

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE STANDARDS COMMITTEE

WEDNESDAY, 13TH JUNE 2012 AT 5.00 P.M.

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

District Councillors: Mrs. S. J. Baxter, S. R. Colella and L. C. R. Mallett (from second part of Minute No. 6/12 (27th April 2012 Minutes) to Minute No. 9/12)

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

Observer: Mrs. K. May (non-voting Deputy Parish Councils' Representative)

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

4/12 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Mrs. G. Bell (Independent Member).

5/12 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

6/12 **MINUTES**

The minutes of the meetings of the Standards Committee held on 21st March 2012 and 27th April 2012 were submitted.

RESOLVED that, subject to it being noted that third bullet point contained within minute 43/12 (Localism Act 2011 - New Standards Regime) of the 21st March 2012 minutes should read "This meant that a complainant would not be able to insist on a hearing taking place", the minutes be approved as correct records.

7/12 **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) **Complaints for Local Assessment**

In relation to the Assessment Sub-Committee meeting which had taken place on 28th May 2012 to consider Complaint Reference 13/11, the Deputy Monitoring Officer (DMO) advised that the Sub-Committee had

determined that no further action be taken against the Subject Member. No further details of the case were disclosed as the parties involved in the matter had only that day been notified of the outcome and Officers therefore wished to ensure that they were first aware of the position.

(ii) Complaint References 07/11, 08/11 and 09/11

The DMO updated Members as to the position with the ongoing investigations for Complaint References 07/11, 08/11 and 09/11 (see (iii) below).

(iii) Localism Act 2011

The DMO advised that the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 had been laid before Parliament on 8th June 2012 and would come into force on 1st July 2012. The Regulations contained a Schedule which provided a description of what constituted pecuniary interests. It was noted that Full Council on 19th June would be considering a report on the new standards arrangements.

The DMO updated Members on the transitional arrangements and confirmed that the new regime would be introduced on 1st July. Regarding current ongoing investigations, the DMO stated that where the Investigating Officer had written their report and this had reached committee stage the matter would continue under the new regime and would be subject to the revised list of sanctions. However, this did not apply to the Council's current investigations. In cases where the Investigating Officer's report had not reached that stage then there was no provision contained in the transitional arrangements for the matter to proceed any further.

Members queried whether a complainant could lodge a further complaint based on the same matter. The MO/DMO stated that they did not think this could happen as the new Code would apply to alleged conduct which had taken place after 1st July. The MO stated that whilst this might be unsatisfactory for a complainant, the transitional arrangements were such that there was no other available option.

Members discussed the key changes to the disclosure of interests under the new regime, in particular the requirement for Members to disclose such interests in relation to their spouse/civil partner and the implications of this. Mr. Cypher advised of a meeting which he had attended with the West Midlands Local Government Association regarding the disclosure of data for other parties and the implications of this with the Data Commissioner.

The DMO advised that Officers were currently working with legal colleagues within the County on the drafting of a new register of interests form for Members and accompanying guidance. However, in view of the lateness of the regulations this was being done very last minute and with no guidance from central government at that stage to assist Officers.

Finally, the DMO updated Members on a recent legislative change in relation to current Independent Members who might wish to seek to apply to become an Independent Person under the new regime, which Officers would ensure all Independent Members were made fully aware of.

RESOLVED

- (a) that the contents of the report be noted; and
- (b) that any required actions arising from the points detailed in the report and the preamble above be acted upon, as appropriate.

8/12 **PARISH COUNCILS' REPRESENTATIVES' REPORT**

Mr. Cypher confirmed that following the recent meeting of the Bromsgrove Area Committee of the Worcestershire County Association of Local Councils (CALC), it had been agreed that he and Mr. Hodgetts would continue as the Parish Councils' Representatives on any successor Standards Committee, with Mrs. May continuing as the Deputy Parish Councils' Representative. He expressed his gratitude for how well the current Committee had worked together and for the role of the Independent Members on this.

Mr Cypher stated that it was fortunate that the Monitoring Officers within the county were working together to agree a county-wide approach to the new regime. He added that, in general terms, it was hoped that the parish councils would adopt the District Council's model Code of Conduct and arrangements for dealing with Member complaints, although this might not be the case with all of the parishes.

Councillor Mrs. Baxter referred to guidance which had been produced by the National Association of Local Councils (NALC) on the adoption of its model Code of Conduct, from which it was her understanding NALC were suggesting that its Code should only be adopted if there was no other available local version. It was also reported that NALC would be lobbying the government in relation to the change of status of parish representatives on any successor standards committees, with their future status being that of non-voting co-opted members.

RESOLVED that the position be noted.

9/12 **OUTGOING INDEPENDENT MEMBERS**

The Monitoring Officer stated that Full Council wished to formally recognise the hard work of the outgoing Independent Members on the Standards Committee. As a thank you to the Members concerned therefore a small gift was presented to each in recognition of their service to the Council.

The meeting closed at 5.40 p.m.

Chairman