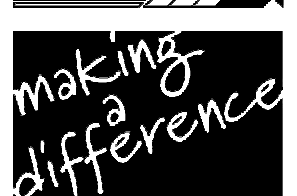


# Annual Meeting of the Council

Monday 21st May  
2012  
7.00 pm

Council Chamber  
Town Hall  
Redditch

**REDDITCH BOROUGH COUNCIL**



[www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)

# Access to Information - Your Rights

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The Local Government (Access to Information) Act 1985 widened the rights of press and public to attend Local Authority meetings and to see certain documents. Recently the Freedom of Information Act 2000, has further broadened these rights, and limited exemptions under the 1985 Act.

Your main rights are set out below:-

- Automatic right to attend all Council and Committee meetings unless the business would disclose confidential or “exempt” information.
- Automatic right to inspect agenda and public reports at least five days before the date of the meeting.
- Automatic right to inspect minutes of the Council and its Committees (or summaries of business undertaken in private) for up to six years following a meeting.
- Automatic right to inspect lists of background papers used in the preparation of public reports.
- Access, upon request, to the background papers on which reports are based for a period of up to four years from the date of the meeting.
- Access to a public register stating the names and addresses and electoral areas of all Councillors with details of the membership of all Committees etc.
- A reasonable number of copies of agenda and reports relating to items to be considered in public must be made available to the public attending meetings of the Council and its Committees etc.
- Access to a list specifying those powers which the Council has delegated to its Officers indicating also the titles of the Officers concerned.
- Access to a summary of the rights of the public to attend meetings of the Council and its Committees etc. and to inspect and copy documents.
- In addition, the public now has a right to be present when the Council determines “Key Decisions” unless the business would disclose confidential or “exempt” information.
- Unless otherwise stated, all items of business before the Executive Committee are Key Decisions.
- (Copies of Agenda Lists are published in advance of the meetings on the Council’s Website:  
**[www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)**

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**If you have any queries on this Agenda or any of the decisions taken or wish to exercise any of the above rights of access to information, please contact  
Ivor Westmore  
Committee Support Services**

**Town Hall, Walter Stranz Square, Redditch, B98 8AH  
Tel: (01527) 64252 (Extn. 3269) Fax: (01527) 65216  
e.mail: [ivor.westmore@bromgroveandredditch.gov.uk](mailto:ivor.westmore@bromgroveandredditch.gov.uk)**

# Welcome to today's meeting.

## Guidance for the Public

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### **Agenda Papers**

The **Agenda List** at the front of the Agenda summarises the issues to be discussed and is followed by the Officers' full supporting **Reports**.

### **Chair**

The Chair is responsible for the proper conduct of the meeting. Generally to one side of the Chair is the Committee Support Officer who gives advice on the proper conduct of the meeting and ensures that the debate and the decisions are properly recorded. On the Chair's other side are the relevant Council Officers. The Councillors ("Members") of the Committee occupy the remaining seats around the table.

### **Running Order**

Items will normally be taken in the order printed but, in particular circumstances, the Chair may agree to vary the order.

**Refreshments** : tea, coffee and water are normally available at meetings - please serve yourself.

### **Decisions**

Decisions at the meeting will be taken by the **Councillors** who are the democratically elected representatives. They are advised by **Officers** who are paid professionals and do not have a vote.

### **Members of the Public**

Members of the public may, by prior arrangement, speak at meetings of the Council or its Committees. Specific procedures exist for Appeals Hearings or for meetings involving Licence or Planning Applications. For further information on this point, please speak to the Committee Support Officer.

### **Special Arrangements**

If you have any particular needs, please contact the Committee Support Officer.

Infra-red devices for the hearing impaired are available on request at the meeting. Other facilities may require prior arrangement.

### **Further Information**

If you require any further information, please contact the Committee Support Officer (see foot of page opposite).

### **Fire/ Emergency instructions**

If the alarm is sounded, please leave the building by the nearest available exit – these are clearly indicated within all the Committee Rooms.

If you discover a fire, inform a member of staff or operate the nearest alarm call point (wall mounted red rectangular box). In the event of the fire alarm sounding, leave the building immediately following the fire exit signs. Officers have been appointed with responsibility to ensure that all visitors are escorted from the building.

**Do Not stop to collect personal belongings.**

**Do Not use lifts.**

**Do Not re-enter the building until told to do so.**

The emergency **Assembly Area** is on **Walter Stranz Square**.

# Declaration of Interests: Guidance for Councillors

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DO I HAVE A "PERSONAL INTEREST" ?

- Where the item relates or is likely to affect your **registered interests** (what you have declared on the formal Register of Interests)

**OR**

- Where a decision in relation to the item might reasonably be regarded as affecting **your own** well-being or financial position, or that of your **family**, or your **close associates** more than most other people affected by the issue,

you have a personal interest.

WHAT MUST I DO? **Declare the existence, and nature, of your interest and stay**

- The declaration must relate to specific business being decided - a general scattergun approach is not needed
- **Exception** - where interest arises only because of your membership of another **public body**, there is no need to declare unless you **speak** on the matter.
- You **can vote** on the matter.

IS IT A "PREJUDICIAL INTEREST" ?

In general only if:-

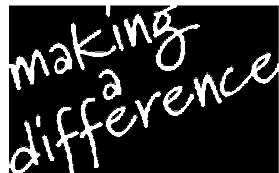
- It is a personal interest **and**
- The item affects your **financial position** (or conveys other benefits), or the position of your **family, close associates** or bodies through which you have a **registered interest** (or relates to the exercise of **regulatory functions** in relation to these groups)

**and**

- A member of public, with knowledge of the relevant facts, would reasonably believe the interest was likely to **prejudice** your judgement of the public interest.

WHAT MUST I DO? **Declare and Withdraw**

BUT you may make representations to the meeting before withdrawing, **if** the public have similar rights (such as the right to speak at Planning Committee).



# Annual Meeting of the Council

21st May 2012

7.00 pm

Council Chamber Town Hall

## Agenda

### Membership:

Cllrs:	Mrs Anita Clayton (Mayor)	
	Joe Baker	Bill Hartnett
	Roger Bennett	Pattie Hill
	Michael Braley	Roger Hill
	Rebecca Blake	Gay Hopkins (Deputy Mayor)
	Andrew Brazier	Wanda King
	Juliet Brunner	Alan Mason
	David Bush	Phil Mould
	Michael Chalk	Brenda Quinney
	Simon Chalk	Mark Shurmer
	Greg Chance	Yvonne Smith
	Brandon Clayton	Luke Stephens
	John Fisher	Debbie Taylor
	Andrew Fry	Derek Taylor
	Carole Gandy	Pat Witherspoon
Adam Griffin		

<b>1. Welcome</b>	The Mayor will open the meeting and welcome all present.
<b>2. Apologies</b>	To receive any apologies for absence on behalf of Council members.
<b>3. Declarations of Interest</b>	To invite Councillors to declare any interests they may have in items on the agenda.
<b>4. Mayor's opening remarks</b>	To receive the Mayor's opening remarks and report on the mayoral year.  To give notice of any items of "Urgent Business" accepted by the Mayor for consideration at this meeting.  (No separate report)
<b>5. Election of Mayor</b>	To elect the Mayor for the ensuing municipal year and to take his/her declaration of acceptance of office.
<b>6. Deputy Mayor</b>	To appoint the Deputy Mayor for the ensuing municipal year and to take his/her declaration of acceptance of office.

# Annual Meeting of the Council

21st May 2012

<p><b>7. Announcements</b></p>	<p>To receive the new Mayor's communications and announcements, including:</p> <p>Mayor's Charity (-ies).</p> <p>To receive any announcements from the Chief Executive Officer and Leader of the Council.</p> <p>(No separate report)</p>
<p><b>8. Minutes</b> Chief Executive</p>	<p>To confirm as a correct record the minutes of the meeting of the Council held on 16th April 2012.</p> <p><b>(Minutes circulated in Minute Book 1 - 2012/13)</b></p>
<p><b>9. Regulatory Committees</b> Chief Executive</p>	<p>To formally receive the minutes of the following meetings of the Council's Regulatory Committees:</p> <p>Standards Committee – 26th March 2012</p> <p>There are outstanding recommendations for the Council to consider but these will be considered under Item 16 on the current agenda.</p> <p><b>(Minutes circulated in Minute Book 1 – 2012/13)</b></p> <p><b>(No Specific Ward Relevance)</b></p>
<p><b>10. Returning Officer's Report</b> (Pages 1 - 4) Returning Officer</p>	<p>To receive the Returning Officer's report in respect of the Borough Council elections held on 3rd May 2012.</p> <p>(Report attached)</p> <p><b>(All Wards, except Abbey, Astwood Bank and Feckenham and Crabbs Cross)</b></p>
<p><b>11. Leader of the Council</b></p>	<p>Further to the local elections 2012 and change of political control, to appoint a member of the Council to hold the office of Leader of the Council.</p> <p>To receive any announcements from the newly appointed Leader of the Council.</p> <p>(No separate report)</p>

# Annual Meeting of the Council

21st May 2012

<p><b>12. Executive Committee, Overview and Scrutiny Committee, Sub-Committees, Panels etc. - Chairs and Vice-Chairs - Appointment</b></p>	<p>To resolve, in accordance with the Council's Constitution and relevant Procedure Rules, that the Council appoint Committees, Sub-Committees, Panels, Task and Finish Groups, Working Parties, etc.; and their Chairs and Vice-Chairs.</p> <p>(As indicated in the Appendix to the separate Order of Business report – to follow)</p>
<p><b>13. Outside Bodies</b></p>	<p>To appoint, or nominate as appropriate, Council representatives on various Outside Bodies.</p> <p>(As indicated in the Appendix to the separate Order of Business – to follow)</p>
<p><b>14. Establishment of a Police and Crime Panel</b></p> <p>(Pages 5 - 20)</p> <p>Head of Legal, Equalities and Democratic Services</p>	<p>To consider the establishment of a West Mercia Police and Crime Panel (PCP) as a joint committee of the 10 principal local authorities in the West Mercia police force area, the proposed membership of the PCP, the Panel arrangements and any consequential actions required under the Police Reform and Social Responsibility Act 2011.</p> <p>To appoint a Borough Council representative to the Panel.</p> <p>(Report attached)</p> <p><b>(All Wards)</b></p>
<p><b>15. Constitution - Annual Review</b></p> <p>Chief Executive</p>	<p>To confirm the Council's Constitutional arrangements.</p> <p>(Papers to be circulated under separate cover)</p> <p><b>(No Direct Ward Relevance)</b></p>
<p><b>16. Localism Act 2011 - New Standards Regime</b></p> <p>(Pages 21 - 42)</p> <p>Monitoring Officer</p>	<p>To receive a report on upcoming changes to the standards regime in light of the Localism Act 2011 and to consider proposals for implementation of the new regime.</p> <p><b>(Report attached – Minutes of the Standards Committee on 26th March 2012 circulated in Minute Book 1 - 2012/13)</b></p> <p><b>(All Wards)</b></p>

