

BROMSGROVE DISTRICT COUNCIL

STANDARDS COMMITTEE

8th June 2011

MONITORING OFFICER'S REPORT

Relevant Portfolio Holder	Councillor Mark Bullivant
Relevant Head of Service	Claire Felton, Monitoring Officer and Head of Legal, Equalities and Democratic Services

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, and this report sets out the latest position in relation to key items since the last meeting of the Committee on 23rd March 2011.
- 1.2 Any further updates will be reported verbally at the meeting.

2. RECOMMENDATIONS

That the Committee note the report and comment on any aspects of this, in particular the proposal contained at paragraph 3.17 regarding the extension to the term of office of one of the Independent Members on the Committee, as appropriate.

3. BACKGROUND

Member Investigations and Associated Matters

- 3.1 Complaint Reference 94/09
This matter is due to be considered at a Final Determination Hearing which, following discussions with the Subject Member (now a former district councillor), it is anticipated will take place in early/mid July. This will necessitate an additional meeting of the Committee taking place, for which the necessary arrangements are currently being made.
- 3.2 Complaint References 03/10 & 04/10
At the time of preparing this report the investigation into Complaint References 03/10 and 04/10 (linked complaints against one Alvechurch Parish Councillor) was nearing its conclusion, with the Investigating Officer due to issue her draft report to the relevant parties imminently. Allowing time for the return of any comments on the report to the Investigating Officer, it is proposed that the initial consideration of the Investigating Officer's report also be dealt with at the additional meeting of the Committee referred to at paragraph 3.1 above.

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3.3 Final Determination Hearing into complaints arising from the meetings of full Council on 29th July 2009 & 20th January 2010

At the request of the Subject Members' representative, and with the agreement of the Chairman of the Standards Committee, the Final Determination Hearing into the complaints arising from the meetings of full Council on 29th July 2009 and 20th January 2010, which was scheduled to take place on 16th May 2011, has now been rescheduled to Tuesday 19th July and (if necessary) the morning of Wednesday 20th July.

Complaints for Local Assessment

3.4 Since the last meeting of the Standards Committee there have been no matters for local assessment.

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 already been considered by the appropriate Review Sub-Committee and for which the parties involved have been notified of the outcome are included.

Member Training

3.6 As reported at the last meeting, the timetable of events for the Modern Councillor Programme 2011/12 has been established, with a number of training events due to take place during the month of June and the following months.

3.7 Mandatory 'Introduction to the operation of the Standards Committee' training for all members of the Committee and any district councillors who might wish to substitute on the Committee is being held from 5.00pm to 6.00pm on 8th June 2011; immediately prior to the first meeting of the Committee of the 2011/12 Municipal Year which is taking place at 6.00pm the same evening.

3.8 Ethical Standards and Code of Conduct training, which it is deemed 'highly desirable' for all members of the Standards Committee and district councillors, particularly new councillors, to attend, is taking place from 6.00pm to 7.00pm on Wednesday 15th June 2011. A further session on this is being arranged for the parish councils, which it is hoped will take place on 21st June; to coincide with the Parish Councils' Forum. A 'mop-up' session for anybody who is unable to attend their session in June is taking place from 6.00pm to 7.00pm on Monday 26th September 2011.

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Parish Council Matters

- 3.9 The current terms of office of the Parish Councils' Representatives and the Deputy Parish Councils' Representative on the Committee expire in July 2011. On 16th March this year full Council agreed that, in light of the proposals contained within the Localism Bill for the abolition of mandatory standards committees in 2012, the terms of office of the Parish Representatives for 2011 be for a period of one year, effective to July 2012.
- 3.10 Nominations for the Parish Councils' Representatives on the Committee for 2011 are due to be considered by the Bromsgrove Area Committee of the Worcestershire County Association of Local Councils (CALC) on 1st June 2011. In accordance with the usual procedure, the nominations will then be referred to full Council for the formal appointments to be made.
- 3.11 As Mr. Malek, the 2010/11 Deputy Parish Councils' Representative on the Committee, was not re-elected to office following the Parish Council Elections in May, the Standards Committee is currently without a Deputy Parish Councils' Representative. It is proposed therefore that the nominations arising from the Bromsgrove Area Meeting of the Worcestershire CALC on 1st June 2011 be referred to the meeting of full Council on 22nd June 2011, with any appointments to take effect from 23rd June 2011. This will avoid any undue delay in the appointment of the Deputy Parish Councils' Representative in particular (bearing in mind that the terms of office of the two current Parish Councils' Representatives' are effective to July) , which is important in view of the upcoming business of the Committee referred to at paragraphs 3.1 to 3.3 above.
- 3.12 Notwithstanding the fact that the 2011 Deputy Parish Councils' Representative nominees will not be formally appointed until the meeting of full Council on 22nd June, all nominees will be invited to attend both the mandatory Standards Committee and Ethical Standards and Code of Conduct training in June, therefore avoiding the need for them to attend any separate 1:1 sessions with the Monitoring Officer.

Extension to Term of Office of Independent Member

- 3.13 The current term of office of Mr. Noel Burke, Independent Member on the Standards Committee, is due to expire on 16th November 2011. This is his first term of office and he is eligible stand for a further 4-year term following that should he so wish.
- 3.14 The independent member vacancy arising from the expiry of Mr. Burke's first term of office would normally be subject to a full recruitment process. Any recommendations of the Council's Appointments Committee would in

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turn be considered by full Council which is responsible for making Independent Member appointments to the Standards Committee.

- 3.15 In view of the proposals contained within the Localism Bill for the abolition, in 2012, of mandatory standards committees, officers have sought guidance from Standards for England (SfE) as to whether it is possible to extend Mr. Burke's current term of office to cover the period up to the abolition of the present Standards Committee. This followed an article which appeared in SfE's Bulletin 48 on the reappointment of independent members who had completed the (normally maximum) two 4-year terms of office.
- 3.16 SfE have confirmed that provided an independent member's term of office has not yet come to an end, they believe it is acceptable to extend that term with the approval of full council without going through a full recruitment process. This is applicable to an independent member who has served either one or two terms of office. The crucial factor is that their term has not come to an end before it is extended. Once the independent member's term has expired the full recruitment procedures must be followed.
- 3.17 In order to both retain Mr. Burke's expertise on the Committee and to avoid the costs associated with the normal recruitment process for independent members, it is proposed that a request be made to full Council on 22nd June 2011 to extend Mr. Burke's current term of office until the Standards Committee, in its present format, is abolished in accordance with the proposals contained within the Localism Bill.

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

There are potential savings to be made in respect of the proposal detailed at paragraph 3.17 of this report. Should full Council ultimately approve the proposal to extend the current term of office of the Independent Member concerned this will save on the costs, in terms of both the required finance for advertising the vacancy and the associated officer and Member support time, involved in carrying out the normal appointments process.

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
Chief Executive	No

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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

Previous Standards Committee reports and Standards Committee minutes

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