

**BROMSGROVE DISTRICT COUNCIL**

**STANDARDS COMMITTEE**

**24TH MARCH 2010**

**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 key items.
- 1.2 Any further updates will be reported orally at the meeting.

**2. RECOMMENDATION**

It is recommended:

- 2.1 that the Committee consider the proposed recommendation to the Monitoring Officer detailed at paragraph 3.8 of this report; and
- 2.2 that the Committee note the remainder of the report and comment on any aspects of this as appropriate.

**3. BACKGROUND**

**Member Investigations and Associated Matters**

- 3.1 On 3rd February 2010 a final determination hearing of the Standards Committee took place in relation to Complaint Reference 14/08 (minutes and full written decision at Agenda Item 3 refer). The Committee found that the Subject Member, Councillor Dale Carter of Catshill and North Marlbrook Parish Council, failed to follow the Code of Conduct by being in breach of Part 3 paragraph 13(1) in that he had not provided the Monitoring Officer with the Members' Register of Interests Form within the required 28 day period.
- 3.2 The sanction imposed by the Committee was that Councillor Carter be suspended for a period not exceeding 2 months, effective from 10th February 2010 to 9th April 2010, provided that the suspension would cease to take effect prior to 9th April 2010 upon receipt of a suitable letter of

apology from Councillor Carter, as approved by the Chairman of the Committee in consultation with the Monitoring Officer.

- 3.3 On 11th February 2010 the Monitoring Officer received notification from the Clerk to Catshill and North Marlbrook Parish Council that Dale Carter had submitted his resignation from the Parish Council.
- 3.4 On 24th February 2010 the Standards Committee considered the Investigating Officer's Final Report into Complaint References 03/09 and 04/09 (minutes at Agenda Item 3 refer). The Committee accepted the Investigating Officer's finding of no failure ("a finding of acceptance") in relation to the allegations made against Councillor Peter McDonald.

#### **Complaints for Local Assessment**

- 3.5 Since consideration of the last Monitoring Officer's Report on 3rd February 2010 a further 16 complaints have been received (against 9 separate Subject Members and for which 10 of the complaints related to the same matter). All of the complaints have been assessed by the Standards Assessment Sub-Committee [B]. In 10 of the cases the Sub-Committee determined that no further action should be taken and in 6 cases it was agreed that the complaints be referred to Standards for England for investigation. A table showing the cumulative complaint totals since the introduction of local assessment is attached at Appendix 1 to this report.
- 3.6 The Committee is asked to note that the details of only those complaints which have been assessed by the relevant Assessment Sub-Committee are included in this report. Any complaints or other matters (for example, matters referred back to the Assessment Sub-Committee by the Monitoring Officer under Regulation 16 of the Standards Committee (England) Regulation 2008) which are pending assessment are not included as the Subject Member(s) involved are not made aware of such matters until after the assessment stage.

#### **Issues arising as a result of assessment decisions**

- 3.7 Members' recent experience of assessing a number of complaints which involved listening to tape recordings of meetings held in the Council meeting rooms and of observing public meetings has raised two issues:
- (i) firstly, it is apparent that some Members do not speak clearly into the microphones or do not remember to switch on their microphone in the Council Chamber; and
  - (ii) secondly, the audio system is not entirely satisfactory.
- 3.8 The Committee is therefore asked to consider recommending to the Monitoring Officer:
- (i) that she be requested to consider the extent to which Member training on the use of the microphones would be beneficial, to assist both members of the public who are observing Council meetings and members of the Standards Committee who may be required to listen to tape recordings as part of the complaints process;

- (ii) on completion of (i) above, she make the necessary arrangements for any required Member training to be carried out as soon as possible; and
- (iii) that she requests the management team to consider upgrading the audio system in the Council meeting rooms.

