



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE STANDARDS COMMITTEE

FRIDAY 17TH DECEMBER 2010, AT 10.00 A.M.

COMMITTEE ROOM, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Independent Members: Mr. N. A. Burke (Chairman), Ms. K. J. Sharpe (Vice-Chairman) and Mrs. G. Bell
District Councillor: D. L. Pardoe (substituting for Mrs. A. E. Doyle)
Parish Councils' Representatives: Mr. J. Cypher (Alvechurch Parish Council) and Mr. I. A. Hodgetts (Romsley Parish Council)

[Note: District Councillors Miss D. H. Campbell JP, Mrs. A. E. Doyle and E. C. Tibby, who comprise the normal District Councillor membership of the Standards Committee, are affected by some of the issues under consideration and therefore will not be participating in the meeting.]

AGENDA

1. To receive apologies for absence and notification of substitutes
2. Declarations of Interest
3. To confirm the accuracy of the minutes of the meeting of the Standards Committee held 22nd September 2010 (Pages 1 - 4)
4. Exclusion of the Public

[To consider, and if considered appropriate, to pass the following resolution to exclude the public from the meeting during the consideration of an item of business containing exempt information:

"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>Item No.</u>	<u>Paragraph</u>
5	7C"]

5. Consideration of Investigating Officer's Final Reports into Member Complaints

[To consider the Investigating Officer's Final Reports in relation to a number of complaints made in 2009 and 2010 against members of the Labour Group.]

6. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman, by reason of special circumstances, considers to be of so urgent a nature that it cannot wait until the next meeting

7. Exclusion of the Public

[Should it prove necessary, in the opinion of the Chief Executive, to exclude the public from the meeting at any point during the proceedings in relation to any items of business (in addition to the business set out at agenda item 5 above) on the grounds that either exempt and/or confidential information is likely to be divulged, the following resolution(s) will be moved:

"That under Section 100 I of the Local Government Act 1972, as amended, it/they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act, as amended, the relevant paragraphs of that part being (...to be specified by the Chairman at the meeting), and that it is in the public interest to do so.", and/or

"That under Section 100 A of the Local Government Act 1972, as amended, it/they involve the likely disclosure of confidential information which would be in breach of an obligation of confidence."]

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

8th December 2010

Agenda Item 3

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE STANDARDS COMMITTEE

WEDNESDAY, 22ND SEPTEMBER 2010 AT 6.00 P.M.

PRESENT: Independent Members: Ms. K. J. Sharpe (Vice-Chairman - in the Chair),
Councillors: Miss D. H. Campbell JP, Mrs. A. E. Doyle and E. C. Tibby,
Parish Councils' Representatives: Mr. J. Cypher and Mr. I. A. Hodgetts

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

14/10 APOLOGIES FOR ABSENCE

Apologies for absence were received from Mr. N. A. Burke, Independent Member – Chairman, Mrs. G. Bell, Independent Member and Mr. S. H. Malek, non-voting Deputy Parish Councils' Representative on the Committee and Committee Observer.

15/10 DECLARATIONS OF INTEREST

No declarations of interest were received.

16/10 MINUTES

The minutes of the meeting of the Standards Committee held on 19th May 2010 were submitted.

At the request of the Chairman the Monitoring Officer (“MO”) provided the Committee with an update on the Composition of the Standards Committee following the decision of the Council on 12th May 2010 to increase the membership of the Committee from 8 to 9, the additional member being a District Councillor. The MO advised the Committee that, following discussion with the Leader, a report to consider an overall review of all of the Council’s committees and boards would be going to full Council later in the year. The MO added that due to the uncertainty over the future of Standards for England (“SfE”) pending central government changes to the Standards regime and following the Leader’s decision to review all Council committees/boards, a progress report would be provided to the Committee in due course.

RESOLVED that the minutes be approved as a correct record.

17/10 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) Monitoring Officer's Other Action

The MO informed Members (in regard to Standards Committee Complaint References 03/10 and 04/10) that the Equalities training had been delivered by the Deputy Monitoring Officer ("DMO") and the Council's Equality Officer. The DMO informed the Committee that the training had been well attended. Members expressed concerns that the MO's Other Action had involved all Parish Councillors receiving the Equalities training but noted that the Equalities training had been well attended and that a number of issues had been discussed so a positive outcome had been achieved.

The DMO informed the Committee that with regard to other action concerning a district councillor's Register of Interests, the councillor concerned had now updated their Register of Interests form. However, a number of requests had been made to the councillor regarding appropriate training which also formed part of the Sub-Committee's decision but a response had not been received on that.

(ii) Member Training

The Monitoring Officer ("MO") advised Members that in accordance with the Council's Constitutional requirements the refresher training for all relevant board/committee Members had been delivered. Code of Conduct training had been delivered on 21st June 2010. Planning and licensing training had been run at both Bromsgrove and Redditch and been available to Members of both Councils thus offering more flexibility as to dates for Members. The Planning training had also been open to Parish Councillors with a high take up of Parish attendees. The Modern Councillor Steering Group had agreed that the Chairman of the respective boards/committees would inform and ensure that those Members who had not undertaken the required mandatory training would be made aware they could not sit on that board/committee.

