

## **BROMSGROVE DISTRICT COUNCIL**

### **AUDIT, STANDARDS AND GOVERNANCE COMMITTEE**

**16th July 2015**

#### **MONITORING OFFICER'S REPORT**

Relevant Portfolio Holder	Councillor Geoff Denaro
Portfolio Holder consulted	Yes
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

#### **1. SUMMARY OF PROPOSALS**

- 1.1 This report sets out the position in relation to key standards regime matters which are of relevance to the Audit, Standards and Governance Committee since the last meeting of the former Standards Committee took place on 15th January 2015.
- 1.2 It is proposed that a report of this nature be presented to each meeting of the Audit, Standards and Governance Committee to ensure that Members are kept updated as to any relevant standards developments. 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**

##### **New Audit, Standards & Governance Committee**

- 3.3 On 17th June 2015 Council agreed, as part of a report on the Review of the Constitution, that the work of the former Standards Committee and Audit Board be merged and a new Audit, Standards Governance Committee be created.
- 3.4 A copy of the new Committee's Terms of Reference and Procedure Rules are appended to the Committee's Work Programme at agenda item 11.
- 3.5 As set out in the report to Council, as a consequence of the merging of the standards responsibilities into the new single Audit, Governance and Standards Committee, it is proposed that the new Committee reviews the arrangements for standards hearings at an early meeting. This issue has therefore been added to the Committee's Work Programme and is currently listed for the September meeting. The report will also look at the establishment of Standards Hearings Sub-Committees.
- 3.6 The Committee will receive, at each meeting, a general report of the Monitoring Officer detailing any relevant developments in relation to the standards regime.

##### **Member Complaints**

- 3.7 Since the last meeting of the former Standards Committee in January a total of 5 complaints have been received, all of which relate to District Councillors. Three of the complaints were made by members of the public and two of the five complaints were Member/Member complaints.
- 3.8 The complaints received from members of the public were as follows:

Nature of complaint	Complaint outcome
Councillor made a misleading statement	Resolved locally by the Monitoring Officer with the Independent Person
Councillor was insulting	" " " " !
Councillor was misleading	Monitoring Officer and Independent Person agreed that the complaint was not Code of Conduct related

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- 3.9 Of the two Member/Member complaints, one related to a Member on a planning site visit and the other concerned conduct in the Council Chamber. Member/Member complaints are dealt with by the Group Leaders.

#### Member training

- 3.10 Since the May 2015 elections various training events have taken place introducing Members to the work of their committees. Further sessions to assist Members in their roles as councillors will take place later in the municipal year and Safeguarding and equal opportunities training is scheduled for 8th July.
- 3.11 Planning Committee training was hosted by Bromsgrove District Council following the elections. Trevor Roberts Associates delivered two evenings of training, which included setting out the policy background to planning and the role that councillors have in development control generally and the Planning Committee specifically. Quasi-judicial training has also been held prior to the first meeting of the Licensing Sub-Committees to support Members in their role.
- 3.12 Three repeat Standards and Code of Conduct training sessions were held at Redditch Borough Council and Bromsgrove District Council in June. Two of the sessions took place in Bromsgrove and Borough and District Councillors were offered the opportunity to attend the training session aimed at parish councillors if the other dates specified were not convenient for them.
- 3.13 General (non-mandatory) training on the Audit, Standards and Governance Committee will take place immediately prior to this evening's meeting. The training is aimed to support members of the Committee and any Members who may wish to sit as substitutes on the Committee. The training will outline the role of the Committee and what types of reports the Committee will consider from a Standards, Finance (s151 Officer) and Internal Audit perspective. Separate quasi-judicial training is required for the conduct of any Standards Hearing, which will be arranged as and when required.

#### Parish Representatives on the Committee and Independent Persons

- 3.14 The membership of the Audit, Standards and Governance Committee (and the former Standards Committee) includes two non-voting co-opted Bromsgrove Parish Councils' Representatives (who may not also be a district councillor). A Deputy Parish Representative is also requested from the Parish Councils in the event they need to substitute for a Parish Representative.

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- 3.15 At the meeting of the Bromsgrove Area Committee of the Worcestershire County Association of Local Councils (CALC) on 10th June Chris Scurrall, Vice-Chairman of Belbroughton Parish Council, and John Ellis, Chairman of Belbroughton Parish Council, were appointed the Parish Representatives on the Committee. No Deputy Parish Representative was appointed and this will carry over to the agenda for the next CALC meeting in September. As the Parish Representatives on the Committee are now non-voting (following changes made to the Standards Committee structure under the Localism Act 2011), no separate formal appointments process is required and the appointments made are for noting only. The appointments have been made for the year ahead and nominations for the positions are automatically included on the agenda for the CALC Annual Meeting in June of each year.
- 3.16 An item will be included on each Audit, Standards and Governance Committee agenda allowing the Parish Representatives to raise/report back (orally) of any standards issues which are of relevance to the Monitoring Officer and the Committee.
- 3.17 The Council's two Independent Persons under the Standards regime (again introduced under the Localism Act 2011), who do not form part of the membership of the Committee but who the Monitoring Officer is required to consult with on any non-Member/Member complaints, are sent a copy of the agenda for the meeting and invited to observe the proceedings, on an informal basis, should they so wish.

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

- 3.18 There are no direct implications arising out of this report. Full details of the Councils process for complaining about members are available from the Monitoring Officer on request.

#### **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.  
Complaint papers (confidential).

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Various reports to, and minutes of, meetings of the former Standards Committee and Council, as detailed in the report.

**AUTHOR OF REPORT**

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