



## **BROMSGROVE DISTRICT COUNCIL**

### **MEETING OF THE STANDARDS COMMITTEE**

**WEDNESDAY 25TH JULY 2012 AT 6.00 P.M.**

**COMMITTEE ROOM, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE**

MEMBERS: Councillors Dr. D. W. P. Booth JP, M. A. Bullivant, Dr. B. T. Cooper, S. J. Dudley, L. C. R. Mallett, Mrs. C. M. McDonald, Mrs. M. A. Sherrey JP, Mrs. C. J. Spencer and L. J. Turner

Parish Councils' Representatives (non-noting co-opted) Mr. J. Cypher and Mr. I. A. Hodgetts

Observer: Deputy Parish Councils' Representative (non-voting co-opted) Mrs. K. May

### **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 meetings of the Standards Committee held on 24th May 2012 and 13th June 2012 (to follow)
4. Monitoring Officer's Report (Pages 1 - 4)  
  
[To receive a report from the Monitoring Officer on any matters of relevance to the Committee.]
5. Parish Councils' Representative Report  
  
[To receive an oral report from the Parish Councils' Representatives on any matters of relevance to the Committee.]

6. Work Programme (Pages 5 - 10)

[To consider the future Work Programme of the Committee.]

7. 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

8. 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

17th July 2012



## **INFORMATION FOR THE PUBLIC**

### **Access to Information**

The Local Government (Access to Information) Act 1985 widened the rights of press and public to attend Local Authority meetings and to see certain documents. Recently the Freedom of Information Act 2000 has further broadened these rights, and limited exemptions under the 1985 Act.

- You can attend all Council, Cabinet and Committee/Board meetings, except for any part of the meeting when the business would disclose confidential or “exempt” information.
- You can inspect agenda and public reports at least five days before the date of the meeting.
- You can inspect minutes of the Council, Cabinet and its Committees/Boards for up to six years following a meeting.
- You can have access, upon request, to the background papers on which reports are based for a period of up to six years from the date of the meeting. These are listed at the end of each report.
- An electronic register stating the names and addresses and electoral areas of all Councillors with details of the membership of all Committees etc. is available on our website.
- A reasonable number of copies of agendas and reports relating to items to be considered in public will be made available to the public attending meetings of the Council, Cabinet and its Committees/Boards.
- You have access to a list specifying those powers which the Council has delegated to its Officers indicating also the titles of the Officers concerned, as detailed in the Council’s Constitution, Scheme of Delegation.

You can access the following documents:

- Meeting Agendas
- Meeting Minutes
- The Council’s Constitution

at [www.bromsgrove.gov.uk](http://www.bromsgrove.gov.uk)

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## BROMSGROVE DISTRICT COUNCIL

### **STANDARDS COMMITTEE**

25th July 2012

#### **MONITORING OFFICER'S REPORT**

Relevant Portfolio Holder	Councillor Mark Bullivant
Portfolio Holder consulted	Councillor Mark Bullivant
Relevant Head of Service	Claire Felton, Head of Legal, Equalities and Democratic Services and Monitoring Officer
Wards affected	All Wards
Ward Councillor consulted	N/A
Non-Key Decision	

#### **1. SUMMARY OF PROPOSALS**

- 1.1 This report sets out the position in relation to key matters which are of relevance to the Standards Committee.
- 1.2 It is proposed that a report of this nature be presented to each meeting of the Committee to ensure that Members are kept updated as to any relevant developments.
- 1.3 Any further updates arising after publication of this report will be reported orally at the meeting.

#### **2. RECOMMENDATIONS**

**That the Committee note the report and comment on any aspects of this, as appropriate.**

#### **3. KEY ISSUES**

##### **Financial Implications**

- 3.1 There are no financial implications arising out of this report.

##### **Legal Implications**

- 3.2 The Localism Act became law on 15th November 2011. Chapter 7 of Part 1 of the Localism Act 2011 introduced a new standards regime effective from 1st July 2012. The Act places a requirement on authorities to promote and maintain high standards of conduct by Members and co-opted (with voting rights) Members of an authority. The Act also requires the authority to have in place arrangements under which allegations that either a district or parish councillor has breached his or her Code of Conduct can be investigated, together with arrangements under which decisions on such allegations can be made. The Relevant Authorities (Disclosable Pecuniary Interests)

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Regulations 2012 were laid before Parliament on 8th June 2012 and also came into force on 1st July.

