

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE STANDARDS COMMITTEE

WEDNESDAY, 23RD MARCH 2011 AT 6.00 P.M.

PRESENT: Independent Members: Mr. N. A. Burke (Chairman) and Mrs. G. Bell
Councillors: Miss D. H. Campbell JP, Mrs. A. E. Doyle and E. C. Tibby
Parish Councils' Representatives: Mr. J. Cypher and Mr. I. A. Hodgetts
Observer: Mr. S. H. Malek (Deputy Parish Councils' Representative)
Officers: Mrs. S. Sellers, Ms. D. Parker-Jones and Ms. P. Ross

40/10 **APOLOGIES FOR ABSENCE**

An apology for absence was received from Ms. K. J. Sharpe, Independent Member.

41/10 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

It was noted, however, that Mr. S. H. Malek, non-voting Deputy Parish Councils' Representative on the Committee would leave the room during consideration of Agenda Item 12 (Consideration of Investigating Officer's Final Reports – Complaint References: 07/10, 08/10 and 09/10) as Parish Representatives were not permitted to consider complaints against Members of their own parish.

It was also noted that Councillor Mrs. A. E. Doyle, a District Councillor Member of the Standards Committee, was affected by some of the issues under consideration at Agenda Item 14 (Consideration of Investigating Officer's Final Report into a complaint against District Councillor Mrs. J. D. Luck) and therefore would not participate in the meeting during this item. During the consideration of this item Councillor Mrs. A. E. Doyle left the room.

42/10 **MINUTES**

The minutes of the meetings of the Standards Committee held on 26th January and 2nd February 2011 were submitted.

It was noted that there were no confidential minutes arising from the meetings of the Standards Committee held on 26th January and 2nd February 2011.

RESOLVED that the minutes be approved as a correct record.

43/10 **MONITORING OFFICER'S REPORT**

The Senior Solicitor presented the Monitoring Officer's report in her absence. The Committee noted the comments 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 Senior Solicitor informed the Committee that paragraph 3.2 of the report should refer to a single complaint against one Alvechurch Parish Councillor and not two Alvechurch Parish Councillors as stated.

The Senior Solicitor advised that the final determination hearing for the complaints against the Members of the Labour Group arising from the meetings of Full Council on 29th July 2009 and 20th January 2010 was due to take place in May 2011.

(ii) Local Assessment Statistics

The Senior Solicitor informed the Committee that in advance of the winding up of Standards for England the Council had been advised in June 2010 that it was no longer required to submit local assessment statistics. Officers had initially intended to continue to provide the statistics for the Committee. However, compiling the information was time consuming and the Monitoring Officer wanted to hear Members' views on the issue before making a decision about whether officers should continue to provide the statistics to the Standards Committee.

Following further discussion the Committee agreed they should receive information that is useful and necessary. Data should include information on timescales, how long it had taken for a complaint to be processed and progressed through the Standards Committee. Officers were tasked to look at producing and compiling relevant 6 monthly and yearly data to be presented to the Committee.

It was agreed that the Ethical Standards Officer would consult separately with Members on precisely which statistical data should be provided to the Committee in the future, and that the relevant data would be incorporated into the upcoming joint Annual Report for 2009/2010 and 2010/2011.

(iii) Annual Report

The Senior Solicitor informed the Committee that similarly, the Monitoring Officer wanted to canvass the views of the Committee regards producing an Annual Report. Due to the pressure of work caused by the July 2009 / January 2010 investigation, it had not been possible for officers to complete an Annual Report for the previous municipal year. The Committee agreed that a single report covering the 2009/2010 and 2010/2011 municipal years be produced and a draft copy be made available to the Committee during July 2011, which would include the statistical data referred to under point (ii) above.

(iv) Member Training

Members were informed of the timetable of events for the Modern Councillor Programme 2011/2012 and the separate briefing session on 'Ethical Standards and the Code of Conduct' as follows:

- Mandatory Training Session, Introduction to the operation of the Standards Committee, Wednesday 8th June 2011 at 5:00pm
- Ethical Standards and the Code of Practice, Monday 26th September 2011 at 6:00pm. This session to be mandatory for all Members of the Committee and would also be opened up to any district or parish councillors and parish clerks/executive officers who wished to attend.

