

BROMSGROVE DISTRICT COUNCIL

STANDARDS COMMITTEE

22ND JULY 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

Members are requested to:

- 2.1 note the report and to comment on any aspects of this as appropriate;
- 2.2 decide whether provisional dates for meetings of the Standards Assessment Sub-Committee should be established from hereon (paragraph 3.4 below refers); and
- 2.3 approve the proposal contained in paragraph 3.10 of the report, namely that the recommendation of either the Appointments Committee or the Monitoring Officer on the appointment of a new Independent Member on the Standards Committee be referred to the 18th November 2009 meeting of full Council for consideration.

3. BACKGROUND

Member Investigations and Associated Matters

- 3.1 The investigation into the complaint referred to the Monitoring Officer for local investigation has now been completed and the Investigating Officer's draft report will shortly be forwarded to the relevant parties for comment. Once the period for comments has elapsed the report will be finalised and referred to the Standards Committee for consideration, at which point the Committee will be required to make one of the following findings:

- (i) that it accepts the Investigating 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 Standards Committee (England) Regulations 2008; or
- (iii) that the matter should be referred to the Adjudication Panel for England for determination.

Complaints for Local Assessment

- 3.2 No meetings of the Standards Assessment Sub-Committee have taken place since the last meeting of the Standards Committee. As previously agreed, members of the Standards Committee will be informed of any complaints once the Assessment Sub-Committee has met to consider these and the subject Member has been notified of the Sub-Committee's decision.
- 3.3 A table showing the cumulative totals for local assessment at the time of preparation of this report is appended which, as previously requested by the Committee, also includes details as to the nature of the complaints received. It should be noted that only those complaints which have been through the initial assessment stage are included in the figures as the existence of any complaints would not be made known prior to that stage.

Assessment Sub-Committee meeting dates

- 3.4 Provisional Assessment Sub-Committee meeting dates have previously been scheduled for every third week (with any such dates remaining confidential) in the event it has proved necessary for a meeting to take place. Members of the Standards Committee are then notified nearer to a proposed date as to whether or not a meeting is required. This arrangement was particularly useful in the early months following the introduction of local assessment when a number of complaints were received. Some meetings have however taken place on other (unscheduled) dates, depending on issues such as the availability of Committee members, proximity of complaints received in comparison to pre-existing dates and any other relevant factors/timeframes involved. The Committee is asked to consider whether it still wishes for meetings to be arranged on this basis or whether officers should, in future, establish meeting dates on an 'as and when required' basis only.
- 3.5 **Review of the Local Assessment regime**
Officers will provide an oral update at the meeting on any progress made with the ongoing review of the local assessment regime.

Member Training

- 3.6 Members are advised of the following training matters:
 - (i) sessions conducted by Peter Keith-Lucas of Bevan Brittan Solicitors on Probity in Planning and a Mock Planning Committee Meeting took place on 21st May and 17th June 2009 respectively. The sessions were very successful with a number of learning points having been identified, which are now being fed into the planning review which is

- being undertaken as a consequence of the recent Standards Committee recommendation to full Council;
- (ii) equality and diversity training has been identified which will involve a session on 'LGB & T' (lesbian, gay, bisexual and transgender) issues in quarter 3 (October to December 2009) and disability training in quarter 4 (January to March 2010);
 - (iii) the Member Development Steering Group is considering a training session on climate change which will be delivered in quarter 3; on 10th June 2009, and in accordance with the Council's Constitution, Councillor Mrs. Doyle completed the necessary standards/Code of Conduct training required in order for her to sit on the Standards Committee;
 - (v) training on the new Members' Code of Conduct will be scheduled once the Model Code and accompanying guidance has been published and the new Code has been adopted by the Council (see further details at paragraph 3.7 below.); and
 - (vi) details regarding training for the parish councils as part of the new ethical governance training programme can be found at paragraph 3.8 below.

