



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE STANDARDS COMMITTEE

WEDNESDAY 8TH JUNE 2011, AT 6.00 P.M.

CONFERENCE ROOM, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS:

Independent Members: Mrs. G. Bell, Mr. N. A. Burke and Ms. K. J. Sharpe

District Councillor: Mrs. S. J. Baxter, B. Lewis F.CMI, L. Mallett and Mrs. M. A. Sherrey JP

Parish Councils' Representatives: Mr. J. Cypher (Alvechurch Parish Council) and Mr. I. A. Hodgetts (Romsley Parish Council)

AGENDA

1. Election of Chairman for the ensuing municipal year

[To elect an Independent Member Chairman of the Committee for the ensuing municipal year or until the cessation of the Committee in its current form under proposals contained within the Localism Bill, whichever is the sooner.]

2. Election of Vice-Chairman for the ensuing municipal year

[To elect an Independent Member Vice-Chairman of the Committee for the ensuing municipal year or until the cessation of the Committee in its current form under proposals contained within the Localism Bill, whichever is the sooner.]

3. To receive apologies for absence and notification of substitutes

4. Declarations of Interest

5. To confirm the accuracy of the minutes of the meeting of the Standards Committee held on 23rd March 2011 (Pages 1 - 8)

6. Monitoring Officer's Report (Pages 9 - 16)
[To receive a report from the Monitoring Officer on any matters of relevance to the Committee.]
7. Parish Councils' Representatives' Report
[To receive an oral report from the Parish Councils' Representatives on any matters of relevance to the Committee.]
8. Membership of Assessment and Review Sub-Committees (Pages 17 - 22)
[To appoint Committee members to the Standards Assessment and Review Sub-Committees.]
9. Documentation Accompanying Reports to Assessment and Review Sub-Committees (Pages 23 - 28)
[To review the documentation currently available to the Assessment and Review Sub-Committees when assessing complaints against Members for alleged breaches of the Code of Conduct.]
10. Publications
[To note any publications which the Committee may find of interest.]
11. Work Programme (Pages 29 - 36)
[To consider the future Work Programme of the Committee.]
12. 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
13. 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 item(s) of business 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

27th May 2011

This page is intentionally left blank

Agenda Item 5

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE STANDARDS COMMITTEE

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

PRESENT: Independent Members: Mr. N. A. Burke (Chairman) and Mrs. G. Bell
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
Observer: Mr. S. H. Malek (Deputy Parish Councils' Representative)
Officers: Mrs. S. Sellers, Ms. D. Parker-Jones and Ms. P. Ross

40/10 **APOLOGIES FOR ABSENCE**

An apology for absence was received from Ms. K. J. Sharpe, Independent Member.

41/10 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

It was noted, however, that Mr. S. H. Malek, non-voting Deputy Parish Councils' Representative on the Committee would leave the room during consideration of Agenda Item 12 (Consideration of Investigating Officer's Final Reports – Complaint References: 07/10, 08/10 and 0910) as Parish Representatives were not permitted to consider complaints against Members of their own parish.

It was also noted that Councillor Mrs. A. E. Doyle, a District Councillor Member of the Standards Committee, was affected by some of the issues under consideration at Agenda Item 14 (Consideration of Investigating Officer's Final Report into a complaint against District Councillor Mrs. J. D. Luck) and therefore would not participate in the meeting during this item. During the consideration of this item Councillor Mrs. A. E. Doyle left the room.

42/10 **MINUTES**

The minutes of the meetings of the Standards Committee held on 26th January and 2nd February 2011 were submitted.

It was noted that there were no confidential minutes arising from the meetings of the Standards Committee held on 26th January and 2nd February 2011.

RESOLVED that the minutes be approved as a correct record.

43/10 **MONITORING OFFICER'S REPORT**

The Senior Solicitor presented the Monitoring Officer's report in her absence. 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 and Associated Matters

The Senior Solicitor informed the Committee that paragraph 3.2 of the report should refer to a single complaint against one Alvechurch Parish Councillor and not two Alvechurch Parish Councillors as stated.

The Senior Solicitor advised that the final determination hearing for the complaints against the Members of the Labour Group arising from the meetings of Full Council on 29th July 2009 and 20th January 2010 was due to take place in May 2011.

(ii) Local Assessment Statistics

The Senior Solicitor informed the Committee that in advance of the winding up of Standards for England the Council had been advised in June 2010 that it was no longer required to submit local assessment statistics. Officers had initially intended to continue to provide the statistics for the Committee. However, compiling the information was time consuming and the Monitoring Officer wanted to hear Members' views on the issue before making a decision about whether officers should continue to provide the statistics to the Standards Committee.

Following further discussion the Committee agreed they should receive information that is useful and necessary. Data should include information on timescales, how long it had taken for a complaint to be processed and progressed through the Standards Committee. Officers were tasked to look at producing and compiling relevant 6 monthly and yearly data to be presented to the Committee.

