



**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE STANDARDS COMMITTEE**

**THURSDAY, 16TH AUGUST 2007 AT 6.00 P.M.**

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

**MEMBERS:** Mrs. N. E. Trigg (Chairman), Councillor C. R. Scurrall, Councillor S. P. Shannon, Councillor E. C. Tibby, Mr. S. E. Allard, Mr. N. A. Burke, Mr. J. Cypher (Parish Council Representative) and Mr. I. A. Hodgetts (Deputy Parish Council Representative)

**AGENDA**

1. To receive apologies for absence
2. Declarations of Interest
3. To confirm the accuracy of the minutes of the meeting of the Standards Committee held on 14th June 2007 (Pages 1 - 4)
4. Council Decisions on Standards Committee matters (Pages 5 - 8)

To receive a report advising of the decisions made by the Council in relation to the new Code of Conduct for Members and the Appointment of Parish Council Representatives to the Standards Committee.

5. Ombudsman Complaint Statistics - Update

Further to the Ombudsman Complaint Statistics report presented at the last meeting of the Committee, to receive an oral update from officers in relation to the subject matter of the miscellaneous category of 6 complaints referred to by the Ombudsman, and to receive statistical data in relation to complaints applicable to other neighbouring authorities.

6. Update on Local Investigations

To receive an update from officers on local investigations which are currently taking place.

7. Standards Committees in Worcestershire (Pages 9 - 12)

To consider a proposal from Mr. J. C. Blakeley, Chairman of Wychavon District Council Standards Committee, on the coming together of Standards Committee members on a county-wide basis.

8. Standards Committee - Member Training

To receive any suggestions from members of the Committee for areas to be included in the Standards Committee training which is taking place at the Council House on Thursday, 6th September 2007.

9. 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

K. DICKS  
Chief Executive

The Council House  
Burcot Lane  
BROMSGROVE  
Worcestershire  
B60 1AA

8th August 2007

# Agenda Item 3

## BROMSGROVE DISTRICT COUNCIL

### MEETING OF THE STANDARDS COMMITTEE

THURSDAY, 14TH JUNE, 2007, AT 6.00 P.M.

PRESENT: Councillor C. R. Scurrall and Councillor S. P. Shannon and Mr. S. E. Allard, Mr. N. A. Burke and Mrs. N. E. Trigg

Observer: Councillor S. R. Peters

Officers: Mr. K. Dicks, Mrs. C. Felton, Mrs. D. Warren, A. Jessop and Ms. D. Parker-Jones

#### 1/07 ELECTION OF CHAIRMAN AND VICE-CHAIRMAN

**RESOLVED:** that Mrs. N. E. Trigg and Councillor C. R. Scurrall be appointed Chairman and Vice-Chairman of the Committee respectively for the municipal year.

#### 2/07 APOLOGIES

An apology for absence was received from Councillor E. C. Tibby.

#### 3/07 MINUTES

The Minutes of the meeting of the Committee held on the 5th April 2007 were submitted.

**RESOLVED:** that the Minutes be confirmed and signed as a correct record.

#### 4/07 OMBUDSMAN COMPLAINT STATISTICS

A report setting out provisional information from annual statistics compiled by the office of the Local Government Ombudsman on complaints recorded against the Council during the twelve month period ending 31st March 2007, was submitted. Members raised a number of issues in this regard, and it was

**RESOLVED:**

- (a) that, if other local authorities statistics are available, officers be requested to compare and contrast these against our figures, and submit a report to the next meeting;
- (b) that, with regard to the six "Other" complaints referred to in the Appendix to the Report, officers be requested to investigate whether they were related to one issue, or a number of separate issues, and report their findings back to the next meeting; and
- (c) that, in all other respects, the Report be noted.

5/07 **NEW CODE OF CONDUCT FOR MEMBERS**

A report outlining the new Code of Conduct for Councillors and co-opted members of the Council, together with accompanying guidance notes, was submitted. Members were advised that local authorities were required to adopt the Model Code of Conduct, drafted by the Department for Constitutional Affairs, by October 2007, and that this Model Code, whilst mandatory, could be amended with any local additions.