# Annual Meeting of the Council

21st May 2012

<p><b>17. Independent Remuneration Panel arrangements</b></p>	<p>To consider a proposal to amend the current size of the Independent Remuneration Panel and the appointment of a Member to a Joint Committee that would consider the appointment of a further Member to the Panel, should it be necessary.</p> <p>It has been proposed that the current size of the Independent Remuneration Panel be amended downwards from six to five following the imminent departure of one of the Panel Members following the ending of their second and final four year term as a member. The rationale for such a change has been given as a modest saving in terms of allowances and expenses and little discernible difference in terms of the activity of the Panel.</p> <p>(No separate report)</p> <p><b>(All Wards)</b></p>
<p><b>18. Members' Allowances</b> (Pages 43 - 50) Head of Legal, Equalities and Democratic Services</p>	<p>To receive a report on expenses and allowances paid to Members during the financial year 2011/12.</p> <p><b>(All Wards)</b></p>
<p><b>19. Urgent Business - general (if any)</b></p>	<p>To consider any additional items exceptionally agreed by the Mayor as Urgent Business in accordance with the powers vested in her by virtue of Section 100(B)(4)(b) of the Local Government Act 1972.</p> <p>(This power should be exercised only in cases where there are genuinely special circumstances which require consideration of an item which has not previously been published on the Order of Business for the meeting and/or on the Leader's Forward Plan.)</p>
<p><b>20. Exclusion of the Public</b></p>	<p>Should it be necessary, in the opinion of the Chief Executive, to consider excluding the public from the meeting in relation to any items of business on the grounds that exempt information is likely to be divulged it may be necessary to move the following resolution:</p> <p><b>“that, under S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following matter(s) on the rounds that it/they involve(s) the likely disclosure of exempt information as defined in the relevant</b></p>



# Annual Meeting of the Council

21st May 2012

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paragraphs (*to be specified*) of Part 1 of Schedule 12 (A) of the said Act, as amended.”

[Subject to the “public interest” test, information relating to:

- Para 1 – any individual;
- Para 2 – the identity of any individual;
- Para 3 – financial or business affairs;
- Para 4 – labour relations matters;
- Para 5 – legal professional privilege;
- Para 6 – a notice, order or direction;
- Para 7 – the prevention, investigation or prosecution of crime;

may need to be considered as ‘exempt’.]

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## Notes:

- (i) A detailed Order of Business will be circulated separately.
  - (ii) At the conclusion of the meeting, all Council members, Officers, Guests and Members of the press and public are invited to join the Mayor in a reception in the Civic Suite.
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Page 1      Agenda Item 10

# Election of Borough Councillors for the Wards of Redditch Borough Council Summary of Results

Date of Election : Thursday 03 May 2012

## Contested Elections

### Batchley & Brockhill

Name of Candidate	Description (if any)	Number of Votes
BAKER-PRICE Thomas David	Conservative Party Candidate	410
GRIFFIN Loretta Hope	Green Party	108
LAILEY Pattie	The Labour Party Candidate	816 Elected
MERRICKS Peter Paul George	Liberal Democrat	168

**Vacant Seats: 1 Electorate: 5,770 Ballot Papers Issued: 1,512 Turnout: 26.20%**

### Central

Name of Candidate	Description (if any)	Number of Votes
CHANCE Gregory Phillip	The Labour Party Candidate	763 Elected
KHAN Mohammed Salim	Green Party	104
SMITH David James	Conservative Party Candidate	351
THOMAS Diane Elizabeth	Liberal Democrat	79

**Vacant Seats: 1 Electorate: 4,668 Ballot Papers Issued: 1,303 Turnout: 27.91%**

### Church Hill

Name of Candidate	Description (if any)	Number of Votes
ARMSTRONG Isabel Margaret	Independent	51
ARMSTRONG Richard Kevin	Independent	47
BANKS Kathleen Lucy	Conservative Party Candidate	430
BRADLEY Lee John	Green Party	90
GEE David Howard	Liberal Democrat	102
HARTNETT William Patrick	The Labour Party Candidate	883 Elected
HASLAM Kathleen Anne	Conservative Party Candidate	466
KERRY Rosemary	Green Party	71
TAYLOR Daniel Thomas	Liberal Democrat	106
WIECEK Agnieszka Beata	Independent	41
WITHERSPOON Patricia June	The Labour Party Candidate	793 Elected

**Vacant Seats: 2 Electorate: 6,221 Ballot Papers Issued: 1,624 Turnout: 26.11%**

## Greenlands

Name of Candidate	Description (if any)	Number of Votes
BAKER Joseph Thomas George	The Labour Party Candidate	877 Elected
NORTON William Guy Darrell	Conservative Party Candidate	391
PITT Anthony	Liberal Democrat	120
WHITE Rylma Elaine	Green Party	120

**Vacant Seats: 1 Electorate: 6,379 Ballot Papers Issued: 1,517 Turnout: 23.78%**

## Headless Cross &amp; Oakenshaw

Name of Candidate	Description (if any)	Number of Votes
BENNETT Roger Michael	Conservative Party Candidate	910 Elected
MAHMOOD Yassar	The Labour Party Candidate	592
STANLEY John Gordon	Liberal Democrat	167
WAUGH Alistair Derek	Green Party	235

**Vacant Seats: 1 Electorate: 6,852 Ballot Papers Issued: 1,912 Turnout: 27.90%**

## Lodge Park

Name of Candidate	Description (if any)	Number of Votes
MOON Orion		6
MOON Pam		5
SHURMER Mark Henry	The Labour Party Candidate	704 Elected
SMITH Jean Elizabeth	Conservative Party Candidate	258
WEBSTER Ian David	Liberal Democrat	48
WHITE Kevin	Green Party	86

**Vacant Seats: 1 Electorate: 4,024 Ballot Papers Issued: 1,114 Turnout: 27.68%**

## Matchborough

Name of Candidate	Description (if any)	Number of Votes
BRADLEY Emma Louise	Green Party	114
CLAYTON Anita Janet	Conservative Party Candidate	609
FISHER John Gary	The Labour Party Candidate	699 Elected
OLIVER Simon Brookes	Liberal Democrat	78

**Vacant Seats: 1 Electorate: 4,591 Ballot Papers Issued: 1,505 Turnout: 32.78%**

## West

Name of Candidate	Description (if any)	Number of Votes
BRALEY Michael John	Conservative Party Candidate	767 Elected
DEVENEY Louise Mary	Green Party	103
HINDLE Rita Margaret	Liberal Democrat	79
WITHERSPOON John	The Labour Party Candidate	396

**Vacant Seats: 1 Electorate: 4,535 Ballot Papers Issued: 1,353 Turnout: 29.83%**

## Winyates

Name of Candidate	Description (if any)	Number of Votes
HALL Malcolm William	Liberal Democrat	524
MINTO Beverley Alison	Green Party	55
SLEVIN Michael John	Conservative Party Candidate	417
SMITH Yvonne	The Labour Party Candidate	723 Elected
SWANSBOROUGH Paul James	Independent	194

**Vacant Seats: 1 Electorate: 6,480 Ballot Papers Issued: 1,917 Turnout: 29.58%**

Totals for Borough Election

Ballot Papers Issued	=	13,757	Votes Cast	=	15,156
Electorate	=	49,520	Votes Rejected	=	59
Turnout %	=	27.78 %			



## ESTABLISHMENT OF A POLICE AND CRIME PANEL

<b>Relevant Portfolio Holder</b>	Portfolio Holders for Corporate Management / Community Safety and Regulatory Services
<b>Relevant Officer</b>	Claire Felton – Head of Legal, Equalities and Democratic Services
<b>Recommendation</b>	<p>The Council is <b>RECOMMENDED</b> to</p> <ol style="list-style-type: none"> <li><b>(1) approve the establishment of a West Mercia Police and Crime Panel as a joint committee of the 10 principal local authorities in the West Mercia police force area, to be administered by Worcestershire County Council as lead authority;</b></li> <li><b>(2) approve the proposed membership of the Police and Crime Panel, the Panel arrangements and any consequential actions required under the Act;</b></li> <li><b>(3) delegate authority to the Head of Legal, Equalities and Democratic Services to finalise the details of the proposals, including nominating Council representatives, in consultation with the Leader; and</b></li> <li><b>(4) appoint a Member to the Panel (ideally Leader / Deputy Leader level appointment) for a term of office expiring May 2013.</b></li> </ol>
<b>Setting up the Police and Crime Panel for West Mercia</b>	<ol style="list-style-type: none"> <li>1. The Police Reform and Social Responsibility Act 2011 introduced significant changes in police governance and accountability. These changes include the election of a Police and Crime Commissioner (PCCs) from November 2012 and the placing of a statutory duty on local authorities (including District Councils) in each police force area to establish and maintain a PCP as a formally constituted joint committee of the local authorities in that area.</li> <li>2. The Police and Crime Panel (PCP) will be set up to support, challenge and monitor the effectiveness of the PCC. It will have powers to scrutinise decisions of the PCC and make recommendations in respect of the PCC's functions. The Panel will also have powers to veto the police precept and review certain senior appointments. The draft proposed terms of reference are attached as an Appendix.</li> <li>3. The PCP will be a joint committee composed of 1 Councillor from each local authority area in West Mercia and two co-opted lay independent members.</li> </ol>

Composition of the PCP will need to take account of political and geographical proportionality (the 'balanced appointment objective') as well as have the necessary skills and experience required to fulfil the role.

4. The minimum number of members for a PCP is 10 councillors (1 from each authority) and 2 co-opted lay independent members, and up to a maximum of 20 members through co-option to achieve the balanced appointment objective. In order to ensure that objective, it has been proposed that in addition to the 1 member from each of the 10 authorities in the West Mercia force area, 5 further councillors be co-opted to the PCP from the three non-Worcestershire authorities in the area (3 Shropshire, 1 Telford and Wrekin and 1 Herefordshire). Each local authority will need to agree this proposed composition and, as additional co-options are being sought, further approval will be required from the Home Secretary. These proposals are still under discussion with the other authorities.