It was agreed that the Ethical Standards Officer would consult separately with Members on precisely which statistical data should be provided to the Committee in the future, and that the relevant data would be incorporated into the upcoming joint Annual Report for 2009/2010 and 2010/2011.

(iii) Annual Report

The Senior Solicitor informed the Committee that similarly, the Monitoring Officer wanted to canvass the views of the Committee regards producing an Annual Report. Due to the pressure of work caused by the July 2009 / January 2010 investigation, it had not been possible for officers to complete an Annual Report for the previous municipal year. The Committee agreed that a single report covering the 2009/2010 and 2010/2011 municipal years be produced and a draft copy be made available to the Committee during July 2011, which would include the statistical data referred to under point (ii) above.

(iv) Member Training

Members were informed of the timetable of events for the Modern Councillor Programme 2011/2012 and the separate briefing session on 'Ethical Standards and the Code of Conduct' as follows:

- Mandatory Training Session, Introduction to the operation of the Standards Committee, Wednesday 8th June 2011 at 5:00pm
- Ethical Standards and the Code of Practice, Monday 26th September 2011 at 6:00pm. This session to be mandatory for all Members of the Committee and would also be opened up to any district or parish councillors and parish clerks/executive officers who wished to attend.

(v) Parish Council Matters

The Senior Solicitor updated the Committee on the Monitoring Officer Liaison Meetings (MOLMs). The second meeting had been well attended and officers had provided an update on the 2011 parish council elections and proposed changes to the current standards regime under the Localism Bill.

Parish clerks/executive officers had been advised on the Council's intention, following the 2011 elections, to establish a database of all parish councillors, both elected and co-opted. Officers also reiterated that all parish councillors (save non-voting co-optees to whom the Code of Conduct did not apply), including those who were re-elected to office, needed to complete a new Register of Members' Interest form within 28 days of their election or appointment to office.

The Ethical Standards Officer informed the Committee that parish council clerks/executive officers had been requested to submit a copy of their parish councils' Code of Conduct to the Monitoring Officer and that an item detailing these requirements had been included on the agenda for the Parish Councils' Forum held on 21st March 2011.

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.

44/10 **PARISH COUNCILS' REPRESENTATIVES' REPORT**

Mr. Cypher informed the Committee that he had chaired the last meeting of the Bromsgrove Area Committee of the Worcestershire County Association of Local Councils (CALC). During the meeting parish councillors and clerks had been reminded that though the Standards regime would be changing through the Localism Bill, when enacted, this was not yet achieved, so the Code still applied. Register of Members Interest forms still needed to be completed before the Standards Committee stood down. This meant that the Area (CALC) needed to appoint parish council members to the Standards Committee for 2011/2012 from June / July 2011.

Following discussion with the Ethical Standards Officer it was noted that Register of Members Interest forms were public documents so there would be no data protection issues with completed forms being submitted to the Monitoring Officer via parish clerks. The Ethical Standards Officer added that the responsibility for the content of completed Interests forms lay with Members and not parish clerks/executive officers or district council officers.

RESOLVED that the position be noted.

45/10 **OMBUDSMAN STATISTICS**

The Committee received a report on the Local Government Ombudsman's update on the number of complaints received for the period 1st April 2010 to 31st October 2010 based on the Councils' records.

The Senior Solicitor informed the Committee that officers would be able to provide Members with a more detailed breakdown of the activity relating to the Ombudsman in June 2011 once the Annual report issued by the Ombudsman was available.

RESOLVED that the contents of the report be noted.

46/10 **PUBLICATIONS**

Members noted the publications detailed on the agenda.

RESOLVED that the publications detailed be noted.

47/10 **REVIEW OF OPERATION OF THE STANDARDS COMMITTEE AND ITS SUB-COMMITTEES**

The Committee's views were sought on the general operation of the Standards Committee and its Standards Sub-Committees over the last twelve months.

Members agreed that reviewing the general operation of the Standards Committee and its sub-committees was beneficial. Whilst dealing with the current level of substantive complaints the Committee had remained conscious of the need to continually review its policies and procedures and had undertaken such reviews, as appropriate. Any general issues arising as a result of the complaints against the Labour councillors would be looked into once the consideration of the complaints had concluded.

RESOLVED that the contents of the report be noted.

48/10 **CALENDAR OF MEETINGS 2011/2012**

Members received a report which provided the meeting dates of the Standards Committee for the 2011/2012 Municipal Year.

RESOLVED:

- (a) that the meeting dates of the Standards Committee be noted; and
- (b) that following the May elections the Ethical Standards Officer to notify newly elected Members of the meeting dates of the Standards Committee for the 2011/2012 Municipal Year.

49/10 **WORK PROGRAMME**

Consideration was given to the Committee's Work Programme.

RESOLVED that the Work Programme be approved.

50/10 **EXCLUSION OF THE PUBLIC**

The Committee considered whether or not to exclude the public from the meeting for consideration of Agenda Item No. 12; Consideration of Investigating Officer's Final Reports – Complaint References: 07/10, 08/10 and 09/10. In doing so, the Chairman announced that the meeting be adjourned to take legal advice.

