

**BROMSGROVE DISTRICT COUNCIL**

**STANDARDS COMMITTEE**

**31ST MARCH 2009**

**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 on orally at the meeting.

**2. RECOMMENDATION**

Members are requested to note the report and to comment on any aspects of this as appropriate.

**3. BACKGROUND**

**Member Investigations and Associated Matters**

- 3.1 The Final Reports of the Standards Board for England's Ethical Standards Officer in relation to 2 of the 4 complaints referred to the Standards Board have now been received. The Ethical Standards Officer has found no evidence of any failure by the Subject Member to comply with either the parish or district council Code of Conduct. A separate report, which includes a copy of the Standards Board's public case summary in relation to the complaints, can be found at agenda item 4. An exempt report appears at agenda item 18.
- 3.2 The Ethical Standards Officer's Final Reports in relation to the remaining 2 complaints are expected shortly.

**Complaints for Local Assessment**

- 3.3 Since the last meeting of the Standards Committee 6 complaints have been received, 5 of which relate to 4 separate district councillors and 1 to a parish councillor.
- 3.4 All 6 complaints have been assessed by the Standards Assessment Sub-Committee. The 5 complaints against district councillors resulted in no further action being taken, with the complaint against a parish councillor having been referred to the Monitoring Officer for local investigation. The

period within which the complainants may seek a review of the decisions not to take any further action has now passed and no requests for review have been received.

- 3.5 A table showing the cumulative totals for local assessment at the time of preparation of this report is appended.

### **New Local Performance Indicator – public awareness of the Member complaints system**

- 3.6 As advised by officers at the last meeting, a new local performance indicator is to be introduced which will look at the percentage of people who are aware of the elected Member complaints system. The issue as to whether the current publicity given to the complaints process is sufficient is one of the items which has been identified for consideration as part of the review of local assessment and determinations of complaints at agenda item 9.

### **Member Training**

- 3.7 Members are advised of the following training matters:
- (i) training for Cabinet members on the Cabinet Procedure Rules which was originally planned for December 2008 had to be postponed due to the fact that the Head of Service for Legal, Equalities and Democratic Services was unwell. Owing to diary commitments this will now take place in the new municipal year. Consequentially, the further planned session on the Full Council Procedure Rules has also been moved back to the new municipal year;
  - (ii) all Members have now received the required Code of Conduct, equality and diversity and scrutiny training;
  - (iii) any required training on the new Code of Conduct, which it is expected will be introduced with effect from 1st June 2009, will take place once the new Code has been published and accompanying guidance distributed;
  - (iv) following the general Chairmanship Skills training which took place for elected Members and Parish Council Chairmen on 26th November 2008, Chairmanship Skills training specifically tailored to the needs of the Independent Members on the Standards Committee was held on 2nd March 2009, which was attended by all three Independent Members;
  - (v) a mock Standards Assessment Sub-Committee training session has been arranged for the recently appointed Independent Member, the Vice-Chairman of the Standards Committee and the Deputy Parish Councils' Representative on the Committee and will take place on 11th May 2009;
  - (vi) comprehensive planning training will be taking place early in the new municipal year and will comprise of a number of elements including: probity (conduct, bias and predetermination), national, local and regional policies; a mock Planning Committee meeting; and a mock site visit; and
  - (vii) as part of the Standards Board's guidance on the induction of Independent Members it is recommended that, in addition to training on the Code of Conduct and the functions of standards committees,

inductions also include attendance at authority meetings, such as meetings of the full Council, Planning and Licensing Committees, Cabinet and the Overview and Scrutiny Board meetings. Officers feel that attendance at such meetings, particularly Planning Committee and full Council, would equally be of use to the Standards Committee's Parish Councils' Representatives. Details of all Council meetings are available on the Council's website or on request from the Monitoring Officer.

### **3.8 Redditch Borough Council's Standards Committee**

At the last meeting of the Standards Committee in December 2008, and prompted by the Standards Committee training on 3rd November 2008 - which was attended by representatives of Redditch Borough Council and its Standards Committee and during which it was noted that the Redditch Standards Committee had not dealt with any complaints under local assessment, officers were asked to explore any opportunities which might exist for members of the Redditch Standards Committee to gain experience in the local assessment process.

3.9 In view of the confidentiality issues which surround meetings of both the Standards Assessment Sub-Committee and Standards Review Sub-Committee, it would not be possible for any other parties to either observe or be sent copies of the agenda papers relating to these meetings. However, Sub-Committee Decision Notices are available on request, once the subject Member has been notified of the outcome.

3.10 Depending on the particular nature of a complaint, it might be possible for meetings of either the Standards Final Determination Sub-Committee or the Standards Committee (when noting a Final Report of an investigation conducted by an Ethical Standards Officer of the Standards Board) to be observed. Officers could ensure that members of the Redditch Standards Committee be notified of any such meetings should this be deemed appropriate, but only where meetings are to be held in public. Equally, links to all Bromsgrove Standards Committee agendas could be sent to members of the Redditch Standards Committee for information should they wish to receive these.

3.11 In the event it ever proved necessary to call upon an Independent Member from the Redditch Standards Committee to consider a complaint against a Bromsgrove Member then the Independent Member concerned would, of course, be fully briefed by officers on the local assessment process.

### **Parish Council matters**

3.12 A report on the establishment of a training programme for the parish councils on ethical governance issues appears at agenda item 7.

3.13 A report on the terms of office of the Parish Councils' Representatives on the Standards Committee can be found at agenda item 8.

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

- 3.14 Various members of the Standards Committee attended the West Mercia Independent Members' Forum meeting which took place on 4th February 2009 and will report back on this orally at the meeting.

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

None

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

The Local Government Act 2000 introduced primary legislation which set out the basis for the current ethical governance regime and to enable 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**

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**

Local Assessment Statistics.

**15. BACKGROUND PAPERS**

None

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