

**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE STANDARDS COMMITTEE**

**WEDNESDAY, 8TH JUNE 2011 AT 6.00 P.M.**

PRESENT: Independent Members: Mr. N. A. Burke (Chairman), Ms. K. J. Sharpe (Vice-Chairman) and Mrs. G. Bell

Councillors: Mrs. S. J. Baxter, B. Lewis F.CMI, L. Mallett and Mrs. M. A. Sherrey

Parish Councils' Representatives: Mr. J. Cypher and Mr. I. A. Hodgetts

Observers: Mrs. K. May (proposed Deputy Parish Councils' Representative) and Councillor J. S. Brogan

Officer: Mrs. C. Felton, Mrs. S. Sellers and Ms. D. Parker-Jones

1/11 **CHANGES IN COMMITTEE MEMBERSHIP**

The Ethical Standards Officer welcomed all present to the first meeting of the new municipal year, in particular the four new district councillor members on the Committee. She advised that Mr. S. Malek, the former Deputy Parish Councils' Representative on the Committee, had not been re-elected to office at the parish elections in May and that Ms. K. May, Chairman of Bournheath Parish Council and the proposed replacement for Mr. Malek, was in attendance to observe the meeting. The current terms of office of Mr. Cypher and Mr. Hodgetts, the Parish Representatives on the Committee, ran to July 2011 meaning they were eligible to participate in the proceedings that evening. It was noted that the parish appointments on the Committee for the 2011/12 Municipal Year were to be considered by full Council at its meeting on 22nd June 2011.

2/11 **ELECTION OF CHAIRMAN**

**RESOLVED** that Mr. N. A. Burke be elected Chairman of the Committee for the ensuing municipal year or until the cessation of the Committee in its current form under proposals contained within the Localism Bill, whichever is the sooner.

3/11 **ELECTION OF VICE-CHAIRMAN**

**RESOLVED** that Ms. K. J. Sharpe be elected Vice-Chairman of the Committee for the ensuing municipal year or until the cessation of the Committee in its current form under proposals contained within the Localism Bill, whichever is the sooner.

4/11 **APOLOGIES FOR ABSENCE**

No apologies for absence were received.

5/11 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

6/11 **MINUTES**

The minutes of the meeting of the Standards Committee held on 23rd March 2011 were submitted.

**RESOLVED** that the minutes be approved as a correct record.

7/11 **MONITORING OFFICER'S REPORT**

The Committee noted the contents of the Monitoring Officer's (MO's) report and the issues detailed below were raised during the consideration of this.

(i) **Member Investigations and Associated Matters**

In relation to Complaint Reference 94/09 the Deputy Monitoring Officer (DMO) informed the Committee that notwithstanding the fact that the Subject Member was no longer a serving district councillor, it had previously been established with Standards for England that the process for dealing with a complaint against a former Member had still to be completed in the normal manner. The key difference being any sanction that the Committee could impose should the subject Member be found to have failed to follow the Code of Conduct. A date for the Final Determination Hearing was currently being looked into, which it was hoped would take place in early July.

The DMO advised that the Investigating Officer's report into Complaint References 03/10 and 04/10 (linked complaints against an Alvechurch Parish Councillor) had now been issued to the relevant parties for comment. Again, it was hoped that this matter would be heard in early July, with it being noted that Mr. Cypher would not participate in the consideration of this as parish representatives were not permitted to consider complaints against Members of their own council.

Regarding the complaints arising from the meetings of full Council in July 2009 and January 2010, it was noted that the date scheduled for the Final Determination Hearing in May had had to be rescheduled owing to the changes in district councillor membership of the Committee as a consequence of the May elections. The new date for the Hearing had been set at Tuesday 19th July 2011, continuing if necessary to the morning of Wednesday 20th July.

A query was raised later in the meeting as to whether there was any statutory timeframe within which final determination hearings had to take place. Officers advised that the governing regulations normally

required hearings to take place within 3 months of the Investigating Officer's final report. However, the regulations also provided that should it not be possible to meet that timeframe then a hearing should take place as soon as reasonably practicable thereafter. The Chairman stated that the Committee aimed to conduct hearings in both a timely and orderly manner, whilst remaining conscious of the fact that there were various elements to be satisfied before proceeding to final hearing stage.

