

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE STANDARDS COMMITTEE

THURSDAY, 11TH DECEMBER 2008 AT 6.00 P.M.

PRESENT: Independent Members: Mrs. N. E. Trigg (Chairman), Mr. N. A. Burke (Vice-Chairman) and Ms. D. Roberts
Councillors: Miss D. H. Campbell JP, S. P. Shannon and E. C. Tibby
Parish Councils' Representatives: Mr. J. Cypher and Mr. I. A. Hodgetts

Observers: Councillor S. R. Peters

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

41/08 **WELCOME OF NEW INDEPENDENT MEMBER**

The Chairman welcomed Ms. D. Roberts, new Independent Member, to the Committee. Ms. Roberts had, on 12th November 2008, been appointed by the Council to serve as an Independent Member on the Committee for a four-year term of office.

42/08 **APOLOGIES FOR ABSENCE**

No apologies for absence were received from any members of the Committee.

An apology was received from Mr. S. Malek, non-voting Deputy Parish Councils' Representative on the Committee and Committee observer.

43/08 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

44/08 **MINUTES**

The minutes of the meetings of the Standards Committee held on 26th September 2008 and 16th October 2008 were submitted.

RESOLVED that the minutes be approved as correct records.

45/08 **COUNCIL DECISIONS ON STANDARDS COMMITTEE MATTERS**

A report advising of the decisions made by the Council in relation to: the appointment of an Independent Member to the Standards Committee; the Council's Confidential Reporting Code; and the Department of Communities and Local Government Consultation Paper entitled "Communities in Control:

Real people, real power - Codes of Conduct for local authority members and employees" was submitted.

RESOLVED that the report be noted.

46/08 **MONITORING OFFICER'S REPORT**

The Committee noted the report of the Monitoring Officer contained in the agenda papers and the following issues were raised:

Member Investigations and Associated Matters

Officers advised that a draft report detailing the Investigating Officer's findings in relation to two linked complaints against a district councillor had been received from the Standards Board for England ("SBE"). The SBE had sent a copy of the report to the subject Member, complainant and Monitoring Officer, all of whom had until 22nd December 2008 by which to submit comments on this. Once the final report had been received a date would be set for the Committee to consider the findings.

Member Training

It was reported that the Cabinet Procedure Rules training which had been due to take place the previous evening had had to be postponed and that this would now take place at a later date. Officers would also shortly be making the necessary arrangements for the Chairmanship Skills training for the Standards Committee's Independent Members to take place, which was to be conducted by the Monitoring Officer early in the New Year.

Issues Arising from Standards Committee training

(i) SBE Guide to the Code of Conduct

Emphasis was being placed by officers on the importance of Members completing and keeping up to date their Register of Interests forms, with workshop style sessions on this having also taken place with the parish councils.

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

Officers advised that a new local performance indicator would be coming into effect in the Spring of 2009 which would look at the percentage of people who were aware of the elected Member complaints system. As such, further emphasis would be placed on this and the role of the Committee in the New Year.

It was the majority view that the name of the Committee did not need to change, but that it was important to raise public awareness of the role of the Committee and to ensure that any associated publicity reinforce the fact that the Committee was responsible for the conduct of both parish and district councillors.

(iii) Chairing of Standards Sub-Committees

The Committee felt that whilst it would be preferable to have separate chairmen in place for meetings of an Assessment Sub-Committee and Final Determination Sub-Committee which were looking into the same matter, should the logistics of this prove to be difficult then the same chairman could chair both meetings as the chairman of the Assessment Sub-Committee should not, in any way, have compromised themselves given the nature of the initial assessment process.

(iv) Redditch Borough Council's Standards Committee

It was noted at the Standards training on 3rd November 2008 that Redditch Borough Council's Standards Committee had not, at that stage, dealt with any complaints against councillors under local assessment. In view of this, together with changes which had been brought about by the Standards Committee (England) Regulations 2008 which meant that an independent member of one standards committee could also sit on another standards committee, it was suggested that officers explore any opportunities which might exist for members of the Redditch Standards Committee to gain experience in the local assessment process.