(v) Parish Council Matters

The Senior Solicitor updated the Committee on the Monitoring Officer Liaison Meetings (MOLMs). The second meeting had been well attended and officers had provided an update on the 2011 parish council elections and proposed changes to the current standards regime under the Localism Bill.

Parish clerks/executive officers had been advised on the Council's intention, following the 2011 elections, to establish a database of all parish councillors, both elected and co-opted. Officers also reiterated that all parish councillors (save non-voting co-optees to whom the Code of Conduct did not apply), including those who were re-elected to office, needed to complete a new Register of Members' Interest form within 28 days of their election or appointment to office.

The Ethical Standards Officer informed the Committee that parish council clerks/executive officers had been requested to submit a copy of their parish councils' Code of Conduct to the Monitoring Officer and that an item detailing these requirements had been included on the agenda for the Parish Councils' Forum held on 21st March 2011.

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.

44/10 **PARISH COUNCILS' REPRESENTATIVES' REPORT**

Mr. Cypher informed the Committee that he had chaired the last meeting of the Bromsgrove Area Committee of the Worcestershire County Association of Local Councils (CALC). During the meeting parish councillors and clerks had been reminded that though the Standards regime would be changing through the Localism Bill, when enacted, this was not yet achieved, so the Code still applied. Register of Members Interest forms still needed to be completed before the Standards Committee stood down. This meant that the Area (CALC) needed to appoint parish council members to the Standards Committee for 2011/2012 from June / July 2011.

Following discussion with the Ethical Standards Officer it was noted that Register of Members Interest forms were public documents so there would be no data protection issues with completed forms being submitted to the Monitoring Officer via parish clerks. The Ethical Standards Officer added that the responsibility for the content of completed Interests forms lay with Members and not parish clerks/executive officers or district council officers.

RESOLVED that the position be noted.

45/10 **OMBUDSMAN STATISTICS**

The Committee received a report on the Local Government Ombudsman's update on the number of complaints received for the period 1st April 2010 to 31st October 2010 based on the Councils' records.

The Senior Solicitor informed the Committee that officers would be able to provide Members with a more detailed breakdown of the activity relating to the Ombudsman in June 2011 once the Annual report issued by the Ombudsman was available.

RESOLVED that the contents of the report be noted.

46/10 **PUBLICATIONS**

Members noted the publications detailed on the agenda.

RESOLVED that the publications detailed be noted.

47/10 **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 Standards Sub-Committees over the last twelve months.

Members agreed that reviewing the general operation of the Standards Committee and its sub-committees was beneficial. Whilst dealing with the current level of substantive complaints the Committee had remained conscious of the need to continually review its policies and procedures and had undertaken such reviews, as appropriate. Any general issues arising as a result of the complaints against the Labour councillors would be looked into once the consideration of the complaints had concluded.

RESOLVED that the contents of the report be noted.

48/10 **CALENDAR OF MEETINGS 2011/2012**

Members received a report which provided the meeting dates of the Standards Committee for the 2011/2012 Municipal Year.

RESOLVED:

- (a) that the meeting dates of the Standards Committee be noted; and
- (b) that following the May elections the Ethical Standards Officer to notify newly elected Members of the meeting dates of the Standards Committee for the 2011/2012 Municipal Year.

49/10 **WORK PROGRAMME**

Consideration was given to the Committee's Work Programme.

RESOLVED that the Work Programme be approved.

50/10 **EXCLUSION OF THE PUBLIC**

The Committee considered whether or not to exclude the public from the meeting for consideration of Agenda Item No. 12; Consideration of Investigating Officer's Final Reports – Complaint References: 07/10, 08/10 and 09/10. In doing so, the Chairman announced that the meeting be adjourned to take legal advice.

Accordingly, the meeting adjourned from 6.35pm to 6.47pm.

Having, re-convened, the Senior Solicitor summarised the legal advice which had been provided. The Chairman advised that the Committee had considered whether the public interest in maintaining the exemption outweighed the public interest in disclosing the information, which the Committee agreed it did not.

