



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE STANDARDS COMMITTEE

THURSDAY 15TH JANUARY 2015 AT 6.00 P.M.

COMMITTEE ROOM, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Councillors B. T. Cooper (Chairman), M. A. Bullivant (Vice-Chairman), D. W. P. Booth, S. J. Dudley, C. M. McDonald, C. R. Scurrall, R. J. Shannon, C. J. Spencer and L. J. Turner

Parish Councils' Representatives (non-voting 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

To invite Councillors to declare any Disclosable Pecuniary Interests and/or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.

3. To confirm the accuracy of the minutes of the meeting of the Standards Committee held on 9th October 2014 (Pages 1 - 4)

4. Monitoring Officer's Report (Pages 5 - 12)

To receive a report from the Monitoring Officer on any matters of relevance to the Committee.

5. Parish Councils' Representatives' Report

To receive an oral report from the Parish Councils' Representatives on any matters of relevance to the Committee.

6. Work Programme (Pages 13 - 18)

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. To consider, and if considered appropriate, to pass the following resolution to exclude the public from the meeting during the consideration of item(s) of business containing exempt information:-

[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

7th January 2015



INFORMATION FOR THE PUBLIC

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

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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE STANDARDS COMMITTEE

THURSDAY, 9TH OCTOBER 2014 AT 6.00 P.M.

PRESENT: Councillors B. T. Cooper (Chairman), M. A. Bullivant (Vice-Chairman), D. W. P. Booth, R. J. Shannon, C. J. Spencer, L. J. Turner, Mr. J. Cypher and Mr. I. A. Hodgetts

Parish Councils' Representatives: Mr. I. A. Hodgetts and Mr. J. Cypher

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

1/14 **ELECTION OF CHAIRMAN**

RESOLVED that Councillor B. T. Cooper be elected Chairman of the Committee for the ensuing Municipal Year.

2/14 **ELECTION OF VICE-CHAIRMAN**

RESOLVED that Councillor M. A. Bullivant be elected Vice-Chairman of the Committee for the ensuing Municipal Year.

3/14 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors C. M. McDonald and C. R. Scurrall.

Members expressed their thanks to Councillor M. S. Sherrey, former member and outgoing Chairman of the Committee, for her work on the Committee.

4/14 **DECLARATIONS OF INTEREST**

No declarations of interest were declared.

5/14 **MINUTES**

The minutes of the meeting of the Standards Committee held on 9th January 2014 were submitted.

RESOLVED that the minutes be approved as a correct record.

6/14

MONITORING OFFICER'S REPORT

Member Complaints

Following previous requests from Members, the Monitoring Officer explained that general background information in relation to the complaints received since January had been included in her report. This would allow the Committee to identify any complaint trends which might be emerging.

A Member queried whether it would be possible for the MO to advise who a complaint had been made by; either another councillor or a member of the public, and whether this had been made by a persistent complainant. Conversely, another Member felt that such information should not be disclosed.

The MO stated that, at the training session which had taken place immediately preceding the meeting that evening, she had been asked by some Members to look at whether she could confirm which category complainants fell into. This information was not disclosed at present and the MO agreed to consider this as part of the wider constitution review work which she was currently undertaking.

One of the Parish Representatives highlighted that the majority of the complaints received during January to August 2014 were against parish councillors, which presented a somewhat different picture than had previously been the case. As this was the first time the Parish Representatives had been made aware of the complaints, and as there were a number of issues linked with these, it was queried whether the MO could share relevant complaint info periodically with the Parish Representatives when meetings of the Committee were not proceeding. The Parish Representative added that he felt there should be some reinforcement at the Bromsgrove Area Committee of the County Association of Local Councils (CALC) meetings of the work the MO was carrying out on parish councillor complaints, with the Parish Representatives being keen to do whatever they could to assist the MO in promoting this. The issue of possible training needs linked with complaints against parish councillors and the Code of Conduct also arose, which it was felt CALC might wish to consider.

