

**Audit, Standards &
Governance Committee
2023**

1st June

MONITORING OFFICER'S REPORT

Relevant Portfolio Holder	TBC
Portfolio Holder Consulted	-
Relevant Head of Service	Claire Felton
Report Author Claire Felton	Job Title: Head of Legal, Democratic and Property Services Contact email: c.felton@bromsgroveandredditch.gov.uk
Wards Affected	N/A
Ward Councillor(s) consulted	N/A
Relevant Strategic Purpose(s)	An Effective and Sustainable Council
Non-Key Decision	
If you have any questions about this report, please contact the report author in advance of the meeting.	

1. RECOMMENDATIONS

The Audit, Standards and Governance Committee is asked to RESOLVE that:-

1) subject to Members' comments, the report be noted

2. BACKGROUND

- 2.1 This report sets out the position in relation to key standards regime matters which are of relevance to the Audit, Standards and Governance Committee since the last update provided at the ordinary meeting of the Committee in March 2023.
- 2.2 It has been proposed that a report of this nature be presented to each meeting of the Committee to ensure that Members are kept updated with any relevant standards matters.
- 2.3 Any further updates arising after publication of this report, including any relevant standards issues raised by Parish Councils, will be reported verbally by Officers at the meeting.

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3. FINANCIAL IMPLICATIONS

3.1 There are no financial implications arising out of this report.

4. LEGAL IMPLICATIONS

4.1 Chapter 7 of Part 1 of the Localism Act 2011 ('the Act') places a requirement on authorities to promote and maintain high standards of conduct by Members and co-opted (with voting rights) Members of an authority. The Act also requires the authority to have in place arrangements under which allegations that either a district or parish councillor has breached his or her Code of Conduct can be investigated, together with arrangements under which decisions on such allegations can be made.

5. STRATEGIC PURPOSES - IMPLICATIONS

Relevant Strategic Purpose

5.1 It is important to ensure that the Council manages standards regime matters in an appropriate manner. The issues detailed in this report help to ensure that there is an effective and sustainable Council.

Climate Change Implications

5.2 There are no specific climate change implications.

6. OTHER IMPLICATIONS

Equalities and Diversity Implications

6.1 There are no direct implications arising out of this report. Details of the Council's arrangements for managing standards complaints under the Localism Act 2011 are available on the Council's website and from the Monitoring Officer on request.

Operational Implications

6.2 Member Complaints

Since the last meeting of the Committee the Monitoring Officer has received a Parish Council complaint in respect of social media activity. Whilst this has been resolved locally, the training programme for Members has been updated and it is proposed that additional training will continue in this area throughout the municipal year.

In respect of the complaint reported at the last meeting of the Committee, the matter remains ongoing and is now with the subject member and advisor for comment and resolution. Members are further advised that all non-code related matters reported to the Monitoring Officer historically have been assessed and included in the training sessions for District members pre and post-election.

6.3 Independent Member

As Members will be aware the current Independent Person for the Council is Mr Mel Nock. He took up the role in 2012 following the introduction of changes in the Localism Act 2011 which required Councils to appoint an "Independent Person". The Localism Act provided that the views of the Independent Person should be sought and taken into account by an authority before it's decision on an allegation that it has decided to investigate. The Act also provided that the Independent Person could be consulted by a Member whose conduct had been complained about, this option being available to both District Councillors and Parish Councillors.

Mr Mel Nock has thus been acting as the Independent Person since 2012. During this time the more informal approach to resolving complaints introduced by the 2012 reforms and the involvement of the Independent Person have proved to be very effective and contributed to a greater number of complaints being resolved by local settlement. The current term for Mr Nock comes to an end with the Electoral cycle and the Monitoring Officer is looking into how best to satisfy the requirements for an Independent Person. Although back in 2012 the appointment of the Independent Person was achieved via a Council led

recruitment process, there were a number of drawbacks to this approach, including the time and cost involved. Also trying to attract suitable candidates to apply has in the past provide difficult. As alternative option officers are liaising with colleagues at Worcestershire County Council to establish whether the Council can join the existing retained pool of Independent Persons that was set up by six other authorities in Worcestershire working together in 2012. The pool operates on the basis that the five appointed independent persons can be used by any of the member authorities and the costs of remunerating the independent persons and recruiting new ones are shared.

It is also proposed that Mel Nock be retained for a further term to support the Monitoring Officer in the management of Member to Member complaints.

A report to Members giving more details of the proposal to replace the Independent Person will be submitted to a future meeting of this Committee once the full details are known. In the meantime, the Committee can be re-assured that Mr Nock has agreed to continue in the role on a temporary basis to cover the transition to the new arrangements which are expected to be put into effect by the autumn of 2023.

Constitution Review

- 6.4 The Constitution Review Working Group (CRWG) is responsible for reviewing the content of the Council's constitution. Any proposed changes arising from meetings of the group are reported for the consideration of Council.
- 6.5 The CRWG is due to meet in July and has various additional meetings scheduled throughout the year to provide Members with an opportunity to review the content of the Council's constitution.

Member Development

- 6.6 The Member Development Steering Group (MDSG) is responsible for co-ordinating Member training, induction and ICT support. The group

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meets throughout the year. The first meeting of the group in the 2023/24 municipal year is due to take place on 14th June 2023.

Member Training

- 6.7 Following the local elections in May 2023, a comprehensive Member training programme has been arranged for both new and returning Members. This programme was organised in accordance with arrangements requested by the MDSG.

The training sessions that have taken or are due to take place include:

- New Member Induction Evening – 10th May 2023.
- Code of Conduct Training – 11th May 2023.
- Planning Refresher Training – 15th May 2023.
- Members' Data Protection and Safeguarding Training – 16th May 2023.
- Detailed Planning Training – 17th and 18th May 2023.
- Modern.gov app training – 25th May 2023
- Bromsgrove Members' Overview and Scrutiny Training – 31st May 2023.
- Audit, Standards and Governance Committee Training – 1st June 2023.
- Local Government Finance Training – 12th June 2023.

- 6.8 As requested by the MDSG, many of the training sessions that are due to be delivered to Members in 2023 will be provided as joint training to Members from both Bromsgrove District Council and Redditch Borough Council. However, there are some sessions, such as the Overview and Scrutiny training, where Members agreed that bespoke training should be provided to Bromsgrove Members only and, in these cases, separate training has been arranged.

- 6.9 At an early meeting of the MDSG Members will be asked to review the training provided as part of this induction programme and this will provide an opportunity for lessons to be learned for the future.

7. RISK MANAGEMENT

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- 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.

8. APPENDICES and BACKGROUND PAPERS

No appendices.

Chapter 7 of the Localism Act 2011.

9. REPORT SIGN OFF

Department	Name and Job Title	Date
Portfolio Holder	TBC	
Lead Director / Head of Service	Claire Felton - Head of Legal, Equalities and Democratic Services and Monitoring Officer	18 th May 2023
Financial Services	N/A	
Legal Services	Claire Felton - Head of Legal, Equalities and Democratic Services and Monitoring Officer	18 th May 2023