Accordingly, the meeting adjourned from 6.35pm to 6.47pm.

Having, re-convened, the Senior Solicitor summarised the legal advice which had been provided. The Chairman advised that the Committee had considered whether the public interest in maintaining the exemption outweighed the public interest in disclosing the information, which the Committee agreed it did not.

RESOLVED that the public not be excluded from the meeting during the consideration of Agenda Item No. 12 and that the report therefore be placed in the public domain.

51/10 **CONSIDERATION OF INVESTIGATING OFFICER'S FINAL REPORTS - COMPLAINT REFERENCES: 07/10, 08/10 AND 09/10**

Further to a referral from the Standards Assessment Sub-Committee in September 2010, the Committee was asked to give consideration, under Regulation 17 of the Standards Committee (England) Regulations 2008, to a complaint made against three Parish Councillors who had allegedly failed to declare prejudicial interests at meetings of the Parish Council between April 2007 and September 2010 in relation to a project to build social housing in Clent.

The Investigating Officer had produced three separate reports, one for each Subject Member concerned. Members were requested to consider the Investigating Officer's reports and findings of no failure to follow the Code of Conduct in relation to the complaints refs 07/10, 08/10 and 09/10.

RESOLVED that the Investigating Officer's findings of no failure ("a finding of acceptance") in relation to the allegations against all three Parish Councillors, as detailed in the Investigating Officers final reports, to comply with the codes

of conduct of Clent Parish Council in relation to their actions at Parish Councils meetings between April 2007 and September 2010 be accepted.

52/10 **EXCLUSION OF THE PUBLIC**

The Committee considered whether or not to exclude the public from the meeting for consideration of Agenda Item No. 14; Consideration of Investigating Officer's Final Report – Complaint Reference: 94/09. In doing so, the Chairman announced that the meeting be adjourned to take legal advice.

Accordingly, the meeting adjourned from 6.55pm to 7:12pm.

Having, re-convened, the Senior Solicitor summarised the legal advice which had been provided. The Chairman advised that the Committee had considered whether the public interest in maintaining the exemption outweighed the public interest in disclosing the information, which the Committee agreed it did not.

RESOLVED that the public not be excluded from the meeting during the consideration of Agenda Item No. 14 and that the report therefore be placed in the public domain.

53/10 **CONSIDERATION OF INVESTIGATING OFFICER'S FINAL REPORT - COMPLAINT REFERENCE: 94/09**

Further to a referral from the Standards Assessment Sub-Committee in September 2009, the Committee was asked to give consideration, under Regulation 17 of the Standards Committee (England) Regulations 2008, to a complaint made against District Councillor Mrs. J. D. Luck. The complaint was that Councillor Luck may have breached the Code of Conduct in relation to treating others with respect, using her position as a member to confer an advantage or disadvantage, and conducting herself in a manner that may bring her office into disrepute.

In the course of the Investigating Officer's enquiries the matter had been referred back to the Standards Assessment Sub-Committee on 31st March 2010, who had been of the view that potentially the actions of the subject member could amount to a breach of the Code of Conduct. Specifically this would be in relation to the subject member using her position as a Member to confer an advantage or disadvantage, and conducting herself in a manner that may bring her office into disrepute.

Members were requested to consider the Investigating Officer's report and findings as to whether there had been a failure to comply with the Code of Conduct for the first allegation: Decision Notice dated 14th December 2009 and the second allegation: Decision Notice dated 20th April 2010.

RESOLVED:

In relation to the first allegation: Decision Notice dated 14th December 2009

- (a) that the Investigating Officer's findings of a failure in relation to the allegations made against Councillor Luck, as detailed in the Investigating Officers final report, to comply with the Code of Conduct of Bromsgrove District Council in relation to Decision Notice dated 14th December 2009, be considered at a hearing of the Standards Committee; and
- (b) that the Investigating Officer's findings of no failure ("a finding of acceptance") in relation to the allegation made against Councillor Luck of bringing her office into disrepute be accepted.

In relation to the second allegation: Decision Notice dated 20th April 2010

- (a) that the Investigating Officer's findings of no failure ("a finding of acceptance") in relation to the allegation made against Councillor Luck of using her position to confer an advantage and bringing her office into disrepute be accepted.

The meeting closed at 7.46 p.m.

Chairman

This page is intentionally left blank

BROMSGROVE DISTRICT COUNCIL

STANDARDS COMMITTEE

8th June 2011

MONITORING OFFICER'S REPORT

Relevant Portfolio Holder	Councillor Mark Bullivant
Relevant Head of Service	Claire Felton, Monitoring Officer and Head of Legal, Equalities and Democratic Services

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, and this report sets out the latest position in relation to key items since the last meeting of the Committee on 23rd March 2011.
- 1.2 Any further updates will be reported verbally at the meeting.

