

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE STANDARDS COMMITTEE

THURSDAY, 10TH OCTOBER 2013 AT 6.00 P.M.

PRESENT: Councillors M. A. Sherrey (Chairman), M. A. Bullivant (Vice-Chairman), S. J. Dudley (During Minute No's 12/13 to 17/13) , C. M. McDonald, C. J. Spencer and L. J. Turner

Parish Councils' Representative: Mr. I. A. Hodgetts

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

10/13 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors D. W. P. Booth and B. T. Cooper, Parish Councils' Representative Mr. J. Cypher and Deputy Parish Councils' Representative Mrs. K. May.

Mr E. M. Nock, Independent Observer, also submitted his apologies for the meeting.

11/13 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

12/13 **MINUTES**

The minutes of the meeting of the Standards Committee held on 11th July 2013 were submitted.

RESOLVED that the minutes be approved as a correct record.

13/13 **MONITORING OFFICER'S REPORT**

The Monitoring Officer (MO) introduced her report and in doing so confirmed that no Member complaints had been received during the period July to September 2013.

Members heard that the Member Development Steering Group had met the previous evening. It had been agreed with the Group Leaders that additional training sessions would take place during the current municipal year for Overview and Scrutiny, Planning and Chairmanship Skills. An anticipated training programme for Members for the 2014/15 Municipal Year had also been established, which it was hoped would be agreed shortly.

Group Leaders had been asked to encourage their Members to attend training sessions, with the Chairmanship Skills training having been determined a mandatory element.

Full Council's approval on 25th September 2013 of the Standards Committee's recommendation on the minor change to the Arrangements for Handling Standards Complaints in relation to complaints referred to the Police by the MO was noted.

RESOLVED that the contents of the report and the additional updates provided by the Monitoring Officer at the meeting be noted.

14/13 **PARISH COUNCILS' REPRESENTATIVES' REPORT**

Mr Hodgetts advised that he had nothing to report to the Committee.

RESOLVED that the position be noted.

15/13 **LOCALISM ACT 2011 - STANDARDS REGIME - BUDGET SETTING DISPENSATION**

Members received a report which sought the granting of a general dispensation under s33 of the Localism Act 2011 to enable Members with a Disclosable Pecuniary Interest (DPI) to participate and vote in the Council's budget setting process.

The Monitoring Officer advised that a general dispensation was being sought to ensure that Members were protected should any question arise as to whether or not they could participate and vote in the budget setting process.

The request followed a similar report to Members in November 2012 at which point the Committee granted general dispensations in relation to the setting of the Council Tax, Members' Allowances and Members' speaking rights, where Members may otherwise have a DPI which would preclude them from participating and voting in these matters. The general dispensations granted were subject to Members lodging a formal written request for dispensation as and when they were considering any relevant business at meetings.

The caveat detailed in the report in relation to the budget setting dispensation under section 106 of the Local Government Finance Act 1992, that any Member who was 2 months (or more) in arrears with their Council Tax payments could not participate in any Council meeting concerning the budget, was noted. In the event that any Members were affected by the provisions of section 106, the statutory rule that they be barred from taking part in the budget decisions would prevail and any general dispensation granted by the Standards Committee would therefore not apply.

The legislative requirement for Members to make a request in writing for dispensation at the time of considering any budget setting business at meetings remained.

It was also noted that any general dispensations granted by the Standards Committee applied to district councillors only and that the parish councils were required to administer their own dispensations.

RESOLVED

- (a) that subject to the caveat detailed in paragraph 3.11 of the report (and as noted in the preamble above) in relation to Members who are 2 months or more in arrears with their Council Tax payments, a dispensation under Section 33 (2) of the Localism Act 2011 to allow all Members to participate in and vote at Council and committee meetings when considering setting the budget be granted;
- (b) that the dispensation referred to at (a) above take effect on receipt of a written request from Members for a dispensation and where Members may have a Disclosable Pecuniary Interest in the matter under consideration, which would otherwise preclude such participation and voting; and
- (c) that the dispensation referred to at (a) above be valid until the first Standards Committee meeting after the District Council elections in 2015.

16/13 **REVIEW OF THE NEW STANDARDS REGIME UNDER THE LOCALISM ACT 2011**

Further to Minute No. 8/13 of the meeting of the Committee held on 11th July 2013, Members received a presentation from Officers on a Review of the new Standards Regime under the Localism Act 2011.

The new regime had been in place since 1st July 2012 and it was the Standards Committee's role to promote and maintain high standards of conduct amongst Members, and to monitor the operation of the Members' Code of Conduct.

Officers detailed the key elements of the old regime which had incorporated highly prescriptive procedures for the processing of complaints. All complaints had been required to go through an Assessment Sub-Committee stage, with a resulting high number of cases being referred for formal investigation. Sanctions for failure to follow the Code of Conduct had included the suspension and disqualification of Members.