3.7 New Code of Conduct

It is not known at this stage when the new Code is to be published. Officers have been led to understand that the Department of Communities and Local Government is currently drafting a government response to the consultation exercise, which will be published in due course. The parliamentary draftsmen will be instructed to prepare a draft statutory instrument which will have the new Code appended to it, and on which there is likely to be a short (possibly 6 weeks) consultation period for relevant bodies to make comments. As such, a new Code is not now likely to be published until about October. Councils may then have 6 months by which to sign up to the new Code, following which Members will have to sign a new Acceptance to abide by the Code, although they are unlikely to be asked to complete a new Register of Interests form.

3.8 Parish Council matters

(i) Ethical governance training programme

Notwithstanding the delay in publication of the new Code of Conduct it is anticipated that training for the parish councils, as part of the new ethical governance training programme, will commence in the autumn of 2009. Following consultation with the parishes, the key areas which have been identified as being of particular interest/relevance are:

- personal and prejudicial interests – including the Register of Members' Interests;
- 'dual-hatted' Members (i.e. those who serve on more than one relevant authority and other public bodies); and
- bias and predetermination.

Appropriate training will also be included on the new Code of Conduct and possibly equality and diversity issues.

(ii) Appointment of Parish Councils' Representatives to the Standards Committee

Following the meeting of the Bromsgrove Area Committee of the Worcestershire County Association of Local Councils which took place on 3rd June 2009, confirmation was received that Mr. Cypher, Mr. Hodgetts and Mr. Malek had been re-nominated to continue in their current roles on the Committee - for the extended period of 2 years, effective from July 2009. These nominations will be considered at the next meeting of full Council on 29th July, following which formal appointments will be made.

3.9 Annual Report of the Standards Committee 2008/09

All members of the Committee have commented on the draft Annual Report for 2008/09 and at the time of preparing this report the Council's Graphics Technician was in the process of formatting the Annual Report. Once formatted, a final draft of the Report will be sent to the Chairman for approval. Should the Report be finalised and printed by 22nd July copies of this will be circulated at the meeting. All district councillors will be sent a copy of the final Report, together with parish council chairmen/clerks. Copies will also be made available at all public libraries within the district, at the Customer Service Centre at the Dolphin Centre and at the Council House Reception. The Report will also be available on the Council's website.

3.10 Appointment of new Independent Member to the Standards Committee

Mrs. Trigg's second term of office on the Committee expires on 20th October 2009. A new Independent Member will therefore need to be appointed to the Committee whose term of office will be 4 years and who may seek to be reappointed only once. The process for the recruitment of Independent Members to the Committee was considered by the Standards Committee on 12th June 2008 and approved by full Council on 16th July 2008. In brief, the process will involve:

- (i) an advertisement detailing the vacancy being placed in the local press;
- (ii) the Monitoring Officer, in consultation with the Chairman or Vice-Chairman of the Committee, undertaking the shortlisting of candidates;
- (iii) in the event two or more candidates are shortlisted, interviews will take place with the Council's Appointments Committee, which will involve the assistance of the Chairman or Vice-Chairman of the Standards Committee who shall act in an advisory (but non-voting) capacity; and
- (iv) a recommendation on appointment being made to full Council.

Should only one suitable candidate be shortlisted then the Monitoring Officer will make a recommendation direct to full Council for that candidate to be appointed.

As we are currently approaching the summer holidays, and in order to obtain the best possible field of candidates for the vacancy, it is proposed that the timetable for the appointments process be based on a final recommendation being made to the meeting of full Council on 18th

November 2009. Although this will leave a period of approximately one month whereby the Standards Committee will have only 2 Independent Members it is not envisaged that this will cause any particular difficulties. The Committee is therefore asked to approve the proposed timetable. An item will also appear on the agenda for the Committee's September meeting on the appointment of a new Vice-Chairman of the Committee, effective from 21st October 2009; the expiry of Mrs. Trigg's second term of office.

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. APPENDIX

Local Assessment Statistics.

15. BACKGROUND PAPERS

- (i) Appointment of Independent Members report to 12th June 2008 Standards Committee;
- (ii) Minutes of the meeting of the Standards Committee held on 12th June 2008;
- (iii) Appointment of Independent Members report to 16th July 2008 full Council; and
- (iv) Minutes of the meeting of full Council held on 16th July 2008.

CONTACT OFFICERS

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

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