2. RECOMMENDATIONS

That the Committee note the report and comment on any aspects of this, in particular the proposal contained at paragraph 3.17 regarding the extension to the term of office of one of the Independent Members on the Committee, as appropriate.

3. BACKGROUND

Member Investigations and Associated Matters

- 3.1 Complaint Reference 94/09
This matter is due to be considered at a Final Determination Hearing which, following discussions with the Subject Member (now a former district councillor), it is anticipated will take place in early/mid July. This will necessitate an additional meeting of the Committee taking place, for which the necessary arrangements are currently being made.
- 3.2 Complaint References 03/10 & 04/10
At the time of preparing this report the investigation into Complaint References 03/10 and 04/10 (linked complaints against one Alvechurch Parish Councillor) was nearing its conclusion, with the Investigating Officer due to issue her draft report to the relevant parties imminently. Allowing time for the return of any comments on the report to the Investigating Officer, it is proposed that the initial consideration of the Investigating Officer's report also be dealt with at the additional meeting of the Committee referred to at paragraph 3.1 above.

BROMSGROVE DISTRICT COUNCIL

STANDARDS COMMITTEE

8th June 2011

3.3 Final Determination Hearing into complaints arising from the meetings of full Council on 29th July 2009 & 20th January 2010

At the request of the Subject Members' representative, and with the agreement of the Chairman of the Standards Committee, the Final Determination Hearing into the complaints arising from the meetings of full Council on 29th July 2009 and 20th January 2010, which was scheduled to take place on 16th May 2011, has now been rescheduled to Tuesday 19th July and (if necessary) the morning of Wednesday 20th July.

Complaints for Local Assessment

3.4 Since the last meeting of the Standards Committee there have been no matters for local assessment.

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 already been considered by the appropriate Review Sub-Committee and for which the parties involved have been notified of the outcome are included.

Member Training

3.6 As reported at the last meeting, the timetable of events for the Modern Councillor Programme 2011/12 has been established, with a number of training events due to take place during the month of June and the following months.

3.7 Mandatory 'Introduction to the operation of the Standards Committee' training for all members of the Committee and any district councillors who might wish to substitute on the Committee is being held from 5.00pm to 6.00pm on 8th June 2011; immediately prior to the first meeting of the Committee of the 2011/12 Municipal Year which is taking place at 6.00pm the same evening.

3.8 Ethical Standards and Code of Conduct training, which it is deemed 'highly desirable' for all members of the Standards Committee and district councillors, particularly new councillors, to attend, is taking place from 6.00pm to 7.00pm on Wednesday 15th June 2011. A further session on this is being arranged for the parish councils, which it is hoped will take place on 21st June; to coincide with the Parish Councils' Forum. A 'mop-up' session for anybody who is unable to attend their session in June is taking place from 6.00pm to 7.00pm on Monday 26th September 2011.

BROMSGROVE DISTRICT COUNCIL

STANDARDS COMMITTEE

8th June 2011

Parish Council Matters

- 3.9 The current terms of office of the Parish Councils' Representatives and the Deputy Parish Councils' Representative on the Committee expire in July 2011. On 16th March this year full Council agreed that, in light of the proposals contained within the Localism Bill for the abolition of mandatory standards committees in 2012, the terms of office of the Parish Representatives for 2011 be for a period of one year, effective to July 2012.
- 3.10 Nominations for the Parish Councils' Representatives on the Committee for 2011 are due to be considered by the Bromsgrove Area Committee of the Worcestershire County Association of Local Councils (CALC) on 1st June 2011. In accordance with the usual procedure, the nominations will then be referred to full Council for the formal appointments to be made.
- 3.11 As Mr. Malek, the 2010/11 Deputy Parish Councils' Representative on the Committee, was not re-elected to office following the Parish Council Elections in May, the Standards Committee is currently without a Deputy Parish Councils' Representative. It is proposed therefore that the nominations arising from the Bromsgrove Area Meeting of the Worcestershire CALC on 1st June 2011 be referred to the meeting of full Council on 22nd June 2011, with any appointments to take effect from 23rd June 2011. This will avoid any undue delay in the appointment of the Deputy Parish Councils' Representative in particular (bearing in mind that the terms of office of the two current Parish Councils' Representatives' are effective to July) , which is important in view of the upcoming business of the Committee referred to at paragraphs 3.1 to 3.3 above.
- 3.12 Notwithstanding the fact that the 2011 Deputy Parish Councils' Representative nominees will not be formally appointed until the meeting of full Council on 22nd June, all nominees will be invited to attend both the mandatory Standards Committee and Ethical Standards and Code of Conduct training in June, therefore avoiding the need for them to attend any separate 1:1 sessions with the Monitoring Officer.