5. Worcestershire County Council has agreed that it will take responsibility for the establishment, setting up and operation of the PCP on behalf of the West Mercia Local Authorities.

6. Although further regulations and guidance is still awaited from the Home Office, the Director of Adult and Community Services and the Head of Legal and Democratic Services and their staff are actively developing procedures and operating protocols for the future PCP. This includes consideration of training and induction requirements for Panel members and establishing a timeline and framework for the nomination of Panel members. The intention is that the PCP will operate in shadow form from Summer 2012 in advance of the election of the PCC in November 2012, at which point the Panel will receive its statutory functions.

7. Agreement from all the 10 local authorities to the Panel arrangements (including composition) is required to establish the PCP in shadow form in time for the Home Office deadline of 1 July 2012. Should there be a failure to reach an agreement, the Secretary of State could invoke backstop powers to allow the Home Office to step in and appoint the PCP. The clear intention is for the local authorities themselves to agree the arrangements for the PCP, and further discussion will be needed to get to a consensus position. Arrangements are in place with the 10 local authorities in the West Mercia force to ensure that the establishment of the PCP is considered by the full Council of each local authority in advance of the 1 July 2012 deadline.

### Supporting Information

- Draft proposed Terms of Reference  
(Appended)



## Contact Points

### Borough Council Contact Point:

Claire Felton,  
Head of Legal, Equalities and Democratic Services

Redditch (01527) 64252 / email  
[c.felton@bromsgroveandredditch.gov.uk](mailto:c.felton@bromsgroveandredditch.gov.uk)

## Background Papers

In the opinion of the Proper Officer the following are the background papers relating to the subject matter of this report:-

Police Reform and Social Responsibility Act 2011

Police and Crime Panels – Guidance on role and composition ( Local Government Association 2011)



## WEST MERCIA POLICE AND CRIME PANEL AGREEMENT

This Agreement is dated the        day of        2012.

The Agreement is made between the following:

Worcestershire County Council  
Shropshire Council  
Telford and Wrekin Council  
Herefordshire Council  
Bromsgrove District Council  
Malvern Hills District Council  
Redditch Borough Council  
Worcester City Council  
Wychavon District Council  
Wyre Forest District Council

In the Agreement the above Authorities are referred to together as 'the Authorities'.

### **1.0 Background**

- 1.1 The Police Reform and Social Responsibility Act 2011 ('the Act') introduces new structural arrangements for national policing, strategic police decision-making, neighbourhood policing and police accountability.
- 1.2 The Act provides for the election of a Police and Crime Commissioner ('PCC') for a police force area, responsible for securing an efficient and effective police force for their area, producing a police and crime plan, recruiting the Chief Constable for an area, and holding him/her to account, publishing certain information including an annual report, setting the force budget and police precept and requiring the Chief Constable to prepare reports on police matters. The PCC must co-operate with local community safety partners and criminal justice bodies.
- 1.3 The Act requires the local authorities in each police force area to establish and maintain a Police and Crime Panel ('the Panel') for its police force area. It is the responsibility of the Authorities for the police force area to make arrangements for the Panel ('Panel Arrangements').
- 1.4 West Mercia is a multi-authority police force area ('the police force area'). The Authorities, as the relevant local authorities within the area, must agree to the making and modification of the Panel Arrangements.
- 1.5 Each Authority and each member of the Panel must comply with the Panel Arrangements.
- 1.6 The functions of the Panel must be exercised with a view to supporting the effective exercise of the functions of the PCC for that police force area.

- 1.7 The Panel must have regard to the Policing Protocol issued by the Home Secretary, which sets out the ways in which the Home Secretary, the PCC, the Chief Constable and the Panel should exercise, or refrain from exercising, functions so as to encourage, maintain or improve working relationships (including co-operative working), and limit or prevent the overlapping or conflicting exercise of functions.
- 1.8 The Panel has responsibility for scrutinising the PCC and promoting openness in the transaction of police business in the police force area.
- 1.9 The Panel is a statutory joint committee of the Authorities.
- 1.10 The Authorities agree the Panel Arrangements as set out in the Appendix.
- 1.11 These arrangements may be varied from time to time by the Authorities acting together.

INSERT SIGNATURE/EXECUTION CLAUSE

## PANEL ARRANGEMENTS

### 2.0 Functions of the Police and Crime Panel

- 2.1 The functions of the Panel are set out in the Terms of Reference attached as an Annexe.
- 2.2 The Panel may not exercise any functions other than those conferred by the Act.
- 2.3 The Panel may appoint Committees or Sub Committees as it considers appropriate but the functions of the Panel set out at paragraphs 2.4-2.9 below may not be discharged by a Committee or Sub-Committee of the Panel.
- 2.4 The Panel is a statutory consultee on the development of the Police and Crime Commissioner's (PCC's) Police and Crime Plan and must:
- a) review the draft Police and Crime Plan (or a variation to it), and
  - b) report or make recommendations on the draft Plan which the PCC must take into account.
- 2.5 The Panel must comment upon the Annual Report of the PCC, and for that purpose must:
- a) arrange for a public meeting of the Panel to be held as soon as practicable after the Panel is sent an Annual Report under Section 12 of the Act
  - b) ask the PCC at that meeting such questions about the Annual Report as the members of the Panel think appropriate
  - c) review the Annual Report, and
  - d) make a report or recommendations on the Annual Report to the PCC.
- 2.6 The Panel:
- a) must undertake a review of a precept proposed by the PCC in accordance with the requirements set out in Schedule 5 of the Act
  - b) must report to the PCC on the proposed precept (which may include reasons), and
  - c) may exercise its right of veto in respect of the precept in accordance with the Act and Regulations made under it .
- 2.7 Within three weeks of receipt of notification of the proposed appointment by the PCC of a Chief Constable, the Panel:
- a) must undertake a review of the proposed appointment in accordance with the requirements set out in Schedule 8 of the Act
  - b) must hold a public confirmation meeting
  - c) must make a report to and make recommendations to the PCC in relation to the appointment of a Chief Constable by the PCC.
  - d) may exercise its right of veto in respect of the appointment in accordance with the Act and Regulations made under it.

- 2.8 The right of veto in paragraphs 2.6 and 2.7 requires that at least two-thirds of the persons who are members of the Panel at the time when the decision is made vote in favour of that veto.
- 2.9 Within three weeks of receipt of the notification of the proposed appointment by the PCC of a Chief Executive, Chief Finance Officer and/or the Deputy PCC, the Panel:
- a) must undertake a review of the appointment by the PCC in accordance with the requirements set out in Schedule 1 of the Act
  - b) must hold a public confirmation meeting
  - c) must make a report to and make recommendations to the PCC in relation to the appointment of the PCC's Chief Executive, Chief Finance Officer and the Deputy PCC.
- 2.10 The following functions may be delegated to a Committee or Sub-Committee of the Panel:
- 2.11 The Panel shall receive notification from the PCC of any suspension of the Chief Constable, or any proposal to call upon a Chief Constable to retire or resign. In the case of the latter the Panel must hold a private scrutiny hearing and must make a recommendation to the PCC as to whether or not the PCC should call for the retirement or resignation in accordance with the procedures set out in Schedule 8 of the Act. The Panel's recommendation must be given within six weeks of receipt of such notification and published.
- 2.12 The Panel must review or scrutinise the decisions or actions of the PCC in the discharge of his/her functions and make reports or recommendations to the PCC with respect to the discharge of the PCC's functions. The Panel may carry out investigations into the decisions of the PCC, and into matters of particular interest or public concern.
- 2.13 The Panel must publish any reports or recommendations made by it to the PCC in a manner which the Panel determines and must also send copies to the Authorities.
- 2.14 The Panel may require the PCC or a member of his/her staff to attend the Panel to answer questions the Panel considers necessary for it to undertake its functions, provided that such questions shall not:
- a) relate to advice provided to the PCC by his/her staff
  - b) in the view of the PCC
    - i) be against the interests of national safety
    - ii) jeopardise the safety of any person
    - iii) prejudice the prevention or detection of crime, the apprehension or prosecution of offenders, or the administration of justice, or
  - c) be prohibited by any other enactment.
- 2.15 If the Panel requires the PCC to attend the Panel, the Panel may (at reasonable notice) request the Chief Constable to attend before the Panel on the same occasion

to answer any question which appears to the Panel to be necessary in order for it to carry out its functions.

- 2.16 The Panel may require the PCC to respond in writing with a reasonable period set by the Panel to a report or recommendation from the Panel to the PCC.
- 2.17 The Panel may suspend the PCC if he/she is charged with an offence carrying a maximum term of imprisonment exceeding two years.
- 2.18 The Panel will have any other powers and duties set out in the Act or other legislation or Regulations made under the Act.

## **3.0 Membership**

### General

- 3.1 The Panel is a joint committee of the Authorities. Subject to paragraph 3.8 the Panel will consist of a total of 15 elected members nominated by the Authorities as set out below (10 substantive and 5 co-opted) plus 2 lay independent co-opted members.
- 3.2 Membership of the Panel will consist of elected members appointed as follows:
  - Worcestershire County Council (1 substantive member)
  - Shropshire Council (4 members) {1 substantive and 3 co-opted members}
  - Telford and Wrekin Council (2 members) {1 substantive and 1 co-opted member}
  - Herefordshire Council (2 members) {1 substantive and 1 co-opted member}
  - Bromsgrove District Council (1 substantive member)
  - Malvern Hills District Council (1 substantive member)
  - Redditch Borough Council (1 substantive member)
  - Worcester City Council (1 substantive member)
  - Wychavon District Council (1 substantive member)
  - Wyre Forest District Council (1 substantive member).
- 3.3 Appointments of elected substantive members and nominations to the Panel of co-opted members shall be made by each of the Authorities in accordance with their own procedures but which must ensure that the 'balanced appointment objective' is met so far as is reasonably practicable. Substantive members will be directly appointed by each of the Authorities and co-opted members will be nominated by Authorities (as outlined in paragraph 3.2) for co-option by the Panel.
- 3.4 The Lead Authority shall take steps to co-ordinate the Authorities with a view to ensuring that the balanced appointment objective is achieved. The balanced appointment objective requires that the local authority members of the Panel (which includes members appointed by the Authorities and co-opted members who are elected members of any of the Authorities) when taken together should:
  - a) represent all parts of the police force area
  - b) represent the political make-up of the Authorities (when taken together),and

- c) have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively.
- 3.5 The Panel must, in co-opting elected members, secure that as far as reasonably practicable, the balanced appointment objective is met.
- 3.6 The Panel shall also include 2 lay independent members co-opted by the Panel.
- 3.7 In appointing lay independent co-opted members (who are not elected members of any of the Authorities) the Panel must secure, so far as is reasonably practicable, that the appointed and co-opted members of the Panel, when taken together, have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively.
- 3.8 The Panel will keep under review the number of co-opted members and whether a variation in their numbers would assist in meeting the balanced appointment objective. The Panel may also resolve to co-opt further or fewer members with the agreement of the Secretary of State provided that the number of co-opted members included in the membership of the Panel shall not exceed 20.

