

BROMSGROVE DISTRICT COUNCIL

STANDARDS COMMITTEE

16 OCTOBER 2008

ISSUES ARISING FROM SBE BULLETIN 40

Responsible Portfolio Holder	Cllr Roger Smith
Responsible Head of Service	Claire Felton, Monitoring Officer
Non-Key Decision	

1. SUMMARY

- 1.1 Members are requested to consider two issues arising from the Standards Board for England (SBE) Bulletin 40 relating to adjournment of local assessment decisions and joint Ombudsman/SBE investigations.

2. RECOMMENDATION

- 2.1 Members are requested to note the report and to formulate a response to the SBE on the issue of adjourning local assessment decisions.

3. BACKGROUND

- 3.1 Members will have received the latest Bulletin from the SBE. It raises two issues for consideration by the Committee:

Seeking views on adjourning local assessment decisions (pages 5 and 6 of the Bulletin)

- 3.2 When assessing a complaint, one option open to the Assessment Sub-Committee is to give directions to the Monitoring Officer to take "other action". The SBE has found that some standards committees are reluctant to direct the Monitoring Officer to deal with a case by way of other action when they may not know enough about the circumstances of the case, and do not know whether the member complained about will cooperate with that other action. This is especially true when there does not appear to be any sanction against a member who fails to cooperate with other action, other than perhaps another complaint based on disrepute. It has been suggested that one way around this difficulty is for the standards committee to adjourn consideration of a case they think might be suitable for other action, and ask the monitoring officer to find out whether the member will cooperate.
- 3.3 The SBE has asked for comments on this proposal by 23 September 2008. The SBE has, however, confirmed that it is in order for this Council to submit its views following this meeting and that those views will be considered. Members are therefore requested to read the relevant section

of the Bulletin with a view to discussing it at the meeting to formulate a response to the SBE.

Standards Board and Ombudsman Joint Investigations

- 3.4 The Bulletin states that the SBE would expect to accept that complaints which involve allegations of both maladministration and a breach of the Code are an exceptional circumstance justifying the referral of the investigation to the SBE so that the two investigations can be organised in the most effective and timely way. In short, the SBE has indicated that it will be sympathetic to a request to investigate a complaint arising from incidents that have also resulted, or are likely to result, in an Ombudsman case or an audit enquiry.
- 3.5 Officers anticipate some difficulties with this proposal, as in many cases the issues will be slightly different, and the ability to request the SBE to investigate such a matter will depend upon the order in which the various complaints are received. There are also some issues of confidentiality which would need to be considered in each case.
- 3.6 However, Members are requested to note this.

4. FINANCIAL IMPLICATIONS

- 4.1 None

5. LEGAL IMPLICATIONS

- 5.1 The Local Government Act 2000 introduced primary legislation to enable the implementation of a Members' Code of Conduct, and this was amended by the Local Government and Public Involvement in Health Act 2007 insofar as it related to the application of the Members' Code of Conduct to their private lives. Further details have been provided by the Local Authorities (Model Code of Conduct) Order 2007 and the Relevant Authorities (General Principles) Order 2001. The local assessment regime was introduced by the LGPIHA 2007, and further expanded in the Standards Committee (England) Regulations 2008 which also set out the rules and procedures governing the investigation and determination of complaints. The LGPIHA 2007 extended the powers of the SBE and Local Government Ombudsman.

6. COUNCIL OBJECTIVES

- 6.1 This item does not link directly with any Council objectives.

7. RISK MANAGEMENT

- 7.1 The main risk associated with the details included in this report is:

- *Risk of challenge to Council decisions; and*
- *Risk of complaints about elected members.*

7.2 These risks are being managed as follows:

- Risk Register: *Legal, Equalities and Democratic Services*
Key Objective Ref No: 3
Key Objective: *Effective ethical governance*

8. CUSTOMER IMPLICATIONS

8.1 None

9. EQUALITIES AND DIVERSITY IMPLICATIONS

9.1 None

10. VALUE FOR MONEY IMPLICATIONS

10.1 None

11. OTHER IMPLICATIONS

Procurement Issues	None
Personnel Implications	None
Governance/Performance Management	None
Community Safety including Section 17 of Crime and Disorder Act 1998	None
Policy	None
Environmental	None

12. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	No
Chief Executive	No
Executive Director - Partnerships and Projects	No
Executive Director - Services	No
Assistant Chief Executive	No
Head of Service	<u>Yes</u>

Head of Financial Services	No
Head of Legal, Equalities & Democratic Services	<u>Yes</u>
Head of Organisational Development & HR	No
Corporate Procurement Team	No

13. WARDS AFFECTED

All wards

14. APPENDICES

None

15. BACKGROUND PAPERS

None

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