

# **STANDARDS COMMITTEE**

**9th October 2014**

## **MONITORING OFFICER'S REPORT**

Relevant Portfolio Holder	Councillor Margaret Sherrey
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 A report of this nature is 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 by Officers 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 2012.

## **Service / Operational Implications**

### **Member Complaints**

3.3 During the period from January 2014 to August 2014 six Code of Conduct complaints were received. One complaint related to a District Councillor and this is currently being dealt with by the Monitoring Officer (MO) following consultation with the Independent Person. The five remaining complaints related to Parish Councillors as follows:-

- (1) Complaint that a Parish Councillor had failed to declare an “Other Disclosable Interest” (ODI) at a Parish Council meeting on 18th February 2013 (14 months earlier).  
The complaint was upheld by the MO. The Member acknowledged the oversight. The MO offered training to the individual Member and the Parish Council as a whole on interests and their declaration at meetings.
- (2) Complaint questioning whether the proper process for planning consultation with the Parish Council had been followed and comments made by the Parish Councillor during the meeting.  
The way the Parish Council had dealt with public participation in a meeting had led to confusion – and the complaint, when there was an “open” discussion about a local planning proposal, before the meeting. Formal consideration of the matter took place during the meeting in the usual way. Accordingly, the Councillor had not taken non-material planning matters into consideration nor shown a lack of respect for the applicant.
- (3) Complaint that a Parish Councillor had failed to disclose an interest in another parish organisation on named dates of Parish Council meetings.  
This complaint was unfounded as the Councillor was not a member of the other organisation on those dates.
- (4) A further complaint was made that the Parish Councillor at (1) had failed to declare the same ODI as the earlier complaint, on 17th February 2014.  
This complaint related to a meeting that had taken place some five months earlier, before the original complaint relating to the meeting in February 2013 had been made (and before the offer of training had been made by the MO). The Member agreed that the position was the same as in 2013 and agreed to apologise for the oversight at the next Parish Council meeting.

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(5) A further complaint was made that the Parish Councillor at (3) had not declared the same ODI at a meeting of the Parish Council on 16th June 2014.

This complaint was unfounded as there was no business before the meeting on that occasion relating to the organisation in question that would have required a declaration to have been made.

- 3.4 Of the two complaints referenced in the January 2014 MO's report, the District complaint has been resolved informally save for one outstanding action.
- 3.5 The other remains on-going with the agreement and co-operation of the Chairman and the Councillors of the Parish concerned, and the MO and the Deputy Monitoring Officer are continuing to provide support and training.
- 3.6 In addition to the Parish matters referred to above the MO has been involved in the resolution of a number of issues raised by residents in relation to Parish matters. These have not in themselves related to the Code but they have nevertheless led to the MO giving advice and guidance to Parishes on process and training needs.

## Member Training

- 3.7 Since the last meeting of the Committee, various events have been offered to Councillors, including:
- Planning (hosted by Redditch Borough Council) for two evenings;
  - Audit;
  - Licensing prior to two meetings of the Committee;
  - A briefing on Illegal money laundering, to increase awareness of work in this area and support members in their ward work;
  - A briefing on the District Plan, to bring Members up to date on feedback from the Inspector; and
  - Training on using the iPads provided to Councillors.
- 3.8 Unfortunately a course on Chaining skills had to be postponed as the trainer was taken ill, but Officers are looking to arrange a new date shortly.
- 3.9 Officers are working with the Member Development Steering Group to bring together an appropriate induction for District Councillors following the elections in May 2015.

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## **Standards Committee & Constitution Working Group**

- 3.10 The Monitoring Officer, Democratic Services Manager and three Group Leaders are currently looking at the operation of the Standards and other Committees as part of the Constitution Working Group. This held its first meeting on 18th September 2014. Members are advised that all constitutional changes will form the basis of a wider report to Council and that if Members have any particular matters that they wish the Constitutional Working Group to consider as part of this work that they liaise through their Group Leader. In respect of the operation of the Standards Committee, if any non-voting parish representatives wish to make any particular comments the Monitoring Officer would be happy to receive any written representations and report the same to the Constitutional Working Group.

## **Customer / Equalities and Diversity Implications**

- 3.11 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.
- 3.12 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.

## **AUTHOR OF REPORT**

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