

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE STANDARDS COMMITTEE

WEDNESDAY, 24TH MARCH 2010 AT 4.00 P.M.

PRESENT: Independent Member: Mr. N. A. Burke (Chairman)
Councillors: Miss D. H. Campbell JP, Mrs. A. E. Doyle and E. C. Tibby
(during Minute No's. 47/09 to 53/09 and part of 54/09)
Parish Councils' Representatives: Mr. J. Cypher and Mr. I. A. Hodgetts

Invitee: Councillor G. N. Denaro, Portfolio Holder for Resources (for
Agenda Item 6: Links between the Standards Committee, the Cabinet and
the Senior Management Team)

Observer: Mr. S. H. Malek (Deputy Parish Councils' Representative)

Officers: Mrs. C. Felton, Mrs. D. Warren, Ms. D. Parker-Jones and
Ms. P. Ross

47/09 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Ms. K. J. Sharpe, Independent Member, who was unable to attend the meeting owing to the earlier start time.

Mrs. G. Bell, newly appointed Independent Member, was not in attendance owing to existing holiday commitments. It was further noted that Mrs. Bell had yet to receive the required standards training in order to take up her place on the Committee and that she would be receiving this shortly.

48/09 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

49/09 **MINUTES**

The minutes of the meetings of the Standards Committee held on 23rd September 2009, 3rd February 2010 and 24th February 2010 were submitted.

RESOLVED that the minutes be approved as correct records.

50/09 **MONITORING OFFICER'S REPORT**

The Committee noted the contents of the Monitoring Officer's ("MO's") report and the following issues were raised during the consideration of this:

(i) Member Investigations and Associated Matters

The MO responded to questions regarding former Parish Councillor Dale Carter and the position, in the light of the suspension imposed upon him by the Committee, should Mr. Carter stand for re-election in the future. The MO stated that the consequence of Mr. Carter's resignation was that he had effectively imposed a suspension upon himself by virtue of the fact that he would no longer be sitting as a councillor. It would be important for any Monitoring Officer in situ to make the Parish Council Clerk aware of the significance of the Register of Members' Interests should Mr. Carter become a councillor again, to ensure he completed the required form. The MO stated that Councillor Carter's suspension was never intended as a 'punishment' as it was the role of the Standards Committee to ensure that high standards of conduct were maintained and that there was a clear understanding on all sides of what those standards were.

(ii) Issues arising as a result of assessment decisions

The MO advised that she had raised the issue of the audio system in the Council meetings rooms with the Senior Management Team. She confirmed that a new system was to be installed to coincide with the use of the Council Chamber as a count centre for the General Election in May. It was her understanding that this would be a more satisfactory wireless system, which could hopefully also be used in the other meeting rooms. A district councillor commented that stronger amplification was required, to which the MO responded that such a system had previously been considered by the Cabinet and a decision made not to approve the required expenditure for this. Should the new system prove to be inadequate then the matter would have to be looked at again. The MO added that she had contacted the member of the public who had made the original complaint and updated them on the position.

(iii) Local Assessment Statistics - nature of complaints

Concern was expressed by a member of the Committee in relation to the term "inappropriate" behaviour as detailed in the table of Local Assessment Statistics appended to the report. It was felt that this might not be a sufficiently strong term, particularly in view of the events surrounding the meeting of the full Council in July 2009 and the ongoing investigations in that regard. Officers highlighted the difficulties in categorising complaints associated with Member behaviour, particularly where complainants had failed to attribute these to a particular section of the Code of Conduct. The term inappropriate was deemed a general term which covered a broad range of matters. The MO stated that she felt uncomfortable that officers effectively had to categorise allegations as it was not their role to do so. The Committee agreed that it still wished to receive this information and that it was important for complainants to make clear the nature of their complaint. The Deputy Monitoring Officer added that the complaint form was to be looked at as part of the ongoing review of standards and that it was important, for the public in particular, for the form not be made too legalistic a document.

(iv) Training - 'Planning Ahead'

A query was raised regarding a date for the Standards Committee to complete the 'Planning Ahead' training session, which it was noted appeared later in the agenda under the Committee's Work Programme. The MO advised that one of the Deputy Monitoring Officers was currently in the process of reviewing the Council's Planning Code of Practice and raised the possibility of the training session proceeding once any issues had been identified as a consequence of that review, particularly as the training session might act as a possible remedy for some of the issues. She added that Redditch Borough Council's Deputy Monitoring Officer had recently undertaken a similar exercise with Redditch's Planning Code of Practice and that it would be helpful if the matters arising could be addressed as a whole.

