

**BROMSGROVE DISTRICT COUNCIL**

**STANDARDS COMMITTEE**

**11TH DECEMBER 2008**

**MONITORING OFFICER'S REPORT**

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

**1. SUMMARY**

- 1.1 The Standards Committee has requested the Monitoring Officer to report to each meeting of the Standards Committee on a number of items, and this report sets out the latest position in relation to those items.
- 1.2 Any further updates will be reported orally at the meeting as appropriate.

**2. RECOMMENDATION**

- 2.1 Members are requested to note the report; and
- 2.2 to consider the issues arising from the Standards Committee training held on 3rd November 2008 (as detailed in paragraph 3.6 of the report).

**3. BACKGROUND**

**Member Investigations and Associated Matters**

- 3.1 The outcomes of the 4 complaints (2 of which arose from the same incident) which are currently being investigated by the Standards Board for England (SBE) are still awaited. The SBE's performance indicator for completion of investigations is 90% within six months of acceptance of a referral. The referrals in question were accepted by the SBE on 11th and 28th July 2008 respectively.
- 3.2 Members will recall the recent suspension of a district councillor, for failure to provide the Monitoring Officer with the Members' Register of Interests Form within the required 28 days, for a period of one calendar month, effective from 1st November 2008. Members are advised that the suspension took place without incident and that the Member concerned was reinstated on 1st December 2008.

**Complaints for Local Assessment**

- 3.3 Since the last meeting of the Standards Committee no complaints have been received and none have been assessed by the Assessment Sub-

Committee. A table showing the cumulative totals at the time of preparation of this report is attached at Appendix 1.

### **Member Training**

3.4 Members are advised of the following training matters:

- (i) a further overview and scrutiny training session took place on 24th November 2008, which has enabled the new Members involved in scrutiny as a consequence of the recently approved split to the Scrutiny Steering Board to be trained in accordance with the mandatory requirements;
- (ii) Officers received training on 26th November 2008 to enable them to better understand the implications of the Local Government and Public Involvement in Health Act and the various other pieces of scrutiny legislation;
- (iii) there remains one elected Member who requires overview and scrutiny training, which is being negotiated through a 1-1 session in the New Year;
- (iv) Cabinet members will be receiving training in the Cabinet Procedure Rules and how to apply them on 10th December 2008 and will undertake a further session in January 2009 on the Full Council Procedure Rules;
- (v) any issues arising as a result of the Comprehensive Performance Assessment in relation to elected Member training will be picked up in the overall Member Development Programme and Ethical Governance Action Plan; and
- (vi) general Chairmanship Skills training for elected Members and Parish Council Chairmen took place on 26th November 2008 and Chairmanship Skills training specifically tailored for the needs of Independent Members on the Standards Committee is currently being arranged.

### **3.5 Issues Arising from Standards Committee Training**

On 3rd November 2008 two training sessions on 'Handling Standards Complaints and the Code of Conduct', which were conducted by Beth Evans of Bevan Brittan Solicitors, took place at the Council House. Members of the Standards Committees, district councillors and representatives of the parish councils of both Bromsgrove District Council and Redditch Borough Council attended the training, which received positive feedback from all concerned.

3.6 The issues detailed below were highlighted during the course of the training, which the Committee is asked to give consideration to.

(i) SBE Guide to the Code of Conduct

A view was expressed that the SBE's Guide to the Code of Conduct did not place sufficient emphasis on the importance of, and reasons for, Members completing, and keeping up to date, their Register of Interests forms. The relevant extracts of the Guide are attached at Appendix 2.

(ii) Public awareness of the role of the Standards Committee

In order to assist in raising public awareness of the role of the Standards Committee, particularly in relation to Member complaints in light of the new local assessment process, and to make clear that the Committee is responsible for the conduct of both district and parish councillors, it was suggested that it might be appropriate to change the name of the Committee to 'Bromsgrove District & Parish Councils' Standards Committee'.

If not wishing to formally change the name of the Committee, the Committee might wish to consider how best to raise public awareness of the Committee and the local assessment process.

