

BROMSGROVE DISTRICT COUNCIL

STANDARDS COMMITTEE

20TH MAY 2009

MONITORING OFFICER'S REPORT

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 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

- 2.1 Members are requested to note the report and to comment on any aspects of this as appropriate; and
- 2.2 to determine whether, as detailed under paragraph 3.7 of the report, they wish for a final draft of the Committee's Annual Report for 2008/09 to be referred to Committee, or whether authority can be delegated to the Monitoring, in consultation with the Chairman, to finalise this.

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 the remaining 3 complaints referred to the Standards Board for investigation have now been received. In each of the cases the Ethical Standards Officer has found that there was no failure by the Subject Member to comply with the District Council's Code of Conduct. A separate report, which includes a copy of the Standards Board's public summaries in relation to the complaints, can be found at agenda item 7. The Investigating Officer's reports, which are not for public disclosure as they contain both exempt information in accordance with paragraphs 1, 2, 3 and 7A of Part 1 of Schedule 12A of the Local Government Act 1972, as amended, and confidential information in accordance with Section 100 A of the Local Government Act 1972, as amended, appear at agenda item 16.

3.2 The investigation into the complaint referred to the Monitoring Officer for local investigation has now commenced. Once the Investigating Officer's final report is available a meeting of the Standards Committee will be convened in accordance with Regulation 17 of The Standards Committee (England) Regulations 2008, at which point the Committee will, on consideration of the report, be required to make one of the following findings:

- (i) that it accepts the Monitoring Officer's finding of no failure ("a finding of acceptance"); or
- (ii) that the matter should be considered at a hearing of the Standards Committee conducted under Regulation 18 [of the said Regulations]; or
- (iii) that the matter should be referred to the Adjudication Panel [for England] for determination.

Complaints for Local Assessment

3.3 Since the last meeting of the Standards Committee no complaints have been received and there are no complaints currently awaiting assessment.

3.4 A table showing the cumulative totals for local assessment at the time of preparation of this report is attached at Appendix A. Further to the request made at the last meeting of the Committee, details as to the nature of the complaints received to date under local assessment are now included in the table.

Member Training

3.5 Members are advised of the following training matters:

- (i) on 17th March 2009 the Council achieved Primary level of the West Midlands Local Government Association Member Development Charter; the required benchmark of best practice in elected Member development and which included 100% of Members having been trained on the Code of Conduct;
- (ii) on 24th April 2009 the Council achieved Level 3 of the Equality Standards for Local Government - the first district authority in Worcestershire to do so. The Council now joins a select group of 21 out of 238 district councils in England recognized for this level of equality standards, with particular note that 100% of elected Members have been trained in equality and diversity;
- (iii) at the meeting of full Council in April Members voted for a new overview and scrutiny structure. One of the requests arising from this was that the Audit Board receives detailed training in order to extend its work programme and to ensure Members are given sufficient support in relation to their roles and responsibilities on the Board and to that all appropriate audit functions are being carried out, which the Head of Financial Services is now taking forward;
- (iv) a Mock Standards Assessment Sub-Committee training session, which was attended by Ms. D. Roberts (recently appointed Independent Member on the Standards Committee), Mr. S. Malek (Deputy Parish

- Councils' Representative on the Standards Committee) and Councillor Mrs. A. Doyle (newly appointed elected Member on the Standards Committee) took place on 11th May 2009; and
- (v) two dates have been established for planning training, including context setting training on 21st May 2009 in advance of a Mock Planning Meeting on 17th June 2009.

Parish Council matters

- 3.6 A report detailing the Council's decision in relation to the Committee's recommendation to extend, for the 2009 appointments, the terms of office of the Parish Councils' Representatives on the Standards Committee, and for a further review of the terms of office to take place in 2011, appears at agenda item 6.

3.7 Annual Report of the Standards Committee

Regrettably, it has not been possible for officers to draft a copy of the second Annual Report of the Standards Committee in time for this meeting. As such, this will be circulated to all members of the Committee for comment once available. The Committee is asked to determine whether it wishes to see a final draft of the Report prior to its publication or whether it is happy to delegate authority to the Monitoring Officer, in consultation with the Chairman, to finalise this.

3.8 Standards Board Annual Assembly

Members' attention is drawn to the Standards Board Annual Assembly which is taking place on Monday 12th and Tuesday 13th October 2009 at the ICC in Birmingham, at a cost per delegate of £430. Details of the event programme and planned sessions are attached at Appendix B. Any members of the Committee wishing to attend the Assembly are asked to contact the Monitoring Officer as soon as possible to register their interest for this.

3.9 Review of the operation and effectiveness of the Members' Code of Conduct

A report on the review of the operation and effectiveness of the Members' Code of Conduct was listed on the Work Programme for this meeting. However, in view of the impending introduction of the new Code of Conduct it was not felt appropriate for this to be considered by the Committee. Once the new Code of Conduct is adopted by the Council and has been in place for a suitable length of time the Committee will be asked to monitor the operation of this in accordance with the requirements of the Council's Constitution.

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
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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 A - Local Assessment Statistics.
Appendix B - Standards Board Annual Assembly details.

15. BACKGROUND PAPERS

None

CONTACT OFFICERS

Name: Claire Felton
Monitoring Officer
Email: c.felton@bromsgrove.gov.uk
Tel: (01527) 881429

Debbie Warren
Deputy Monitoring Officer
Email: d.warren@bromsgrove.gov.uk
(01527) 881609