

**BROMSGROVE DISTRICT COUNCIL**

**STANDARDS COMMITTEE**

**19th May 2010**

**MEMBERSHIP OF ASSESSMENT AND REVIEW SUB-COMMITTEES**

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

**1. SUMMARY OF PROPOSALS**

- 1.1 Members are requested to review the process for selecting substitutes to Sub-Committees and to appoint Committee Members to the Standards Sub-Committees.

**2. RECOMMENDATIONS**

**That the Committee:**

- 2.1 amends the process for selecting substitutes as set out in paragraph 4.3; and**
- 2.2 decides on membership of the sub-committees for the forthcoming municipal year in accordance with Appendix 1.**

**3. BACKGROUND**

- 3.1 At the Standards Committee meeting on 23rd September 2009 consideration was given to a report which requested the Committee to consider revising the constitution of its sub-committees in the light of its previous request to the Monitoring Officer ("MO") to develop a scheme for determining how substitutes were selected. It was resolved that the sub-committees of the Standards Committee be restructured with immediate effect with fixed membership with the creation of the following:

<b>Assessment (District Councillor Complaints) Sub-Committee A</b> <ul style="list-style-type: none"><li>• (IM1)</li><li>• (DC1)</li><li>• (PR1)</li></ul>	<b>Review (District Councillor Complaints) Sub-Committee A</b> <ul style="list-style-type: none"><li>• (IM2)</li><li>• (IM3)</li><li>• (DC3)</li></ul>
<b>Assessment (District Councillor Complaints) Sub-Committee B</b> <ul style="list-style-type: none"><li>• (IM2)</li><li>• (IM3)</li><li>• (DC3)</li></ul>	<b>Review (District Councillor Complaints) Sub-Committee B</b> <ul style="list-style-type: none"><li>• (IM1)</li><li>• (DC2)</li><li>• (PR2)</li></ul>

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<b>Assessment (Parish Councillor Complaints) Sub-Committee B</b> <ul style="list-style-type: none"><li>• (IM2)</li><li>• (DC2)</li><li>• (PR2)</li></ul>	<b>Review (Parish Councillor Complaints) Sub-Committee B</b> <ul style="list-style-type: none"><li>• (IM1)</li><li>• (DC1)</li><li>• (PR1)</li></ul>
IM - Independent Member DC - District Councillor PR - Parish Representative	

- (b) that Sub-Committees A and B sit in strict rotation;
- (c) that substitutes be permitted as follows:
- (i) if an Independent Member is unable to attend a sub-committee meeting which they are scheduled to attend, he or she should be responsible for requesting another member of the Standards Committee to sit in his or her place subject to 2 provisos; firstly that if the Independent Member is unable to sit on an assessment sub-committee the substitute cannot be a member of the Standards Committee who would sit on the relevant review sub-committee; secondly that if the Independent Member is due to chair the meeting, the substitute must be another Independent Member. If no other Independent Member is able to substitute but and Independent Member is required then officers will arrange for an Independent member from a neighbouring authority to sit;
- (ii) If an elected Member is unable to attend a sub-committee meeting which they are scheduled to attend, he or she is responsible for arranging for a substitute to take his or her place. In the first instance the elected Member should seek to find another member of the Standards Committee to sit in his or her place subject to 2 provisos; firstly that if the elected member cannot sit on an assessment (District Councillor Complaints) Sub-Committee the substitute cannot be the

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elected Member who would sit on the relevant Review Sub-Committee; and secondly, that the elected Member must bear in mind the requirement for there to be at least 1 elected Member on each Sub-Committee. If no member of the Standards Committee is able to substitute for the elected Member, the Member will be provided with a list of all elected Members who are not members of the Standards Committee but who have been trained in Standards Committee business and must select the substitute from that list; and

(iii) if a Parish Representative is unable to attend a sub-committee meeting which they are scheduled to attend he or she should arrange for the Deputy Parish Representative to attend in their place;

(d) that no substitutes be permitted on the parent Standards Committee except in relation to Consideration Meetings and Final Determination Hearings in which cases the substitution provisions set out in (c) above will apply;

(e) that the above be reviewed after 6 months of operation.

3.2 At its last meeting the Committee agreed to continue with the operation of the fixed membership sub-committee system.

3.3 A report is being considered by full Council at the Annual Meeting on 12th May 2010 at which Council is being requested to consider increasing the number of elected Members on the Standards Committee, and if agreed this will have an impact on the membership of the Sub-Committees.

3.4 Officers have also identified that there needs to be a little more flexibility in the process for selecting substitutes than previously agreed, and minor alterations to that process are suggested.

#### **4. KEY ISSUES**

4.1 The key issues for the Committee are:

4.1.1 to review the operation of the system for substitutes;

4.1.2 to agree the membership of the sub-committees for the forthcoming municipal year.

