

BROMSGROVE DISTRICT COUNCIL

STANDARDS COMMITTEE 23rd March 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 26th January 2011.
- 1.2 Any further updates will be reported verbally at the meeting.

2. RECOMMENDATIONS

Members are requested to note the report and to comment on any aspects of this, in particular the issues raised in paragraphs 3.8 and 3.9, as appropriate.

3. BACKGROUND

Member Investigations and Associated Matters

- 3.1 The Investigating Officers' final reports into Complaint References 94/09 and (linked complaints) 07/10, 08/10 and 09/10 appear later in this agenda for consideration by the Committee.
- 3.2 The investigation into Complaint References 03/10 and 04/10 (linked complaints against two Alvechurch Parish Councillors) is ongoing and the final report for this will be referred to the Committee once available.
- 3.3 A meeting of the Standards Committee took place on 2nd February 2011 to consider the procedural arrangements as part of the pre-hearing process for the final determination of the complaints against the members of the Labour Group arising from the meetings of Full Council on 29th January 2009 and 20th January 2010. It was noted at that meeting that there were still outstanding actions in relation to the pre-hearing process which had not been completed and which were needed before the Committee was in a position to proceed to a hearing. It was agreed therefore that clarity be sought from the Subject Members' representative, in conjunction with the Investigating

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Officer, on the outstanding issues and that authority be delegated to the Director of Finance and Resources, in consultation with the Chairman of the Committee, to decide on any outstanding administrative and/or procedural matters arising as a consequence of any further information received. At the request of the Chairman, the final determination hearing which was scheduled to take place on 22nd February was subsequently postponed as the required pre-hearing paperwork had not been agreed. The hearing is now due to take place in May.

Complaints for Local Assessment

- 3.4 One request for review of a decision has been received and was considered by the appropriate Review Sub-Committee on 26th January 2011. The Review Sub-Committee decided that no further action be taken with the complaint.
- 3.5 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 been considered by the appropriate Review Sub-Committee and for which the parties involved have been notified of the outcome are included.

Local Assessment Statistics

- 3.6 Members will be aware that at the time when the local assessment of complaints was introduced, Standards for England imposed a requirement on authorities to provide them with detailed statistical information ('monitoring returns') on a quarterly basis to support their role in ensuring the effectiveness of local standards arrangements. Authorities were required to give a full breakdown of the complaints they were dealing with including total numbers received, outcome at assessment stage and outcome at hearing stage. This was a time consuming process for staff to comply with. As the information had been collected it was passed on to Members by way of an Appendix to the Monitoring Officer's report.
- 3.7 As members will be aware, the new government announced in the autumn its intention to wind down Standards for England, and to pass new legislation to end the standards regime and no longer require authorities to have standards committees. The draft proposals in this

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regard are now set out in the Localism Bill which is currently before Parliament.

- 3.8 In advance of the winding up of Standards for England the Council was advised in June 2010 that it was no longer required to submit local assessment statistics as previously. Officers had initially intended to continue providing the statistics for the Committee. They were last due on 26th January 2011 but were deferred to this meeting. However, as referred to above, compiling the information is time consuming and the Monitoring Officer questions whether this is the best use of resources given the number of other substantive complaints that the Committee is continuing to deal with. The current statistics are cumulative and need to be broken down into separate years for them to be useful as data to identify trends or issues in particular areas. Given the amount of time that would have to be invested to continue to produce the statistics the Monitoring Officer is not minded to continue with providing this data for every meeting but would like to hear members' views on the issue before making a decision.

3.9 **Annual Report**

Similarly, the Monitoring Officer would like to canvass the views of members on the timing of producing an Annual Report. Due to pressure of work caused by the July 2009/January 2010 investigation, it has not been possible for officers to complete an Annual Report for the current municipal year. Again, given the level of substantive complaints being dealt with, do the Committee see the production of an Annual Report as a priority? Alternatively, would members be content for this project to be put off and for one single report covering the 2009/2010 and 2010/2011 municipal years to be produced at the end of the current municipal year?

Monitoring Officer's Other Action

- 3.10 Further to the update provided at the last meeting regarding the partial completion of Other Action by a district councillor and for which the training element had not been completed by the Member concerned, the Monitoring Officer can now advise that the Subject Member has since complied with the outstanding training element. The other action requested by the Committee has therefore now been completed in full.

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Member Training

- 3.11 The timetable of events for the Modern Councillor Programme 2011/12 has now been established. As reported at the last meeting this will involve a briefing on the Code of Conduct at the induction evening. A mandatory training session ['Introduction to the operation of the Standards Committee'] for all members of the Committee, both new and returning, together with any other district councillors who are interested in attending this will take place from 5.00pm to 6.00pm on Wednesday 8th June 2011; immediately prior to the first meeting of the Committee of the new municipal year.
- 3.12 A separate briefing session on 'Ethical Standards and the Code of Conduct' will take place from 6.00pm to 7.00pm on 26th September 2011, with a further date also to be arranged for this. This session will be mandatory for all members of the Committee and will also be opened up to any other district or parish councillors and parish clerks/executive officers who wish to attend.
- 3.13 The Modern Councillor Programme comprises a number of training events including mandatory sessions on the operation of the Council's committees and boards, as well as additional detailed training in planning, licensing and overview and scrutiny. Various other sessions are also planned which include, amongst others: Chaining Skills; Mock Meetings of Full Council and Planning Committee; and Equality and Diversity Awareness.

Parish Council Matters

Monitoring Officer Liaison Meetings

- 3.14 The second of the Monitoring Officer Liaison Meetings (MOLMs) for parish council clerks and executive officers took place earlier this month and was again well attended. Updates were provided by officers on the 2011 parish council elections and proposed changes to the current standards regime under the Localism Bill.
- 3.15 Parish clerks/executive officers were advised of the District Council's intention, following the 2011 elections, to establish a database of all parish councillors, both elected and co-opted. All parish councillors (save for non-voting co-optees to whom the Code of Conduct does not apply), including those who are re-elected to office, will need to complete a new Register of Members' Interests form within 28 days of their election or appointment to office. Parish clerks/executive officers will supply each of their Members with a copy of the form for completion and it is the individual Member's responsibility to ensure

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that the form is completed and returned (to the clerk/executive officer in the first instance in order for them to keep a copy for the Parish records) within the requisite time period.

- 3.16 Parish clerks/executive officers have also been asked to submit to the Monitoring Officer a copy of their parish council's Code of Conduct, which should include the name of the parish council and the date on which the Code was adopted. An item detailing these requirements has been included in the agenda for the Parish Councils' Forum on 21st March 2011.

Appointment of Parish Councils' Representatives to the Standards Committee - Terms of Office

- 3.17 At its meeting on 16th March 2011 Full Council considered and approved the recommendation of the 26th January 2011 Standards Committee for the 2011 Parish Councils' Representative appointments to the Committee to be for a period of one year, to July 2012, with nominations for appointees to follow from the Bromsgrove Area Committee of the Worcestershire County Association of Local Councils after its meeting in June.

National Standards Regime - The Localism Bill

- 3.18 Attached at Agenda Item 7 (Publications) are two publications, one from Standards for England and one from Local Government Improvement and Development, both of which summarise proposed changes to the standards regime in the Localism Bill. The latter also details the range of provisions which will be available to authorities to call upon in dealing with Member conduct following any abolition of the standards regime.
- 3.19 Further updates on the implications of the Localism 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

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6. LEGAL IMPLICATIONS

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

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12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

None

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

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