

BROMSGROVE DISTRICT COUNCIL

**STANDARDS
COMMITTEE**

28th November 2012

MONITORING OFFICER'S REPORT

Relevant Portfolio Holder	Councillor Mark Bullivant
Portfolio Holder consulted	
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)

BROMSGROVE DISTRICT COUNCIL

STANDARDS COMMITTEE

28th November 2012

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

Service / Operational Implications

New Standards Regime & Disclosable Pecuniary Interests forms

- 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 authority's Code of Conduct can be dealt with.
- 3.5 Members are required to complete a Register of Members' Disclosable Pecuniary Interests (DPI) form. Section 29 of the Localism Act requires that all parish and district DPI forms be published on the District Council's website. If a parish council has a website it too much ensure that its Members forms are published on its own website. Officers have been liaising with Members and the Parish Council Clerks/Executive Officers in recent months on the submission and completion of DPI forms. Hard copies of the master Register of Interests are also available for inspection at the Council House.

Appointment of Independent Persons

- 3.6 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 circumstances.
- 3.7 Following an unsuccessful recruitment and selection process for an Independent Person(s) in the summer, which did not see any suitable candidate(s) for recommendation to Full Council for appointment, a further recruitment exercise took place and a second Appointments Committee met on 18th September 2012. Two candidates, namely Ms. D. Jinks and Mr. M. Nock, were unanimously recommended by the Committee for appointment. Full Council on 26th September 2012 approved both appointments, which it

STANDARDS COMMITTEE

28th November 2012

was agreed would be reviewed annually by the Monitoring Officer in consultation with Group Leaders.

Member Dispensations and Complaints

- 3.8 Members' attention is drawn to the separate report which appears later in this agenda in relation to the granting of general dispensations under s33 of the Localism Act, together with the processes for the investigation and reporting of complaints and for local hearings.

Member Training

- 3.9 The majority of the training detailed in the 2012/13 programme of Member training has now been completed, with 'mop-up'/1:1 sessions being arranged as necessary for those Members who have been unable to attend certain of the sessions.
- 3.10 Remaining planned training sessions for the current municipal year include:
- Data Protection and Freedom of Information;
 - Equalities and Diversity; and
 - Outside Bodies.
- 3.11 Further training sessions/workshops on the new standards regime will be arranged as and when these are deemed necessary.
- 3.12 The Member Development Steering Group will be meeting in due course to evaluate the training which has taken place as part of the 2012/13 programme.

Customer / Equalities and Diversity Implications

- 3.13 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.
- 3.14 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.

BROMSGROVE DISTRICT COUNCIL

**STANDARDS
COMMITTEE**

28th November 2012

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

Name: Debbie Parker-Jones

Email: d.parkerjones@bromsgroveandredditch.gov.uk

Tel: 01527 881411