Extension to Term of Office of Independent Member

- 3.13 The current term of office of Mr. Noel Burke, Independent Member on the Standards Committee, is due to expire on 16th November 2011. This is his first term of office and he is eligible stand for a further 4-year term following that should he so wish.
- 3.14 The independent member vacancy arising from the expiry of Mr. Burke's first term of office would normally be subject to a full recruitment process. Any recommendations of the Council's Appointments Committee would in

BROMSGROVE DISTRICT COUNCIL

STANDARDS COMMITTEE

8th June 2011

turn be considered by full Council which is responsible for making Independent Member appointments to the Standards Committee.

- 3.15 In view of the proposals contained within the Localism Bill for the abolition, in 2012, of mandatory standards committees, officers have sought guidance from Standards for England (SfE) as to whether it is possible to extend Mr. Burke's current term of office to cover the period up to the abolition of the present Standards Committee. This followed an article which appeared in SfE's Bulletin 48 on the reappointment of independent members who had completed the (normally maximum) two 4-year terms of office.
- 3.16 SfE have confirmed that provided an independent member's term of office has not yet come to an end, they believe it is acceptable to extend that term with the approval of full council without going through a full recruitment process. This is applicable to an independent member who has served either one or two terms of office. The crucial factor is that their term has not come to an end before it is extended. Once the independent member's term has expired the full recruitment procedures must be followed.
- 3.17 In order to both retain Mr. Burke's expertise on the Committee and to avoid the costs associated with the normal recruitment process for independent members, it is proposed that a request be made to full Council on 22nd June 2011 to extend Mr. Burke's current term of office until the Standards Committee, in its present format, is abolished in accordance with the proposals contained within the Localism Bill.

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

There are potential savings to be made in respect of the proposal detailed at paragraph 3.17 of this report. Should full Council ultimately approve the proposal to extend the current term of office of the Independent Member concerned this will save on the costs, in terms of both the required finance for advertising the vacancy and the associated officer and Member support time, involved in carrying out the normal appointments process.

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

STANDARDS COMMITTEE

8th June 2011

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
Chief Executive	No

BROMSGROVE DISTRICT COUNCIL

STANDARDS COMMITTEE

8th June 2011

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

Previous Standards Committee reports and Standards Committee minutes

AUTHOR OF REPORT

Name: Claire Felton
Email: c.felton@bromsgroveandredditch.gov.uk
Tel: (01527) 881429

This page is intentionally left blank

BROMSGROVE DISTRICT COUNCIL

STANDARDS COMMITTEE

8th June 2011

MEMBERSHIP OF ASSESSMENT AND REVIEW SUB-COMMITTEES

Relevant Portfolio Holder	Councillor Mark Bullivant
Relevant Head of Service	Claire Felton, Monitoring Officer and head of Legal, Equalities and Democratic Services

1. SUMMARY OF PROPOSALS

The Committee is requested to appoint the membership of the Standards Assessment and Review Sub-Committees for the forthcoming municipal year.

2. RECOMMENDATIONS

That the Committee decides on the membership of the Standards Assessment and Review Sub-Committees for the 2011/12 Municipal Year in accordance with the details appended to the report.

3. BACKGROUND

- 3.1 Fixed memberships of the Standards Sub-Committees were introduced in September 2009.
- 3.2 A review of the fixed membership system was undertaken following six months of operation. Members and officers agreed that the fixed membership system had worked well as this had:
- removed the need for a subjective decision to be taken by officers as to the composition of any sub-committee;
 - spread the sub-committee workload more evenly among the members of the Committee; and
 - ensured clarity in the process for the selection of substitutes.
- 3.3 The sub-committees sit in strict rotation with members appointing substitutes where necessary and in accordance with the agreed substitution rules.
- 3.4 In May 2010 full Council resolved to increase the membership of the Standards Committee from 8 to 9, the additional member to be an elected Member (district councillor) with the Committee to comprise:

BROMSGROVE DISTRICT COUNCIL

STANDARDS COMMITTEE

8th June 2011

- 4 district councillors (2 councillors from the controlling political group and 2 councillors from other political groups);
 - 3 Independent Members; and
 - 2 Parish Representatives.
- 3.5 Since the full Council resolution the additional district councillor position on the Committee has remained vacant. The vacancy has now been filled with the district councillor membership of the Committee for the 2011/12 Municipal Year. The district councillor membership of the Committee comprises 2 Conservative councillors, 1 Labour councillor and 1 Wythall Residents' Association councillor.
- 3.6 When the Committee last fixed the membership of its sub-committees (in May 2010) it included provision in the make-up of the memberships for the fourth district councillor. The names allocated to the individual positions were based on surname alphabetical order.
- 3.7 Appended to the report is the proposed table of membership of the sub-committees for the forthcoming municipal year. The allocations remain the same as those agreed by the Committee for the 2010/11 Municipal Year, save that these now include the names of the newly appointed district councillors to the Committee.

4. KEY ISSUES

- 4.1 The Committee is asked to agree the membership of the sub-committees for the forthcoming municipal year.
- 4.2 Officers consider that the fixed membership system has continued to work well for the reasons detailed at paragraph 3.3 of the report.