### **Member Training**

3.9 Members are advised of the following training matters:

- (i) gender awareness training sessions, delivered by the Equalities Officer, were conducted for elected Members over a series of sessions;
- (ii) planning enforcement training was delivered as a compulsory element to members of the planning committee, with other councillors also being invited to attend the training;
- (iii) a session on climate change was delivered to Members;
- (iv) Kimara Sharpe, new Independent Member on the Standards Committee, received the mandatory standards training with the Monitoring Officer's team;
- (v) training which was due to take place on 1st March 2010 for district and parish councillors on the new Members' Code of conduct was postponed following confirmation that the new Code would not be laid before Parliament until after the general election. A revised date for the training will be established as soon as the new Code has materialized; and
- (vi) Members' attention is drawn to paragraph 3.10 below regarding Ombudsman training and paragraph 3.12 (i) for parish council training.

### **Ombudsman training**

3.10 The Deputy Ombudsman David Pollard and his colleague Brian Miles (both based at Local Government Ombudsman ("LGO") Coventry Office) gave a training session for Members on Monday 10th January 2010. The session was in two parts. In the first part Members were taken through last year's LGO annual report for Bromsgrove District Council. The second part focused on planning issues in relation to the decision making role of Members at planning committee and common pitfalls that Members who sit on planning committee may encounter. The session was well delivered and the speakers were able to draw on their experience of investigating complaints and gave examples that Members could relate to. The session included looking at the final outcomes of some of the recently decided cases for Bromsgrove which Members found useful. Key messages to Members focused on the need to act with care when going against officer recommendations at Planning Committee and for any such decisions to be backed up by detailed reasons. The majority of the Members on Planning Committee were in attendance and overall feedback on the training was very positive. The Deputy Ombudsman has indicated that he would be willing to arrange similar training events for Members in the future.

### **New Code of Conduct**

3.11 As highlighted under paragraph 3.9 (v) above, the new Code of Conduct will not be laid during the current Parliamentary session. Communities for Local

Government have advised that the Government is concentrating on financial instruments, meaning there will not be Parliamentary time available for the Code. In practice this means that a new Code will not now be laid until after a general election.

### **Parish Council matters**

3.12 In addition to the resignation of the parish councillor referred to at paragraph 3.3 above, Members' attention is drawn to the following parish matters:

(i) Training

On 28th January 2010 the Monitoring Officer and Deputy Monitoring Officer attended Catshill and North Marlbrook Parish Council to provide training on Members' interests.

(ii) Notifications to parish and town councils concerning complaints about their Members and the Standards Committee (England) Regulations 2008

A link to guidance on this produced by Standards for England can be found at agenda item 8 (iii) - Publications. This issue was discussed by the Committee at its meetings in May and July 2009, when the Committee agreed that it would be useful for parish clerks/executive officers to have an agreed procedure to follow when receiving a complaint against one of their Members. Discussions were, at that time, taking place with the Worcestershire County Association of Local Councils ("CALC") on the possible adoption of a county-wide approach which was being developed by Wychavon District Council and the Worcestershire CALC. Wychavon District Council's Standards Committee was due to consider the matter, following which it was anticipated other councils within the district would be invited to adopt any agreed procedure.

(iii) Parish Councils' Representatives Update

An oral update on any other matters of relevance to the Committee, including issues arising from the recent meeting(s) of the Bromsgrove Area Committee of the Worcestershire CALC, will be provided by the Parish Councils' Representatives on the Committee at agenda item 5.

### **Independent Members on the Standards Committee**

(i) Resignation of Debbie Roberts

Debbie Roberts, who joined the Standards Committee as an Independent Member in November 2008 and was appointed Vice-Chairman of the Committee in October 2009, has regrettably tendered her resignation from the Committee, effective 24th February 2010, owing to work commitments. A letter from Ms. Roberts is attached at Appendix 2.

(ii) Appointment of Gillian Bell

As a consequence of Ms. Roberts' resignation, and in view of the recruitment process which had been undertaken earlier in the year and which resulted in Kimara Sharpe's appointment to the Committee,

advice was sought from Standards for England who confirmed that it would be acceptable to fill the vacancy from one of the candidates who were interviewed by the Appointments Committee in January 2010.