RESOLVED that the public not be excluded from the meeting during the consideration of Agenda Item No. 12 and that the report therefore be placed in the public domain.

51/10 **CONSIDERATION OF INVESTIGATING OFFICER'S FINAL REPORTS - COMPLAINT REFERENCES: 07/10, 08/10 AND 09/10**

Further to a referral from the Standards Assessment Sub-Committee in September 2010, the Committee was asked to give consideration, under Regulation 17 of the Standards Committee (England) Regulations 2008, to a complaint made against three Parish Councillors who had allegedly failed to declare prejudicial interests at meetings of the Parish Council between April 2007 and September 2010 in relation to a project to build social housing in Clent.

The Investigating Officer had produced three separate reports, one for each Subject Member concerned. Members were requested to consider the Investigating Officer's reports and findings of no failure to follow the Code of Conduct in relation to the complaints refs 07/10, 08/10 and 09/10.

RESOLVED that the Investigating Officer's findings of no failure ("a finding of acceptance") in relation to the allegations against all three Parish Councillors, as detailed in the Investigating Officers final reports, to comply with the codes

of conduct of Clent Parish Council in relation to their actions at Parish Councils meetings between April 2007 and September 2010 be accepted.

52/10 **EXCLUSION OF THE PUBLIC**

The Committee considered whether or not to exclude the public from the meeting for consideration of Agenda Item No. 14; Consideration of Investigating Officer's Final Report – Complaint Reference: 94/09. In doing so, the Chairman announced that the meeting be adjourned to take legal advice.

Accordingly, the meeting adjourned from 6.55pm to 7:12pm.

Having, re-convened, the Senior Solicitor summarised the legal advice which had been provided. The Chairman advised that the Committee had considered whether the public interest in maintaining the exemption outweighed the public interest in disclosing the information, which the Committee agreed it did not.

RESOLVED that the public not be excluded from the meeting during the consideration of Agenda Item No. 14 and that the report therefore be placed in the public domain.

53/10 **CONSIDERATION OF INVESTIGATING OFFICER'S FINAL REPORT - COMPLAINT REFERENCE: 94/09**

Further to a referral from the Standards Assessment Sub-Committee in September 2009, the Committee was asked to give consideration, under Regulation 17 of the Standards Committee (England) Regulations 2008, to a complaint made against District Councillor Mrs. J. D. Luck. The complaint was that Councillor Luck may have breached the Code of Conduct in relation to treating others with respect, using her position as a member to confer an advantage or disadvantage, and conducting herself in a manner that may bring her office into disrepute.

In the course of the Investigating Officer's enquiries the matter had been referred back to the Standards Assessment Sub-Committee on 31st March 2010, who had been of the view that potentially the actions of the subject member could amount to a breach of the Code of Conduct. Specifically this would be in relation to the subject member using her position as a Member to confer an advantage or disadvantage, and conducting herself in a manner that may bring her office into disrepute.

Members were requested to consider the Investigating Officer's report and findings as to whether there had been a failure to comply with the Code of Conduct for the first allegation: Decision Notice dated 14th December 2009 and the second allegation: Decision Notice dated 20th April 2010.

RESOLVED:

In relation to the first allegation: Decision Notice dated 14th December 2009

- (a) that the Investigating Officer's findings of a failure in relation to the allegations made against Councillor Luck, as detailed in the Investigating Officers final report, to comply with the Code of Conduct of Bromsgrove District Council in relation to Decision Notice dated 14th December 2009, be considered at a hearing of the Standards Committee; and
- (b) that the Investigating Officer's findings of no failure ("a finding of acceptance") in relation to the allegation made against Councillor Luck of bringing her office into disrepute be accepted.

In relation to the second allegation: Decision Notice dated 20th April 2010

- (a) that the Investigating Officer's findings of no failure ("a finding of acceptance") in relation to the allegation made against Councillor Luck of using her position to confer an advantage and bringing her office into disrepute be accepted.

The meeting closed at 7.46 p.m.

Chairman