

BROMSGROVE DISTRICT COUNCIL

STANDARDS COMMITTEE 22nd September 2010

MONITORING OFFICER'S REPORT

Relevant Portfolio Holder	Councillor Geoff Denaro
Relevant Head of Service	Claire Felton, Monitoring Officer

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 since the last meeting of the Committee on 19th May 2010.
- 1.2 Any further updates will be reported verbally at the meeting.

2. RECOMMENDATIONS

That the Committee note the report and comment on any aspects of this, in particular the issues raised in paragraphs 3.9 and 3.12, as appropriate.

3. BACKGROUND

Member Investigations and Associated Matters

- 3.1 Following the report given at the last meeting in relation to Complaint References 95/09 and 106/09 to 110/09 (which had previously been referred to and accepted by Standards for England ("SfE") for investigation, but for which SfE's investigations were subsequently stopped and the complaints referred back to the Monitoring Officer for local investigation as part of the ongoing investigation into the complaints arising from the meeting of Full Council in July 2009), these matters have now been referred to the local Investigating Officer. The Investigating Officer has accepted the additional complaints and is currently undertaking the investigation into these. The Monitoring Officer has submitted the required report to SfE confirming the action that has been taken in order to comply with the direction given by SfE.
- 3.2 Further local investigations in respect of Complaint Reference 94/09 (a district councillor complaint which was reported to the Committee at the last meeting and for which the scope of the investigation has been extended to include an additional matter) and linked parish councillor Complaints 03/10 and 04/10 are currently ongoing and will be referred to the Committee for further consideration in due course.

BROMSGROVE DISTRICT COUNCIL

STANDARDS COMMITTEE 22nd September 2010

Complaints for Local Assessment

- 3.3 Since the last meeting of the Standards Committee 3 meetings of the Assessment Sub-Committee have taken place, which have considered a total of 5 new complaints.

The complaints considered and their respective outcomes were as follows:

Complaint Ref	Against	Outcome	Comments
01/10	district councillor	Referred to Monitoring Officer for other action	Other action partially completed
02/10	district councillor	No further action	
03/10	parish councillor	Referred to Monitoring Officer for local investigation	Linked to Complaint Ref 04/10
04/10	parish councillor	Referred to Monitoring Officer for local investigation	Linked to Complaint Ref 03/10
05/10	district councillor	No further action	

- 3.4 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 not be aware of the complaints. Equally, only information relating to review requests which have already been considered by the appropriate Review Sub-Committee and for which the parties involved have been notified of the outcome are included.
- 3.5 A table showing the cumulative complaint statistics since the introduction of local assessment is attached at Appendix 1 to this report.

Monitoring Officer's Other Action

- 3.6 Equalities training relating to 2 previous (linked) parish councillor complaints is due to be conducted by the Deputy Monitoring Officer and the Council's Equality Officer at the Parish Council concerned on 20th September 2010. A verbal update will be given at the meeting in relation to further action concerning a district councillor's Register of Interests.

BROMSGROVE DISTRICT COUNCIL

STANDARDS COMMITTEE 22nd September 2010

Member Training

- 3.7 Members are advised of the following training matters:
- (i) In order to meet the requirements set out in the Council's Constitution Members have completed a variety of refresher training for the various boards/committees on which they sit. Such training has included:
 - a) Members' Code of Conduct on 21st June 2010, Claire Lefort, Weightman's LLP;
 - b) Licensing - 3 separate sessions held on 28th and 29th July 2010 and 2nd September 2010 covering various aspects of licensing legislation and how the legislation applies to licensing meetings and hearings, together with a mock licensing hearing; and
 - c) 'Planning for Councillors' on 7th September 2010 and 'Planning - Probity and Good Practice' on 8th September 2010, Andrew Ashcroft, Trevor Roberts Associates (equivalent sessions were also held in Redditch in July);
 - (ii) Further internal training identified by Heads of Service is scheduled to take place later in the year, for example, Risk Management Awareness for members of the Audit Board; and
 - (iii) Training for representatives on the Council's outside bodies, including Member obligations in this regard, is being arranged for later in the year.