5. FINANCIAL IMPLICATIONS

None

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. 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

Any alterations to the procedure or policy relating to the local assessment of complaints does not need full Council approval.

8. COUNCIL OBJECTIVES

N/A

9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

No significant risks arising from this report have been identified, but any minor risks arising are being managed as follows:

Risk Register: Legal, Equalities and Democratic Services
Key Objective Ref No: 2
Key Objective: Effective ethical governance

10. CUSTOMER IMPLICATIONS

None

11. EQUALITIES AND DIVERSITY IMPLICATIONS

None

12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

None

13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

None

BROMSGROVE DISTRICT COUNCIL

STANDARDS COMMITTEE

8th June 2011

14. HUMAN RESOURCES IMPLICATIONS

None

15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS

None

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
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

BROMSGROVE DISTRICT COUNCIL

STANDARDS COMMITTEE

8th June 2011

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

Appendix Table of proposed membership of sub-committees

23. BACKGROUND PAPERS

Previous reports to the Standards Committee and full Council as detailed in the report.

AUTHOR OF REPORT

Name: Debbie Parker-Jones
Email: d.parkerjones@bromsgroveandredditch.gov.uk
Tel: (01527) 881411

BROMSGROVE DISTRICT COUNCIL

STANDARDS COMMITTEE

8th June 2011

APPENDIX

Proposed 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 <ul style="list-style-type: none">• (IM2)• (DC4)• (PR2)	Review (Parish Councillor Complaints) Sub-Committee B <ul style="list-style-type: none">• (IM3)• (DC3)• (PR1)
IM1 – Mrs G Bell IM2 – Mr N Burke IM3 – Ms K Sharpe PR1 – Cllr J Cypher PR2 – Cllr Hodgetts	DC1 – Cllr Mrs S Baxter DC2 – Cllr B Lewis DC3 – Cllr L Mallett DC4 – Cllr Mrs M Sherrey

BROMSGROVE DISTRICT COUNCIL

STANDARDS COMMITTEE

8th June 2011

DOCUMENTATION ACCOMPANYING REPORTS TO ASSESSMENT AND REVIEW SUB-COMMITTEES

Relevant Portfolio Holder	Councillor Mark Bullivant
Relevant Head of Service	Claire Felton, Monitoring Officer and Head of Legal, Equalities and Democratic Services

1. SUMMARY OF PROPOSALS

- 1.1 The Committee has previously decided on the documentation available to Assessment and Review Sub-Committees when assessing a complaint that a Member might have failed to follow the Code of Conduct.
- 1.2 At its meeting on 19th May 2010 the Committee reviewed the documentation made available to the Sub-Committees and agreed that its existing policy should, in general terms, remain the same, with a further review in this regard to take place after 12 months.
- 1.3 The Committee is therefore asked to review the current policy and to determine whether it wishes to make any changes in this regard.

2. RECOMMENDATIONS

That the Committee decides whether it wishes to make any revisions to its current policy on the documentation made available to the Standards Assessment and Review Sub-Committees.

3. BACKGROUND

- 3.1 Local assessment of complaints was introduced in May 2008. On the advice of Standards for England it was agreed by the Committee that Assessment and Review Sub-Committees would be presented with the complaint accompanied by a short standard covering report and any publicly-available documentation which related to the facts at issue. Publicly-available documentation was specifically defined as including tape recordings of formal Council and Committee meetings and transcripts thereof. Officers have interpreted "publicly available documents" as documents which are available to all members of the public, such as agendas, reports, minutes of meetings, extracts from the Register of Members' Interests, information at the Land Registry, Companies House etc. The only caveat to that is when a complainant refers to a document in the complaint but does not supply a

copy of it, officers will invite the complainant to provide it for the benefit of the assessment process.

- 3.2 Since the decision on the documentation to be made available was made by the Standards Committee in 2008, Standards for England has revised its guidance which now states that officers may provide the Assessment Sub-Committee with:

“any further information that the officer has obtained to assist the assessment sub-committee with its decision – this may include:

- a) obtaining a copy of a declaration of acceptance of office form and an undertaking to observe the Code
- b) minutes of meetings
- c) a copy of a member’s entry in the register of interests
- d) information from Companies House or the Land Registry
- e) other easily obtainable documents

Officers may also contact complainants for clarification of their complaint if they are unable to understand the documentation submitted.

Pre-assessment enquiries should not be carried out in such a way as to amount to an investigation. For example, they should not extend to interviewing potential witnesses, the complainant, or the subject member. Officers should not seek opinions on an allegation rather than factual information as this may prejudice any subsequent investigation. They should also ensure their report does not influence improperly the assessment sub-committee’s decision or make the decision for it.”