(ii) Parish Council Matters

Further to the information detailed by the Ethical Standards Officer (ESO) at the beginning of the meeting regarding changes to the Committee membership, the ESO confirmed that at the meeting of the Bromsgrove Area Committee of the Worcestershire County Association of Local Councils (CALC) on 1st June 2011 both Mr. Cypher and Mr. Hodgetts had been nominated to continue as the Parish Representatives on the Committee for 2011/12, with Mrs. K. May of Bournheath Parish Council being the proposed Deputy Parish Representative. It was noted that all nominations would be considered by full Council on 22nd June.

(iii) Extension to Term of Office of Independent Member on the Committee

The ESO detailed the background to and reasons for the proposal detailed in the report to extend the current term of office of Mr. N. Burke, Independent Member Chairman on the Committee. Members fully supported the proposal to full Council given that this would both retain Mr. Burke's expertise on the Committee and would avoid the costs, both in terms of the required finance for the advertisement of the vacancy and officer and Member support time, involved in carrying out a full recruitment process. It was noted that the term of office in question related to Mr. Burke's membership of the existing Standards Committee only, and not to any successor committee which might be introduced following the cessation of the current Committee some time in 2012 under proposals contained within the Localism Bill.

**RESOLVED:**

- (a) that the contents of the report be noted; and
- (b) that any required actions arising from the points detailed in the report be acted upon and reported back to the Committee as appropriate; and

**RECOMMENDED** that the current term of office of Mr. N. Burke, Independent Members Chairman of the Standards Committee, be extended until the Standards Committee, in its present format, is abolished in accordance with the proposals contained within the Localism Bill.

**PARISH COUNCILS' REPRESENTATIVES' REPORT**

Mr. Cypher noted the updates already provided by officers in relation to the Parish Representative nominees for membership of the Committee in 2011/12. He stated that an explanation of the proposals contained in the Localism Bill to abolish the current standards regime in 2012 had been given

at the meeting of the Bromsgrove Area Committee of the Worcestershire Area Committee of Local Councils which had looked at the nominees. A reminder had also been given at the meeting, to newly elected councillors in particular, of the need to submit a Register of Members' Interest form within 28 days of their election to office.

**RESOLVED** that the position be noted.

9/11

### **MEMBERSHIP OF ASSESSMENT AND REVIEW SUB-COMMITTEES**

The Committee received a report which sought to appoint the membership of the Standards Assessment and Review Sub-Committees for the forthcoming municipal year. It was noted that the proposed memberships detailed in the appendix to the report followed the same format as in previous years and also included provision for the fourth district councillor member of the Committee. The Monitoring Officer explained the reasoning behind, and benefits of, the fixed membership system.

Mr. Cypher questioned whether it had previously been agreed that the Deputy Parish Councils' Representative also be factored into Sub-Committee memberships. The Ethical Standards Officer (ESO) confirmed that this had not been agreed and that whilst officers always aimed to include the Deputy in as much Committee activity as possible, the Deputy could only sit on either the Standards Committee or a Sub-Committee when formally substituting for a Parish Representative. The ESO added that the Deputy was welcome to attend any general policy meetings of the Standards Committee and to participate in debates, but that they would only be eligible to vote on matters when acting as a substitute.

**RESOLVED** that the memberships of Standards Assessment and Review Sub-Committees for the forthcoming municipal year be as follows:

<b>Assessment (District Councillor Complaints) Sub-Committee A</b> <ul style="list-style-type: none"><li>• (IM1)</li><li>• (DC1)</li><li>• (PR1)</li></ul>	<b>Review (District Councillor Complaints) Sub-Committee A</b> <ul style="list-style-type: none"><li>• (IM2)</li><li>• (DC2)</li><li>• (PR2)</li></ul>
<b>Assessment (District Councillor Complaints) Sub-Committee B</b> <ul style="list-style-type: none"><li>• (IM3) (Chairman)</li><li>• (DC3)</li><li>• (IM1)</li></ul>	<b>Review (District Councillor Complaints) Sub-Committee B</b> <ul style="list-style-type: none"><li>• (IM2)</li><li>• (DC4)</li><li>• (PR1)</li></ul>

