

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE STANDARDS COMMITTEE

THURSDAY, 14TH AUGUST 2008 AT 6.00 P.M.

PRESENT: Independent Members: Mr. N. A. Burke (Vice-Chairman, in the Chair) and Mr. S. E. Allard
Councillors: E. C. Tibby
Parish Councils' Representatives: Mr. J. Cypher and Mr. I. A. Hodgetts

Observers: Mr. S. Malek (Deputy Parish Councils' Representative) and Councillor S. R. Peters

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

17/08 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Mrs. N. E. Trigg (Chairman), Councillor Miss. D. H. Campbell JP and Councillor S. P. Shannon.

18/08 **DECLARATIONS OF INTEREST**

Mr. J. Cypher declared a personal interest in agenda item 5 (Report on Alleged Breach of the Code of Conduct), as a member and Vice-Chairman of Alvechurch Parish Council.

19/08 **MINUTES**

The minutes of the meetings of the Standards Committee held on 20th May and 12th June 2008 were submitted.

RESOLVED that the minutes be approved as correct records.

20/08 **COUNCIL DECISIONS ON STANDARDS COMMITTEE MATTERS**

A report advising of the decisions made by the Council in relation to the appointment of Independent Members and Parish Council Representatives to the Standards Committee was submitted.

It was noted that as a consequence of the decision reached in relation to the term of office of Independent Members, an advertisement would appear in the press in September for a replacement for Mr. Allard, whose second term of office was due to expire at the end of October 2008. Any recommendation in relation to Mr Allard's replacement would then be considered by the Council at its meeting on 12th November 2008.

RESOLVED that the report be noted.

21/08 **REPORT ON ALLEGED BREACH OF THE CODE OF CONDUCT**

The Committee considered a report on an alleged breach of the Code of Conduct.

On 17th March 2008 the Standards Board for England had referred to the Monitoring Officer, for local investigation under section 60(2) of the Local Government Act 2000 (Standards Board reference SBE: 21308.08), an allegation, made by Councillor Mrs. J. M. L. A Griffiths, that at a meeting of Alvechurch Parish Council on 11th February 2008 Councillor Puckering had breached the Code of Conduct by failing to declare an interest in Rowney Green Playgroup.

A report of the Investigating Officer dated 9th July 2008, which had found that Councillor Puckering had not failed to comply with the Code of Conduct, was considered. The Committee was asked to determine whether, based on the facts set out in the report, it agreed with the Investigating Officer's finding that Councillor Puckering had not failed to comply with the Code, or whether it believed there was a case to answer.

RESOLVED that, having considered the report of the Investigating Officer, the Investigating Officer's finding of no failure to comply with the Code of Conduct be accepted.

The reasons for the Committee's decision were as follows:

- (i) At its meeting on 11th February 2008 the Parish Council did not consider or take a decision on whether to make a payment to Rowney Green pre-school; instead, the authorisation of the payments list was an administrative function required as part of the financial procedures of the Parish Council.
- (ii) The Parish Council was not therefore considering business which affected a personal interest of Councillor Puckering.
- (iii) There was, therefore, no requirement for Councillor Puckering to declare an interest, either personal or prejudicial.
- (iv) The Committee agreed with the Investigating Officer's finding that the dates on which the Parish Council considered and took a decision on whether to make a payment to Rowney Green pre-school were at the meeting of the Parish Council's Finance and General Purposes Committee on 26th November 2006 and the meeting of the Parish Council on 11th December 2006.

22/08 **MONITORING OFFICER'S UPDATE REPORT**

Member Investigations/associated matters

In relation to Member investigations under the old regime, Members were advised that there was:

- (i) the Investigating Officer's report before them that evening;
- (ii) an investigation being conducted by the Standards Board for England into allegations that a district councillor may have breached the Code of

- Conduct - for which a provisional finding had been reached and the final decision of which was expected within the next few weeks; and
- (iii) a further Investigating Officer's report which had found that there had been a breach of the Code and for which a final determination hearing would be taking place on 26th September 2008.

Regarding Member investigations under the new (local assessment) regime, it was reported that 5 complaints had been referred to the Standards Board for investigation, all of which had been accepted by the Standards Board. It was noted that the Standards Board's performance indicator for completion of investigations was 90% within six months of acceptance of a referral.

Complaints for Local Assessment

Officers provided statistical data on complaints received for local assessment since the introduction of the new regime on 8th May 2008. It was noted that a total of 9 complaints had so far been received, all of which had been assessed. In addition to the 5 cases which had been referred to, and accepted by, the Standards Board for investigation, 3 cases had resulted in no further action being taken and in 1 case the matter had been referred for other action, which the Subject Member had subsequently complied with.