(v) Notifications to parish and town councils concerning complaints about their Members and the Standards Committee (England) Regulations 2008

The guidance which had been produced by Standards for England was noted and it was requested that an item alerting parishes to the existence of the guidance be included on the agenda for the next Parish Council Forum meeting on 15th April 2010.

(vi) Independent Members on the Standards Committee

The Independent Member changes detailed in the report were noted and it was agreed that it would be useful for members of the Committee to receive some background information on any newly appointed independent members. The Ethical Standards Officer agreed to circulate brief information in this regard and confirmed that such information would also be included in the Committee's Annual Report.

(vii) Standards for England – Annual Return 2010

Members were asked to consider the questions included in this year's Annual Return, together with the guidance produced by Standards for England, and to highlight any particular issues they might have to the Ethical Standards Officer by 1st April 2010.

RESOLVED:

- (a) that the report be noted; and
- (b) that any action points detailed in the preamble above be acted upon and reported back to the Committee, as appropriate.

51/09 **PARISH COUNCILS' REPRESENTATIVES' REPORT**

Mr. Cypher confirmed that one meeting of the Bromsgrove Area Committee of the Worcestershire County Association of Local Councils ("CALC") had taken place since the Standards Committee had last met.

It was noted at the meeting that Parish Council Clerks continued to draw attention to the importance of Parish Councillors completing the required Register of Members' Interests form, and of the need for completed forms to be returned to the Monitoring Officer within the requisite period.

Regarding the notification to parish councils of complaints about their Members item which had appeared earlier in the Monitoring Officer's ("MO's") report, and for which it had been agreed an item should be included in the next Parish Councils' Forum agenda, Mr Cypher stated that there had previously been the possibility of a county-wide approach being adopted for this but that he had not heard anything further in this regard. Standards for England had since issued its guidance, which Mr. Cypher had made reference to at the Area Meeting and for which Parish Council Clerks should therefore be ensuring relevant procedures were in place.

Some concerns had been expressed at the Area meeting on the alleged 'fuss on where district councillors sat' following the meeting of full Council in July 2009, and of the monies which Council had approved to fund the investigations into certain of the complaints arising from this. Mr. Cypher advised that he had made clear at the meeting that there were other important issues surrounding the events in question and that it was not simply an issue of where councillors had sat.

A discussion had also taken place at the Area meeting on the previous complaints linked to an article in a Parish Council newsletter and of the editorial policy in respect of such newsletters. On review, it had been decided that the complaints should be referred to the MO for other action. The parish councillors concerned were said to be unhappy at having only been made aware of the position after the Assessment Sub-Committee had met and of their not being given the opportunity of putting forward their side of the case, and had therefore questioned whether this was in accordance with the rules of natural justice.

The Deputy Monitoring Officer advised that she understood the concerns raised and highlighted the difficulties should subject Members be made aware of complaints prior to the assessment stage, particularly in view of legislative restrictions concerning the limited information of which subject Members could be made aware before a complaint had been assessed. The Monitoring Officer added that she felt the processes in place, which had been agreed by the Committee, provided for a very robust system, which it was difficult for anyone to attempt to undermine.

RESOLVED that the position be noted.

52/09

LINKS BETWEEN THE STANDARDS COMMITTEE, THE CABINET AND THE SENIOR MANAGEMENT TEAM

The Committee considered a report which asked whether links should be developed between the Standards Committee, the Cabinet and/or the Senior Management Team, and if so, how those links should be developed and what form they should take; an issue which had arisen in the light of questions

previously contained in Standards for England's Annual Return. Councillor G. N. Denaro, Portfolio Holder ("PH") for Resources and Cabinet Member, was in attendance for this item.

It was noted that whilst informal links currently existed between the Monitoring Officer ("MO") and the PH and the MO and the Corporate Management Team, there were no formal links in place between the Standards Committee and either the Cabinet or senior management. Councillor Denaro stated that the Cabinet did not receive the minutes of Standards Committee meetings, which he felt was appropriate given that the Standards Committee did not report to the Cabinet. It was his personal view that any future links which might be established should not influence the independence of the Committee. The constitutional role of the Portfolio Holder in relation to the Standards Committee was also noted.

Members discussed various options for, and the resulting implications of, both formal and informal meetings being established between the Committee and the Cabinet and/or senior management, and of the MO's role in this regard. The local position, which it was recognised included some relationship issues, was a key consideration in progressing future links. It was agreed that care should be taken to ensure that the independence of the Committee was not seen to be compromised, whilst noting that Standards for England had suggested that the establishment of some formal links might be good practice. In order that they could demonstrate strong ethical values it was felt important that both senior politicians and officers had a clear understanding of the Committee and the extent to which there was any dysfunction within the Council.

