

**BROMSGROVE DISTRICT COUNCIL**

**STANDARDS COMMITTEE**

**23RD SEPTEMBER 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 note the report and to comment on any aspects of this as appropriate.

**3. BACKGROUND**

**Member Investigations and Associated Matters**

- 3.1 The investigation into complaint reference 14/08, which was referred to the Monitoring Officer for local investigation, has now been completed and the Investigating Officer's final report appears at agenda item 5 of this evening's agenda for the Committee's consideration under Regulation 18 of The Standards Committee (England) Regulations 2008.

**Complaints for Local Assessment**

- 3.2 One meeting of the Standards Assessment Sub-Committee has taken place since the last meeting of the Standards Committee. A total of 4 complaints were considered at the meeting, which had been made against 2 parish councillors and 1 district councillor (2 of the complaints being against the same district councillor for the same matter). The Sub-Committee determined that no further action should be taken in relation to the 2 parish councillor complaints and that the 2 complaints against the district councillor should be referred to the Monitoring Officer for local investigation. A request for review has been received from the complainant for the parish complaints and a meeting of the Standards Review Sub-Committee will shortly be arranged to undertake the reviews. An external Investigating

Officer has been appointed by the Monitoring Officer to conduct the investigation into the district councillor complaints.

- 3.3 A table showing the cumulative totals for local assessment at the time of preparation of this report is appended. It should be noted that only those complaints which have been through the initial assessment stage are included in the figures detailed, as the existence of any complaints would not be made known until the subject Member has been advised of the complaint and the Assessment Sub-Committee's decision.

#### **Member Training**

- 3.4 Members are advised of the following training matters:
- (i) the Corporate Management Team ("CMT") will be dedicating a CMT session on Tuesday 15 September to discussing departmental Member training requirements, with specific emphasis on shared services and any service specific training needs arising as a consequence of the shared services agenda;
  - (ii) at the end of September training, to be conducted by the Assistant Chief Executive, will take place for all Members on the new Comprehensive Area Assessment (CAA) requirements;
  - (iii) Ombudsman training, as a consequence of the recent Ombudsman Report which found that there had been maladministration by members of the Planning Committee in the way in which they had taken a decision to grant planning permission for an affordable housing scheme (agenda item 11 refers), will be taking place for all Planning Committee members;
  - (iv) general planning training is also to be held for all Members; and
  - (iv) further Standards Committee training, to be conducted by Beth Evans of Bevan Brittan LLP, will take place in late Autumn 2009. This will link in with any changes to the Members' Code of Conduct (see paragraph 3.5 below) and will also coincide with the appointment of the new Independent Member on the Standards Committee (paragraph 3.7 refers).

#### **3.5 New Code of Conduct**

Current advice from the Department for Communities and Local Government is that a revised Code of Conduct will be ready in late autumn 2009. Few changes are expected to the Code at this stage; the main change being to allow the Code to cover Members in their non-official capacity, where that conduct would be a criminal offence. Further consultation on the introduction of a code for officers is anticipated to take place in 2010.

#### **3.6 Parish Council matters**

- (i) Ethical governance training programme

As reported at the last meeting, it is anticipated that training for the parish councils, as part of the new ethical governance training programme, will commence in the autumn (see (ii) below), which should also tie in with publication of the revised Code of Conduct.

(ii) Meetings with Parish Council Clerks/Executive Officers

Following the suggestion previously put forward by the Parish Councils' Representatives regarding the possibility of the Monitoring Officer's team holding periodic meetings with the Parish Council Clerks/Executive Officers ("EOs") on ethical governance issues, the Deputy Monitoring Officer has approached the Clerks/EOs to ascertain whether they wish for such meetings to take place. The offer for this has been warmly received by a number of Clerks/EOs and the first meeting will take place shortly. One of the issues to be discussed at the first meeting will be the roll-out of the ethical governance training programme for the parishes. Further updates on progress with these meetings will be reported to the Committee, as appropriate.

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

As reported at the last meeting of the Committee, the nominations put forward by the Bromsgrove Area Committee of the Worcestershire County Association of Local Councils following its meeting on 3rd June 2009 for Messrs. Cypher, Hodgetts and Malek to continue in their previous roles on the Standards Committee were due to have been considered at the meeting of Full Council on 29th July 2009. Unfortunately, circumstances were such that it was necessary for the Council meeting to end before the majority of the evening's business had been concluded, meaning no Parish Councils' Representatives were appointed on 29 July. An additional meeting of Full Council was held on 9 September at which Messrs. Cypher, Hodgetts and Malek were re-appointed to their former roles on the Standards Committee - for extended terms of office to July 2011; to coincide with next round of Parish Council elections.

**3.7 Appointment of new Independent Member to the Standards Committee**

The recruitment process for a new Independent Member on the Committee (which has arisen as a consequence of the expiry of Mrs. Trigg's second term of office on 20th October 2009) has now commenced and an advertisement and accompanying article detailing the upcoming vacancy and the work of the Committee will appear in the local press shortly. As agreed by the Committee at its last meeting, any recommendation of either the Monitoring Officer or the Appointments Committee in relation to Mrs Trigg's proposed successor will be considered by Full Council at its meeting on 18th November 2009.

**3.8 Standards for England - Annual Review**

Following information provided by the Council as part of Standards for England's Annual Return for 2008-09, the Council has been selected as one of five councils which has demonstrated good practice in standards work. Standards for England will be including a case study in its Annual Review

which is to be published in October and it is understood that Bromsgrove will feature as part of this. Further details in this regard will be reported to the next meeting of the Committee, as appropriate.

### **3.9 Review of the Local Assessment regime**

The Monitoring Officer will provide an oral update at the meeting on the ongoing review of the local assessment regime.

## **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) Written Summaries of the meeting of the Standards Assessment Sub-Committee held on 27th July 2009.
- (ii) Minutes of the meeting of full Council held on 9th September 2009.

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