(iii) Chairing of Standards sub-committees

Members' views are sought as to whether the same Independent Member who chairs a meeting of the Assessment Sub-Committee should then go on to chair any meeting of the Final Determination Sub-Committee which is required for the same matter. Previous discussions on the composition of the Standards sub-committees have determined that membership of these two sub-committees can overlap; however the specific point as to whether the sub-committees should be chaired by separate Independent Members has not been clarified.

**Training - Parish Councils**

- 3.7 At the last meeting of the Committee it was agreed that officers should liaise with the parish councils in the district, via the Parish Council Forum and the Area County Association of Local Councils (CALC), on the development of a training programme for parish councils on ethical governance issues. This issue is to be considered by the Bromsgrove Area Committee of the Worcestershire CALC on 3rd December 2008 and the Parish Council Forum on 6th January 2009. A report detailing the findings will then be referred to the Standards Committee at its meeting on 5th February 2009.

**Terms of Office of Parish Councils' Representatives on the Standards Committee**

- 3.8 Officers have contacted the Secretary of the Bromsgrove Area Committee of the Worcestershire CALC to request that consideration be given, in the New Year, to looking at the possibility of extending the current terms of office of the Parish Councils' Representatives on the Standards Committee.
- 3.9 The current term of office of Parish Councils' Representatives is one year and all Representatives are appointed by the Council in July of each year. It is the view of officers that a lengthier term of office would be advantageous in order to retain experience on the Committee, and that the 'staggering' of such appointments would also be beneficial. This is felt to be particularly relevant in view of the time and effort which has recently been invested in training members of the Committee on ethical governance issues and following work involved with the introduction of local assessment.

- 3.10 It is anticipated that a report on this will be considered by CALC in March 2009, with CALC's views to be referred to the Standards Committee in April. If appropriate, any recommendations of the Committee will then be considered by the Council in late April, prior to CALC's nominations in June.

#### **Cardiff University Case Study**

- 3.11 Following recent interviews which took place with Dr James Downe and Paul Griffiths of the Centre for Local & Regional Government Research (CLRGR) at Cardiff University, as part of the five-year case study on the impact of the ethical framework for local government, officers have been advised that the CLRGR is currently in the process of drafting a report on its findings.
- 3.12 The report will also include the results of a public survey which the CLRGR has recently carried out in the district. The survey involves a questionnaire issued to a 200-resident sample, covering attitudes towards the Council and conduct issues. The survey data is currently being processed and will be added to the report.
- 3.13 It is understood that a copy of the final report will be sent to the Council, although the basis on which it will be disclosed and whether or not it may be published has not yet been made clear.

#### **West Mercia Forum of Independent Members**

- 3.14 The next meeting of the West Mercia Forum of Independent Members is due to take place at 2.30pm on Wednesday, 4th February 2009 at South Shropshire District Council. The guest speaker for the Forum will be Dr. Robert Chilton, the new Chair of the Standards Board for England. A formal invite for this will be issued to all Independent Members in the New Year.
- 3.15 A letter notifying Independent Members of the event was sent out by Peter Rowland, the Forum's Convenor, in October. This was inadvertently sent to Bromsgrove Parish Councils' Representatives as well. It has been agreed with Mr. Rowland that should any of our Parish Representatives wish to attend on this occasion then they are welcome to do so. The Forum will then be asked, at the meeting, whether or not it wishes to extend the invitation to all Parish Council Representatives for subsequent meetings.
- 3.16 Members are advised that an offer has been made by Bromsgrove District Council to host the summer 2009 Forum meeting.

#### **4. FINANCIAL IMPLICATIONS**

None

#### **5. LEGAL IMPLICATIONS**

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 (LGPIHA) 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.

## **6. COUNCIL OBJECTIVES**

This item does not link directly with any Council objectives.

## **7. RISK MANAGEMENT**

7.1 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.

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**

None

## **9. EQUALITIES AND DIVERSITY IMPLICATIONS**

None

## **10. VALUE FOR MONEY IMPLICATIONS**

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

**13. WARDS AFFECTED**

All wards

**14. APPENDICES**

Appendix 1 - Table showing complaints received during the current municipal year.

Appendix 2 - Extracts of the Standards Board for England Guide to the Code of Conduct.

**15. BACKGROUND PAPERS**

None

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