

**BROMSGROVE DISTRICT COUNCIL**

**STANDARDS COMMITTEE      26th January 2011**

**MONITORING OFFICER'S REPORT**

Relevant Portfolio Holder	Councillor Geoff Denaro
Relevant Head of Service	Claire Felton, Monitoring Officer

**1. SUMMARY OF PROPOSALS**

- 1.1 The Standards Committee has requested the Monitoring Officer to report to each meeting of the Standards Committee on a number of items. This report sets out the latest position in relation to key items since the last meeting of the Committee at which such matters were reported on 22nd September 2010.
- 1.2 Any further updates will be reported verbally at the meeting.

**2. RECOMMENDATIONS**

- 2.1 **Members are requested to note the report and to comment on any aspects of this as appropriate; and**
- 2.2 **to recommend to Full Council that in view of the proposed changes to the standards regime as a consequence of the Localism Bill, the terms of office of the Parish Councils' Representatives on the Standards Committee, effective from July 2011, be for a period of one year, with nominations for appointees to follow from the Bromsgrove Area Committee of the Worcestershire County Association of Local Councils in due course.**

**3. BACKGROUND**

**Member Investigations and Associated Matters**

- 3.1 Local investigations are currently taking place into the following complaints:
- Complaint Reference 94/09 (against a district councillor and for which the scope of the investigation has previously been extended by the Assessment Sub-Committee to include an additional matter);
  - Complaint References 03/10 and 04/10 (linked complaints against parish councillors); and
  - Complaint References 07/10, 08/10 and 09/10 (linked complaints against parish councillors).

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The Investigating Officers' final reports into these matters will be referred to the Committee for consideration once available.

- 3.2 On 17th December 2010 the Standards Committee considered the final reports of the Investigating Officer in relation to a number of complaints made against the members of the Labour Group arising from the meetings of Full Council on 29th January 2009 and 20th January 2010 and associated issues. The Committee agreed with all of the Investigating Officer's findings, which included findings of both failure and no failure to comply with the Members' Code of Conduct. The findings of failure to comply with the Code will now proceed to a Final Determination Hearing which is due to take place in February 2010.

#### **Complaints for Local Assessment**

- 3.3 Since 22nd September 2010 the following Standards Sub-Committee meetings have taken place:
- 28th September 2010 - Assessment Sub-Committee;
  - 13th October 2010 - Assessment Sub-Committee; and
  - 27th October 2010 - Review Sub-Committee.
- 3.4 A total of four new complaints were assessed by the Sub-Committees, three of which were linked matters against parish councillors. The Sub-Committees findings were as follows:

Complaint Ref	Against	Outcome	Comments
06/10	District councillor	No further action	
07/10*	Parish councillor	Referred to Monitoring Officer for local investigation	* Linked complaints
08/10*	Parish councillor	" "	* Linked complaints
09/10*	Parish councillor	" "	* Linked complaints

- 3.5 One request for review was considered, relating to Complaint Reference 05/10 (against a district councillor), the outcome of which was that no further action be taken with the complaint.

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- 3.6 The Committee is reminded that details of only those complaints which have been assessed by the relevant Sub-Committee appear in this report. Any complaints which have yet to be assessed and/or for which Sub-Committee decision notices have still to be issued are not included as the Subject Members concerned will not be aware of the complaints. Equally, only information relating to review requests which have already been considered by the appropriate Review Sub-Committee and for which the parties involved have been notified of the outcome are included.

**Monitoring Officer's Other Action**

- 3.7 At the Standards Committee meeting on 22nd September it was reported that one district councillor had partially completed the Other Action recommended by the Standards Assessment Sub-Committee but that the training element had not been completed. Members are asked to note that in light of the lack of co-operation from the Member concerned the Monitoring Officer has decided not to pursue the training aspect any further and to close the matter. Members will be aware that there is no ability to compel Subject Members to comply with Other Action; it has to be agreed by the Subject Member on a voluntary basis. As the complaint was resolved by way of Other Action there is no ability to refer the matter back to the Standards Assessment Sub-Committee to be re-considered.

**Member Training**

- 3.8 The programme of events for Members under the Modern Councillor Programme for 2011/12 is currently under development. This will include induction for new Members following the May 2011 elections. This will involve a briefing on the Code of Conduct at the induction evening, and awareness training to follow later in quarter 1. A decision has been taken not to carry out full training on the Code in the short-term, in view of the potential changes to legislation detailed in the Localism Bill (paragraphs 3.14 and 3.15 below refer).

**Parish Council Matters**

Monitoring Officer Liaison Meetings

- 3.9 Further to the update provided at the September meeting, the first of the 'Monitoring Officer Liaison Meetings' (for Parish Council Clerks and Executive Officers)' (MOLMs) took place in October 2010. In order to attract as many Clerks/Executive Officers (EOs) as possible two (repeat) meetings were run on 12 and 20 October; one during the daytime and a second in the evening. The aim of the meetings was to give Clerk/EOs an opportunity to raise, in a private forum, any

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questions or concerns they might have in areas falling within the Monitoring Officer's/Head of Legal, Equalities and Democratic Services jurisdiction. It was noted that the meetings were separate to those of the Parish Councils' Forum, to which parish councillors were invited and which covered additional areas of District Council business.

