

**BROMSGROVE DISTRICT COUNCIL**

**STANDARDS COMMITTEE**

**20TH MAY 2009**

**STANDARDS BOARD FOR ENGLAND FINAL REPORTS ON ALLEGED BREACHES OF THE BROMSGROVE DISTRICT COUNCIL CODE OF CONDUCT – CASE REFERENCES: SBE01263-30OBA, SBE01262-30OBA & SBE01515-AAGC9**

Responsible Portfolio Holder	Councillor Geoff Denaro
Responsible Head of Service	Claire Felton, Head of Legal, Equalities and Democratic Services and Monitoring Officer
Non–Key Decision	

**1. SUMMARY**

- 1.1 In June and July 2008 the Standards Assessment Sub-Committee considered three separate allegations that Councillor Peter McDonald ("the Subject Member") had breached the Code of Conduct of Bromsgrove District Council.
- 1.2 In each of the cases the Assessment Sub-Committee determined that the allegation should be referred to the Standards Board for England for investigation.
- 1.3 The Standards Board has now investigated the allegations and the final reports of the Ethical Standards Officer are being referred to the Standards Committee for information.

**2. RECOMMENDATION**

That the final reports of the Standards Board for England's Ethical Standards Officer in relation to the outcomes of the investigations into the three separate allegations against Councillor McDonald be noted.

**3. BACKGROUND**

- 3.1 Following referrals from the Standards Assessment Sub-Committee, the Standards Board for England has conducted, under section 59 of the Local Government Act 2000, investigations into the three separate allegations that Councillor Peter McDonald has breached the Code of Conduct of Bromsgrove District Council.
- 3.2 In each of the cases the Ethical Standards Officer has made a finding that the Subject Member did not fail to comply with the Code.

- 3.3 Copies of the Ethical Standards Officer's final reports can be found at agenda item 16. These reports are exempt in accordance with paragraphs 1, 2, 3 and 7A of Schedule 12A of the Local Government Act 1972 as they contain information which relate to an individual, are likely to reveal the identity of an individual, relate to the business affairs of particular persons and of the relevant authority and are subject to an obligation of confidentiality. These reports are also confidential in accordance with Section 63 of the Local Government Act 2000 which 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 reports has stated that the reports should not be disclosed outside of the Standards Committee.
- 3.4 The reports are for noting only as the Standards Committee has no powers to investigate or make its own findings on the cases. The reports are 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 Copies of the Standards Board's public summaries of the Ethical Standards Officer's reports, which have been published on the organisations website and which may be disclosed, are 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 summaries of Ethical Standards Officer's final reports.

## 15. BACKGROUND PAPERS

- 18th June 2008 & 15th July 2008 Standards Assessment Sub-Committee papers (confidential).
- 18th June 2008 & 15th July 2008 Standards Assessment Sub-Committee Decision Notices (public).

## CONTACT OFFICER

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