

BROMSGROVE DISTRICT COUNCIL

**STANDARDS
COMMITTEE**

25th July 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 This report sets out the position in relation to key matters which are of relevance to the Standards Committee.
- 1.2 It is proposed that a report of this nature be presented to each meeting of the Committee to ensure that Members are kept updated as to any relevant developments.
- 1.3 Any further updates arising after publication of this report 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 arising out of this report.

Legal Implications

- 3.2 The Localism Act became law on 15th November 2011. Chapter 7 of Part 1 of the Localism Act 2011 introduced a new standards regime effective from 1st July 2012. The Act places a requirement on authorities to promote and maintain high standards of conduct by Members and co-opted (with voting rights) Members of an authority. The Act also requires the authority to have in place arrangements under which allegations that either a district or parish councillor has breached his or her Code of Conduct can be investigated, together with arrangements under which decisions on such allegations can be made. The Relevant Authorities (Disclosable Pecuniary Interests)

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Regulations 2012 were laid before Parliament on 8th June 2012 and also came into force on 1st July.

Service / Operational Implications

New Standards Regime

- 3.3 A new standards regime which introduced fundamental changes to the system of regulation of the standards of conduct for elected Members and co-opted Members (with voting rights) came into force on 1st July 2012.
- 3.4 Under the new regime Members are still required to comply with a Code of Conduct and the authority has established arrangements under which complaints that a Member (at either parish or district level) has failed to comply with his or her Code of Conduct can be dealt with.
- 3.5 A report detailing the changes and setting out draft proposals on how the new regime might be implemented, including the granting of dispensations, was considered by Full Council on 16th May 2012. Following publication of the Disclosable Pecuniary Interests Regulations on 8th June final versions of the Code of Conduct and revised recommendations to the original standards regime report and Terms of Reference of the new Standards Committee were considered by Full Council on 19th June.
- 3.6 Under the new regime all Bromsgrove District and Parish Councillors are required to complete a new Register of Members' Disclosable Pecuniary Interests form. A copy of the new form was sent to all District Councillors and to the Clerks/Executive Officers of the Parish Councils on 21st June for completion. Members have been asked to complete and return the forms as soon as possible, and by the end of July at the latest. The Monitoring Officer and Deputy Monitoring Officer are providing assistance to Members on any specific queries in relation to the registration of interests and three separate Monitoring Officer 'drop-in' sessions have been held to assist District Councillors and the Parish Clerks/Executive Officers with interests' queries.

Independent Persons

- 3.7 The Localism Act requires that the arrangements put in place to deal with complaints against Members must include provision for the appointment by the authority of at least one Independent Person whose views are to be sought, and taken into account, by the authority before it makes its decision on a complaint allegation that it has decided to investigate, and whose views may be sought by the authority or subject Member in certain

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circumstances. The authority intends to appoint two such Independent Persons.

- 3.8 Following a formal recruitment and selection process interviews for the Independent Persons took place with the Appointments Committee on 10th July. Regrettably however no candidates were deemed suitable by the Committee for recommendation to Full Council for appointment. As such a further recruitment exercise will take place in due course.

Parish Representatives

- 3.9 Full Council has agreed that the composition of the Standards Committee will include two Parish Council Representatives. The Bromsgrove Area Committee of the Worcestershire County Association of Local Councils has advised that Mr. John Cypher and Mr. Ivan Hodgetts will continue in their roles as the Parish Representatives on the new Committee for the next twelve months, with Mrs' Karen May continuing as the Deputy Parish Councils' Representative. Following legislative changes the Parish roles are now non-voting co-opted positions, with the arrangements for parish involvement to be reviewed after 12 months to monitor effectiveness.

Member Training

- 3.10 The 2012/13 programme of Member training has been established and a number of Members have completed various elements of both mandatory and optional training. Various "mop-up" sessions are being arranged for Members who have been unable to attend certain of the mandatory sessions.
- 3.11 Three sessions on the new Code of Conduct for Members at both parish and district level, and the Clerks/Executive Officers to the Parish Council, took place in June. All three sessions were attended by representatives of the Economic Crime Unit of West Mercia Constabulary, who will be responsible for conducting any investigations into possible criminal breaches of the Code of Conduct.
- 3.12 As detailed at 3.6 above, three additional Monitoring Officer 'drop-in' sessions, run to assist with both Members and the Parish Clerks/Executive Officer with interests' queries, are also taking place in July.
- 3.13 Further standards training sessions/workshops will be arranged as necessary.

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Customer / Equalities and Diversity Implications

- 3.14 Any process for managing standards of behaviour for elected and co-opted Councillors must be accessible to the public. It is therefore proposed that an impact assessment will be carried out on the complaints process when established, to ensure accessibility.
- 3.15 In addition, it is proposed that the new arrangements will be publicised on the Council's website and that Officers will work to ensure that members of the public are made aware of the process for making a complaint through all existing community engagement events.

4. RISK MANAGEMENT

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.

5. APPENDICES

None

6. BACKGROUND PAPERS

Chapter 7 of the Localism Act 2011
Standards reports to Full Council on 16th May and 19th June 2012

AUTHOR OF REPORT

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