### **Service / Operational Implications**

#### **New Standards Regime**

- 3.3 A new standards regime which introduced fundamental changes to the system of regulation of the standards of conduct for elected Members and co-opted Members (with voting rights) came into force on 1st July 2012.
- 3.4 Under the new regime Members are still required to comply with a Code of Conduct and the authority has established arrangements under which complaints that a Member (at either parish or district level) has failed to comply with his or her Code of Conduct can be dealt with.
- 3.5 A report detailing the changes and setting out draft proposals on how the new regime might be implemented, including the granting of dispensations, was considered by Full Council on 16th May 2012. Following publication of the Disclosable Pecuniary Interests Regulations on 8th June final versions of the Code of Conduct and revised recommendations to the original standards regime report and Terms of Reference of the new Standards Committee were considered by Full Council on 19th June.
- 3.6 Under the new regime all Bromsgrove District and Parish Councillors are required to complete a new Register of Members' Disclosable Pecuniary Interests form. A copy of the new form was sent to all District Councillors and to the Clerks/Executive Officers of the Parish Councils on 21st June for completion. Members have been asked to complete and return the forms as soon as possible, and by the end of July at the latest. The Monitoring Officer and Deputy Monitoring Officer are providing assistance to Members on any specific queries in relation to the registration of interests and three separate Monitoring Officer 'drop-in' sessions have been held to assist District Councillors and the Parish Clerks/Executive Officers with interests' queries.

#### **Independent Persons**

- 3.7 The Localism Act requires that the arrangements put in place to deal with complaints against Members must include provision for the appointment by the authority of at least one Independent Person whose views are to be sought, and taken into account, by the authority before it makes its decision on a complaint allegation that it has decided to investigate, and whose views may be sought by the authority or subject Member in certain

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circumstances. The authority intends to appoint two such Independent Persons.

- 3.8 Following a formal recruitment and selection process interviews for the Independent Persons took place with the Appointments Committee on 10th July. Regrettably however no candidates were deemed suitable by the Committee for recommendation to Full Council for appointment. As such a further recruitment exercise will take place in due course.

### Parish Representatives

- 3.9 Full Council has agreed that the composition of the Standards Committee will include two Parish Council Representatives. The Bromsgrove Area Committee of the Worcestershire County Association of Local Councils has advised that Mr. John Cypher and Mr. Ivan Hodgetts will continue in their roles as the Parish Representatives on the new Committee for the next twelve months, with Mrs' Karen May continuing as the Deputy Parish Councils' Representative. Following legislative changes the Parish roles are now non-voting co-opted positions, with the arrangements for parish involvement to be reviewed after 12 months to monitor effectiveness.

### Member Training

- 3.10 The 2012/13 programme of Member training has been established and a number of Members have completed various elements of both mandatory and optional training. Various "mop-up" sessions are being arranged for Members who have been unable to attend certain of the mandatory sessions.
- 3.11 Three sessions on the new Code of Conduct for Members at both parish and district level, and the Clerks/Executive Officers to the Parish Council, took place in June. All three sessions were attended by representatives of the Economic Crime Unit of West Mercia Constabulary, who will be responsible for conducting any investigations into possible criminal breaches of the Code of Conduct.
- 3.12 As detailed at 3.6 above, three additional Monitoring Officer 'drop-in' sessions, run to assist with both Members and the Parish Clerks/Executive Officer with interests' queries, are also taking place in July.
- 3.13 Further standards training sessions/workshops will be arranged as necessary.

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### **Customer / Equalities and Diversity Implications**

- 3.14 Any process for managing standards of behaviour for elected and co-opted Councillors must be accessible to the public. It is therefore proposed that an impact assessment will be carried out on the complaints process when established, to ensure accessibility.
- 3.15 In addition, it is proposed that the new arrangements will be publicised on the Council's website and that Officers will work to ensure that members of the public are made aware of the process for making a complaint through all existing community engagement events.

### **4. RISK MANAGEMENT**

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.

### **5. APPENDICES**

None

### **6. BACKGROUND PAPERS**

Chapter 7 of the Localism Act 2011  
Standards reports to Full Council on 16th May and 19th June 2012

### **AUTHOR OF REPORT**

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Tel: 01527 881411

## STANDARDS COMMITTEE

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### WORK PROGRAMME

Relevant Portfolio Holder	Councillor Mark Bullivant
Portfolio Holder Consulted	Councillor Mark Bullivant
Relevant Head of Service	Claire Felton, Head of Legal, Equalities and Democratic Services and Monitoring Officer
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

#### 1. SUMMARY OF PROPOSALS

Members are requested to consider the future Work Programme of the Standards Committee, including how often the Committee should meet.

#### 2. RECOMMENDATIONS

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

#### 3. KEY ISSUES

##### Financial Implications

- 3.1 There are no financial implications associated with the contents of this report.

##### Legal Implications

- 3.2 There are no legal implications associated with the contents of this report.

