



**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE STANDARDS COMMITTEE**

**THURSDAY, 5TH APRIL, 2007 AT 6.00 PM**

**COUNCIL CHAMBER, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE**

**MEMBERS:** Mrs. N. E. Trigg (Independent Member) (Chairman), Councillors E. C. Tibby (Vice-Chairman), Mrs. J. D. Luck, C. R. Scurrall, S. P. Shannon and Mrs. C. J. Spencer, Mr. S. E. Allard (Independent Member) and Mr. B. J. Somner (Parish Council Representative)

**AGENDA**

1. To receive apologies for absence and notification of substitutes
2. Declarations of Interest
3. Minutes (Pages 1 - 2)
4. Monitoring Officer Update (Pages 3 - 6)
5. Proposed Changes To The Role And Composition of the Standards Committee (Pages 7 - 10)
6. To consider any other business, details of which have been notified to the Head of Legal 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

**K. DICKS**  
**Acting Chief Executive**

The Council House  
Burcot Lane  
BROMSGROVE  
Worcestershire  
B60 1AA

27<sup>th</sup> March 2007.

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## BROMSGROVE DISTRICT COUNCIL

### SPECIAL MEETING OF THE STANDARDS COMMITTEE

WEDNESDAY, 21ST MARCH, 2007

AT 4.00 P.M.

PRESENT: Mrs. N. E. Trigg (Independent Member) (Chairman), Councillors E. C. Tibby (Vice-Chairman), Mrs. J. D. Luck, C. R. Scurrall, S. P. Shannon and Mrs. C. J. Spencer and Mr. S. E. Allard (Independent Member).

Officers: Mrs. C. Felton, Mrs. D. Warren and Mr. A. Jessop.

#### 30/06 APOLOGIES

An apology for absence was received from Mr. B. Somner.

#### 31/06 DECLARATIONS OF INTEREST

No declarations of interest were made.

#### 32/06 MINUTES OF LAST MEETING

The Minutes of the Meeting of the Committee held on the 21<sup>st</sup> February 2007, were submitted.

**RESOLVED:** that, subject to the following amendments, the Minutes be approved and confirmed as a correct record:-

- (i) the inclusion of Councillor C.R. Scurrall in Minute No. 21/06 (Apologies); and
- (ii) that, as a matter of record (insofar as the closing date for the submission of comments had now passed), it was nevertheless agreed that the following words be added to recommendation (v) (Commission of Criminal Offence before taking Office) of Minute No. 28/06 ( Responses to Consultation on Revised Code of Conduct), i.e. "It should also be noted that, if a prospective candidate standing for election did so whilst clearly advocating a criminal past, and that the electorate determined that it was still appropriate for that person to stand, then if that person was duly elected, the Council could still disenfranchise that candidate"

#### 33/06 LOCAL INVESTIGATION OF A COMPLAINT TO THE STANDARDS BOARD

The Committee considered a complaint (Ref SBE 16030.06) which had been referred to the Council by the Standards Board for England. for determination. The Committee therefore conducted a hearing into the complaint in

accordance with the procedure produced by the Standards Board for England and the subject Member, Councillor S.R. Peters, and the Investigating Officer were both in accord that the matter should be dealt with in the public domain. Accordingly, all relevant papers were circulated, and Councillor Peters represented himself and addressed the Committee in support of his own case.

The complaint made by Councillor J.T. Duddy was that, on the 10<sup>th</sup> January 2005, Councillor Peters failed to comply with the Council's Code of Conduct by failing to declare, at a meeting of the Council's Planning Committee, a prejudicial interest in connection with Planning Application B/2004/1389. The issue before the Committee was that, despite the personal interest which was declared at that meeting by Councillor Peters (insofar as he knew the applicant), should he have declared a further personal interest in the matter by virtue of the fact that his and his mother's home was affected by customers of and other visitors to the Timber Yard the subject of the planning application, due to inadequate parking facilities thereat, and, if so, whether that additional personal interest was also a prejudicial interest. Members were asked to determine whether a decision by the Planning Committee on the planning application might reasonably be regarded as affecting to a greater extent than other council tax payers, ratepayers, or inhabitants of the authority's area, the well-being or financial position of Councillor Peters and/or his mother. The Committee considered the representations from Councillor Peters together with the final report of the Deputy Monitoring Officer and, after retiring to consider their decision, were of the opinion that Councillor Peters had failed to comply with paragraph 8(2) of the Local Authorities (Code of Conduct)(Local Determination) Regulations 2003 (as amended). In considering the nature of any penalty to be imposed, it was