The main elements of the new regime were then highlighted, which it was noted included a far more flexible complaints process and opportunity to seek the local resolution of complaints. Independent Persons had been introduced who acted in a consultative role for the Monitoring Officer, Members and the Standards Committee in the event of a complaint requiring a hearing.

A total of 14 complaints against Members had been received under the new regime. These comprised 12 district councillor complaints against other district councillors, 1 parish councillor complaint against another parish councillor and 1 member of the public complaining about a parish councillor. All bar one of the complaints had been resolved by the Monitoring Officer

under local resolution, with the final complaint having been resolved via local resolution following a formal investigation. Accordingly, no final determination hearings had been required under the new regime.

From an Officer perspective the Monitoring Officer (MO) stated that the positives of the new regime were the more flexible approach to complaint handling, with less need for committee meetings and hearings, whilst retaining the ability to investigate formally where necessary. The early resolution of less serious complaints, together with the role of the Independent Persons and the pan-Worcestershire Code of Conduct which enabled consistency for dual-hatted Members were also seen as having worked well.

The less positive elements included the poor drafting of the new legislation and lack of detailed government guidance for this, including the need for dispensations, which had caused uncertainty. The definitions of interests were not as clear as under the old code, with the register of interests form being less comprehensive than before. The requirement for the declaration of interests in relation to spouses/partners had also not been welcomed, particularly by some parish councillors.

The MO asked Members whether there were any changes that they wished to see to the regime and the arrangements which were currently in place.

A discussion ensued regarding the current reporting of locally resolved complaints and the limited information which the Committee received in relation to such complaints, which it was felt could call into question whether complaints were being dealt with in a fair manner.

The MO stated that when the new regime was established the Committee had agreed that it only wished to receive information on the number of complaints received and whether these had been resolved locally or referred for formal investigation. It was anticipated that any emerging complaint trends might also be reported to Members over a period of time.

The MO advised that Members could, if they so wished, put forward a recommendation to full Council requesting that additional information in relation to the substance of any locally resolved complaints be referred to the Committee for monitoring purposes. This would entail general complaint information only and not the names of any parties to a complaint.

A Member requested whether the MO was able to provide any details of the complaints received under the new regime to date. The MO responded that a large proportion of the complaints had been linked to how Members addressed each other and inter-Member relationships.

It was queried whether any additional complaint information which might in future be provided would be publicly available. The MO confirmed that this would be public information as it would be reported in the regular MO reports to the Committee. A concern was raised that it might be possible to work out the identity of a subject Member from the additional information provided, and

the fact that a complaint had been made against a Member might be used in a negative way against that Member for political purposes.

The MO commented that as the complaints in question would already have been resolved locally between the parties concerned, any reporting of these would be a matter of fact only which would be useful for monitoring purposes. Accordingly, the issue of whether a complaint had been dealt with fairly would not arise as there would not have been local resolution otherwise. The reason for the Committee receiving such information would be to monitor any complaint trends which might, for example, give rise to Member training needs. The MO would also be looking at Member training needs as part of her role and would seek the views of the Independent Persons on any relevant Member training issues.

The referral of complaints generally to the Committee was raised. Concern was expressed by one Member that if a complaint was resolved locally then it was effectively not a complaint. The MO advised that this was contrary to the current agreed Arrangements for Managing Standards Complaints and the MO's role in dealing with complaints under those Arrangements. Any such changes to the Arrangements would require a recommendation to full Council to change the agreed system of local resolution and the role of the MO. It was further noted that the MO's role in attempting to resolve complaints locally in the first instance was undertaken in full consultation with the Independent Persons.

Members requested that it be acknowledged and formally noted that the MO had done a very good job in managing the standards complaints under the new regime given the high level of resolution involved. The MO advised that this could not have been done without the assistance of the Group Leaders.

The MO stated that she would now contact the Group Leaders regarding the Committee's discussions and recommendation in relation to the future reporting of complaints, to ascertain if there was anything that they wished to feed into the discussions on this at full Council. She added that it might also be helpful for the Group Leaders to attend future meetings of the Committee.

RECOMMENDED

- (a) that the Monitoring Officer in future provide information to the Standards Committee on the general nature/substance of locally resolved complaints in order for the Committee to monitor any complaint trends; and
- (b) that, subject to the approval of (a) above, the Monitoring Officer seek to provide such information in relation to all locally resolved complaints received since the introduction of the new standards regime.

17/13 **WORK PROGRAMME**

The Monitoring Officer (MO) introduced the Work Programme and in relation to the review of the protocols on Member-Officer and Member-Member relations scheduled for the 9th January 2014 meeting, asked whether Members would be happy to receive an Officer presentation similar to that

given for the review of the new standards regime item. Members agreed with this approach and to undertake the protocol reviews in a group environment.

It was further noted that a dispensations report for outside bodies would also be referred to the January meeting as the Group Leaders had indicated that some of their Members would need to apply for such dispensations.

RESOLVED that, subject to the comments detailed in the preamble above, the Work Programme be approved.

The meeting closed at 6.52 p.m.

Chairman