The MO agreed that the need to have regular MO's reports detailing complaints received and action taken on these was a valid point. She stated that when the regime changed in 2012 there had been very little detail from central government as to what had been expected of local authorities moving forward, and she was unsure as to whether the current committee system was appropriate as the role of the Standards Committee was not proving to be as effective as had previously been the case, with a number of meetings having been cancelled owing to lack of business. As such, the Constitution Review Group was keen to look at this issue.

The MO added that initially under the new regime more complaints had been made against district councillors. A number of parish council issues had recently arisen which she had liaised with Richard Levett, Executive Officer of

the Worcestershire County Association of Local Councils, on, and for which Mr Levett had been very supportive. The government had changed the role of parish representatives on standards committees under the new regime, meaning it was difficult for the MO to provide the parish representatives with any additional complaint information over and above that which was presented to the Committee.

The MO agreed to forward all Members' views to the Constitutional Review Group, the membership of which included all of the political Group Leaders. She requested that district councillors feed through any views that they regarding the reporting of complaints to their Group Leader, in order that they could have their collective Group views on this. Equally, any parish council views should be routed via the MO, which she would then take back to the Constitutional Review Group.

All present agreed that there should be regular reporting of complaints by the MO to Members and that there should be the opportunity for Members of the Committee to discuss this information. It was therefore agreed that the meetings of the Standards Committee scheduled for January and March 2015 would proceed. As the new regime had now been in place for just over 2 years Officers agreed to provide to the January meeting information on the general numbers of complaints received under the new regime, together with any emerging trends with these and details as to how the complaints were resolved.

Member Training

The MO reported that it had unfortunately not been possible to proceed with the Chairing Skills training as the trainer has been taken ill a few hours before the training was due to start. Officers were in the process of re-arranging the session, which Members requested take place as soon as practicable.

RESOLVED

- (a) that the contents of the report be noted;
- (b) that the meetings of the Standards Committee scheduled to take place in January and March 2015 proceed in order that the Monitoring Officer report on any Member complaints received during those periods; and
- (c) the Monitoring Officer take to the January 2015 meeting details of the Members complaints received under the new regime, such details to include the number of complaints, any emerging trends and how the complaints were resolved.

7/14

PARISH COUNCILS' REPRESENTATIVES' REPORT

The Parish Representative thanked the Monitoring Officer (MO) and her colleagues for the work they had undertaken on the parish council complaints.

He stated that he would like to think that he and the other Parish Representatives could help the parish councils affected, and assist in reinforcing any messages which the MO wished to send out to the parishes. He felt there might be merit in reporting to the parish councils, via a future

meeting of the Bromsgrove Area Committee of the Worcestershire County Association of Local Councils (CALC), relevant messages from the MO, and to generate interest on any relevant training which might be helpful to the parishes.

He added that the December CALC meeting would likely be too late to seek the parishes' views on the issue raised under the MO's report on the reporting of Member complaints. As such, he agreed to issue a note to the parish councils on this and to report back any responses to the MO for her to feed into the Constitution Review Group.

RESOLVED that the update provided and action to be undertaken by the Parish Councils' Representative in relation to complaint reporting be noted.

8/14

LOCALISM ACT 2011 - STANDARDS REGIME - DISPENSATIONS

The Committee received a report which sought the grant of a dispensation under s33 of the Localism Act 2011 to enable a Member to participate and vote in matters detailed in the appendix to the report. The report also sought the removal of a Member from the list of previously approved dispensations as the Member in question was no longer a trustee of the organisation.

RESOLVED

- (a) that the Standards Committee grant a dispensation under section 33 (2) of the Localism Act 2011 to allow Councillor Keith Grant-Pearce to participate in and vote at Council and committee meetings in debates concerning the Artrix Theatre generally, but not in relation to funding issues;
- (b) that the dispensation referred to at (a) above be valid until the first Standards Committee meeting after the local elections in 2015; and
- (c) the dispensation previously granted to Councillor Jonathan Boulter in relation to the Artrix Operating Trust be removed as he is no longer a Trustee of the Trust.