It was reported that officers had attended a number of training courses on the new Code of Conduct and, consequently, Members were now asked to consider a number of suggested possible local amendments to the Model Code. Whereupon it was

**RECOMMENDED:**

- (a) that, subject to the amendments set out in (b) below, the Model Code of Conduct be recommended to the Council for adoption; and
  
- (b) that the following local amendments be made to the Code, i.e.,
  - (i) (in order to ensure that officers were not compromised or were not seen to be compromised), the addition of an extra clause to form Paragraph 3(e), as follows:

“No Member shall provide, or offer to provide, a reference for any candidate for employment or promotion with the Authority”
  - (ii) (to cut out the possibility of a loophole), re-draft Paragraph 6 to read as follows:

“(b) must not, when using or authorising the use of resources of, or under the control of, the Authority . . . .”
  - (iii) (the drafting of the Model requires Members to have regard only to the advice of the Section 151 Officer or the Monitoring Officer, but does not require Members to have regard to the advice of other professional officers such as Planning Officers) therefore re-draft Paragraph 7 to read as follows:

“When reaching decisions on any matter you must have regard to any relevant advice provided by your Authority’s officers, and in particular by (i) your Authority’s Chief Finance Officer; (ii) your Authority’s Monitoring Officer; or (iii) the Chief Legal Officer”; and
  - (iv) (to ensure openness and transparency at all times, and to gain the confidence of the public in the robustness of decision-making) to consider applying the need to declare personal and prejudicial interests at all meetings, including informal meetings, by revising the wording of Paragraph 1(4) of Paragraphs 9 to 12 by inserting the following additional clause:

“(d) Any other meeting at which you are conducting the business of your Authority or are acting, claiming to act, or giving the

impression that you are acting as a representative of your Authority”

6/07 **WEST MERCIA INDEPENDENT MEMBERS' FORUM - MINUTES**

The Minutes of the Meeting of the West Mercia Independent Members' Forum held on 26th January 2007 were submitted and noted.

The meeting closed at 6.35 p.m.

Chairman

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## BROMSGROVE DISTRICT COUNCIL

### STANDARDS COMMITTEE

16TH AUGUST 2007

#### COUNCIL DECISIONS - NEW CODE OF CONDUCT FOR MEMBERS AND APPOINTMENT OF PARISH COUCIL REPRESENTATIVES

Responsible Portfolio Holder	Councillor R. D. Smith
Responsible Head of Service	Claire Felton

#### 1. SUMMARY

- 1.1 To inform the Committee of the decisions made by the Council in relation to the new Code of Conduct for Members and the Appointment of Parish Council Representatives to the Standards Committee.

#### 2. RECOMMENDATION

- 2.1 That the contents of the report be noted.

#### 3. BACKGROUND

##### New Code of Conduct

- 3.1 At its meeting on 14th June 2007 the Standards Committee made a number of recommendations to the Council in relation to the new Code of Conduct for Members.
- 3.2 All of the recommendations put forward by the Committee were approved by the Council at its meeting on 18th July 2007 and it was duly resolved:
- (a) that, subject to the amendments set out in (b) below, the Model Code of Conduct be adopted with effect from 19th July 2007; and
  - (b) that the following local amendments be made to the Code:
    - (i) (in order to ensure that officers were not compromised or were not seen to be compromised), an extra clause be added to form Paragraph 3(e), as follows:

“No Member shall provide, or offer to provide, a reference for any candidate for employment or promotion with the Authority”;

- (ii) (to cut out the possibility of a loophole), Paragraph 6 be re-drafted to read as follows:

“(b) must not, when using or authorising the use of resources of, or under the control of, the Authority . . . .”

- (iii) the drafting of the Model requires Members to have regard only to the advice of the Section 151 Officer or the Monitoring Officer, but does not require Members to have regard to the advice of other professional officers such as Planning Officers) therefore, Paragraph 7 be re-drafted to read as follows:

“When reaching decisions on any matter you must have regard to any relevant advice provided by your Authority’s officers, and in particular by (i) your Authority’s Chief Finance Officer; (ii) your Authority’s Monitoring Officer; or (iii) the Chief Legal Officer”; and

- (iv) (to ensure openness and transparency at all times, and to gain the confidence of the public in the robustness of decision-making) that the need to declare personal and prejudicial interests be applied to all meetings, including informal meetings, by revising the wording of Paragraph 1(4) of Paragraphs 9 to 12 to insert the following additional clause:

“(d) Any other meeting at which you are conducting the business of your Authority or are acting, claiming to act, or giving the impression that you are acting as a representative of your Authority”.

#### **Appointment of Parish Council Representatives to the Standards Committee**

- 3.3 At its meeting on the 18th July 2007 the Council considered a report on the appointment of a Parish Member and a substitute Parish Member on the Standards Committee. It was resolved:

- (a) that Mr J. Cypher be appointed to serve as the Parish Member on the Standards Committee for the remainder of the 2007/08 Municipal Year; and
- (b) that Mr I. Hodgetts be appointed to serve as the substitute Parish Member on the Standards Committee for the remainder of the 2007/08 Municipal Year.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 There are no financial implications directly related to this report.



