

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE STANDARDS COMMITTEE

WEDNESDAY, 21ST FEBRUARY 2007

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

Officers: Mrs. C. Felton and Messrs. A. Jessop, N. Shovell and J. Wright.

21/06 **APOLOGIES**

No apologies for absence were submitted.

22/06 **DECLARATIONS OF INTEREST**

No declarations of interest were made.

23/06 **MINUTES**

The Minutes of the Meeting of the Committee held on 14th December 2006, were submitted.

RESOLVED that the Minutes be approved and confirmed as a correct record.

24/06 **CONFIDENTIAL REPORTING CODE**

A revised Confidential Reporting Code, which updated the previously agreed document in 2004, was submitted. It was reported that the document had already been considered by the Corporate Management Team, informal Leaders Group and the Audit Board, and was currently being considered by the Unions, and to date there had been no material change to the substance of the report. Accordingly, the views of the Committee were sought prior to its submission to the Executive Cabinet.

RECOMMENDED:

- (i) that, from a practical viewpoint, any future updates/amendments proposed to the Code be highlighted (possibly in italics) rather than submitting a new document in full;
- (ii) that, insofar as Paragraph 1.6 was concerned, a concern was expressed that the wording implies an obligation on the Council and third parties (who would be providing a service to the Council under a contract, over which the Council had no control), to adhere to a document when there was no way of monitoring whether they had, in fact, adhered to it; and

- (iii) that, in all other respects, the report be commended to the Executive Cabinet with the caveat that the Head of Legal and Democratic Services be granted delegated authority to amend the Code following the necessary consultation with the Unions and any other relevant bodies.

25/06 **RESIGNATION OF AN INDEPENDENT MEMBER OF THE COMMITTEE**

It was reported that, due to work commitments, Mr.M. O'Mahoney had resigned as an Independent Member of the Committee , and that, accordingly, an advertisement for his replacement would be placed shortly. The Committee were asked to indicate their preferred option for the length of his successor's term of office.

RESOLVED;

- (i) that, in order to retain a uniform "end date" for all of the Independent Members on the Committee, the term of office of Mr. O'Mahoney's successor expire in November 2011; and
- (ii) that the thanks of the Committee be formally recorded for the contribution made by Mr. O'Mahoney to this Committee since its inception six years ago; and
- (iii) the Chairman be requested to send a letter to Mr. O'Mahoney along the lines as set out in (ii) above.

26/06 **LOCAL INVESTIGATION OF A COMPLAINT TO THE STANDARDS BOARD**

Following the recent referral from the Standards Board of an allegation of a breach of the Code of Conduct for local investigation, it was necessary to convene a special meeting of the Committee to consider such case.

RESOLVED that a special meeting of the Standards Committee be held at 4.00 p.m. on Wednesday, 21st March 2007 to consider Case Ref. SBE16030.06)

27/06 **DATES OF FUTURE MEETINGS OF THE COMMITTEE**

A schedule of dates of future meetings of the Standards Committee was submitted, for information.

RESOLVED that the report be noted and approved, save for the inclusion of a meeting in June 2007, with the date to be advised in due course.

28/06 **CONSULTATION ON REVISED CODE OF CONDUCT**

A report relating to a Revised Model Code of Conduct for Local Authority Members was submitted, together with a copy of a consultation document setting out the details of the amendments to the Code, and the views/comments of the Committee were sought.

RECOMMENDED that the Council be requested to approve the submission of the following comments in response to the consultation:-

(i) General

By becoming overtly prescriptive, the document becomes too intense, difficult to interpret and very rigid (almost a "checklist") which, if issues did not fall neatly into such list, could create "grey areas". The document was seen, however, as an attempt to be more proportionate, trying to ensure that democracy is enhanced, not undermined.

(ii) Unlawful Discrimination.

The proposed amendment to the Code is supported.

(iii) Bullying

There is a concern that any description of bullying behaviour should not be drawn too broadly, e.g. a "robust exchange" should not be interpreted as bullying.

(iv) Disclosure of Confidential Information

The proposed amendment to the Code is supported.

However Members felt that where interpretative Guidance Notes were to be issued to support the Code, it would be helpful if they were issued at the same time as the Consultation Paper, even if they were in draft form so Members could fully understand what was being proposed. Furthermore, the Committee felt that guidance should be "as appropriate as required", and that Members should be advised that this was not a hook on which they could hang inappropriate reporting-therefore there was a need to enforce in the Guidance the importance of confidentiality at all times.

(v) Commission of Criminal Offence before taking Office

The proposed amendment to the Code is supported. Members were also keen to ensure that, whatever changes were made to the Code in this regard, action should still be able to be taken, in appropriate (serious) cases to suspend any Member against whom criminal proceedings had commenced but had not yet been concluded.

(vi) Using or seeking to use improper influence

The proposed amendments to the Code are supported.

(vii) Publicity Code

The proposed amendment to the Code is supported.

(viii) Reporting breaches of the code and proscribing intimidation

The proposed amendment to the Code is supported.

(ix) Gifts and Hospitality

With public office currently running for a maximum period of four years, the Committee questioned why the requirement to disclose would "cease after five years following the receipt of the gift or hospitality".

(x) Body influencing public opinion or policy

The proposed amendment to the Code is supported.

(xi) Interests of family, friends and those with a close personal association

The proposed amendment to the Code is supported.

(xii) Definition of personal interests

The proposed amendment to the Code is supported.

(xiii) Disclosure of personal interests

The proposed amendment to the Code is supported.

(xiv) Public service interests

The proposed amendment to the Code is supported.

(xv) Prejudicial Interests - List of Exemptions

Any Councillor who was a member of a Committee and who had a prejudicial interest in a particular issue should have the opportunity, having declared the nature of their interest, to address/make a statement to the Committee on the issue (but not to vote) before absenting themselves from the meeting.

(xvi) Overview and Scrutiny Committees

The Committee are of the view that the time constraints where former members of the Executive cannot be involved in Overview and Scrutiny deliberations on issues with which they were involved in creating should be a maximum of three years.

(xvii) Participation in relation to prejudicial interests

Subject to the comments in (xv) above the proposed amendment to the Code is supported.

(xviii) Sensitive information

The proposed amendment to the Code is supported.

(ixx) Register of member's interests

The proposed amendment to the Code is supported.

(xx) Gender neutrality of language

The proposed amendment to the Code is supported.

29/06 **JOHN WRIGHT**

The Chairman informed the Committee that this was the last Standards Committee meeting that John Wright, Democratic Services Manager, would be attending, and wished to place on record her thanks for his help and guidance during his time with the Council.

The meeting closed at 6.20 p.m.

Chairman