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- 4.2 Officers consider that the fixed membership system has worked well in that it has removed the need for a subjective decision to be taken by officers as to the composition of any sub-committee, has spread the sub-committee workload more evenly among the members of the Committee and has ensured clarity in the process for the selection of substitutes.
- 4.3 However, officers recommend a slight alteration to the process for appointing substitutes as follows; proposed alterations are shown in bold type:
- (i) if an Independent Member is unable to attend a sub-committee meeting which they are scheduled to attend, he or she should be responsible for requesting another member of the Standards Committee to sit in his or her place subject to 2 provisos; firstly that if the Independent Member is unable to sit on an assessment sub-committee the member **should seek to avoid if at all possible selecting** a member of the Standards Committee who would sit on the relevant review sub-committee; secondly that if the Independent Member is due to chair the meeting, the substitute must be another Independent Member. If no other Independent Member is able to substitute but an Independent Member is required then officers will arrange for an Independent Member from a neighbouring authority to sit;
  - (ii) If an elected Member is unable to attend a sub-committee meeting which they are scheduled to attend, he or she is responsible for arranging for a substitute to take his or her place. In the first instance the elected Member should seek to find another member of the Standards Committee to sit in his or her place subject to 2 provisos; firstly that if the elected member cannot sit on an assessment Sub-Committee the member **should seek to avoid if at all possible selecting** a Member of the Standards Committee who would sit on the relevant review sub-committee; and secondly, that the elected Member must bear in mind the requirement for there to be at least 1 elected Member on each Sub-Committee **and must ensure that this requirement is met**. If no member of the Standards Committee is able to substitute for the elected Member, the Member will be provided with a list of all elected Members who are not members of the Standards Committee but who have been trained in Standards Committee business and must select the substitute from that list.

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- 4.4 At the time of writing this report it is not known if the Council will agree to the Standards Committee's suggestion of increasing the size of the Standards Committee. Assuming it is agreed officers have proposed table of membership of the sub-committees for the forthcoming municipal year which is attached as Appendix 1. Names of elected District Council Members have not been included as at the date of writing it is not known who they will be but these can be agreed at the meeting.

#### **5. FINANCIAL IMPLICATIONS**

- 5.1 None

#### **6. LEGAL IMPLICATIONS**

- 6.1 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. 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**

- 7.1 Any alterations to the procedure or policy relating to the local assessment of complaints does not need full Council approval.

#### **8. COUNCIL OBJECTIVES**

- 8.1 N/a

#### **9. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS**

No significant risks arising from this report have been identified, but any minor risks arising are being managed as follows:

*Risk Register:* Legal, Equalities and Democratic Services

*Key Objective Ref No:* 2

*Key Objective:* Effective ethical governance

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**10. CUSTOMER IMPLICATIONS**

10.1 None.

**11. EQUALITIES AND DIVERSITY IMPLICATIONS**

11.1 None

**12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT**

12.1 N/a

**13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY**

13.1 N/a

**14. HUMAN RESOURCES IMPLICATIONS**

14.1 None

**15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS**

15.1 None

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

16.1 None

**17. HEALTH INEQUALITIES IMPLICATIONS**

17.1 None

**18. LESSONS LEARNT**

18.1 None.

**19. COMMUNITY AND STAKEHOLDER ENGAGEMENT**

19.1 N/a

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**20. OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	Yes
Chief Executive	No
Executive Director (S151 Officer)	Yes
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     Table of proposed membership of sub-committees

**23. BACKGROUND PAPERS**

None

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**APPENDIX 1**

**Proposed table of membership of Sub-Committees**

<b>Assessment (District Councillor Complaints) Sub-Committee A</b> <ul style="list-style-type: none"><li>• (IM1)</li><li>• (DC1)</li><li>• (PR1)</li></ul>	<b>Review (District Councillor Complaints) Sub-Committee A</b> <ul style="list-style-type: none"><li>• (IM2)</li><li>• (DC2)</li><li>• (PR2)</li></ul>
<b>Assessment (District Councillor Complaints) Sub-Committee B</b> <ul style="list-style-type: none"><li>• (IM3) (Chairman)</li><li>• (DC3)</li><li>• (IM1)</li></ul>	<b>Review (District Councillor Complaints) Sub-Committee B</b> <ul style="list-style-type: none"><li>• (IM2)</li><li>• (DC4)</li><li>• (PR1)</li></ul>
<b>Assessment (Parish Councillor Complaints) Sub-Committee A</b> <ul style="list-style-type: none"><li>• (IM3)</li><li>• (DC2)</li><li>• (PR1)</li></ul>	<b>Review (Parish Councillor Complaints) Sub-Committee A</b> <ul style="list-style-type: none"><li>• (IM1)</li><li>• (DC1)</li><li>• (PR2)</li></ul>
<b>Assessment (Parish Councillor Complaints) Sub-Committee B</b> <ul style="list-style-type: none"><li>• (IM2)</li><li>• (DC4)</li><li>• (PR2)</li></ul>	<b>Review (Parish Councillor Complaints) Sub-Committee B</b> <ul style="list-style-type: none"><li>• (IM3)</li><li>• (DC3)</li><li>• (PR1)</li></ul>
<b>IM1 – Gillian Bell</b> <b>IM2 – Noel Burke</b> <b>IM3 – Kimara Sharpe</b>  <b>PR1 – Cllr J Cypher</b> <b>PR2 – Cllr I Hodgetts</b>	<b>DC1 – tbc</b> <b>DC2 – tbc</b> <b>DC3 – tbc</b> <b>DC4 - tbc</b>