9/14

WORK PROGRAMME

As discussed earlier in the meeting under the Monitoring Officer's Report (Minute No. 6/14 refers) it was noted that the meetings of the Committee scheduled for 15th January and 17th March 2015 would proceed in order for the Monitoring Officer to update Members on any complaints received.

RESOLVED that the Work Programme be approved.

The meeting closed at 6.32 p.m.

Chairman

STANDARDS COMMITTEE

15th January 2015

MONITORING OFFICER'S REPORT

Relevant Portfolio Holder	Councillor Margaret Sherrey
Portfolio Holder consulted	Yes
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

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 A report of this nature is 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 by Officers 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) Regulations 2012 were laid before Parliament on 8th June 2012 and also came into force on 1st July 2012.

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Service / Operational Implications

Member Complaints

- 3.3 At its meeting in October the Committee asked that I bring to this meeting details of Members complaints received under the new Standards regime, starting from July 2012. It also asked that the details include the number of complaints, any emerging trends and how the complaints were resolved. My report setting out the information requested by members is attached at the appendix.
- 3.4 With regard to trends that can be identified from the information, I would highlight the following:-
- In the early months following the introduction of the new standards regime the majority of the complaints were between District members and the most common subject matter was comments that had been made in the context of meetings or in the press.
 - More recently the trend has been towards fewer member/ member complaints at District level and an increase in the number of complaints from members of the public and in relation to Parish Councils. Overall approximately 35% of the complaints made since 2012 have been from members of the public.
 - Use of the Independent Person and input from the Group Leaders has led to a marked decrease in the need for complaints to be formally investigated. To date all complaints have been resolved locally without the need for the Standards Committee to be called upon to adjudicate on whether there has been a breach of the code.
 - The complaints made in relation to Parish Councils although not great in number have highlighted that the need for Parishes to make sure that their processes in running meetings are clear to members of the public and that their members understand the rules around declarations of interests. It is acknowledged that this is a difficult area for Parishes who do not enjoy the same level of support as District Councillors. Where appropriate I have offered extra support to the Parishes I have been in contact with and will continue to do so. A training session on the Code of Conduct for Parishes will be included in the member training programme following the 2015 elections.

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- 3.5 With regard to new complaints, since the last meeting of the Committee one further complaint about a District Councillor has been made, bringing the total number for January 2014 to December 2014 to 7.

Member Training

- 3.6 At the last meeting it was reported that charring skills training planned for 17th September had to be postponed as the trainer had been taken ill that day. The session was rearranged for 16th December and was well attended, with Councillors from Bromsgrove, Worcester City and Redditch present. A parish Councillor also attended. Feedback from the event was very positive and should this be repeated – and it is felt appropriate - we could perhaps extend the invitation to future events to those parish councillors with charring responsibilities.
- 3.7 An in-house training session on media awareness was held in October which covered what the Communications team do and what they can and can't do for District Councillors; the restrictions in publicity during election periods and an introduction to the use of social media.
- 3.8 The Member Development Steering Group has met and agreed an outline approach to training opportunities after the elections in May; the Group will meet again shortly to run through the detail of this so that information on likely commitments for potential successful candidates can be made available well in advance of polling day. We will continue to offer training on the Code of Conduct and Standards for Parish Councillors in the new Municipal year.

Standards Committee & Constitution Working Group

- 3.9 As reported at the last meeting of the Committee this Working Group comprising of all the Group Leaders, has met on a few occasions over the autumn. As yet it has not considered the Standards element but this will be part of its work programme going forward.

Customer / Equalities and Diversity Implications

- 3.10 There are no direct implications arising out of this report. Full details of the Councils process for complaining about members are available on the Council's website.

4. RISK MANAGEMENT

The main risks associated with the details included in this report are:

STANDARDS COMMITTEE

15th January 2015

- Risk of challenge to Council decisions; and
- Risk of complaints about elected Members.

