

**BROMSGROVE DISTRICT COUNCIL**

**STANDARDS COMMITTEE**

**31ST MARCH 2009**

**STANDARDS BOARD FOR ENGLAND FINAL REPORT ON ALLEGED BREACHES OF THE ALVECHURCH PARISH COUNCIL AND BROMSGROVE DISTRICT COUNCIL CODES OF CONDUCT – CASE REFERENCES: SBE-01519-KTS3N & SBE-01797-JVTCP**

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

**1. SUMMARY**

On 15th July 2008 the Standards Assessment Sub-Committee considered an allegation that Councillor Roger Hollingworth ("the Subject Member") had breached the Code of Conduct of both Alvechurch Parish Council and Bromsgrove District Council. The Assessment Sub-Committee determined that the allegations should be referred to the Standards Board for England for investigation. The Standards Board has now investigated the matter and the final report of the Ethical Standards Officer is being referred to the Standards Committee for information.

**2. RECOMMENDATION**

That the final report of the Standards Board for England's Ethical Standards Officer in relation to the outcome of the investigation into the allegations against Councillor Hollingworth be noted.

**3. BACKGROUND**

- 3.1 Following a referral from the Standards Assessment Sub-Committee, the Standards Board for England has conducted, under section 59 of the Local Government Act 2000, an investigation into an allegation that Councillor Roger Hollingworth had breached the Code of Conduct of both Alvechurch Parish Council and Bromsgrove District Council.
- 3.2 The finding of the Standards Board's Ethical Standards Officer is that there is no evidence of any failure by the Subject Member to comply with the Codes of Conduct in question.
- 3.3 A copy of the Ethical Standards Officer's final report can be found at agenda item 16. This report is confidential in accordance with paragraphs 1, 2, 3 and 7A of Schedule 12A of the Local Government Act 1972 as it contains information which relates to an individual, is likely to reveal the identity of an

individual, relates to the business affairs of particular persons and of the relevant authority and is subject to an obligation of confidentiality. Section 63 of the Local Government Act 2000 prohibits the disclosure of information gathered during an ethical standards officer's investigation, save for in certain circumstances. The Ethical Standards Officer responsible for the report has stated that the report should not be disclosed outside of the Standards Committee.

- 3.4 The report is for noting only as the Standards Committee has no powers to investigate or make its own findings on the case. The report is also being brought to the Committee in order to assist the Committee in the discharge of its functions under section 54 of Part III of the Local Government Act 2000, as amended by the Local Government Public Involvement in Health Act 2007, in particular "promoting and maintaining high standards of conduct by members" and "advising, training or arranging to train members.....on matters relating to the authority's code of conduct".
- 3.5 A copy of the Standards Board's case summary of the Ethical Standards Officer's final report, which has been published on the organisations website and which may therefore be disclosed, is appended to this report.
- 3.6 In cases where there is a finding of no breach the Subject Member has the choice of whether a notice detailing the Standards Board's findings appears in the local press.

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

None

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

The Local Government Act 2000 introduced primary legislation which set out the basis for the implementation of a Members' Code of Conduct. 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**

Improvement – it is vital for the reputation and credibility of the Council that complaints against elected Members are seen to be robustly investigated.

**7. RISK MANAGEMENT**

The main risk associated with the details included in this report is loss of reputation. This risk is 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	Adherence to the Code of Conduct is a key element of sound governance
Community Safety including Section 17 of the Crime and Disorder Act 1998	None
Policy	None
Environmental	None

**12. OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	No
Chief Executive	No
Corporate Director (Services)	No

Assistant Chief Executive	No
Head of Service	No
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**

Standards Board's public summary of Ethical Standards Officer's final report.

**15. BACKGROUND PAPERS**

- 15th July 2008 Standards Assessment Sub-Committee papers (confidential).
- 15th July 2008 Standards Assessment Sub-Committee Decision Notice (public).

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