**RESOLVED:** that Councillor Peters be suspended from the Planning Committee for a period of one month, and that, in addition, he be requested to attend training on the Code of Conduct for Members, to be provided by the Council, at the earliest possible opportunity.

(NOTE: A full copy of the report of the Hearing will be appended to these Minutes in due course).

The meeting closed at 5.55 p.m.

Chairman

## BROMSGROVE DISTRICT COUNCIL

### STANDARDS COMMITTEE

5 APRIL 2007

#### MONITORING OFFICER UPDATE

Responsible Portfolio Holder	Councillor Mrs. C. J. Spencer
Responsible Head of Service	Claire Felton, Head of Legal and Democratic Services

#### 1. SUMMARY

1.1 To update Members.

#### 2. RECOMMENDATION

2.1 To note the report

#### 3. BACKGROUND

##### 3.1 Update on Independent Member Vacancy

As at the date of writing this report there have been 7 people have requested the Information Packs and two 2 have submitted applications. The closing date is 26 March 2007. The Appointments Panel is responsible for interviewing prospective applicants and making a recommendation to Council.

##### 3.2 Code of Conduct Training

Training on the new Code of Conduct, and in particular on interests and for dual-hatted members has been provisionally arranged for Monday 4 June 2007.

##### 3.3 Standards Board Road Show

The Standards Board is running a Road Show in Birmingham on Thursday 14 June 2007. Places have been booked for the Chairman of the Standards Committee, the Monitoring Officer and Deputy Monitoring Officer. A report will be prepared for the following Standards Committee meeting.

### 3.4 Review of the Constitution

The Monitoring Officer is conducting a thorough and fundamental review of the Constitution. All proposed changes are intended to be considered by the Council at its meeting on 24 April 2007. In order to keep Members informed throughout the review process, a notice board has been erected in the Members' Room on which the latest developments and proposals will be posted in order to give Members the opportunity to comment. Members are encouraged to keep abreast of developments. A separate report details suggested revisions to the Constitution insofar as they relate to the Standards Committee.

## 4. FINANCIAL IMPLICATIONS

4.1 None.

## 5. LEGAL IMPLICATIONS

5.1 None.

## 6. CORPORATE OBJECTIVES

6.1 Corporate Objective – Improvement, Priority – Reputation.

## 7. RISK MANAGEMENT

7.1 There is no risk associated with this report.

## 8. CUSTOMER IMPLICATIONS

8.1 None.

## 9. OTHER IMPLICATIONS

Procurement Issues	None
Personnel Implications	None
Governance/Performance Management	The Code of Conduct is one of the fundamental aspects of good governance
Community Safety including Section 17 of Crime and Disorder Act 1998	None
Policy	None
Environmental	None
Equalities and Diversity	None

**10. OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	No
Acting Chief Executive	No
Corporate Director (Services)	No
Assistant Chief Executive	No
Head of Service	N/a
Head of Financial Services	No
Head of Legal & Democratic Services	N/a
Head of Organisational Development & HR	No
Corporate Procurement Team	No

**11. APPENDICES**

None

**12. BACKGROUND PAPERS**

None

**CONTACT OFFICER**

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## BROMSGROVE DISTRICT COUNCIL

### STANDARDS COMMITTEE

5 APRIL 2007

#### PROPOSED CHANGES TO THE ROLE AND COMPOSITION OF THE STANDARDS COMMITTEE

Responsible Portfolio Holder	Councillor Mrs. C.J. Spencer
Responsible Head of Service	Claire Felton, Head of Legal and Democratic Services

#### 1. SUMMARY

- 1.1 The role and composition of the Standards Committee is under review in light of the current review of the Constitution and the recent Ethical Governance Health Check.