Accordingly, at its meeting on 9th March 2010 the Appointments Committee agreed to recommend the appointment of Gillian Bell, one of the candidates interviewed in January and who had met the selection criteria. The recommendation was approved by full Council at its meeting on 17th March 2010 and Ms. Bell has therefore been appointed to serve as an Independent Member on the Standards Committee for a four-year term of office expiring 17th March 2014.

(iii) Appointment of Committee Vice-Chairman

In view of the recent appointments of both Ms. Sharpe and Ms. Bell no appointment to the role of Vice-Chairman of the Committee will be made until the first meeting of the Standards Committee of the 2010/11 Municipal Year on 19th May 2010. In the interim, both Ms. Sharpe and Ms. Bell, as duly appointed Independent Members on the Committee, are eligible to chair any meetings of the Standards Committee or its sub-committees should this be required.

**Standards for England - Annual Return 2010**

3.13 Each year local authorities are required to complete an Annual Return to Standards for England ("SfE"). Quarterly Returns are also completed in relation to work carried out on individual complaints.

The focus of last year's Annual Return was to tease out a narrative of the activities undertaken by standards committees in the first year of the new local framework. Many questions were left open so authorities had the freedom to provide SfE with as much information as was felt necessary.

Members will recall that following completion of the 2009 Annual Return the Council was selected as one of five councils nationally which had demonstrated good practice in the field of standards work since the introduction of the new local framework. As a consequence of this a case study on Bromsgrove District Council featured in SfE's Annual Review 2008-09.

The submission window dates for completion, by the Council's Ethical Standards Officer, of the 2010 Annual Return is Thursday 1st April to Friday 16th April 2010. Significant changes have been made to the questions which are included in this year's Annual Return. As with last year, the information provided by local authorities will feed into SfE's Annual Review and responses will be shared with the Audit Commission to help inform their organisational "Use of resources, Key Line of Enquiry" assessment.

A copy of the questions in this year's Annual Return, together with guidance produced by SfE to assist authorities in preparing their responses to these,

are attached at appendices 3 and 4. Members are asked to consider these and to highlight any particular issues they might have in this regard.

### **Standards for England - Annual Assembly of Standards Committees**

- 3.14 Members' attention is drawn to Standards for England's 2010 Annual Assembly of Standards Committees, 'A place for standards', which is taking place on Monday 18th and Tuesday 19th October 2010 at the International Convention Centre, Birmingham, at a cost per delegate of £230 plus VAT for one day attendance and £430 plus VAT for full conference attendance. Details of the event are attached at Appendix 5. Any members of the Committee wishing to attend this event are asked to contact the Monitoring Officer to register their interest for this.

## **4. FINANCIAL IMPLICATIONS**

None

## **5. LEGAL IMPLICATIONS**

The Local Government Act 2000 introduced primary legislation to enable the implementation of a Members' Code of Conduct, and this was amended by the Local Government and Public Involvement in Health Act 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 INCLUDING HEALTH & SAFETY CONSIDERATIONS**

- 7.1 The main risk associated with the details included in this report is:

- *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. CLIMATE CHANGE AND CARBON IMPLICATIONS**

None

**12. 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

**13. OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	No
Chief Executive	No
Executive Director - Partnerships and Projects	N/A
Executive Director - Services	N/A
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	N/A
Corporate Procurement Team	No

**14. WARDS AFFECTED**

All wards

**15. APPENDICES**

- Appendix 1 - Local Assessment Statistics
- Appendix 2 - Letter from Debbie Roberts dated 24th February 2010
- Appendix 3 - Standards for England Annual Return 2010 - questions
- Appendix 4 - Standards for England Annual Return 2010 - guidance notes
- Appendix 5 - Standards for England 2010 Annual Assembly of Standards Committees

**16. BACKGROUND PAPERS**

None

**CONTACT OFFICER**

Name: Claire Felton  
E Mail: [c.felton@bromsgrove.gov.uk](mailto:c.felton@bromsgrove.gov.uk)  
Tel: (01527) 881429