Executive Director – Leisure, Cultural, Environmental and Community Services	No
Executive Director – Planning & Regeneration, Regulatory and Housing Services	No
Director of Policy, Performance and Partnerships	No
Head of Service	Yes
Head of Resources	No
Head of Legal, Equalities & Democratic Services	Yes
Corporate Procurement Team	No

21. WARDS AFFECTED

All wards

22. APPENDICES

None

23. BACKGROUND PAPERS

Member complaint files

AUTHOR OF REPORT

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