The Committee agreed that the establishment of future links would need to involve a stepped approach. The MO advised that following the General Election it was the Chief Executive's intention to look at some of the ways in which issues that the Council currently had in relation to ethical governance might be addressed. Members felt that informal discussions between the Standards Committee and the Chief Executive on such issues might be the first step, particularly in view of the Chief Executive's day to day role in working with the leaders of the political groups, with a first meeting in this regard hopefully to take place in September 2010.

RESOLVED that the Monitoring Officer be tasked with speaking to the Chief Executive regarding the establishment of informal meetings between the Chief Executive and the Standards Committee to discuss ethical governance issues.

53/09 **OMBUDSMAN STATISTICS**

Members received a report which provided a six month update on Ombudsman statistics. The Deputy Monitoring Officer stated that by the end of the current reporting year, namely 31st March 2010, the Council would be well below the 28 day response time for the formal investigation of complaints and would therefore have a very good performance indicator in that respect.

RESOLVED that the report be noted.

54/09 **PUBLICATIONS**

Members noted the publications detailed in the agenda and the Deputy Monitoring Officer ("DMO") advised of further publications which had come to her attention that week, which included a document published by Standards for England ("SfE") on a review which it had undertaken of the local standards framework. The document set out a list of matters which SfE felt were wrong with the current system and included a number of recommendations to the Department for Communities and Local Government. A 'Regulatory Statement' had also been produced by SfE which detailed information in relation to SfE's role as a regulator. It was noted that both documents were available on SfE's website.

The DMO stated that at the recent Monitoring Officer's Conference SfE had advised that it would be taking on the lead role as regulator and that it would be formally categorising authorities as requiring either high, medium or low levels of intervention by SfE. The system was to be implemented in the new municipal year and it appeared that SfE would be taking into account fairly crude factors when categorising authorities. The MO advised of what might be a possible alignment of processes between SfE's new flag system and information which authorities were currently required to provide to the Audit Commission in order to demonstrate, through a use of resources scoring, where they sat in relation to service delivery as an organisation, one of the key lines of enquiry of which related to ethical governance.

Further details in this regard were due to be published shortly, which officers agreed to update the Committee on once available.

RESOLVED that the publications detailed and position in relation to Standards for England's enhanced role as local authority regulator be noted.

55/09 **REVIEW OF OPERATION OF THE STANDARDS COMMITTEE AND ITS SUB-COMMITTEES**

The Committee's views were sought on the general operation of the Standards Committee and its Standard Sub-Committees over the preceding twelve months, in particular the fixed memberships of the Assessment and Review Sub-Committees which had been introduced in September 2009 for a six month trial period.

The Monitoring Officer ("MO") highlighted the large number of complaints which had been received during the previous year and the difficulties which officers had from time to time faced in coordinating the assessment of these, and for which brief mention of increasing the size of the Standards Committee had previously been made should the need for this arise in the future.

Members were asked if they wished to take this opportunity of looking at increasing the membership of the Committee by one elected Member, taking into consideration political balance issues. The issue of appointing a third full

Parish Representative to the Committee was also raised, which it was agreed would be looked at separately, as appropriate.

RESOLVED that the Monitoring Officer be tasked with preparing a report for consideration by full Council on increasing the membership of the Standards to include a fourth elected Member.

56/09 **CALENDAR OF MEETINGS 2010/11**

Members received a report which provided the meeting dates of the Standards Committee for the 2010/11 Municipal Year.

RESOLVED that the meeting dates of the Standards Committee be noted.

57/09 **WORK PROGRAMME**

Further to the discussion which had taken place earlier in the evening in relation to the ongoing review of the Council's Planning Services Code of Practice (Minute No. 50/09 above refers), which it was agreed would be brought back to the Committee as soon as practicable, consideration was given to the Committee's Work Programme.

The Monitoring Officer advised of the difficulties which she faced in further progressing any proactive work until such time as the high number of ongoing Member complaints arising from the 29th July 2009 meeting of full Council had reached their conclusion and the outcomes of these, which would impact on other areas of work such as the Member Protocols, were known.

RESOLVED:

- (a) that the Work Programme be approved; and
- (b) that the items listed under the 'date to be confirmed' section of the Work Programme remain in that category and that dates for these be allocated in due course.

58/09 **DEPUTY MONITORING OFFICER - DEBORAH WARREN**

During discussion of the Work Programme item the Monitoring Officer advised that Deborah Warren, Deputy Monitoring Officer, who had played a major role in supporting and developing the work of the Standards Committee, would shortly be leaving the Council.

RESOLVED that the Committee's vote of thanks to Mrs. Warren for her work with the Standards Committee be formally recorded.

The meeting closed at 5.35 p.m.

Chairman