

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE STANDARDS COMMITTEE

THURSDAY, 15TH JANUARY 2015 AT 6.00 P.M.

PRESENT: Councillors B. T. Cooper (Chairman), M. A. Bullivant (Vice-Chairman), S. J. Dudley, C. M. McDonald, C. R. Scurrall, R. J. Shannon and L. J. Turner

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

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

10/14 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors D. W. P. Booth and C. J. Spencer.

It was noted that Mrs. K. May, Deputy Parish Councils' Representative – Observer, had also tendered her apologies for the meeting.

11/14 **DECLARATIONS OF INTEREST**

No declarations of interests were declared.

12/14 **MINUTES**

The minutes of the meeting of the Standards Committee held on 9th October 2014 were submitted.

RESOLVED that the minutes be approved as a correct record.

13/14 **MONITORING OFFICER'S REPORT**

The Deputy Monitoring Officer (DMO) presented the report in the Monitoring Officer's (MO) absence.

Member Complaints

The DMO provided an overview of the Member complaints information set out in the report, which detailed all complaints received by the MO since the introduction of the current standards regime in July 2012.

Initially, the majority of complaints made were between district councillors, with the most common subject matter relating to Member comments made at meetings or in the press. More recently, there had been an increase in

complaints made by members of the public (which totalled 35% of the complaints made since 2012) and in complaints made against parish councillors.

The positive input of the Independent Persons and Group Leaders in assisting in the resolution of complaints was noted. All complaints had been resolved locally by the Monitoring Officer without the need for a formal hearing. The new standards regime allowed for far greater flexibility in processing complaints and local resolution was seen to be working well. Members expressed their gratitude for the work of the Independent Persons.

The need for parishes to ensure they had clear processes relating to the conduct of meetings, and that their Members understood the rules surrounding declaration of interests, was noted. Further training on the Code of Conduct for parishes would also be taking place following the 2015 elections.

One of the Parish Councils' Representatives thanked Officers for the report. He felt that the information contained in this would be helpful to the parishes and requested that a copy be forwarded to the parish councils. Officers advised that all parish council clerks automatically received an email confirming when a Standards Committee agenda had been published on the District Council's website and providing a link to the agenda. However, given the significance of the information detailed in the report in relation to the increase in complaints received against parish councillors, Officers agreed to email a further copy of the report to the parish clerks.

A Member queried whether it would be possible for Officers to confirm which complaints had been made by members of the public. Officers responded that this issue had previously been discussed by the Committee and it had been agreed that, at present, such information would not be disclosed. At the last meeting however the MO agreed to consider this matter as part of the wider constitution review work which was currently being undertaken. The only instance in which a complainant's details would be made public were where an Investigating Officer had found in their final report evidence of failure by the subject Member to comply with the Code of Conduct. In response to a further Member query, Officers confirmed that complainants were notified of the outcome of their complaints.

Member training

In relation to the re-arranged chairing skills training which had taken place on 16th December 2014, a Member queried whether all Chairmen and Vice-Chairmen had attended this, including the Chairman of the Council. The DMO responded that she did not have attendance details to hand but that she would check the position and report back to Members separately on this.

Constitution Working Group

It was queried whether the Constitution Working Group would be considering the Standards Committee element of the Constitution review prior to the 2015 elections.

The DMO advised that she was unable to give a specific timetable in this regard, but that this was on the list of matters to be considered, and that the Constitution Working Group was due to complete its work in time for any changes to be introduced with effect from the new municipal year.

RESOLVED that the report be noted.

14/14

PARISH COUNCILS' REPRESENTATIVES' REPORT

Mr Cypher advised that immediately following the last meeting of the Standards Committee he had written to the Parish Council Clerks regarding emerging complaint trends and the increased number of complaints that had been made against parish councillors, and seeking any views from the parishes on the reporting of Members complaints, as discussed at the October meeting.

Mr Cypher had not received any responses from the parishes for the Monitoring Officer (MO) to feed into the Constitution Working Group, however the issues had at least been brought to the parishes' attention. Unfortunately, the majority of the time at the December meeting of the Bromsgrove Area Committee of the Worcestershire County Association of Local Councils (CALC) had been taken up with planning questions to the District Council's Head of Planning and Regeneration. Mr Cypher confirmed that he would therefore be taking these issues to the next CALC meeting in March.

In relation to the Standards Committee's Terms of Reference which were appended to the Work Programme at Agenda Item 6, Mr Cypher queried whether point i. of these was correct in stating that only points g and h applied to parish councils. Mr Cypher stated his understanding that all categories applied to the parishes and commented that clarification on this might be sought as part of the constitution review. He added that if Code of Conduct training was due to take place for the parishes following the 2015 elections it would be helpful for the Standards Committee's remit to be made clear. Mr Cypher also expressed a view that when the Monitoring Officer was due to write to the parish councils in relation to the Code of Conduct training, it be highlighted that attendance at the training should be more than optional, particularly in view of the increased number of complaints which had been received against parish councillors.

The Deputy Monitoring Officer (DMO) stated that the Terms of Reference were correct and that only sections g and h applied to parish councils in terms of legislative requirements. Whilst the Monitoring Officer and other Officers worked closely with the parish councils on standards-related matters, and to this end had forged good working relationships with the parishes, and whilst a generic Code of Conduct had for the most part been agreed between the district and parish councils, only certain elements of the standards regime were mandatory for parish councils under the Localism Act 2011. Although

the Monitoring Officer aimed to provide support, assistance and training to the parishes, both she and the Standards Committee only had remit for certain statutory functions in relation to the parish councils and could only act within those powers.

Members agreed that it would be helpful to add some general wording to the document incorporating the Standards Committee's Terms of Reference to make clear any statutory role of the Committee in relation to the parish councils, and to distinguish between statutory or other functions carried out by the Monitoring Officer or the Committee in the promotion of good working practices between the District and parish councils.

RESOLVED

- (a) that the report be noted; and
- (b) the Standards Committee Terms of Reference document be updated to make clear any statutory role of the Committee in relation to the parish councils, and to distinguish between statutory or other functions carried out by the Monitoring Officer or the Committee in the promotion of good working practices between the District and parish councils.

15/14

WORK PROGRAMME

Members considered the Committee's Work Programme and agreed that it be determined nearer the time whether there was a need for the meeting scheduled for 17th March 2015 to proceed. Should there either be any standards-related feedback from the Constitution Working Group, or if more Member complaints had been received, then the meeting would take place.

RESOLVED that the Work Programme be approved.

The meeting closed at 6.40 p.m.

Chairman