Parish Council Matters

- 3.8 Members may recall previous discussions regarding the proposed establishment, by the Monitoring Officer, of periodic informal meetings between parish council clerks/executive officers and representatives of the Monitoring Officer's team, to discuss matters of mutual interest/concern. Recent contact has taken place with the parish clerks/executive officers in this regard, including the Clerk to Feckenham Parish Council in Redditch in view of the shared services agenda between Bromsgrove District Council and Redditch Borough Council. The offer of such meetings has been warmly received and it is anticipated that the first meeting will take place within the next month or so.
- 3.9 Members will also recall the Committee's previous decision to establish an ethical governance training programme for the parish councils, implementation of which was delayed pending introduction of a new Members' Code of Conduct by the previous Government. Whilst awaiting introduction of the new Code parish councils have been invited to Standards/Code of Conduct training which has taken place at the Council House and the Monitoring Officer's team has, on request, attended parish councils to conduct training sessions on topics such as Members' interest. In view of the new Government's decision to abolish Standards for England

BROMSGROVE DISTRICT COUNCIL

STANDARDS COMMITTEE 22nd September 2010

(as detailed at paragraph 3.13 below) it is suggested that the issue of an ethical governance training programme for the parishes be revisited once more is known about the new Government's future plans for the local standards framework.

Links between the Standards Committee, the Cabinet and the Senior Management Team

- 3.10 At its meeting in March 2010 the Committee considered a report which asked whether links should be developed between the Standards Committee, the Cabinet and/or the Senior Management, and if so, how those links should be developed and what forms they should take; an issue which had arisen in the light of questions previously contained in SfE's Annual Return. In view of the local position, which it was recognised at the time included certain relationship issues as well as a large number of ongoing local investigations into Member-Member complaints, it was felt that the establishment of future links required a stepped approach.
- 3.11 The Committee agreed that the first stage in the process should be for the Monitoring Officer to speak with the Chief Executive regarding the establishment of informal meetings between the Chief Executive and the members of the Standard Committee to discuss ethical governance issues, with the first such meeting hopefully due to take place in September 2010.
- 3.12 The Monitoring Officer has spoken with the Chief Executive who is happy for such meetings to take place. It is proposed however that the first meeting take place once the outcomes of the July 2009 Full Council complaints are known as the outcomes will be pivotal in any future discussions.

National Standards Regime & Ongoing Local Standards Review

- 3.13 Members will be aware of the Government's announcement of its intention "to abolish the Standards Board regime". Further information in this regard, including a possible timeframe for introduction of the legislation required to implement the changes and the closure of SfE, are detailed in Standards for England's *Bulletin* No. 48, a copy which can be found at agenda item 7 (Publications). The *Bulletin* also details SfE's revised business plan for 2010 and 2011 in the light of the proposed changes, together with updates relating to monitoring returns, SfE's acceptance of complaints and the reappointment of independent members on the Standards Committee.

BROMSGROVE DISTRICT COUNCIL

STANDARDS COMMITTEE 22nd September 2010

3.14 Until the changes are introduced the local standards framework remains in place and standards committees and monitoring officers have an obligation to keep the current system operating. Officers will keep the Committee informed of any developments in this regard as and when they arise.

3.15 In view of the above and the present uncertainty in this area, work on the ongoing local review of standards and introduction of the associated 'Your Councillor Working for You' branding has been temporarily halted. This will resume, as appropriate, once more is known about the Government's future intentions in relation to the local standards framework.

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.

BROMSGROVE DISTRICT COUNCIL

STANDARDS COMMITTEE 22nd September 2010

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.

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

BROMSGROVE DISTRICT COUNCIL

STANDARDS COMMITTEE 22nd September 2010

17. HEALTH INEQUALITIES IMPLICATIONS

None

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

BROMSGROVE DISTRICT COUNCIL

STANDARDS COMMITTEE 22nd September 2010

22. APPENDICES

Appendix 1 Local Assessment Statistics

23. BACKGROUND PAPERS

Member complaint files
Standards for England *Bulletin* No. 48
Previous Standards Committee reports and Standards Committee minutes

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