5. APPENDICES

Summary of complaints received under the new Standards regime.

6. BACKGROUND PAPERS

Chapter 7 of the Localism Act 2011.

AUTHOR OF REPORT

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Agenda Item 4

Standards Committee 15th January 2015
Appendix

Summary of Complaints made to the Monitoring Officer since July 2012

July 2012 to December 2012			
No.	District Council or Parish	Brief description of subject matter	Resolution
1	District	Complaint about comments made at Full Council	Resolved locally following referral to the Independent Person.
2	District	Complaint about comments made at Full Council	Resolved locally following referral to the Independent Person.
3	District	Complaint about comments made at Full Council	Resolved locally following referral to the Independent Person
4	District	Complaint about the behaviour of one of the members of a committee and the manner in which other members and visitors were spoken to	Resolved locally following referral to the Independent Person.
5	District	Failure to declare an interest at a meeting	Resolved locally following referral to the Independent Person and discussion with Group Leaders
6	District	Complaint about comments made in the press by a councillor of one group regarding previous alleged actions of another political group	Resolved locally following referral to the Independent Person
7	District	Complaint that comments made in the press that revealed confidential information	Resolved locally following referral to the Independent Person. Member found not to have breached the Code
8	District	Complaint of factual inaccuracies in a press article	Resolved locally following referral to the Independent Person
9	District	Complaint that DPI form not completed properly	Complaint looked into by MO but no substantive issues arising therefore not pursued
Note: One further complaint was received during this period but not formally pursued after the member concerned resigned from the committee to which the complaint related.			
January 2013 to December 2013			
1	District	Complaint that a councillor was not responding to communications from a resident	MO of the opinion that the code was not engaged as not responding would not be a breach of the code. Matter not pursued.

Agenda Item 4

Standards Committee 15th January 2015
Appendix

Summary of Complaints made to the Monitoring Officer since July 2012

2	Parish	One parish councillor complaining that two other members of the parish council had failed to declare interests at a meeting of the Parish Council	Referred to the Independent Person. Analysis of the facts revealed no breach and decision of MO not to pursue. However, processes at the Parish could have been clearer and advice and support offered by the MO to the parish to improve procedures.
3	Parish	Complaint about problems with aspects of the running of the council centring on the operation of one of the sub-committees.	Referred to the Independent Person in the first instance with other general problem issues at the Parish then becoming apparent. Series of meetings between the parties and the MO to identify extent of issues and clarify support needed to make improvements. MO and Deputy MO continuing to support the Parish to improve procedures.
4	District	Complaint that ward councillor had acted inappropriately when intervening in an education issue concerning residents in their ward	Resolved locally following referral to the Independent Person.
5	District	Complaint re inappropriate discussion by one member with other members regarding a planning application	Referred to the Independent Person and then to be investigated. Investigation found no breach therefore matter not pursued at MOs discretion.
January 2014 to December 2014			
1	Parish	Complaint that member failed to declare an interest in another parish organisation (ODI)	Complaint referred to the Independent Person but unfounded as the Councillor was not a member of the other organisation on those dates
2	Parish	Complaint that member had failed to declare an ODI at a Parish Council Meeting in February 2013 (14 months earlier).	Referred to the Independent Person and looked into by the MO. MO upheld the complaint. The member acknowledged the oversight. MO offered training to the member and the parish as a whole.