Member Training

It was agreed/noted that:

- (i) standards committee training, to be conducted by Beth Evans of Bevan Brittan Solicitors, would take place on Monday, 3rd November 2008, an invitation to which would be extended to all Members in the event of their wishing to act as substitutes on the Committee. The training would include two identical sessions, one to be run from 2pm to 5pm and the other from 6pm to 9pm;
- (ii) any identified gaps in standards committee training which needed to be addressed prior to 3rd November would be met by one-to-one training sessions with officers;
- (iii) Mr. Cypher would shortly be meeting with Mr. Malek, the new Deputy Parish Council's Representative, to run through the role of the Parish Councils' Representatives on the Standards Committee;
- (iv) Chairmanship training for Independent Members of the Committee would take place in early November 2008, following the appointment of Mr. Allard's replacement; and
- (v) officers had provided training on the Code of Conduct and Members' Register of Interests forms for Hunnington and Finstall Parish Councils, which had proven to be successful. Officers would also be attending the next Parish Council Forum in September and it was further noted that the training programme for parish councils was due to be considered by the Committee at its meeting in October.

Publicity of the new regime

In view of the responsibility on the Authority to ensure that the complaints process was duly publicized, officers advised that an article on the new regime would appear in the November issue of Together Bromsgrove, as a previous request for this to be included in the summer edition had unfortunately been overlooked. There would also be a press release to accompany the article for the Independent Member vacancy, which as well as detailing the role of an Independent Member, would advise as to how local assessment tied in with this and how complaints could be made against councillors. The complaints form on the website was also due to be looked at to ensure this was as user friendly as possible.

RESOLVED that the updates provided be noted.

23/08 **PARISH COUNCILS' REPRESENTATIVES UPDATE REPORT**

Mr. Cypher reported that since the last meeting of the Standards Committee there had been no meeting of the Bromsgrove Area Committee of the Worcestershire County Association of Local Councils (CALC), the next meeting of which was due to take place on 3rd September 2008. Mr. Cypher added that he would be taking forward some matters to that meeting, including parish councils giving publicity to their individual Codes of Conduct (following an article which had appeared in Alvechurch News in relation to the Alvechurch Code) and Members' Register of Interests forms (to flag up issues such as the completion of forms and the position in relation to co-opted Members). These matters would then be discussed at the Parish Council Forum in September.

The Deputy Monitoring Officer requested that Mr. Cypher highlight the fact that parish councils had previously been requested to forward a hard copy of their respective Codes of Conduct to the Council. Although parish councils had adopted their individual Codes some did not appear to have hard copies of these available, headed up with the name of their parish council and setting out whether these included the optional paragraphs to the Code, which they were required to do should any members of the public ask to see these.

RESOLVED:

- (a) that the position be noted; and
- (b) that Mr. Cypher raise the issue of the individual parish council Codes of Conduct at the next meeting of the Bromsgrove Area Committee of the Worcestershire County Association of Local Councils (CALC).

24/08 **LOCAL ASSESSMENT - ASSESSMENT CRITERIA AND ISSUES ARISING**

Members considered the Assessment Criteria for use by the Assessment Sub-Committee. It was noted that the criteria had been tweaked by individual sub-committees as the process of local assessment had evolved and that further changes could be made to this in the future, as appropriate. A slight amendment to the running order of the questions was agreed, with question 9 to appear before questions 7 and 8.

Both Members and officers agreed that the local assessment process so far had been very successful, particularly in view of the fact that all of the cases which had been referred to the Standards Board had been accepted.

RESOLVED that, subject to the amendment detailed in the preamble above, the Assessment Criteria be noted and approved.

25/08 **THE IMPACT OF THE ETHICAL FRAMEWORK FOR LOCAL GOVERNMENT IN ENGLAND**

The Committee noted the literature contained in the agenda papers in relation to the Council's selection for, and participation in, a five-year case study, commissioned by the Standards Board for England and to be conducted by the Centre for Local & Regional Government Research (CLRGR) at Cardiff University, on the impact and effectiveness of the ethical framework in local government in England.

The Council had been selected as one of nine local authorities in the country to take part in the research. The Monitoring Officer advised that, following lengthy discussions with Dr. James Downe of CLRGR, she had accepted the invitation for this based on the numbers of complaints which had already been made since the introduction of the new regime and the fact that the Standards Board had advised that it was very pleased with the work which the Council had undertaken in this area.

RESOLVED that the position be noted.

26/08 **WORK PROGRAMME**

Consideration was given to the Committee's Work Programme, which included additional items on Ombudsman Complaint Statistics 2007/08 - Neighbouring Authorities (October 2008) and a 12 month review of the local assessment process (June 2009).

RESOLVED that the Work Programme be approved.

The meeting closed at 7.02 p.m.

Chairman