#### Appointed Substantive Members

- 3.9 The Authorities shall each nominate the appropriate number of elected members to be a member of the Panel (see 3.2 above). If a nominated member agrees to the appointment the Authority may appoint the member as a member of the Panel.
- 3.10 In the event that an Authority does not appoint a member or members in accordance with these requirements, the Secretary of State must appoint a member to the Panel from the defaulting authority in accordance with the provisions in the Act.
- 3.11 Each authority may remove or change their appointed member from time to time but with a view to ensuring continuity of membership as far as possible it is anticipated that an appointed member would be a member of the Panel for a term of four years unless s/he ceases to be an elected member, or is removed by their Authority, at which point Panel memberships ceases.
- 3.12 An Authority may decide in accordance with their procedures to remove their appointed member from the Panel at any point and on doing so shall give written notice to the Head of Legal and Democratic Services, Worcestershire County Council.
- 3.13 An appointed member may resign from the Panel by giving written notice to the Head of Legal and Democratic Services, Worcestershire County Council on behalf of the Panel.
- 3.14 In the event that any appointed member resigns from the Panel, or is removed from the Panel by an Authority, the relevant Authority shall immediately take steps to nominate and appoint an alternative member to the Panel and provide written



notification to the Head of Legal and Democratic Services, Worcestershire County Council.

- 3.15 Members appointed to the Panel may be re-appointed to the Panel for a further term of four years provided that the balanced appointment objective is met by that re-appointment.

#### Co-opted Members

- 3.16 The Panel will co-opt 5 elected members and 2 lay independent members.
- 3.17 The following may not be co-opted members of the Panel:
- a) the PCC for the Police Area
  - b) a member of staff of the Police and Crime Commissioner for the area
  - c) a member of the civilian staff of the Police Force for the area
  - d) a Member of Parliament
  - e) a Member of the National Assembly for Wales
  - f) a Member of the Scottish Parliament
  - g) a Member of the European Parliament.
- 3.18 An Authority may decide in accordance with their procedures to rescind their nomination of a co-opted member at which point the co-option by the Panel will be deemed to have been terminated.
- 3.19 At least 2 lay independent co-opted members must be appointed and these may not be members of any principal authorities.
- 3.20 A lay independent co-opted member shall be an appointed member of the Panel for four years but may resign or be removed by the Panel as set out in 3.25 below.
- 3.21 The Panel shall put in place arrangements to ensure that appointments of lay independent co-opted members are undertaken following public advertisement in accordance with the following principles:
- a) The appointment will be made on merit of candidates whose skills, experience and qualities are considered best to ensure the effective functioning of the Panel
  - b) The selection process must be fair, objective, impartial and consistently applied to all candidates who will be assessed against the same pre determined criteria, and
  - c) The selection process will be conducted transparently with information about the requirements for the appointment and the process being publicly advertised and made available with a view to attracting a strong and diverse field of suitable candidates.
- 3.22 A lay independent co-opted member must not be an elected member or officer of a principal local authority (or has been so in the preceding five years).

- 3.23 A co-opted member of the Panel may resign from the Panel by giving written notice to the Head of Legal and Democratic Services, Worcestershire County Council.
- 3.24 The Panel must from time to time decide whether the Panel should exercise its power to change the number of co-opted members of the Panel to enable the balanced appointment objective to be met, so far as is reasonably practicable.
- 3.25 The Panel may decide to terminate the appointment of a co-opted member of the Panel if the majority of the Panel at the time when the decision is made vote in favour of making that decision at any time for the reasons set out below and on doing so shall give written notice to the co-opted member. The Panel will consider termination in any appropriate circumstances but in particular:
- a) if the co-opted member has been absent from the panel for more than six months without the consent of the Panel
  - b) if the co-opted member has been convicted of a criminal offence but not automatically disqualified
  - c) if the co-opted member is deemed to be incapacitated by physical or mental illness or is otherwise unable or unfit to discharge his or her functions as a co-opted member of the Panel; or
  - d) (for elected member co-optees only) if the co-opted member's membership of the Panel no longer achieves the meeting of the balanced appointment objective.
- 3.26 In the event that a lay independent co-opted member resigns from the Panel or is removed from the Panel following a decision of the Panel, the Panel shall ensure that at least two lay independent co-opted members remain appointed to the Panel.
- 3.27 Lay independent co-opted members appointed to the Panel may be re-appointed for a further term of four years subject to the requirements under paragraph 3.21.

#### **4.0 Budget and Costs of the Panel**

- 4.1 The annual costs of the Panel, reduced by the figure of any grant from the Home Office or any other source, shall be borne between the upper-tier Authorities on the basis of population, and further also on the basis of the Worcestershire County Council and the respective District Council for a Worcestershire District Area sharing equally the cost pro-rata to the population of that Area.
- 4.2 The population shall be determined by reference to the population data (mid-year estimates) issued by the Office of National Statistics for the year in which this agreement is made, and reviewed in accordance with that data every four years.
- 4.3 Other than in the first year of operation, a draft budget for the operation of the Panel shall be drawn up by the Lead Authority in February each year, and shall be approved by the Authorities in advance of 1 April. The Panel must then operate within the approved budget.

#### **5.0 Lead Authority**

5.1 Worcestershire County Council shall be the lead authority for the Panel and shall provide such administrative support through its Head of Legal and Democratic Services and other professional support through the Adult and Community Services Directorate as will be necessary to enable the Panel to undertake its functions which will be funded by Home Office grant.

## **6.0 Rules of Procedure**

6.1 The Panel shall determine its Rules of Procedure which shall include arrangements in relation to the:

- a) the appointment, resignation and removal of the Panel Chairman
- b) the formation of sub-committees
- c) the making of decisions
- d) the arrangements for convening meetings
- e) the circulation of information.

## **7.0 Allowances**

7.1 All members of the Panel may reclaim travel and other appropriate out of pocket expenses incurred in the undertaking of approved duties relating to their role on the Panel in accordance with the rates adopted from time to time by Worcestershire County Council, up to a maximum cumulative value of £920 per annum. No allowances are payable for being a member of the Panel or chairing it.

7.2 Claims will be administered by Worcestershire County Council and will be paid subject to receipt within three months of the date of the duty.

## **8.0 Promotion of the Panel**

8.1 The Panel arrangements shall be promoted by:

- a) The establishment and maintenance of a dedicated webpage including information about the role and work of the Panel, Panel membership, all non-confidential Panel and sub-committee meeting papers, press releases and other publications, and
- b) The issuing of regular press releases about the Panel and its work, and
- c) The Authorities will each include information about the Panel on their websites, which will also include a link to the Panel webpages.

8.2 Support and guidance shall be provided to members and officers of the Authorities in relation to the functions of the Panel by the provision of briefings as appropriate.

## **9.0 Validity of Proceedings**

- 9.1 The validity of the proceedings of the Panel shall not be affected by a vacancy in the membership of the Panel or a defect in appointment.
- 9.2 The conduct of the Panel and the content of these arrangements shall be subject to the legislative provisions in the Police Reform and Social Responsibility Act 2011, and any Regulations made in accordance with that Act. In the event of any conflict between the Act or Regulations and these arrangements, the requirements of the legislation will prevail.

V.0.5 CSC/SPM Final

**WEST MERCIA POLICE AND CRIME PANEL  
TERMS OF REFERENCE**

- 1) To support the effective exercise of the functions of the Police and Crime Commissioner (PCC) and exercise its functions with a view to such support.
- 2) To review and make a report or recommendations to the PCC on the draft police and crime plan, or draft variation, given to the Panel by the PCC.
- 3) To review and make a report or recommendation to the PCC on the annual report.
- 4) To review and hold a public confirmation hearing in respect of, a 'proposed senior appointment' as defined in the Police Reform and Social Responsibility Act 2011 and report to the PCC with a recommendation as to whether or not the candidate should be appointed.
- 5) To review and hold a public confirmation hearing in respect of, the proposed appointment of the Chief Constable and report to the PCC with a recommendation as to whether or not the candidate should be appointed or exercise the Panel's right to veto the appointment.
- 6) To hold a scrutiny meeting in private in respect of a proposal by the PCC to call upon the Chief Constable to retire or resign and make a recommendation to the PCC in respect of the proposal.
- 7) To review and make a report (which may include recommendations) on the PCC's proposed precept or exercise the Panel's right to veto the proposed precept.
- 8) To review or scrutinise decisions made, or other action taken, by the PCC in connection with the discharge of the PCC's functions.
- 9) To make reports or recommendations to the PCC with respect to the discharge of the PCC's functions.
- 10) To fulfil any further function in relation to complaints about conduct matters, in accordance with any responsibilities accorded to the Panel by or under the Police Reform and Social Responsibility Act 2011.
- 11) To appoint an Acting PCC if necessary.
- 12) To consider suspending the PCC if it appears to the Panel that the PCC has been charged in the United Kingdom, Channel Islands or Isle of Man with an offence which carries a maximum term of imprisonment exceeding two years.
- 13) To fulfil any other function of the Police and Crime Panel as provided by the Police Reform and Social Responsibility Act 2011 or associated primary or secondary legislation.



**ANNUAL MEETING OF THE  
COUNCIL**

21st May 2012

**STANDARDS COMMITTEE – LOCALISM ACT 2011**

Relevant Portfolio Holder	Cllr Michael Braley, Portfolio Holder, Corporate Management
Portfolio Holder Consulted	Yes
Relevant Head of Service	Claire Felton, Head of Legal, Equalities and Democratic Services
Ward(s) Affected	None specifically.
Ward Councillor(s) Consulted	N/A
Key Decision / Non-Key Decision	Non Key

**1. SUMMARY OF PROPOSALS**

- 1.1 The Localism Act 2011 introduces fundamental changes to the system of regulation of the standards of conduct for elected and co-opted Councillors.
- 1.2 This report describes the changes and sets out proposals for consideration by the full Council on how the new regime may be implemented.

Cross-party discussions and the views of the current Standards Committee have been taken into consideration when formulating these proposals.