#### 2. RECOMMENDATION

- 2.1 To note the matters which it is proposed should be referred to Standards Committee.
- 2.2 To consider suggestions for changes to the role and composition of the Standards Committee for consideration by Council.

#### 3. BACKGROUND

##### Role of Standards Committee

- 3.1 It has become apparent during the current review of the Constitution that the Standards Committee is not fulfilling its constitutional role and is not being used to its full potential. This has also been noted in the Ethical Governance Health Check undertaken by the IDeA. In addition to any recommendations arising from this Committee's consideration of the IDeA's findings, it is proposed that the following matters will be routinely considered by the Standards Committee from the start of the next municipal year.
- a. monitoring and reviewing the nature of allegations made to the Standards Board in respect of district and parish councillors whether or not they are referred for investigation locally or by the Standards Board to enable the Standards Committee;

- b. monitoring and reviewing the operation of the Constitution in terms of ensuring that the processes and procedures set out in the Constitution are being followed in practice;
  - c. monitoring and reviewing the operation of the Council's whistle blowing policy;
  - d. monitoring and reviewing the complaints handling and ombudsman investigations;
  - e. monitoring and reviewing the operation of the Protocol on Member-Officer Relations
  - f. monitoring and reviewing the operation of the Protocol on Member-Member Relations;
  - e. undertaking a more pro-active approach towards the parish councils within the district in terms of promoting and maintaining standards of conduct, assisting parish councillors to observe the Code and highlighting issues where training may be required.
- 3.2 In relation to matters falling under paragraphs a, c, d, e and f, the Monitoring Officer will report quarterly to enable the Standards Committee which will be able determine if any trends emerge which require action either by training or otherwise

#### Composition of the Standards Committee

- 3.3 Proposals for amendment to the Constitution include consideration of changes to the Standards Committee as follows:
- a. no substitutes should be allowed. The purpose is to ensure that only those members who have received appropriate training should sit on the Committee;
  - b. increasing the number of parish representatives to two. This is in line with Standards Board guidance. It also allows the Committee more flexibility in dealing with determinations involving parish councillors in the event that one parish representative is unable to attend (and for this reason the two parish representatives should be drawn from different parish councils);
  - c. reducing the number of independent representatives to two on the expiry of the term of office of one of the current members; it is a statutory requirement that at least 25% of the Committee should be independent members;

- d. reducing the number of District Councillors to three and removing the requirement currently included in the Constitution for there to be political balance. It is intended that the District Councillors will be cross-party. The purpose of this proposal and that in c. above is to follow Standards Board guidance that the Standards Committee should be above party politics and to ensure a better balance between independent representatives and those from the different tiers of local government.

3.4 Members are requested to consider these proposals which will be taken into account when the Constitution is revised.

**4. FINANCIAL IMPLICATIONS**

4.1 None.

**5. LEGAL IMPLICATIONS**

5.1 None.

**6. CORPORATE OBJECTIVES**

6.1 Corporate Objective – Improvement, Priority – Reputation.

**7. RISK MANAGEMENT**

7.1 There is no risk associated with this report.

**8. CUSTOMER IMPLICATIONS**

8.1 None.

**9. OTHER IMPLICATIONS**

Procurement Issues	None
Personnel Implications	None
Governance/Performance Management	The Code of Conduct is one of the fundamental aspects of good governance
Community Safety including Section 17 of Crime and Disorder Act 1998	None
Policy	None
Environmental	None
Equalities and Diversity	None

10. **OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	No
Acting Chief Executive	No
Corporate Director (Services)	No
Assistant Chief Executive	No
Head of Service	N/a
Head of Financial Services	No
Head of Legal & Democratic Services	N/a
Head of Organisational Development & HR	No
Corporate Procurement Team	No

11. **APPENDICES**

None

12. **BACKGROUND PAPERS**

The IDeA Ethical Governance Health Check

**CONTACT OFFICER**

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