

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE STANDARDS COMMITTEE

WEDNESDAY, 19TH MAY 2010 AT 6.00 P.M.

PRESENT: Independent Members: Mr. N. A. Burke and Ms. K. J. Sharpe
Councillors: Miss D. H. Campbell JP and E. C. Tibby
Parish Councils' Representatives: Mr. I. A. Hodgetts and Mr. S. H. Malek
(substituting for Mr. J. Cypher)

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

1/10 **ELECTION OF CHAIRMAN**

RESOLVED that Mr. N. A. Burke be elected Chairman of the Committee for the ensuing municipal year.

2/10 **ELECTION OF VICE-CHAIRMAN**

RESOLVED that Ms. K. J. Sharpe be elected Vice-Chairman of the Committee for the ensuing municipal year.

3/10 **APOLOGIES FOR ABSENCE**

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

4/10 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

5/10 **MINUTES**

The minutes of the meeting of the Standards Committee held on 24th March 2010 were submitted.

RESOLVED that the minutes be approved as a correct record.

6/10 **MONITORING OFFICER'S REPORT**

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

(i) Member Investigations and Associated Matters

The Deputy Monitoring Officer ("DMO") highlighted to Members (in regards to Standards Committee Complaint Reference 94/09) this was the first instance whereby a complaint had been referred back to the Assessment Sub-Committee under Regulation 16 (1) of the Standards Committee (England) Regulations 2008, during the course of an investigation. The investigation was still ongoing and once concluded would be referred to the Standards Committee for consideration in the usual manner.

The MO responded to comments from the Committee with regards to Complaint References 95/09 and 106/09 to 110/09 that had been directed back from Standards for England ("SfE") to the MO. The Committee felt disappointed as an extensive debate had taken place during the Assessment Sub-Committee meeting. The MO accepted the concerns expressed and advised that she had spoken with SfE and explained to the Committee the reasons given and also the need for consistency in decision making. The MO confirmed this would not cause a hold up to the ongoing investigations into the complaints arising from the meeting of the Full Council held on 29th July 2009.

(ii) Member Training

Mrs. G. Bell had undertaken her mandatory standards training with the Monitoring Officer and Deputy Monitoring Officer on 21st April 2010. The MO advised Members that it was proposed that joint training for both the Bromsgrove and Redditch Standards Committees' would be carried out by an external firm of solicitors before the end of June 2010 in order to comply with the requirement that Members were trained before the end of June 2010. The Ethical Standards Officer would notify Members of the confirmed date, time and venue. Members were requested to notify the Ethical Standards Officer of any dates in June when they would be unavailable for training.

In accordance with the Council's Constitutional requirements, refresher training for all relevant board/committee Members had been arranged for all Members to be suitably trained in order to carry out their functions on the boards/committees to which they have been appointed. The Learning & Organisational Development Manager would keep a record of refresher training attended which would be policed to ensure that Members had completed the required elements of this. The MO highlighted that extremely positive responses had been received from Members of the Planning Committee who had attended the recent refresher planning training carried out by the Head of Planning Services for Bromsgrove and Redditch. The MO informed Members that Redditch Borough Council was arranging a 2 day planning training session in July 2010 also available to Bromsgrove Members. Bromsgrove District Council would look to run two further ongoing planning training dates in August / September 2010. The MO had requested Officers provide her with details of the compulsory elements they considered relevant for the service area they were responsible for in order to provide Members with support and relevant training during the next municipal year.

The DMO informed Members that it was unclear as to whether the new Government would be proceeding with implementation of the New Code of Conduct for Councillors and co-opted members.

Annual Report of the Standards Committee 2009/10

The Ethical Standards Officer informed Members that she would shortly be working on the Annual Report of the Standards Committee 2009/10 and that the draft version would be circulated to all Members of the Committee for comments.

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.

7/10

PARISH COUNCILS' REPRESENTATIVES' REPORT

Mr. Hodgetts advised that no meeting of the Bromsgrove Area Committee of the Worcestershire County Association of Local Councils had taken place since the last meeting of the Standards Committee. Mr. Malek advised that the next meeting of the Area Committee was due to be held on 2nd June 2010.

The Deputy Monitoring Officer ("DMO") advised that a meeting had recently taken place between herself, Mr. J. Cypher and the Council's Ethical Standards Officer at which she had asked Mr. Cypher to act as a link between the Council and the Parish Council Clerks in obtaining copies of all of the Parish Councils' Code of Conduct, which would be required before the next round of Parish elections. It was suggested that the Council might also wish to liaise with Mr. R. Levett of the Worcestershire County Association of Councils in this regard.

RESOLVED that the position be noted.

8/10

COMPOSITION OF STANDARDS COMMITTEE

The Committee was advised that as agreed at the Standards Committee Meeting held on 24th March 2010, a report had been presented to the Annual Meeting of the Council on 12th May 2010 to consider increasing the number of members of the Standards Committee by including an additional elected Member. The Council had resolved that the membership of the Standards Committee be increased from 8 to 9, the additional member being an elected Member; the Committee therefore to comprise:

- 4 elected Members, being 2 Members of the controlling political group and 2 Members who are not members of the controlling political group;
- 3 Independent Members
- 2 Parish Council Representatives

The DMO responded to questions and advised Members that whilst the requirement for political balance under section 15 of the Local Government and Housing Act 1989 did not apply to Standards Committees and their sub-committees, the same principle for political balance was being followed for the Standards Committee.

