

BROMSGROVE DISTRICT COUNCIL

STANDARDS COMMITTEE

19th May 2010

MONITORING OFFICER'S REPORT

Relevant Portfolio Holder	Councillor Geoff Denaro
Relevant Head of Service	Claire Felton

1. SUMMARY OF PROPOSALS

- 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. RECOMMENDATIONS

That the Committee note the report and comment on any aspects of this as appropriate.

3. BACKGROUND

Member Investigations and Associated Matters

- 3.1 Since the last meeting of the Standards Committee Complaint Reference 94/09 (which the Assessment Sub-Committee previously decided should be referred to the Monitoring Officer for local investigation) has been referred back to the Assessment Sub-Committee under Regulation 16 (1) of the Standards Committee (England) Regulations 2008 (see paragraph 3.3 below for further details). The Sub-Committee determined that the remit of the investigation should be extended to include an additional matter. Once the investigation has been concluded the Investigating Officer's Final Report will be referred to the Standards Committee for consideration in the usual manner.
- 3.2 Further to the assessment, on 3rd March 2010, of Complaint References 95/09 and 106/09 to 110/09, for which it was determined the allegations should be referred to Standards for England ("SfE") for investigation, SfE confirmed its acceptance of all of the cases. However, it subsequently stopped its investigation into these matters and has directed the Monitoring Officer to take other action, namely to ensure that the allegations are included in the ongoing local investigations relating to Complaint References 05/09 to 91/09 (the complaints arising from the meeting of Full Council on 29th July 2009). A report must be submitted to SfE within 3 months advising what action has been taken or will be taken to comply with this direction.

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Complaints for Local Assessment

- 3.3 Since the Standards Committee meeting in March one Assessment Sub-Committee meeting has taken place. This considered 3 matters; 2 complaints connected with previously linked complaints (Complaint References 03/09 and 04/09) and a referral back to the Sub-Committee, by the Monitoring Officer, under Regulation 16 (1) of the Standards Committee (England) Regulations 2008.
- 3.4 In the first 2 cases it was determined that no further action should be taken and no requests for review of those decisions have been received to date. Regarding the Regulation 16 referral, this related to a complaint which had previously been referred to the Monitoring Officer for local investigation. Part way through the investigation into this the Investigating Officer received information which led the Monitoring Officer to believe that the matter was materially more serious than had initially appeared to be the case at the time of assessment. The matter was therefore referred back to the Sub-Committee for further consideration. The Sub-Committee decided that the remit of the investigation should be extended to include an additional planning-related matter.
- 3.5 The Committee is reminded that details of only those complaints which have been assessed by the relevant Sub-Committee appear in this report. Any complaints which have yet to be assessed and/or for which Sub-Committee decision notices have still to be issued are not included as the Subject Members concerned will, at this stage, not be aware of the complaints.
- 3.6 A table showing the cumulative complaint statistics since the introduction of local assessment is attached at Appendix 1 to this report.

Member Training

- 3.7 Members are advised of the following training matters:
- (i) Gillian Bell, newly appointed Independent Member on the Standards Committee, received her mandatory standards training with the Monitoring Officer and Deputy Monitoring Officer on 21 April 2010;
 - (ii) refresher training for all relevant board/committee members is being arranged in order to meet the requirements set out in the Council's Constitution for all members to be suitably trained for the boards/committees on which they sit; and
 - (iii) Heads of Service will also be looking at any additional mandatory training required by Members in their respective areas for the year ahead.

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Annual Report of the Standards Committee 2009/10

- 3.8 Work on the Annual Report will shortly commence and a copy of the draft Report will be circulated to all members of the Committee for comment once available.

4. KEY ISSUES

The Committee is asked to note the information contained within the report and to comment on any aspects of this as it sees fit.

5. FINANCIAL IMPLICATIONS

None

6. 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.

7. POLICY IMPLICATIONS

None

8. COUNCIL OBJECTIVES

This item does not link directly with any Council objectives.

9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

- 9.1 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.

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9.2 These risks are being managed as follows:

- Risk Register: Legal, Equalities and Democratic Services
Key Objective Ref No: 3
Key Objective: Effective ethical governance

10. CUSTOMER IMPLICATIONS

None

11. EQUALITIES AND DIVERSITY IMPLICATIONS

None

12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

None

13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

None

14. HUMAN RESOURCES IMPLICATIONS

None

15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS

The Standards Committee is responsible for promoting and maintaining high standards of behaviour among Members and its work is therefore key to the ethical governance arrangements in place within the Council.

16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998

None

17. HEALTH INEQUALITIES IMPLICATIONS

None

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18. LESSONS LEARNT

None

19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

None

20. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	No
Chief Executive	No
Executive Director (S151 Officer)	No
Executive Director – Leisure, Cultural, Environmental and Community Services	No
Executive Director – Planning & Regeneration, Regulatory and Housing Services	No
Director of Policy, Performance and Partnerships	No
Head of Service	Yes
Head of Resources	No
Head of Legal, Equalities & Democratic Services	Yes
Corporate Procurement Team	No

21. WARDS AFFECTED

All wards

22. APPENDICES

Appendix 1 Local Assessment Statistics

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23. BACKGROUND PAPERS

Member complaint files

AUTHOR OF REPORT

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