<b>Assessment (Parish Councillor Complaints) Sub-Committee A</b> <ul style="list-style-type: none"><li>• (IM3)</li><li>• (DC2)</li><li>• (PR1)</li></ul>	<b>Review (Parish Councillor Complaints) Sub-Committee A</b> <ul style="list-style-type: none"><li>• (IM1)</li><li>• (DC1)</li><li>• (PR2)</li></ul>
<b>Assessment (Parish Councillor Complaints) Sub-Committee B</b> <ul style="list-style-type: none"><li>• (IM2)</li><li>• (DC4)</li><li>• (PR2)</li></ul>	<b>Review (Parish Councillor Complaints) Sub-Committee B</b> <ul style="list-style-type: none"><li>• (IM3)</li><li>• (DC3)</li><li>• (PR1)</li></ul>
<b>IM1 – Mrs G Bell</b> <b>IM2 – Mr N Burke</b> <b>IM3 – Ms K Sharpe</b>  <b>PR1 – Cllr J Cypher</b> <b>PR2 – Cllr Hodgetts</b>	<b>DC1 – Cllr Mrs S Baxter</b> <b>DC2 – Cllr B Lewis</b> <b>DC3 – Cllr L Mallett</b> <b>DC4 – Cllr Mrs M Sherrey</b>

10/11 **DOCUMENTATION ACCOMPANYING REPORTS TO ASSESSMENT AND REVIEW SUB-COMMITTEES**

Members were asked to review the Committee's current policy on the documentation made available to the Standards Assessment and Review Sub-Committees, and to determine whether any changes should be made to this.

It was noted that existing policy allowed for the provision of publicly available information/documentation only to the Sub-Committees, with an added provision that a Sub-Committee could make a request to the Monitoring Officer (MO) for any other piece of information to be made available to it, which the MO would then consider.

The Deputy Monitoring Officer (DMO) stated that the current policy assisted officers as it made clear the boundaries relating to which documentation could be made available to the Sub-Committees. The MO added that she was comfortable with this approach and that to include any additional information over and above that which had submitted by a complainant and which was publicly available could put officers in a difficult position. She added that officers had to ensure that they could not be accused of effectively commencing an investigation by gathering any additional information, particularly given the limited role of the Sub-Committees.

It was noted that only one request had previously been made by a member of a Sub-Committee for additional information which, albeit that the information was in the MO's possession, was not publicly available information and had therefore been refused. The MO stated that there would be a point during any

resulting investigation when relevant additional information could be gathered, which was a separate process.

The Committee agreed that it was important for there to be an easily definable way of deciding what information should be placed before a Sub-Committee, and that if such guidance was not in place there could be the potential for officer bias entering into the process. The present system appeared to work well and still gave some scope for the Committee to make a request to the MO for additional information; a process which the MO confirmed she was happy to continue with. It was further agreed that there might be scope to review the position under any new local standards regime which might be introduced following the demise of the current standards framework under the Localism Bill.

**RESOLVED** that the Committee's policy on the documentation that could be made available to the Standards Assessment and Review Sub-Committees remain unaltered.

11/11 **PUBLICATIONS**

It was noted that there were no publications to be brought to the Committee's attention.

12/11 **WORK PROGRAMME**

Consideration was given to the Committee's Work Programme.

The Ethical Standards Officer (ESO) noted that the only item currently for consideration at the 27th July 2011 meeting was the Annual Report of the Committee for the 2009/10 and 2010/11 Municipal Years. In view of the various ongoing complaint matters which it was anticipated would be concluded during July it was noted that the Annual Report might not be available in time, meaning there was a possibility that the July meeting could be cancelled. The ESO added that she would circulate a draft of the Annual Report to the members of the Committee for comment as soon as this was available.

**RESOLVED** that the Work Programme be approved.

The meeting closed at 6.57 p.m.

Chairman