- 3.10 The meetings were well received with a total of 13 Clerks/EOs, covering 16 of the district's parishes, being in attendance. It was agreed that meetings should take place at (approximately) six-monthly intervals, with the next meeting scheduled for March 2011. The March meeting would include updates on electoral matters in the run up to the May 2011 elections and the proposed changes to the national standards regime under the Localism Bill. It was further agreed that single meetings, which would alternate between daytime and evening, would take place in future.

#### Appointment of Parish Councils' Representatives to the Standards Committee

- 3.11 At its meeting on 31st March 2009 the Standards Committee considered a report on the terms of office of the Parish Councils' Representatives (including the Deputy Parish Councils' Representative) on the Committee. The report contained proposals to extend, for the 2009 appointments only, the terms of office of the Parish Representatives from one year to two years. The Committee recommended to Full Council that the terms of office for 2009 be so extended and that a further review of the terms of office be undertaken in 2011 following the parish council elections, such a review to include looking at the possibility of introducing four year terms of office to give parity to parish council and Independent Member appointments. On 29th April 2009 Full Council approved the Committee's recommendations.
- 3.12 The current terms of office of the Parish Representatives expire in July 2011. In view of the proposed changes to the standards regime under the Localism Bill it is suggested that the Committee consider recommending to Full Council that the 2011 Parish Councils' Representative appointments to the Committee be for a period of one year, to July 2012.

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- 3.13 Parish Council nominations to the Standards Committee will be referred to Full Council in the usual manner following the June 2011 meeting of the Bromsgrove Area Committee of the Worcestershire County Association of Local Councils in June.

**National Standards Regime - The Localism Bill**

- 3.14 The Localism Bill was laid before Parliament on 13th December 2010 and was debated at Second Reading on 17th January 2011. The House of Commons voted for the Bill to be considered by a Public Bill Committee that will scrutinise the Bill clause by clause. Details of the Bill are available on the Department for Communities and Local Government (DCLG) website and the DCLG has published 'Decentralisation and the Localism Bill: an essential guide', the link to which is detailed at agenda item 6 (Publications) should members wish to read this.
- 3.15 Whilst imposing a duty on local authorities to promote and maintain high standards of conduct by Members and Co-opted Members, Chapter 5 of Part 1 of the Bill includes provision for the abolition of the Standards Board regime, the national code of conduct and the obligation on authorities to maintain standards committees. The Bill leaves it open to individual authorities to decide whether they wish to adopt their own voluntary code dealing with the conduct that is expected of their Members. The Bill also introduces local accountability and a criminal offence of deliberate failure to declare certain interests.
- 3.16 A further update on the implications of the Bill will be provided by the Monitoring Officer in due course.

**4. KEY ISSUES**

The Committee is asked to note the information contained within the report and to comment on any aspects of this as it sees fit.

**5. FINANCIAL IMPLICATIONS**

None

**6. LEGAL IMPLICATIONS**

The Local Government Act 2000 introduced primary legislation to enable the implementation of a Members' Code of Conduct, and this

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was amended by the Local Government and Public Involvement in Health Act 2007 insofar as it related to the application of the Members' Code of Conduct to their private lives. Further details have been provided by the Local Authorities (Model Code of Conduct) Order 2007 and the Relevant Authorities (General Principles) Order 2001. The local assessment regime was introduced by the LGPIHA 2007, and further expanded in the Standards Committee (England) Regulations 2008 which also set out the rules and procedures governing the investigation and determination of complaints.

**7. POLICY IMPLICATIONS**

None

**8. COUNCIL OBJECTIVES**

This item does not link directly with any Council objectives.

**9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS**

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

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

9.2 These risks are being managed as follows:

- Risk Register: Legal, Equalities and Democratic Services  
Key Objective Ref No: 3  
Key Objective: Effective ethical governance

**10. CUSTOMER IMPLICATIONS**

None

**11. EQUALITIES AND DIVERSITY IMPLICATIONS**

None

**12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT**

None

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**13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY**

None

**14. HUMAN RESOURCES IMPLICATIONS**

None

**15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS**

The Standards Committee is responsible for promoting and maintaining high standards of behaviour among Members and its work is therefore key to the ethical governance arrangements in place within the Council.

**16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998**

None

**17. HEALTH INEQUALITIES IMPLICATIONS**

None

**18. LESSONS LEARNT**

None

**19. COMMUNITY AND STAKEHOLDER ENGAGEMENT**

None

**20. OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	No
Chief Executive	No
Executive Director (S151 Officer)	No
Executive Director – Leisure, Cultural, Environmental and Community Services	No

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Executive Director – Planning & Regeneration, Regulatory and Housing Services	No
Director of Policy, Performance and Partnerships	No
Head of Service	Yes
Head of Resources	No
Head of Legal, Equalities & Democratic Services	Yes
Corporate Procurement Team	No

**21. WARDS AFFECTED**

All wards

**22. APPENDICES**

None

**23. BACKGROUND PAPERS**

Member complaint files

**AUTHOR OF REPORT**

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