- 3.3 On 19th May 2010 Members were asked to consider whether the Committee should revise its policy on what documentation should accompany a report to an Assessment Sub-Committee relating to a complaint. The matter arose following a request from an Assessment Sub-Committee for clarification from the Standards Committee as to whether the policy could be revised to enable officers to provide the Sub-Committee with Assessment Criteria forms completed at a previous Sub-Committee meeting in relation to an earlier complaint. In that case officers took the view that these forms did not fall within the definition of publicly-available documentation. However, such documentation might fall within the Standards for England definition of “other easily obtainable documents”.

- 3.4 At the meeting on 19th May 2010 the Deputy Monitoring Officer advised Members that the current process protected the Sub-Committees from criticism and made clear what information would be received by the Sub-Committees, therefore removing the need for the Monitoring Officer to exercise discretion or subjectivity in the preparation of her report. The Committee resolved that the policy on documentation should, in general terms, remain the same, subject to it being noted that the Sub-Committees could always make a request to the Monitoring Officer for a piece of information to be made available, which the Monitoring Officer would in turn then report back on in the circumstances identified. It was further agreed that a review of the process take place after 12 months.

4. KEY ISSUES

- 4.1 To date, the Monitoring Officer and her team have interpreted the Committee's policy literally so as to avoid a situation whereby she and her officers are effectively carrying out a mini-investigation before a complaint has been assessed by deciding what information might be relevant and then locating it. Officers consider that this works well, although recognising that Members of Sub-Committees can find this frustrating at times. Members will recall, of course, that the purpose of assessment and review is simply to determine whether or not the complaint discloses a potential breach of the Code of Conduct which merits investigation.
- 4.2 If Members are minded to broaden the Standards Committee's policy to the wider wording suggested by Standards for England, namely "easily obtainable information", Members are requested to give clear guidance to the Monitoring Officer as to the extent to which she is expected to identify and search for relevant documents, and whether these should include documents which would not be available to members of the public or elected Members; Members will recognise that the current system removes the need for the Monitoring Officer to exercise discretion or subjectivity in the preparation of the report, but that widening the scope will require her to do so. This might potentially compromise the impartiality of the Monitoring Officer. The Committee is requested to bear this in mind when reaching its decision.

5. FINANCIAL IMPLICATIONS

None

6. LEGAL IMPLICATIONS

- 6.1 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. 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.
- 6.2 The Local Government Act 2000 s57(5) enables Standards for England to issue guidance to local authorities. This guidance is not mandatory.

7. POLICY IMPLICATIONS

Any alterations to the procedure or policy relating to the local assessment of complaints does not need full Council approval.

8. COUNCIL OBJECTIVES

N/A

9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

No significant risks arising from this report have been identified, but any minor risks arising are being managed as follows:

Risk Register: Legal, Equalities and Democratic Services

Key Objective Ref No: 2

Key Objective: Effective ethical governance

10. CUSTOMER IMPLICATIONS

If the Committee decides to change its policy the revised policy will be included in the Guidance issued by the Council on complaints against Members, which is available on the Council's website and is sent out to members of the public and organisations on request.

STANDARDS COMMITTEE

8th June 2011

11. EQUALITIES AND DIVERSITY IMPLICATIONS

None

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

None

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

None

17. HEALTH INEQUALITIES IMPLICATIONS

None

18. LESSONS LEARNT

These are set out in the report.

19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

None

20. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	No
------------------	----

BROMSGROVE DISTRICT COUNCIL

STANDARDS COMMITTEE

8th June 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

None

AUTHOR OF REPORT

Name: Debbie Parker-Jones
E Mail: d.parkerjones@bromsgroveandredditch.gov.uk
Tel: (01527) 881411

BROMSGROVE DISTRICT COUNCIL

STANDARDS COMMITTEE

8th June 2012

WORK PROGRAMME

Relevant Portfolio Holder	Councillor Mark Bullivant
Relevant Head of Service	Claire Felton, Monitoring Officer and Head of Legal, Equalities and Democratic Services

1. SUMMARY OF PROPOSALS

Members are requested to consider the future Work Programme of the Standards Committee.

2. RECOMMENDATIONS

That, subject to any amendments made to it by the Committee, the Work Programme be approved.

3. BACKGROUND

3.1 The Standards Committee established a Work Programme at its meeting on 7th February 2008.

3.2 A Work Programme is beneficial to the Committee for the following reasons:

- (a) to ensure the Committee is fulfilling its roles and functions in accordance with the Council's Constitution;
- (b) to enable officers to be proactive in supporting the Committee and for the Committee to be equally proactive in introducing change to ensure the Council is an ethical organisation, which promotes and maintains high standards of conduct of elected Members, and is an organisation which relates to the community and improves the service it provides; and
- (c) the rising profile of standards committees and, in particular, the changes brought about by the introduction of the local assessment of complaints of alleged breaches by district and parish councillors of the Members' Code of Conduct, under the Local Government and Public Involvement in Health Act 2007.

3.3 The Work Programme will appear as a regular item on Standards Committee agendas.

3.4 Officers will update the Work Programme, as appropriate, in between meetings and any amendments to this will be referred to the next meeting of

STANDARDS COMMITTEE

8th June 2012

the Committee for approval. Members of the Committee are welcome to contact officers, at any time, with suggested changes to the Work Programme.