**2. RECOMMENDATIONS**

**The Council is asked to RESOLVE that**

- 1) the Council approve the creation of a Committee to enable the Council to discharge its duty to promote high standards of behaviour in public life, and if so, determine what the composition of that Committee would be (by reference to Appendix 3 – Standards Committee - Draft Terms of Reference);**
- 2) the Draft Code of Conduct attached at Appendix 1 to this report be approved and authority be delegated to the Monitoring Officer, in consultation with Group Leaders, to make any consequential changes that may be necessary once the Regulations are published, recognising that this will include the definitions in relation to Interests;**
- 3) the process for managing Standards complaints at Appendix 2 to this report be approved and authority delegated to the Monitoring Officer, in consultation with Party Group Leaders, to determine the process for managing an investigation and hearing;**

**ANNUAL MEETING OF THE  
COUNCIL**

21st May 2012

- 4) **if Members are minded to agree to the creation of a Committee to manage conduct, that they approve the proposal that one Parish representative be co-opted onto the Committee as a non-voting co-optee, together with, as a transitional measure, a non-statutory, non-voting, Independent Observer;**
- 5) **the proposals for discharging the requirement under the Localism Act for an Independent Person(s) be approved and authority be delegated to the Monitoring Officer to carry out the recruitment and selection process, in consultation with Group Leaders;**
- 6) **the proposals for managing dispensations, as detailed in the report at paragraphs 3.31 to 3.35, be approved; and**
- 7) **subject to relevant decisions above being agreed, the Members' Allowances Scheme be updated to include the new allowances detailed in paragraph 3.2 of the report below, to be funded from within existing Allowances budgets.**

**3. KEY ISSUES**

**Financial Implications**

- 3.1 It is anticipated that the Council will wish to include the roles associated with the new regime within the Scheme of Members' Allowances and that a payment will be made to the independent persons appointed in accordance with Section 28(7) of the Localism Act 2011.
- 3.2 The costs associated with this will need to be determined by the full Council but it is proposed for the purposes of this report that
  - a) an annual Special Responsibility Allowance of £500 be paid to each statutorily-required Independent person; and Members are advised that this can be met from existing budgets currently allocated for this purpose;
  - b) provision similarly be made from within existing resources for reimbursement of expenses in relation to the transitional, non-statutory, non-voting Independent Observer position (payment of mileages and attendances at meetings of the full Standards Committee, at current Officer rate); and
  - c) the Chair position carry no additional / Special Responsibility Allowance.



**ANNUAL MEETING OF THE  
COUNCIL****21st May 2012**

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**Legal Implications**

- 3.3 The Localism Act repeals Section 55 of the Local Government Act 2000, which provides for the current statutory Standards Committee. There will therefore no longer be a requirement for a Standards Committee. However there will still be a requirement to deal with standards issues and case work. It will be necessary therefore for the Standards Committee in its current structure to be disbanded and the proposal is that it be replaced by an ordinary Committee of the Council established to deal with Standards issues.
- 3.4 Under section 28(6) and (7) of the Localism Act 2011, the Council must have in place arrangements under which allegations that a members or co-opted member of the authority (or parish council within the authority's area), or a Committee or Sub-committee of the authority has failed to comply with that authority's Code of Conduct can be investigated and decisions made on such allegations.
- 3.5 Such arrangements must provide for the authority to appoint at least one Independent Person, whose views must be sought by the authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the authority at any other stage, or by a Member (or a member, or co-opted member of a parish council) against whom an allegation has been made.

**Service / Operational Implications**

- 3.5 The Localism Act fundamentally changes the way in which standards of conduct for elected and co-opted Councillors are regulated.
- 3.6 Whilst the Council will retain a statutory duty to promote and maintain high standards of conduct for its elected and co-opted Members, the new provisions will enable Local Authorities to introduce a more flexible approach as to how this may be best achieved.
- 3.7 Members will be aware that under the current regime the Council has a statutory obligation to appoint a Standards Committee and the process by which that Committee operates is strictly prescribed by the relevant regulations and guidance.
- 3.8 Whilst there is no requirement under the Localism Act for a statutory Standards Committee in its current form, there is a duty for the Council to maintain and promote high standards in public life and Council must have a process for managing complaints in this regard.
- 3.9 It would therefore be logical for the Council to consider the creation of a normal Committee of the Council to enable the Council to properly discharge its duty to maintain and promote high standards in public life.

**ANNUAL MEETING OF THE  
COUNCIL****21st May 2012**

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Standards Committee

- 3.10 As referred to in paragraph 3.3 the newly created Standards Committee will operate as a normal Committee of the Council. It is anticipated that the implementation date for the new style Committee will be 1st July 2012 but this has not yet been formally confirmed as the relevant Regulations and Guidance have yet to be issued by the Government.
- 3.11 Members should note that the new style Committee will not be able to operate with the unique features that were afforded to it in under the previous regime. In other words the composition of the Committee will be governed by the normal rules relating to political proportionality and the current restriction that allows only one member of the Executive Committee to sit on the Standards Committee will cease to apply.
- 3.12 The current Independent members of the Standards Committee will cease to hold office and the Act introduces a new category of Independent Person whose role is detailed under a separate heading later in this report.
- (To try to avoid inevitable confusion, it should be noted that this position is entirely different from the proposed transitional 'Independent Observer', referred to elsewhere in the report.)
- 3.13 The Council will continue to have responsibility for dealing with Standards complaints against elected and co-opted Councillors at Borough level and will continue to have responsibility for dealing with Standards complaints against members of Parish Councils, but the current Parish Council representatives will cease to hold office.
- 3.14 It is important therefore for Members to consider how best to enable Parish involvement in the process moving forward so as to ensure that the Council's duty to promote high standards of behaviour within Parish Councils is achieved.
- 3.15 For the purposes of this report Members are being asked to consider whether an appropriate way of discharging its duty to promote high standards of behaviour in public life would be to set up a Standards Committee and, if so, what the composition of that Committee would be.

The Code of Conduct

- 3.16 The Council will be required to adopt a Code of Conduct.
- 3.17 Recognising that it is important to ensure that all Councillors whether County, Borough or Parish are clear in relation to their obligations under a Code of Conduct, Monitoring Officers across the County have worked together to produce a draft Code of Conduct and it is proposed that this be adopted by all

**ANNUAL MEETING OF THE  
COUNCIL****21st May 2012**

---

Councils whether County, District/Borough or Parish in an attempt to support Councillors in this respect.

A copy of the draft Code of Conduct for Worcestershire is attached at Appendix 1. Members are asked to note that the Code is still in draft format and discussions to agree a final version are ongoing. Whilst the first part of the draft Code dealing with the conduct expected of Members can be regarded as more or less finalised, the second section on Interests will be subject to further changes because the related Regulations and Guidance are not yet available (as referred to at 3.10 above).

- 3.18 Members are advised that the Monitoring Officer has also spoken to a representative from CALC (County Association of Local Councils) regarding the proposal of adoption of a Code of Conduct for all authorities in Worcestershire. Early discussions have revealed that it would be the intention of CALC to recommend to Parishes that they also adopt the same Code of Conduct for the same reasons as outlined above.
- 3.19 It is fair to say that the majority of problems associated with the current standards regime have resulted as a consequence of the process for administering and determining complaints rather than as a consequence of the Code itself.
- 3.20 For this reason, and the fact that Members are now very familiar with the Code, Officers have used the existing Code as the starting point when drafting the new one and it is proposed that the ten principles of public life will continue to form the basis for the levels of behaviour expected.
- 3.21 In addition the new Code will need to set out the requirements in relation to the registration and declaration of Interests – these will now be described as “Disclosable Pecuniary Interests”, “Other Pecuniary Interests” and “Non Pecuniary Interests”.
- 3.22 As referred to above, it is not yet possible for Officers to include within the draft Code the definitions of these classifications of interest as, at the time of preparation of this report, the Regulations that will provide these have not yet been published by the Government. Officers will continue to update Members as these issues become clearer but, for the purposes of this report, are seeking a delegation to the Monitoring Officer, in consultation with Group Leaders, to make whatever changes may be necessary once the Regulations are published.
- 3.23 In the meantime, Officers have worked to establish the most straightforward mechanism whereby Members can register and declare Interests under the new regime and these appear within Part 2 of the draft Code that appears at Appendix 1 for Members’ consideration.

**ANNUAL MEETING OF THE  
COUNCIL****21st May 2012**

---

Register of Members' interests and disclosure of interests

- 3.24 In accordance with the Localism Act the Monitoring Officer is required to establish and maintain a Register of Interests of members and co-opted members of the Borough Council and the Parish Councils.
- 3.25 The Localism Act provides that the register must contain "Disclosable Pecuniary Interests". At this stage the draft Code reflects this requirement but does not extend that duty to either "Non Pecuniary Interests" or "Other Pecuniary Interests". Again, without definition of the categories at present, it is difficult to assess what the appropriate levels of registration should be.
- 3.25 Members are advised that for the purposes of interests falling into the category of "Disclosable Pecuniary Interests" that the requirement to register these will extend not only to the Members themselves, but also to:
- Their spouse or civil partner
  - A person with whom they are living as husband and wife, or
  - A person with whom they are living as if they were civil partners,  
provided that the Member concerned is aware that the other person listed above has the interest.
- 3.26 Every elected or co-opted person must notify the Monitoring Officer within 28 days of being elected or co-opted onto the authority of all current disclosable pecuniary interests and for the purposes of this report the Monitoring Officer is proposing that Members continue to update this as an ongoing requirement throughout their term of office.
- 3.27 Failure to register any such interest or the provision of misleading information on registration without reasonable excuse will be a criminal offence, potentially carrying a Scale 5 fine (£5,000) and/or disqualification from being a Councillor for up to five years. Prosecution is at the instigation of the Director of Public Prosecutions. Members are advised that the Monitoring Officer is in discussions with the Police in order to establish how this will actually happen in practice and in order that Members can be properly supported to ensure that wherever possible this can be avoided.
- 3.28 Members are advised that the Localism Act is far from straight forward in its approach to Interests and their disclosure and for this reason the Monitoring Officer has been working closely with County colleagues to establish a process for registering and disclosing interests that is open and transparent, clear to follow and meets the requirements of the Act.
- 3.29 Members are advised that for the purposes of this report Officers will not be able to provide the detail that would be associated with the categorisation and disclosure of Interest as this is not possible to determine until the Regulations on

**ANNUAL MEETING OF THE  
COUNCIL****21st May 2012**

---

these issues have been published and for this reason it is being proposed that authority be delegated to the Monitoring Officer, in consultation with Group Leaders to enable this to be done.