RESOLVED that the decision of the Council on the composition of the Standards Committee be noted.

9/10

MEMBERSHIP OF ASSESSMENT AND REVIEW SUB-COMMITTEES

The Committee considered a report on the process for selecting substitutes to Sub-Committees and to appoint Committee Members to the Standards Sub-Committees. At the Standards Committee meeting held on 23rd September 2009, Members had resolved that the Sub-Committees of the Standards Committee be restructured with immediate effect with fixed membership and Sub-Committees A and B had been established to sit in strict rotation.

Both Members and officers considered that the fixed membership system had worked well and had ensured clarity in the process for selection of substitutes. However, officers had recommended a slight alteration to the process for appointing substitutes as set out in paragraph 4.3 of the report.

RESOLVED:

- (a) that the Committee amends the process for selecting substitutes as set out in paragraph 4.3 of the report;
- (b) that the membership of Sub-Committees for the forthcoming municipal year as detailed in the table below be agreed;

Table of membership of Sub-Committees

Assessment (District Councillor Complaints) Sub-Committee A <ul style="list-style-type: none">• (IM1)• (DC1)• (PR1)	Review (District Councillor Complaints) Sub-Committee A <ul style="list-style-type: none">• (IM2)• (DC2)• (PR2)
Assessment (District Councillor Complaints) Sub-Committee B <ul style="list-style-type: none">• (IM3) (Chairman)• (DC3)• (IM1)	Review (District Councillor Complaints) Sub-Committee B <ul style="list-style-type: none">• (IM2)• (DC4)• (PR1)
Assessment (Parish Councillor Complaints) Sub-Committee A <ul style="list-style-type: none">• (IM3)• (DC2)• (PR1)	Review (Parish Councillor Complaints) Sub-Committee A <ul style="list-style-type: none">• (IM1)• (DC1)• (PR2)

Assessment (Parish Councillor Complaints) Sub-Committee B	Review (Parish Councillor Complaints) Sub-Committee B
<ul style="list-style-type: none"> • (IM2) • (DC4) • (PR2) 	<ul style="list-style-type: none"> • (IM3) • (DC3) • (PR1)
IM1 – Gillian Bell IM2 – Noel Burke IM3 – Kimara Sharpe PR1 – Cllr J Cypher PR2 – Cllr I Hodgetts	DC1 – tbc DC2 – tbc DC3 – tbc DC4 - tbc

- (c) that District Councillors be selected in alphabetical order to sit on Sub-Committees; and
- (d) that until District Councillor 4 (DC4) had been nominated and confirmed that one of the other District Councillors be selected to sit in his/her place.

10/10 **DOCUMENTATION ACCOMPANYING REPORTS TO ASSESSMENT AND REVIEW SUB-COMMITTEES**

The Committee's views were sought on reviewing the local assessment system that had run for 2 years with regard to the documentation made available to Assessment and Review Sub-Committees when assessing a complaint that a Member might have failed to follow the Code of Conduct.

The Deputy Monitoring Officer ("DMO") advised Members that on the advice of Standards for England ("SfE") it had been agreed by the Committee that the Assessment and Review Sub-Committees would be presented with the complaint accompanied by a short report and any publicly-available documentation which related to the facts at issue. SfE had since revised its guidance to include "easily obtainable information". The DMO advised Members that the current process protected the Sub-Committees from criticism, made it clear what information would be received by the Assessment and Review Sub-Committees and removed the need for the Monitoring Officer ("MO") to exercise discretion or subjectivity in the preparation of the report.

RESOLVED:

- (a) that the policy on documentation in general terms remains the same, subject to it being noted that the Assessment and Review Sub-Committees could always make a request to the MO for a piece of information to be made available, with the MO reporting back if appropriate under the circumstances identified; and
- (b) that the Committee monitors the current process used and reviews in 12 months' time.

11/10 **MONITORING THE OPERATION OF THE MEMBERS' CODE OF CONDUCT**

The Committee was asked to consider a report on how to undertake the monitoring of the Members' Code of Conduct. The Council's Constitution tasked the Standards Committee with the role of monitoring the operation of the Members' Code of Conduct and therefore it was included on the Committee's Work Programme each year.

RESOLVED that a review of the monitoring of the operation of the Members' Code of Conduct be carried out following the conclusion of the current complaint investigations and, if relevant, final determinations, as these might highlight areas of conduct or parts of the Code of Conduct which might require training or guidance.

12/10 **PUBLICATIONS**

There were no publications for noting.

13/10 **WORK PROGRAMME**

Consideration was given to the Committee's Work Programme.

It was noted that no new items were currently scheduled for consideration.

RESOLVED that the Work Programme be approved.

The meeting closed at 6.38pm

Chairman