

BROMSGROVE DISTRICT COUNCIL

STANDARDS COMMITTEE

13th June 2012

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 21st March 2012.
- 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.

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Service / Operational Implications

Complaints for Local Assessment

- 3.3 Since 21st March 2012 four Standards Assessment Sub-Committee meetings have taken place, namely:
- 3rd April 2012 - assessment of District Councillor Complaint Reference 10/11;
 - 3rd April 2012 - assessment of linked Parish Councillor Complaint References 11/11 and 12/11;
 - 10th April 2012 - further consideration of District Councillor Complaint Reference 02/11 - referral back under regulation 16 of the Standards Committee (England) Regulations 2008; and
 - 28th May 2012 - assessment of District Councillor Complaint Reference 13/11.
- 3.4 Details of the complaint considered at the 28th May meeting will be reported at the 13th June meeting as, at the time of preparing this report, the relevant parties had not been notified of the existence/ outcome of the complaint.
- 3.5 In relation to the 3rd and 10th April meetings, a total of three new complaints and one existing complaint were considered, the outcomes of which were as follows:

Complaint Ref	Against	Outcome	Comments
10/11	District Councillor J. Boulter	No further action	-
11/11*	Wythall Parish Councillor G. Denaro	Referred to MO for local investigation	* Linked complaints
12/11*	Wythall Parish Councillor Mrs. J. Dyer	Referred to MO for local investigation	* Linked complaints
02/11	District Councillor Mrs. J. M. Boswell	In light of information contained within the Investigating Officer's Interim Report the investigation be discontinued and there be no further action in respect of the allegation.	

(MO = Monitoring Officer)

- 3.6 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 that have yet to be assessed and/or for which Sub-Committee decision notices have yet 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 in this report.

Member Investigations and Associated Matters

3.7 Complaint Reference 01/11

The Final Report of the Investigating Officer in relation to Complaint Reference 01/11 against District Councillor Dr. Booth JP was considered by the Committee at a meeting on 27th April 2012, the minutes for which appear at Agenda Item No. 3.

- 3.8 The Committee determined that the matter should be considered at a Final Determination Hearing of the Standards Committee, which took place on 24th May. The Committee resolved that Councillor Dr. Booth had breached the Bromsgrove District Council Code of Conduct in that he failed to declare a personal interest at the meeting of the Cabinet on 5th October 2011.

- 3.9 The Committee imposed a sanction that Councillor Dr. Booth attend one of the training sessions for Members on the Code of Conduct which are scheduled to take place on 13th, 18th and 20th June 2012, or in the event that Councillor Dr. Booth was unable to attend one of those sessions, such other training on the Code of Conduct as may be arranged for him by the Monitoring Officer. Councillor Dr. Booth has indicated to Officers that it is his intention to attend the 13th June session.

3.10 Complaint References 07/11, 08/11 and 09/11

The investigation into linked Complaint References 7/11, 08/11 and 09/11, against District Councillor Peter Whittaker, is ongoing.

Member Training

- 3.11 The 2012/13 programme of Member training has now been established and has been circulated to Members.
- 3.12 The first of the three Code of Conduct training sessions will be taking place at 6.30pm on Wednesday 13th June, hence the earlier start time of the Standards Committee meeting the same evening. As previously advised, two further Code of Conduct sessions will be run on 18th and 20th, with attendance at only one session being required. Invites for the sessions have been issued to all Bromsgrove and Redditch District

Councillors and Bromsgrove and Redditch Parish Councillors and Parish Council Clerks/Executive Officers.

- 3.13 Separate mandatory training for all members of the Standards Committee will take place from 5.00pm to 6.00pm on Wednesday 25th July; immediately prior to the first meeting of any new successor Standards Committee which will commence at 6.00pm the same evening. Further Standards Committee mandatory training sessions will then be arranged as necessary.

Localism Act 2011

- 3.14 By way of update Members are advised that the regulations for the new Standards regime including the definitions of Disclosable Pecuniary Interests (“DPis”) in draft format were circulated to local authorities on 30th May. Officers are in the process of going through the documents and a further update will be given at the meeting. The main issues to note are detailed below.
- 3.15 As expected the proposed commencement date for the new regime is 1st July. This is reflected in the draft order for transitional arrangements. ACSeS (the professional organisation for Monitoring Officers) has made representations to DCLG that the introduction of the new Codes of Conduct should be delayed to allow local authorities a proper chance to finalise their codes and ensure Members are trained. At the moment there is no further word on whether DCLG is going to agree to defer the commencement date of 1st July.
- 3.16 The proposed categories for DPis cover, broadly speaking, the type of interest that would have been expected. The list in the draft regulations covers employment/profession, sponsorship, contracts, land, licences, tenancies and securities (shares).
- 3.17 At the time of writing this report is not clear what the transition arrangements will be for completing complaints that are already being processed. It had previously been reported that authorities would be given a two month period to complete any ongoing investigations. This remains an area of uncertainty and a verbal update will be given at the meeting.
- 3.18 The Monitoring Officer’s report on the new standards arrangements had been due to be considered by Members at Full Council on 16th May. However, the report was deferred to an Extraordinary Meeting of the Council on 19th June. In the meantime recruitment of the Independent Persons is proceeding and the post is due to be advertised the week commencing 4th June with the shortlisted candidates to be interviewed by the Appointments Committee on 9th

July. The final appointments will be confirmed by Full Council when it meets on 18th July.

- 3.19 In terms of the process for handling member complaints under the new system, Officers have had some helpful discussions with West Mercia Police who will in future become involved in those complaints that would trigger a criminal sanction if proven. Officers have discussed arrangements for referrals and representatives from the Economic Crime Unit of the West Mercia Police have kindly agreed to participate in the forthcoming Member training sessions.
- 3.20 With regard to the Member training on the Code of Conduct this will be going ahead on 13th June, 18th June and 20th June as planned. It is helpful that at least the draft regulations have now been made available. The Monitoring Officer recognises however that the timing has been less than ideal and one option that will be considered is whether some further training session may be needed in the autumn to ensure that Members fully understand the Code of Conduct and the rules around interests.

Standards for England

- 3.21 As anticipated, Standards for England formally ceased as an organisation on 31st March 2012.

Customer / Equalities and Diversity Implications

- 3.22 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

None

6. BACKGROUND PAPERS

Member complaint files.

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

7. KEY

Not applicable.

AUTHORS OF REPORT

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