Sensitive Information

- 3.30 Members will recall the ability under the current regime for Members to register and declare the existence of sensitive Interests without the need for public disclosure in very limited and specific circumstances. The Localism Act continues to recognise the need for this and members will note section 14 within the draft new Code at Appendix 1 that deals with this point.

Dispensations

- 3.31 The existing provisions on dispensations are significantly changed by the Localism Act
- 3.32 The new arrangements allow for a dispensation to be granted on the following grounds –
1. That so many members of the decision-making body have Disclosable Pecuniary Interests in a matter that it would impede the transaction of business. In practice this would mean that the decision-making body would be not have a quorum as a result;
  2. That, without the dispensation, the representation of different political groups on the body transacting business would be so upset as to alter the outcome of any vote on the matter;
  3. That the Council considers that the dispensation is in the interests of persons living in the authority's area;
  4. That, without a dispensation, no member of the Executive Committee would be able to participate on the matter;
  5. That the authority considers that it is otherwise appropriate to grant a dispensation.
- 3.33 Any grant of a dispensation must specify how long it lasts for, up to a maximum of four years
- 3.34 Where the Local Government Act 2000 required that dispensations be granted by the Standards Committee the Localism Act gives discretion for this power to be delegated by Council to the Standards Committee or to the Monitoring Officer.
- 3.35 For the purposes of this report it is proposed that:
- in relation to Points 1 and 2 above, the delegation be made to the Monitoring Officer, in consultation with the statutory Independent Person, with an appeal to the Standards Committee, thus enabling dispensations to be granted in a timely

**ANNUAL MEETING OF THE  
COUNCIL****21st May 2012**

---

and efficient manner, where appropriate;

Points 3 and 5 would remain as the Standards Committee, in consultation with the Independent Member, to grant dispensations.

In relation to Point 4, with reference to Executive Committee decisions, provision can be made in the Scheme of Delegation to Officers to allow the Leader to take the decision by using his/her powers as a "Strong Leader". Were the Leader him/herself to be unable to act, the matter would have to be referred to the Standards Committee to grant a dispensation as per points 3 and 5.

Independent Person(s)

- 3.36 The Act requires the Council to appoint at least one 'Independent Person'.
- 3.37 Members are advised that under the new arrangements the office of current Independent Members of the Standards Committee will cease and that a new category of Independent Person is established.
- 3.38 Members should be aware that the Independent Person role is quite different from that carried out by Independent Members of the current Standards Committee and that the new role will become a consultative one for the Monitoring Officer, the Committee and the person against whom an allegation has been made.
- 3.39 Independent Persons will need to be appointed by advertisement and application, and there are strict rules governing the category of person who would be eligible to fill this role.
- 3.40 Members are advised that current Independent Members would not be eligible to apply and that, in order to meet the deadline for implementation of the new regime on the 1st July 2012, the recruitment process would need to commence immediately after this meeting of the full Council. Members are asked to delegate authority to the Monitoring Officer to carry out the recruitment and selection process in accordance with the requirements of the Localism Act and that, in doing so, they recognise that a further report in July will identify the outcome of this process.
- 3.41 It is clear that the arrangements are moving to enable Councils to establish a mechanism for local resolution where it is possible to do so and Members are advised that the Monitoring Officer is keen to establish as many opportunities for the use of the new Independent Person throughout the process to enable this to be achieved.
- 3.42 Finally, as previously mentioned, this role should not be confused with that of the non-statutory, non-voting Independent Observer, which Members have requested be included in the revised arrangements on a transitional basis.

**ANNUAL MEETING OF THE  
COUNCIL****21st May 2012**

---

New arrangements for dealing with Standards Allegations

- 3.43 In addition to the adoption of a Code of Conduct, the Council will also have a duty to have in place arrangements to deal with complaints into members conduct both at Borough and Parish level.
- 3.44 The Monitoring Officer, Deputy Monitoring Officer and Ethical Standards Officer have worked together to establish a draft process for managing standards complaints and have worked through this process with members of the present Standards Committee and representatives of both of the Council's political Groups. An outline of the process is attached at Appendix 2 to this report.
- 3.45 Members will note from the draft process that Officers have attempted where possible to ensure that local resolution options are used and that the Leaders of Political Groups and the Chair of the Parish Council are included, in conjunction with the new Independent Member, to encourage mediation and support measures to be used when the circumstances allow. Investigations are reserved for those cases where there would appear to be no other practical and effective alternatives.

Sanctions

- 3.46 The Act does not give the Council or its Standards Committee any powers to impose sanctions so it would appear that where a complaint is upheld under the new arrangements that the Council will have a number of options available to it to secure the continuing ability of the Council to discharge its duty to uphold and promote high standards of behaviour in public life effectively.
- 3.47 In practice this is going to involve more practical steps at a local level to help and support Councillors in a great proportion of the complaints that arise and Members may wish to consider the following for local adoption:
- a) Reporting findings to full Council (or to the Parish) for information;
  - b) Agreement by the subject Member to apologise or a recommendation to the Member's Group Leader that s/he facilitate an apology from the Member;
  - c) Recommending to the Member's Group Leader (or in the case of Members without a Party Group, the Council or to relevant Committee(s)) that the Member be removed from any or all of the Council's Committees or Sub-Committees;
  - d) Recommending to the Leader of the Council that the Member be removed from the Executive Committee, or removed from particular Portfolio responsibilities;
  - e) Instructing the Monitoring Officer to (or recommending that the Parish) arrange training for the Member;

**ANNUAL MEETING OF THE  
COUNCIL****21st May 2012**

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- f) Withdrawing (or recommending to the Parish that it withdraws) facilities provided to member by the Council, such as a computer, website and/or email facilities and Internet access;
  - g) Excluding (or recommending that the Parish exclude) the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.
- 3.48 There is a particular difficulty in respect of Parish Councils as the Localism Act gives the Council or its Standards Committee no power to do any more in respect of a Parish Council than make a recommendation to the Parish Council on action to be taken in respect of a Member.
- 3.49 Parish Councils will be under no obligation to accept any such recommendation notwithstanding the Council's duty to uphold the standards of behaviour within the Parish Councils and their duty to investigate any complaints against Parish Councillors or co-opted Councillors.
- 3.50 Members are advised that the Monitoring Officer has discussed this issue in detail with the representative from CALC on behalf of the other Worcestershire Districts and the County Council.
- 3.51 It is proposed, as a consequence of those discussions, that Members consider that an effective way of managing this situation would be to continue to involve Parish Council representatives on the Standards Committee (albeit in a non-voting capacity) and to ensure that those representatives are involved in any hearings that involve Parish Councillors.
- 3.52 In addition to this, it is proposed that the early resolution stages include Parish involvement in Parish matters and where there are positions of conflict involve, if agreed, a CALC representative.
- 3.53 In any event it is proposed that if the Council is minded to agree this recommendation, the arrangements be reviewed after 12 months to monitor effectiveness.
- 3.54 There will be criminal sanctions if a Councillor;
- Fails to register Pecuniary Interests within 28 days of taking office;
  - Fails to declare a Pecuniary Interest at meetings;
  - Fails to register Pecuniary Interests within 28 days of disclosure;
  - Participates in any discussion or votes on a matter in which the Member has a Pecuniary Interest;
  - Makes an Executive decision in which the member has a Pecuniary Interest.



**ANNUAL MEETING OF THE  
COUNCIL****21st May 2012**

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- 3.55 As already outlined within this report these matters will be handled by the Police and Crown Prosecution Service with offences punishable by a fine not exceeding £5,000. The Court may also disqualify a Councillor for a period not exceeding five years.
- 3.56 Members are advised that the new arrangements will include a process for dealing with such complaints recognising that it will be necessary in some instances for an internal resolution to be sought in conjunction with the criminal process.

Appeals

- 3.57 There is no right of appeal against a decision within the new arrangements, although the decision would be open to judicial review by the High Court if it was patently unreasonable, or if it was taken improperly, or if it sought to impose a sanction which the Council had no power to impose.

Implementation Date and Transitional Arrangements

- 3.58 The Regulations to cover implementation and transitional arrangements have not yet been published. However, it is anticipated that the transitional phase will commence on 1st April 2012 (referred to as the "Appointed Day"). With effect from that date the Standards Committee will no longer be able to impose suspensions and the ability to make appeals to the First Tier Tribunal will cease. Sanctions will be limited to censure, training, withdrawal of facilities, etc. Authorities will have a two month period starting from 1st April to process and finalise any outstanding complaints. It is not clear whether it will be possible for any new complaints to be made under the old system after 1st April. The new style Standards Committee and new obligations under the Localism Act will come into effect from 1st July 2012.

Customer / Equalities and Diversity Implications

- 3.59 The Council is aware that any process for managing Standards of Behaviour for Elected and Co-opted Councillors must be accessible to the public. It is therefore proposed that an impact assessment will be carried out on the revised complaints process, once established, to ensure accessibility. In addition it is proposed that the members of the Council's Equality and Diversity Forum receive a presentation in relation to the new arrangements for comment.
- 3.60 Members are advised that the new arrangements will be publicised on the Council's website and that Officers will work to ensure that members of the public are made aware of the process for making a complaint through all existing community engagement opportunities.

**ANNUAL MEETING OF THE  
COUNCIL**

**21st May 2012**

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**4. RISK MANAGEMENT**

- 4.1 The Chief Executive and the Monitoring Officer work closely with the Leaders of all Party Groups to ensure that effective working relationships with all Members can be maintained.
- 4.2 All three Statutory Officers meet on a monthly basis to assess the risks associated with this and to ensure that any local issues are managed effectively and that support is given to all members of the Council as appropriate.
- 4.3 Members are advised that they are obliged to consider and determine appropriate mechanisms for managing complaints and to discharge the duty to promote high standards in public life, at Borough and Parish level and that, whilst the process for doing this is no longer governed by statute, a process will never the less need to be adopted as now proposed within this report.

**5. APPENDICES**

Appendix 1 - Draft Code of Conduct

Appendix 2 - Draft process for managing standards complaints

Appendix 3 – Draft Revised Terms of Reference – Standards Committee.

**6. BACKGROUND PAPERS**

Reports / Minutes of Standards Committee (previously published).  
Relevant Legislation.

**7. KEY**

CALC = County Association of Local Councils.