Further internal training identified by Heads of Service would take place later in the year.

(iii) Parish Council Matters

The Monitoring Officer ("MO") informed Members that the Ethical Standards Officer had contacted Parish Council Clerks regarding informal quarterly liaison meetings to discuss electoral and ethical governance issues, including appropriate legislative updates, which fell within the Monitoring Officer's remit. The offer of such meetings had been warmly received and had made Parish Council Clerks aware of a local contact, namely the Ethical Standards Officer, for any questions or advice in addition to Worcestershire County Association of Local Councils.

Mr. Cypher informed the Committee that an event was being held by Worcestershire County Association of Local Councils on producing newsletters and part of that training would include editorial control. The Committee agreed that Mr. Cypher make enquiries with regard to this event to ensure that any relevant issues arising from the previous complaints to the District Council were covered in this.

(iv) Links between the Standards Committee, the Cabinet and the Senior Management Team

The Monitoring Officer (“MO”) informed the Committee that, in view of the high number of ongoing complaints against Members following the July 2009 meeting of full Council, she had intentionally not progressed this matter any further at that stage, save that she had spoken with the Chief Executive who had agreed to the establishment of informal meetings between himself and members of the Standards Committee to discuss ethical governance issues. The Committee agreed that the first meeting should take place once the outcomes of the July 2009 Council complaints were known as the outcomes and any consequential actions could be pivotal to future discussions.

(v) National Standards Regime & Ongoing Local Standards Review

Members questioned the possible timeframe with regard to the Government’s announcement of its intention “to abolish the Standards Board regime”. The Chairman highlighted that she anticipated there could still be a national regime in place for Standards Committees to operate locally for what might be up to 15 months. The Committee would be advised by the MO of any confirmed timescales when it could no longer take any more business before its dissolution, all of which assumed that the Government’s proposed legislative changes received final approval.

The MO responded to questions from Members regarding the proposed cut backs and the future staffing support of the Committee being maintained whilst the Committee continued to fulfil its statutory duties.

RESOLVED:

- (a) that the report be noted; and
- (b) that any action points detailed in the preamble above be acted upon and reported back to the Committee as appropriate.

18/10 **PARISH COUNCILS' REPRESENTATIVES' REPORT**

Mr. Cypher advised that one 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. Parish Council representatives had been informed during the meeting of the new Government’s decision to abolish Standards for England. The Monitoring Officer’s previous request for Parish Councils to have available hard copies of their individual Codes of Conduct had been discussed and was noted within the minutes.

Mr. Cypher referred to correspondence which had taken place between himself and the Deputy Monitoring Officer (DMO) with regard to the inconsistency of approach in the guidance relating to what information was confidential and what information could be made public by District Councils and Parish Councils when a complaint was being referred for investigation.

RESOLVED that the position be noted.

19/10 **OMBUDSMAN - ANNUAL REVIEW**

The Committee received a report on the Local Government Ombudsman's Annual Review of Bromsgrove District Council during the 12 month period ending 31st March 2010. The Deputy Monitoring Officer ("DMO") introduced the report and in doing so highlighted that the number of first enquiries reduced in 2009/2010 to 7 compared to 11 the previous year.

The DMO responded to Members' questions with regard to the formal finding of maladministration in relation to a decision of the Planning Committee. The DMO informed Members that since it was necessary for the maladministration to be formally reported to full Council, all Members had been made aware of the complaint and the lessons learnt from the failings which were found to amount to maladministration. The Assistant Ombudsman and one of the Senior Investigators had delivered a training session to Members which covered the Annual Review 2008/2009 and some of the specific issues around making sound planning decisions. It was hoped that a similar session would be provided as part of the 2010/2011 Member Development Programme.

RESOLVED that the contents of the Annual Review from the Local Government Ombudsman be noted.

20/10 **PUBLICATIONS**

Members noted the publications detailed in the agenda and the link issued by separately by the Ethical Standards Officer to the members of the Committee of a press notice issued by the Communities Minister Andrew Stunell and Communities Secretary Eric Pickles on 20th September 2010. The notice outlined in advance of the awaited Decentralisation and Localism Bill, some of the planned changes to the Standards regime.

RESOLVED that the publications detailed be noted.

21/10 **WORK PROGRAMME**

The Ethical Standards Officer apologised to the Committee for the omission of this item from the agenda and advised Members there had been no changes to the Work Programme since the meeting of the Standards Committee held on 19th May 2010.

Consideration was given to the Committee's Work Programme and no changes were made to this.

RESOLVED that the Work Programme be approved.

The meeting closed at 6.46 p.m.

Chairman