4. KEY ISSUES

The Committee is asked to consider the Work Programme and to comment on this accordingly.

5. FINANCIAL IMPLICATIONS

None

6. LEGAL IMPLICATIONS

None

7. POLICY IMPLICATIONS

None

8. COUNCIL OBJECTIVES

The Work Programme is linked to the Council's Improvement Objective.

9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

None

10. CUSTOMER IMPLICATIONS

A Work Programme will assist in informing Members, officers and the public of the work being undertaken by the Committee in ensuring that the Council is an ethical organisation, which is proactively working towards improvement.

11. EQUALITIES AND DIVERSITY IMPLICATIONS

None

12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

None

STANDARDS COMMITTEE

8th June 2012

13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

None

14. HUMAN RESOURCES IMPLICATIONS

None

15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS

None

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
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

BROMSGROVE DISTRICT COUNCIL

STANDARDS COMMITTEE

8th June 2012

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

Appendix 1 Work Programme

23. BACKGROUND PAPERS

None

AUTHOR OF REPORT

Name: Debbie Parker-Jones
Email: d.parkerjones@bromsgroveandredditch.gov.uk
Tel: (01527) 881411

BROMSGROVE DISTRICT COUNCIL

STANDARDS COMMITTEE

8th June 2012

APPENDIX 1

STANDARDS COMMITTEE WORK PROGRAMME

[Note: Any items that it is proposed should be removed from the Work Programme are denoted by a strikethrough, with any new additions and/or rescheduled items appearing in bold italics.]

Meeting date	Item(s) for consideration
27th July 2011	<ul style="list-style-type: none">• Standards Committee Annual Report <i>(Joint report for 2009/10 and 2010/11 Municipal Years. Min. 43/10 (iii) of the 23rd March 2011 Standards Committee meeting refers.)</i>
21st September 2011	<ul style="list-style-type: none">• Annual Ombudsman Complaint Statistics <i>(Final report for period ending 31st March 2011 and to include comparison with neighbouring authorities.)</i>
23rd November 2011	
25th January 2012	
21st March 2012	<ul style="list-style-type: none">• Ombudsman Complaint Statistics <i>(Interim update for period ending 31st September 2011)</i>• Annual Review of the Operation of the Standards Committee and its Sub-Committees• Calendar of meetings 2012/13 <i>(Subject to the outcome of the proposals contained in the Localism Bill for the abolition of mandatory standards committees)</i>
May/June 2012	<ul style="list-style-type: none">• <i>Meeting subject to the outcome of the proposals contained in the Localism Bill for the abolition of mandatory standards committees and any decision made by the Council in relation to successor arrangements.</i>

BROMSGROVE DISTRICT COUNCIL

STANDARDS COMMITTEE

8th June 2012

Date to be confirmed	<ul style="list-style-type: none">• <i>Future of the Standards Regime</i> <i>(Report to Committee once more known on the proposed changes to the standards framework under the Localism Bill and the ongoing obligations for local authorities.)</i>• Monitoring the Operation of the Members' Code of Conduct <i>(Report to go to Committee following the conclusion of the complaints arising from the 29th July 2009 and 20th January 2010 meetings of full Council. Min. 11/10 of the 19th May 2010 Standards Committee meeting refers.)</i>• Review of Planning Services Code of Practice/ Planning Committee Procedure Rules/Public Speaking at Planning Committee Meetings guidance <i>(Min. 125/08 (ii) of 29th April 2009 Council meeting refers. Date for Annual Review to be added to Work Programme on completion of Review. To be referred to Committee as soon as practicable - Mins. 50/09 (iv) and 57/09 of 24th March 2010 and Min. 33/10 of 26th January 2011 Standards Committee meetings refer.)</i>• 'Planning Ahead' training session <i>(For members of the Standards Committee - as developed by Standards for England in partnership with the Planning Advisory Service. To take place once any issues arising as a result of the Review of Planning Services Code of Practice above identified. Min. 50/09 (iv) of 24th March 2010 Standards Committee meeting refers.)</i>• Draft Procedure for Processing Applications for Dispensations <i>(Min. 21/09 (c) of 22nd July 2009 Standards Committee meeting refers.)</i>• Annual Review of Council Protocols on Member-Officer and Member-Member Relations• Establishment of Parish Councils' Ethical Governance Training Programme <i>(To be revisited once more known about the future of the standards regime under the Localism Bill - Monitoring Officer's Report to 22nd September 2010 Standards Committee meeting refers.)</i>
----------------------	---

BROMSGROVE DISTRICT COUNCIL

STANDARDS COMMITTEE

8th June 2012

Note: All meetings of the Committee will include regular items such as:

- Minutes of previous meeting;
- Monitoring Officer's Report;
- Parish Councils' Representatives' Report;
- Complaint / investigation updates; and
- Work Programme.

This page is intentionally left blank