**AUTHOR OF REPORT**

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Tel.: (01527) 881429

**Redditch Borough Council**

**Arrangements for Managing Standards Complaints under the  
Localism Act 2011**

**1. Introduction**

- 1.1 Sections 28(6) and (7) of the Localism Act 2011 require the Borough Council to have in place “arrangements” under which allegations that a member or co-opted member of the authority or of a parish council within the authority’s area, or of a committee or sub-committee of the authority, has failed to comply with the authority’s Code of Conduct can be investigated and decisions made on such allegations.
- 1.2 Such arrangements must provide for the authority to appoint at least one Independent Person, whose views must be sought by the Borough Council before it takes a decision on an allegation which it has decided shall be investigated, and whose views may be sought by the authority at any other stage, or the member or co-opted member against whom an allegation has been made.
- 1.3 These arrangements set out how a complaint that an elected or co-opted member of the authority or of a parish council within the authority's area has failed to comply with the authority’s Code of Conduct can be made, and how such allegations will be dealt with.

**2. The Code of Conduct**

- 2.1 The Council has adopted a Code of Conduct for members, which is attached as Appendix 1 to these arrangements. The Code is available on the authority’s website at the following link .....*insert link*..... *or is available on request from Reception at the Town Hall (see contact details at 3.1 below) or the Customer Service Centre (If so, add CSC address)*
- 2.2 *Each parish council is also required to adopt a Code of Conduct need to insert details advising that it is the same as the Code adopted by the Borough Council.*

**3. Making a complaint and complaint acknowledgement**

- 3.1 Complaints must be made in writing to:

Mrs. C. Felton  
Monitoring Officer  
Redditch Borough Council  
.....  
.....  
.....

Email: [c.felton@bromsgroveandredditch.gov.uk](mailto:c.felton@bromsgroveandredditch.gov.uk)

- 3.2 In order to ensure that the authority has all the information it needs to be able to process a complaint, the model Complaint Form should ideally be completed. The form can be downloaded from the authority's website at the link detailed at point 2.1 *or is available on request from Reception at the Town Hall or the Customer Service Centre (see 2.1 and 3.1 for contact details)*
- 3.3 Complainants are asked to provide their name and contact details in order that the Monitoring Officer can acknowledge receipt of the complaint and keep the complainant informed of progress with this. If a complainant wishes to keep his/her name and address confidential, this should be indicated on the form. *Please note however that the authority will only consider anonymous complaints where there is a clear public interest in doing so.*
- 3.4 The Monitoring Officer will issue a written acknowledgement of a complaint to the complainant within 3 working days of receiving it. At the same time the Monitoring Officer will write to the member against whom the complaint has been made (the 'subject member') to notify them of the complaint (*subject to point 5.4 below*). Both the complainant and the subject member will be kept informed of progress with the complaint.
- 4.2 Where the Monitoring Officer requires additional information in order to come to a decision, she may request information from the complainant, subject member or any other relevant party. Examples of a relevant party include, for example:
- a Leader of a Political Group;
  - a Chair, Vice-Chair, Clerk or Executive Officer of a Parish Council;
  - a Representative of the Worcestershire Association of Local Councils;
  - a Representative of the Police or other relevant regulatory body;
  - the Borough Council's Chief Executive; or
  - any other party who the Monitoring Officer is of the opinion might be in a position to assist in providing information in relation to a complaint.
- 4.3 If a complaint identifies *possible* criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to refer the matter to the Police or other regulatory agency. The Monitoring Officer will, at the same time and in consultation with the Independent Person, continue to undertake any separate course of action which might be deemed necessary on behalf of the authority in relation to the complaint, with a view to maintaining high standards of member conduct.

- 4.4 The Monitoring Officer will review every complaint received and after consultation with the Independent Person, and subject to 4.3 above, the Monitoring Officer may decide:
- that no further be taken with the complaint (which would apply where, for example, a complaint is found to be factually incorrect and therefore has no basis, or where a complaint is unsubstantiated or does not relate to a possible breach of the Code of Conduct);
  - to seek to resolve the complaint informally, via local resolution; or
  - that a formal investigation into the complaint is required.
- 4.5 Where the Monitoring Officer attempts to deal with a complaint informally via local resolution she will liaise with the relevant parties to seek to agree a way forward. “Relevant Parties” will always include the relevant Party Group Leader. If the subject member accepts that his/her conduct was unacceptable and offers an apology, and/or other remedial action is offered/undertaken by either the subject member or the authority, the Monitoring Officer will notify the complainant of any reasonable terms offered by either the subject member or the authority.
- 4.6 If the complainant and the subject member accept the terms offered the Monitoring Officer will write to all relevant parties detailing the outcome and the matter will be closed.
- 4.7 If the complainant or the subject member (in consultation with the relevant Group Leader) does not accept the terms offered the Monitoring Officer will, in consultation with the Independent Person, refer the matter to an assessment sub committee to determine whether the complaint merits formal investigation.
- 5.1 The Council has adopted a procedure for the investigation of misconduct complaints, which is attached as Appendix Two to these arrangements.*
- 5.2 If the sub committee decides that a complaint merits formal investigation, the Monitoring officer will appoint an Investigating Officer, who may be another senior Officer of the authority, an Officer of another authority or an external investigator.
- 5.3 The Investigating Officer will conduct the investigation and in doing so will liaise with any relevant parties, as appropriate. The Investigating Officer will decide whether he/she needs to meet or speak with the complainant, the subject member or any other parties to understand the nature of the complaint and so any parties can explain their understanding of events and suggest what documents the Investigating Officer might need to see, and who the Investigating Officer may need to interview.
- 5.4 In exceptional cases, where it is appropriate to keep a complainant's identity confidential or disclosure of details of the complaint to the

subject member might prejudice the investigation, the Monitoring Officer can delete the complainant's name and address from the papers given to the member, or delay notifying the member until the investigation has progressed sufficiently.

- 5.5 At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to the complainant and to the subject member, to give both an opportunity to identify any matters which are not agreed or which require further attention.
- 5.6 Having received and taken account of any comments which either the complainant or the subject member might make on the draft report, the Investigating Officer will send his/her final report to the Monitoring Officer.
- 5.7 The Monitoring Officer will review the Investigating Officer's Final Report in consultation with the Independent Person and will determine the next course of action. If the Monitoring Officer is not satisfied that that the investigation has been conducted properly and feels that any aspect of the Investigating Officer's Report is incomplete or requires further attention she may ask the Investigating Officer to reconsider his/her report.

**6. If the Investigating Officer finds that there is no evidence of a failure by the subject member to comply with the Code of Conduct**

If the Investigating Officer finds that there is no evidence of a failure by the subject member to comply with the Code of Conduct and the Monitoring Officer is satisfied with the Investigating Officer's findings, the Monitoring Officer will, following consultation with the Independent Person, write to the complainant, the subject member, and if the complaint relates to a Parish Councillor the Parish Council Clerk/Executive Officer, confirming that she is satisfied that no further action is required. A copy of the Final Report will be sent to the complainant and subject member and the matter will be closed.

**7. If the Investigating Officer finds that there is evidence of a failure by the subject member to comply with the Code of Conduct?**

- 7.1 If the Investigating Officer finds that there is evidence of a failure by the subject member to comply with the Code of Conduct and the Monitoring Officer is satisfied with the Investigating Officer's findings, the Monitoring Officer will, following consultation with the Independent Person and depending on the nature and seriousness of the failure in question, determine whether to send the matter for a local hearing of the Hearings Panel of the Standards Committee or to seek to resolve the matter via local resolution.

Local Resolution

- 7.2 If the Monitoring Officer attempts to conclude the matter via local resolution she will liaise with the relevant parties to seek to agree a fair resolution, with a view to ensuring higher standards of conduct by the subject member in the future. If a fair resolution is agreed and the subject member complies with the suggested resolution the Monitoring Officer will write to the relevant parties to confirm the position and will report the matter to the Standards Committee for information. The matter will then be closed.
- 7.3 If the complainant tells the Monitoring Officer that any proposed resolution is not adequate, or if the subject member is not prepared to undertake any proposed action, such as giving an apology, the Monitoring Officer will, in consultation with the Independent Person, determine whether to close the matter without further action or to refer it for a local hearing. The Monitoring Officer will write to the relevant parties to confirm her decision and the reasons(s) for the decision.

#### Local Hearing

- 7.4 The Council has agreed a procedure for local hearings, which is attached as Appendix 3 to these arrangements.
- 7.5 The Hearings Panel will decide whether the member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the member.
- 7.6 Where a local hearing is to take place, the Monitoring Officer will conduct a "pre-hearing process" which is aimed to facilitate the smooth running of the hearing. The subject Member will be required to give his/her response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing, and the Chair of the Hearings Panel may issue directions as to the manner in which the hearing will be conducted.
- 7.7 At the hearing, the Investigating Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask the complainant to attend and give evidence to the Hearings Panel. The member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Hearings Panel as to why he/she considers that he/she did not fail to comply with the Code of Conduct.
- 7.8 The Hearings Panel may, with the benefit of any advice from the Independent Person, conclude that the member did not fail to comply with the Code of Conduct, and dismiss the complaint. If the Hearings Panel concludes that the member did fail to comply with the Code of Conduct, the Chair will inform the member of this finding and the Hearings Panel will then consider what action, if any, the Hearings Panel should take as a result of the member's failure to comply with the Code of Conduct.

In doing this, the Hearings Panel will give the member an opportunity to make representations to the Panel and will consult the Independent Person, but will then decide what action, if any, to take in respect of the matter.

**8. Action the Hearings Panel can take where a member has failed to comply with the Code of Conduct**

8.1 The Council has delegated to the Hearings Panel such of its powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly the Hearings Panel may –

- 8.1.1 Publish its findings in respect of the member's conduct;
- 8.1.2 Report its findings to Council [*or to the Parish Council*] for information;
- 8.1.3 Recommend to the member's Group Leader (or in the case of un-grouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- 8.1.4 Recommend to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- 8.1.5 Instruct the Monitoring Officer to (or recommend that the Parish Council) arrange training for the member;
- 8.1.6 Remove (or recommend to the Parish Council that the member be removed) from all outside appointments to which he/she has been appointed or nominated by the authority (or by the Parish Council);
- 8.1.7 Withdraw (or recommend to the Parish Council that it withdraws) facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or
- 8.1.8 Exclude (or recommend that the Parish Council exclude) the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

8.2 The Hearings Panel has no power to suspend or disqualify the member or to withdraw members' or special responsibility allowances.

**9. Decision of the Hearings Panel**

9.1 At the end of the hearing, the Chair will state the decision of the Hearings Panel as to whether the member failed to comply with the Code of Conduct and any actions which the Hearings Panel resolves to take.