**5. LEGAL IMPLICATIONS**

5.1 There are no legal implications directly related to this report.

**6. COUNCIL OBJECTIVES**

6.1 This report does not directly link to the Council's objectives and priorities.

**7. RISK MANAGEMENT**

7.1 There is no risk, either negative or positive, directly associated with this report.

**8. CUSTOMER IMPLICATIONS**

8.1 There are no customer implications directly associated with this report.

**9. EQUALITIES AND DIVERSITY IMPLICATIONS**

9.1 There are no equality and diversity implications associated with this report.

**10. OTHER IMPLICATIONS**

Procurement Issues - None
Personnel Implications - None
Governance/Performance Management - None
Community Safety including Section 17 of Crime and Disorder Act 1998 - None
Policy - None
Environmental - None

**11. OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	No
Chief Executive	No

Corporate Director (Services)	No
Assistant Chief Executive	No
Head of Service	No
Head of Financial Services	No
Head of Legal, Equalities & Democratic Services	Yes
Head of Organisational Development & HR	No
Corporate Procurement Team	No

**12. APPENDICES**

None.

**13. BACKGROUND PAPERS**

Minutes of the meeting of the Standards Committee held on 14th June 2007.

Report to the Council on 18th July 2007.

Minutes of the meeting of the Council held on 18th July 2007.

**CONTACT OFFICER**

Name: Debbie Parker-Jones  
E Mail: d.parkerjones@bromsgrove.gov.uk  
Tel: (01527) 881411

2 July 2007

Ms Claire Felton  
Monitoring Officer  
Bromsgrove District Council  
The Council House  
Burcot Lane  
Bromsgrove  
B60 1AA

Dear Claire

I enclose for your information a copy of a letter sent by Mr John Blakeley, the Wychavon Standards Committee Chairman, to the Chairs of other Council Standards Committees in Worcestershire.

Yours sincerely



**IAN MARSHALL**  
Monitoring Officer



Walnut House  
Hoden lane  
Cleeve Prior  
Evesham  
Worcestershire  
WR11 8LH

28 June, 2007

The Chair of the Standards Committee  
Council

Worcestershire

Dear Colleague,

This letter comes out of the blue, but its purpose is to ask whether there might be any interest on the part of yourself and of the Standards Committee you chair in the concept of bringing together members of Standards Committees in Worcestershire, and perhaps also Monitoring Officers, for the purposes of discussion of issues facing the committees.

At this point in time, with a new Code of Conduct for Council members just introduced (opening up in its train fresh aspects likely to need interpretation), with the introduction of local filtering of complaints in the offing, and with the role of the Standards Board for England in a state of flux, the Standards regime is undergoing something of a sea change: which makes it seem, if only to me, that it may be a good time to wonder whether there may be benefit in Standards Committee members, irrespective of whether they are elected Principal Authority Councillors, Parish/Town Councillors, or independent, coming together on a county-wide and occasional basis to exchange experiences, thoughts and concerns on the implementation and development of the regime.

A while ago I noticed from the Standards Board's "Bulletin" publication, issue 31, that a similar systematic bringing together of Standards Committee members has in fact been organised, in Suffolk, and it is this which, in the context of the sea change mentioned above, has prompted me, after waiting until the May elections were well out of the way, to write this letter.

I do so at my own initiative, albeit with the knowledge and approval of the other members of my Council's Standards Committee: but neither they nor I have any ambition beyond the mere flying of a kite, recognising that it may indeed fall straight back to ground.

If however responses to this letter did indicate that there was a sufficiently widespread interest in pursuing the concept raised in it, I would be able at least to offer to arrange for the Wychavon Civic Centre in Pershore to be available as the venue for an initial, exploratory get-together, which I would suggest would most usefully at that stage be of Standards Committee Chairs (and, if it seemed feasible and sensible to respondents, of their Monitoring Officers as well).

As to the issues which might warrant such interest, I suppose that at present they would include (in varying degrees, given the differing impact of the Standards regime on the individual Councils in Worcestershire) the interpretation and efficacy of the new Code; the practicalities involved in the introduction of local filtering;

the complexities of the ongoing obligation on committees to conduct investigations and hearings; inter-relationships within committees and between committees and their Council members/officers and relevant external bodies; and perhaps also training matters.

I shall be most grateful for any comments you may care to make on this letter: and I should add that as well as being sent to the Chairs of the Standards Committees of the County, City, Borough and District Councils in Worcestershire, a copy is also being sent to the Monitoring Officer of Wychavon District Council and through him, for information, to his opposite numbers at those Councils.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J. C. Blakeley', written in a cursive style.

John C Blakeley  
(Independent) Chairman, Standards Committee  
Wychavon District Council

Copy: Mr I G Marshall, Monitoring Officer, Wychavon District Council

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