Summary of Complaints made to the Monitoring Officer since July 2012

3	Parish	Complaint about the way in which a planning application was considered at a Parish Council meeting including comments made by the member complained about.	Resolved locally following referral to the Independent Person. Established that the formal part of the meeting had been properly dealt with and that the member had not taken non material planning matters into consideration or shown a lack of respect. MO feedback given to improve processes at meetings.
4	District	Complaint of inappropriate behaviour by a member following a council meeting.	Resolved locally following referral to the Independent Person and discussion with Group Leaders
5	Parish	Further complaint that the Parish Councillor referred to at 2 above had failed to declare the same ODI as the earlier complaint. This complaint related to a meeting which took place 5 months before the meeting to which the first complaint related (and before the offer of training had been made).	The member agreed that the position was the same as in relation to the earlier complaint and agreed to apologise for the oversight at the next Parish Council meeting.
6	Parish	Further complaint that member referred to at 1 above had not declared the same ODI at another meeting of the Parish Council.	Complaint referred to the Independent Person but unfounded as there was no business before the meeting that would have triggered the need to make a declaration
7	District	Complaint that ward member had become overly involved in a neighbour dispute	Referred to the Independent Person. Resolved locally by an apology being given.

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WORK PROGRAMME

Relevant Portfolio Holder	Councillor Margaret Sherrey
Portfolio Holder Consulted	Yes
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.

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 Under the Localism Act 2011 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 was therefore established in July 2012 to enable the Council to discharge its duties in this regard.
- 3.4 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 and any prevailing legislation; and

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- (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.
- 3.5 The Work Programme is attached at Appendix 1. The Committee's Terms of Reference, which were approved by Full Council on 19th June 2012, are attached for Members' information at Appendix 2.
- 3.6 The Work Programme will appear as a regular item on all Standards Committee agendas.
- 3.7 Officers will update the Work Programme, as appropriate, in between meetings, where necessary in consultation with the Chairman of the Committee. Any changes to this will be reported to the next meeting of the Committee, as appropriate. Members of the Committee are welcome to contact Officers at any time with suggestions for the Work Programme.
- 3.8 The Work Programme is linked to the Council's Improvement Objective.

Customer / Equalities and Diversity Implications

- 3.9 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.

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.

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15th January 2015

7. **KEY**

Not applicable.

AUTHOR OF REPORT

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STANDARDS COMMITTEE

15th January 2015

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
Note: The operation of the Standards Committee is currently being looked at by the Monitoring Officer, Democratic Services Manager and three Group Leaders as part of the Constitution Working Group.	
17th March 2015	<ul style="list-style-type: none"> • Annual Review of the Operation of the Standards Committee. • Calendar of meetings 2015/16.
July 2015 (2015/16 Municipal Year meeting dates yet to be set. Dates also subject to review of the Committee currently being undertaken by the Monitoring Officer as part of wider constitution review.)	<ul style="list-style-type: none"> • Election of Chairman for the ensuing municipal year • Election of Vice-Chairman for the ensuing municipal year • Dispositions report (for Council Tax Setting, Budget Setting, Members' Allowances, Members' Speaking Rights and Outside Bodies – to go to the first meeting of the Committee following District Council Elections)
October 2015	
January 2016	
March 2016	
Item(s) for future meetings – date(s) to be determined	
<p>Note: All meetings of the Committee will include regular items such as:</p> <ul style="list-style-type: none"> • Minutes of previous meeting; • Monitoring Officer's Report; • Parish Councils' Representatives Report; • Relevant Member complaint and/or investigation updates; and • Work Programme. 	

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APPENDIX 2 STANDARDS COMMITTEE TERMS OF REFERENCE

Terms of Reference	<p>The Standards Committee will have the following roles and functions:</p> <ol style="list-style-type: none"> a. promoting and maintaining high standards of conduct by Councillors and any co-opted members of Council bodies; b. assisting the Councillors and co-opted members to observe the Members' Code of Conduct; c. advising the Council on the adoption or revision of the Members' Code of Conduct; d. monitoring the operation of the Members' Code of Conduct; e. advising, training or arranging to train Councillors and co-opted members on matters relating to the Members' Code of Conduct; f. granting dispensations to Councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct; g. dealing with any report from the Monitoring Officer following an investigation into a complaint concerning the Members' Code of Conduct; 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. 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; j. monitoring, and reviewing the operation of the Protocol on Member-Officer relations; k. monitoring and reviewing the operation of the Protocol on Member-Member Relations.
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