

**STANDARDS  
COMMITTEE**

**21st September 2011**

**MONITORING OFFICER'S REPORT**

Relevant Portfolio Holder	Councillor Mark Bullivant
Portfolio Holder Consulted	Councillor Mark Bullivant
Relevant Head of Service	Claire Felton, Head of Legal, Equalities and Democratic Services and Monitoring Officer
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

**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 (policy) meeting of the Committee on 8th June 2011.
- 1.2 Any further updates will be reported orally at the meeting.

**2. RECOMMENDATIONS**

**That the Committee note the report and comment on any aspects of this, as appropriate.**

**3. KEY ISSUES**

**Financial Implications**

- 3.1 There are no financial implications associated with the contents of this report.

**Legal Implications**

- 3.2 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.

**STANDARDS  
COMMITTEE**

**21st September 2011**

---

**Service / Operational Implications**

**Member Investigations and Associated Matters**

3.3 **Complaint Reference 94/09**

This matter (complaint against former District Councillor Mrs. Jean Luck) was considered at a final determination hearing of the Committee on 8th July 2011. The Committee resolved that Mrs. Luck had failed to follow the Code of Conduct by being in breach of Part 1 paragraph 3 (1) of the Code in that she failed to treat others with respect, and paragraph 6 (a) in that she had used her position to confer a disadvantage. It was agreed that Mrs. Luck be censured for breaching the Code of Conduct. A copy of the minutes of the meeting, together with the Committee's full decision and the reasons for the decision appear at item 3 of this agenda.

3.4 **Complaint References 03/10 & 04/10**

The Committee considered the Investigating Officer's final report into these matters (linked complaints against Alvechurch Parish Councillor David Matthews) at the meeting held on 8th July 2011. The Committee resolved that the Investigating Officer's finding of a failure by Councillor Matthews to comply with the Alvechurch Parish Council Code of Conduct be considered at a hearing of the Committee conducted under regulation 18 of the Standards Committee (England) Regulations 2008. The hearing into this matter is scheduled to take place on 18th October 2011.

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

These matters (complaints against former District Councillor Ms. Judy Marshall and District Councillors Mrs. Christine McDonald, Peter McDonald, Edward Murray, Sean Shannon and Colin Wilson) were considered at a final determination hearing of the Committee on 19th July 2011. The Committee resolved in all cases that the former Member/Members concerned had failed to follow the Code of Conduct. A copy of the minutes of the meeting, together with the Committee's full decisions and the reasons for the decisions appear at item 3 of this agenda.

**Complaints for Local Assessment**

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

3.7 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.

**STANDARDS  
COMMITTEE**

**21st September 2011**

---

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**

- 3.8 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 having taken place since the start of the 2011/12 Municipal Year. Further sessions are being held in September, including detailed planning training and a session on 'Image and reputation and the use of modern social media'.
- 3.9 Mandatory 'Introduction to the operation of the Standards Committee' training took place for all members of the Standards Committee on 8th June 2011. All members of the Committee, including the Deputy Parish Councils' Representative, have completed the necessary required training in order to sit on the Committee.
- 3.10 'Ethical Standards and Code of Conduct' training for district councillors took place on 15th June 2011, with a similar session also being run for the parish councils on 21st June. A final 'mop-up' session for anybody unable to attend either of the earlier sessions is taking place at 6.00pm on Monday 26th September 2011.

**Annual Report of the Committee**

- 3.11 A copy of the joint Annual Report for the Committee for the 2009/10 and 2010/11 Municipal Years will be drafted by Officers as soon as practicable. The draft Report will be circulated to all members of the Committee for comment as soon as this is available.

**Parish Council Matters**

- 3.12 As reported to the Members at the Committee's 8th June meeting, the 2010/11 terms of office of the Parish Councils' Representatives and the Deputy Parish Councils' Representative on the Standards Committee expired in July 2011. On 22nd June 2011 full Council considered the nominations of the Bromsgrove Area Committee of the Worcestershire County Association of Local Councils (CALC) for the 2011/12 nominees to the Committee. Council duly resolved that Mr. J. Cypher and Mr. I. Hodgetts be appointed to serve as the Parish Councils' Representatives on the Committee for a period of one year until July 2012, and that Mrs. K. May be appointed to serve as the Deputy Parish Councils' Representative on the Committee for the same period.

**Extension to Term of Office - Mr. N. Burke, Independent Member**

- 3.13 Members are advised that the Committee's 8th June 2011 recommendation to full Council to extend the current term of office of

**STANDARDS  
COMMITTEE**

**21st September 2011**

Mr. N. Burke, Independent Member Chairman of the Committee, until the Standards Committee, in its present format, is abolished in accordance with the proposals contained within the Localism Bill, was approved by full Council on 22nd June 2011.

**Localism Bill**

- 3.14 The Localism Bill, which proposes the abolition of the Standards Board regime and the model Code of Conduct in favour of local accountability and a criminal offence of deliberate failure to declare a personal interest in a matter, has now gone through the report stage and third reading in the House of Commons. The Bill is currently with the House of Lords for consideration. The first and second readings have taken place in the Lords, with the third day of report stage being scheduled for 12th September 2011. Once the Bill has passed through third reading it will move to the consideration of amendments stage and once the Commons and Lords agree on the final version of the Bill it can receive Royal Assent and become an Act of Parliament.

**Customer / Equalities and Diversity Implications**

- 3.15 There are no customer / equalities and diversity implications associated with the contents of this report.

**4. RISK MANAGEMENT**

- 4.1 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.
- 4.2 These risks are being managed as follows:
- Risk Register: Legal, Equalities and Democratic Services  
Key Objective Ref No: 3  
Key Objective: Effective ethical governance

**5. APPENDICES**

Not applicable.

**6. BACKGROUND PAPERS**

Member complaint files.  
Previous Standards Committee reports and minutes, as denoted in the report.

**7. KEY**

Not applicable.

**BROMSGROVE DISTRICT COUNCIL**

**STANDARDS  
COMMITTEE**

**21st September 2011**

---

**AUTHOR OF REPORT**

Name: Debbie Parker-Jones  
E Mail: [d.parkerjones@bromsgroveandredditchbc.gov.uk](mailto:d.parkerjones@bromsgroveandredditchbc.gov.uk)  
Tel: 01527 881411