(v) Training - Parish Councils

Mr. Cypher provided an update on the consideration given by the Bromsgrove Area Committee of the Worcestershire County Association of Local Councils ("CALC") to a proposed training programme for parish councils. It was noted that the proposal by Bromsgrove District Council to establish a training programme on ethical governance issues had been well received by the parish councils and that the items of particular interest were: personal and prejudicial interests - including the Members' Register of Interests, dual hatted Members and pre-determination and bias.

(vi) Terms of Office of Parish Council's Representatives on the Standards Committee

Officers confirmed that a report on the terms of office of the Parish Councils' Representatives on the Standards Committee would be considered by the Bromsgrove Area Committee of the Worcestershire CALC at its meeting in March 2009 and by the Standards Committee on 2nd April 2009.

(vii) West Mercia Forum of Independent Members

It was noted that Peter Rowland, Convenor of the West Mercia Forum of Independent Members ("the Forum"), had advised officers of the uncertain future, after February 2009, of the Forum. Mr Rowland had unfortunately not managed to secure a seat on the Standards

Committee of the new Shropshire unitary authority which would be coming into force in May 2009, and it was not known at this stage whether anybody else would take over the role.

RESOLVED:

- (a) that the report be noted;
- (b) that any action points detailed in the preamble above be acted upon and reported back to the Committee as appropriate; and
- (c) that whilst it was preferable for separate chairmen to chair meetings of the Standards Assessment Sub-Committee and Standards Final Determination Sub-Committee which were dealing with the same issue, should the logistics of this prove to be difficult then the same chairman could chair both meetings.

47/08 **PARISH COUNCILS' REPRESENTATIVES' REPORT**

Mr. Cypher advised the Committee of issues which he had raised at the last meeting of the Bromsgrove Area Committee of the Worcestershire CALC, which included:

- the Standards training which had taken place at the Council House on 3rd November 2008, which had been well received by all parties in attendance;
- the offer from Bromsgrove District Council to parish councils of establishing a training programme on ethical governance issues; and
- the report to be considered by the Bromsgrove Area Committee in March 2009 on the terms of office of the Parish Councils' Representatives on the Standards Committee.

RESOLVED that the position be noted.

48/08 **REVIEW OF PROTOCOL ON RELATIONS BETWEEN MEMBERS**

The Committee considered a report on how best to conduct a review of the Council's local Protocol on Relations between Members ("the Protocol").

There was felt to be insufficient detail contained in the report for the Committee to decide how best to undertake such a review and it was requested that a further report on this be submitted to the next meeting of the Committee. In particular, information as to the general types of issues which had arisen between Members and for which the Protocol had recently been relied upon was sought. The Committee also queried whether the Protocol had been superseded by the new Code of Conduct for Members and it was requested that views on this be sought from both the political Group Leaders and officers and that any feedback be detailed in the report.

RESOLVED that a further report on the review of the Protocol, in the terms outlined in the preamble above, be submitted to the next meeting of the Standards Committee.

49/08 **REVIEW OF MEMBER-OFFICER PROTOCOL**

The Committee considered a report on how best to conduct a review of the Council's Member-Officer Protocol ("the Protocol").

There was felt to be insufficient detail contained in the report for the Committee to decide how best to undertake such a review and it was requested that a further report on this be submitted to the next meeting of the Committee. In particular, it was noted that there was no reference in the Protocol to the Members' Code of Conduct and that there was employment legislation which might impact on this. It was requested that views on these points be sought from both the political Group Leaders and officers and that any feedback be detailed in the report. It was further requested that the report set out the position in relation to any impact on the Protocol of the consultation which was currently being undertaken by the Department of Communities and Local Government on a proposed new Code of Conduct for local government employees.

RESOLVED that a further report on the review of the Protocol, in the terms outlined in the preamble above, be submitted to the next meeting of the Standards Committee.

50/08 **WORK PROGRAMME**

Consideration was given to the Committee's Work Programme.

RESOLVED that the Work Programme be approved.

The meeting closed at 6.50 p.m.

Chairman