##### Service / Operational Implications

- 3.3 This is the first meeting of the new Standards Committee following changes introduced to the standards regime nationally on 1st July 2012 as a consequence of the Localism Act 2011.
- 3.4 Under the Localism Act the Council has a duty to promote and maintain high standards of conduct by elected Members and co-opted Members (with voting rights), at both district and parish level. A new Standards Committee has therefore been established to enable the Council to discharge its duties in this regard.
- 3.5 A Work Programme is beneficial to the Committee for the following reasons:

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- (a) to ensure the Committee is fulfilling its roles and functions in accordance with the Council's Constitution and any prevailing legislation; and
  - (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 Members, and is an organisation which relates to the community and which continually strives to improve the service it provides.
- 3.6 A copy of the preliminary Work Programme drawn up by Officers is attached at Appendix 1. Members are asked to consider this and to determine if there are any other elements that they wish to have included in this. The meeting dates listed are those which were detailed in the corporate calendar of Council meetings for the 2012/13 Municipal Year and are based on the former Standards Committee's cycle of meetings. The former Standards Committee met six times a year, whereas various other Council Committees meet on a quarterly cycle, with meeting dates being added and/or removed as appropriate dependent on the business to be conducted. A copy of the Committee's Terms of Reference, which were approved by Full Council on 19th June 2012, are attached at Appendix 2 for Members' information.
- 3.7 The Work Programme will appear as a regular item on all future Standards Committee agendas.
- 3.8 Officers will update the Work Programme, as appropriate, in between meetings and in consultation with the Chairman of the Committee. Any amendments to this will be reported to the next meeting of the Committee for approval, as necessary. Members of the Committee are welcome to contact Officers at any time with suggested changes to the Work Programme.
- 3.9 The Work Programme is linked to the Council's Improvement Objective

**Customer / Equalities and Diversity Implications**

- 3.10 In terms of 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 well managed and is proactively working towards improvement.

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**4. RISK MANAGEMENT**

There are no risk implications associated with the contents of this report.

**5. APPENDICES**

Appendix 1 - Standards Committee Work Programme  
Appendix 2 - Standards Committee Terms of Reference

**6. BACKGROUND PAPERS**

None

**7. KEY**

Not applicable.

**AUTHOR OF REPORT**

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**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.]

<b>Meeting date</b>	<b>Item(s) for consideration</b>
19th September 2012	
28th November 2012	
23rd January 2013	
20th March 2013 (final meeting of the municipal year)	<ul style="list-style-type: none"><li>• Annual Review of the Operation of the Standards Committee and any of its Sub-Committees.</li><li>• Calendar of meetings 2013/14</li></ul>
June 2013 (date to be determined)	
July 2013 (date to be determined)	<ul style="list-style-type: none"><li>• 12 month review of new standards regime, including Parish Councils' Representative roles on the Committee.</li></ul>
September 2013 (date to be determined)	
November 2013 (date to be determined)	
Date to be confirmed	<ul style="list-style-type: none"><li>• Review of the operation of the Protocol on Member-Officer relations.</li><li>• Review of the operation of the Protocol on Member-Member relations.</li></ul>
<p>Note: All meetings of the Committee will include regular items such as:</p> <ul style="list-style-type: none"><li>• Minutes of previous meeting;</li><li>• Monitoring Officer's Report;</li><li>• Parish Councils' Representatives Report;</li><li>• Relevant Member complaint/investigation updates; and</li><li>• Work Programme.</li></ul>	

**APPENDIX 2  
STANDARDS COMMITTEE TERMS OF REFERENCE**

<p>Terms of Reference</p>	<p>The Standards Committee will have the following roles and functions:</p> <ul style="list-style-type: none"><li>a. promoting and maintaining high standards of conduct by Councillors and any co-opted members of Council bodies;</li><li>b. assisting the Councillors and co-opted members to observe the Members' Code of Conduct;</li><li>c. advising the Council on the adoption or revision of the Members' Code of Conduct;</li><li>d. monitoring the operation of the Members' Code of Conduct;</li><li>e. advising, training or arranging to train Councillors and co-opted members on matters relating to the Members' Code of Conduct;</li><li>f. granting dispensations to Councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;</li><li>g. dealing with any report from the Monitoring Officer following an investigation into a complaint concerning the Members' Code of Conduct;</li><li>h. considering and determining allegations that a Councillor or co-opted Councillor may have failed to follow the Code of Conduct and where a breach of the Code is established impose sanctions as delegated by Full Council or make recommendations as to any sanctions to the appropriate person or body.</li><li>i. the exercise of g – h above in relation to the Parish Councils in the Council's area and the members of those parish Councils;</li><li>j. monitoring, and reviewing the operation of the Protocol on Member-Officer relations;</li><li>k. monitoring and reviewing the operation of the Protocol on Member-Member Relations.</li></ul>
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