- 9.2 As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Hearings Panel, and send a copy to the complainant, the member members (and to the Parish Council if the subject member is a parish councillor), make that decision notice available for public inspection and report the decision to the next convenient meeting of the Council.

## **10. Who are the Hearings Panel?**

- 10.1 The Hearings Panel is a Sub-Committee of the Council's Standards Committee.
- 10.2 The Independent Person is invited to attend all meetings of the Hearings Panel and his/her views are sought and taken into consideration before the Hearings Panel takes any decision on whether the subject member's conduct constitutes a failure to comply with the Code of conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

## **11. The Independent Person**

The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, and is the appointed by a positive vote from a majority of all the members of Council.

A person cannot be "independent" if he/she –

- 11.1 Is, or has been within the past 5 years, a member, co-opted member or Officer of the authority;
- 11.2 Is or has been within the past 5 years, a member, co-opted member or officer of a parish council within the authority's area, or
- 11.3 Is a relative, or close friend, of a person within paragraph 11.1 or 11.2 above. For this purpose, "relative" means –
- 11.3.1 Spouse or civil partner;
  - 11.3.2 Living with the other person as husband and wife or as if they were civil partners;
  - 11.3.3 Grandparent of the other person;
  - 11.3.4 A lineal descendent of a grandparent of the other person;
  - 11.3.5 A parent, sibling or child of a person within paragraphs 11.3.1 or 11.3.2;
  - 11.3.6 A spouse or civil partner of a person within paragraphs 11.3.3, 11.3.4 or 11.3.5; or

- 11.3.7 Living with a person within paragraphs 11.3.3, 11.3.4 or 11.3.5 as husband and wife or as if they were civil partners.

## 12. Revision of these arrangements

The Council may by resolution agree to amend these arrangements, and has delegated to the Chairman of the Hearings Panel the right to depart from these arrangements where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

## 13. Appeals

- 13.1 There is no right of appeal for you as complainant or for the member against a decision of the Monitoring Officer or of the Hearings Panel. Any decision would however, be open to judicial review by the High Court if it was patently unreasonable, or if it were taken improperly, or if it sought to impose a sanction which the Council had no power to impose.
- 13.2 If a complainant feels that the authority has failed to deal with his/her complaint properly, he/she may make a complaint to the Local Government Ombudsman.

Appendix 1 The authority's Code of Conduct  
*Appendix 2 Procedure for Investigations*  
*Appendix 3 Procedure for Hearings*

## APPENDIX 3

## STANDARDS COMMITTEE

Number of Members	5  Party Group Leaders may not be members, or act as substitutes for members, on the Standards Committee
Number of co-opted non-voting Members	1 Parish Representative, who may not also be Borough Councillors.  1 Independent Observer (non statutory / non-voting) (transitional period, subject to annual review)
Politically Balanced Y/N	Y
Quorum	3
Procedure Rules applicable	Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 10, 14, 18.2, 20.1 and 22)
Terms of Reference	The Standards Committee will have the following roles and functions:  a. promoting and maintaining high standards of conduct by Councillors and any co-opted members of Council bodies;  b. assisting the Councillors and co-opted members to observe the Members' Code of Conduct;  c. advising the Council on the adoption or revision of the Members' Code of Conduct;  d. monitoring the operation of the Members' Code of Conduct;  e. advising, training or arranging to train Councillors and co-opted members on matters relating to the Members' Code of Conduct;

	<ul style="list-style-type: none"> <li>f. granting dispensations to Councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;</li> <li>g. dealing with any report from the Monitoring Officer following an investigation into a complaint concerning the Members' Code of Conduct;</li> <li>h. considering and determining allegations that a Councillor or co-opted Councillor may have failed to follow the Code of Conduct and where a breach of the Code is established making recommendations as to any sanctions to the appropriate person or body.</li> <li>i. the exercise of g – h above in relation to the Parish Councils in the Council's area and the members of those parish Councils;</li> <li>j. monitoring, and reviewing the operation of the Protocol on Member-Officer relations;</li> <li>k. monitoring and reviewing the operation of the Protocol on Member-Member Relations.</li> </ul>
Whipping arrangements	No Party Group whip is permitted.
Substitutes	<p>Trained substitutes are permitted for Borough Councillors.</p> <p>A nominated trained Parish Councillor substitute is permitted for the co-opted non-voting Parish Representative.</p>
Special provisions as to membership	<p>Only those Councillors who have undertaken appropriate training may sit on the Standards Committee.</p> <p>Quasi-Judicial meetings training will be required before Members sit on Hearings.</p>

**REDDITCH BOROUGH COUNCIL****COUNCIL**

21st May 2012

**MEMBERS' EXPENSES AND ALLOWANCES 2011/12****Key to Pay Codes**

MBAS =	Basic Allowance
MSRA =	Special Responsibility Allowance
MTRV =	Members' Travel
EXP =	Expenses
FAP =	Fares and Parking
FAPT =	Fares and Parking - taxable
BRDN =	Broadband
TSUB =	Taxable subsistence
MMAY =	Mayor's Allowance
MDMY =	Deputy Mayor's Allowance
MMML =	Mayoral Mileage
OAA =	Other Attendance Allowance

<b>Name</b>	<b>Term of office (2011/12 Financial Year)</b>	<b>Pay Code</b>	<b>Amount</b>
<b>Elected Members</b>			
Cllr Peter Anderson	April 2011 – April 2012	MBAS	3,219.00
		MSRA	1,029.96
		MTRV	220.30
		EXP	0.00
			<b><u>4,469.26</u></b>
Cllr Kathleen Banks, Mayor 2010/11	April 2011 – May 2011	MBAS	605.73
		MDMY	0.00
		MMAY	820.75
		MTRV	72.80
		EXP	0.00
		FAP	2.10
		MMML	159.92
			<b><u>1,661.30</u></b>

**REDDITCH BOROUGH COUNCIL****COUNCIL****21st May 2012**

Cllr Rebecca Blake	May 2011 – April 2012	MBAS	2,613.27 <b><u>2,613.27</u></b>
Cllr Michael Braley, Deputy Leader, Portfolio Holder, Chair of Licensing	April 2011 – April 2012	MBAS MSRA MTRV EXP TSUB	3,219.00 7,551.96 444.45 6.60 7.80 <b><u>11,229.81</u></b>
Cllr Andrew Brazier	April 2011 – April 2012	MBAS MSRA MTRV	3,219.00 797.39 58.50 <b><u>4,074.89</u></b>
Cllr Juliet Brunner, Portfolio Holder	April 2011 – April 2012	MBAS MSRA MTRV BRDN	3,219.00 1,500.00 352.35 100.00 <b><u>5,171.35</u></b>
Cllr David Bush	May 2011 – April 2012	MBAS MTRV	2,613.27 158.41 <b><u>2,771.68</u></b>
Cllr Michael Chalk, Chair of Planning	April 2011 – April 2012	MBAS MSRA MTRV	3,219.00 3,348.00 36.00 <b><u>6,603.00</u></b>
Cllr Simon Chalk	April 2011 – April 2012	MBAS MSRA	3,219.00 797.39 <b><u>4,016.39</u></b>

**REDDITCH BOROUGH COUNCIL****COUNCIL****21st May 2012**

Cllr Greg Chance	April 2011 – April 2012	MBAS MSRA EXP	3,219.00 1,029.96 300.00 <b><u>4,548.96</u></b>
Cllr Brandon Clayton, Portfolio Holder	April 2011 – April 2012	MBAS MSRA MTRV EXP	3,219.00 1,500.00 178.25 0.00 <b><u>4,897.25</u></b>
Cllr Anita Clayton, Mayor 2011/12	April 2011 – April 2012	MBAS MDMY MMAY MSRA MTRV MMML	3,219.00 231.92 1,342.26 294.29 107.80 481.05 <b><u>5,676.32</u></b>
Cllr Jack Cookson	April 2011 – May 2011	MBAS MSRA MTRV	605.73 0.00 0.00 <b><u>605.73</u></b>
Cllr Andrew Fry	April 2011 – April 2012	MBAS MSRA	3,219.00 1,162.86 <b><u>4,381.86</u></b>
Cllr Carole Gandy, Leader of the Council	April 2011 – April 2012	MBAS MSRA MTRV EXP	3,219.00 8,454.00 576.70 22.50 <b><u>12,272.20</u></b>
Cllr Adam Griffin	April 2011 – April 2012	MBAS BRDN	3,219.00 100.00 <b><u>3,319.00</u></b>

**REDDITCH BOROUGH COUNCIL****COUNCIL****21st May 2012**

Cllr Malcolm Hall	April 2011 – April 2012	MBAS	3,296.50
		MDMY	0.00
		MMAY	0.00
		MSRA	1,258.47
		MTRV	8.10
		FAP	6.50
		FAPT	80.00
		<b><u>4,649.57</u></b>	
Cllr William Hartnett, Opposition Leader	April 2011 – April 2012	MBAS	3,219.00
		MSRA	2,030.04
		MTRV	0.00
		<b><u>5,249.04</u></b>	
Cllr Nigel Hicks, Former Planning Chair	April 2011 – May 2011	MBAS	605.73
		MSRA	193.81
		MTRV	12.00
		<b><u>811.54</u></b>	
Cllr Roger Hill	April 2011 – April 2012	MBAS	3,219.00
		MTRV	203.70
		<b><u>3,422.70</u></b>	
Cllr Gay Hopkins, Deputy Mayor 2011/12	April 2011 – April 2012	MBAS	3,219.00
		MDMY	256.50
		MSRA	1,922.50
		MTRV	423.45
		<b><u>5,821.45</u></b>	
Cllr Robin King	April 2011 – March 2012 (deceased)	MBAS	3036.10
		MSRA	235.34
		MTRV	1.20
		<b><u>3,272.64</u></b>	
Cllr Wanda King	April 2011 – April 2012	MBAS	3,219.00
		MTRV	3.90
		BRDN	100.00
		<b><u>3,322.90</u></b>	



**REDDITCH BOROUGH COUNCIL****COUNCIL****21st May 2012**

Cllr Alan Mason	May 2011 – April 2012	MBAS	2,613.27
		MSRA	689.32
		MTRV	276.00
		BRDN	100.00
			<b><u>3,678.59</u></b>
Cllr Philip Mould, Chair of Overview & Scrutiny	May 2011 - April 2012	MBAS	2,613.27
		MSRA	1,567.67
		MTRV	156.30
		FAP	4.00
		BRDN	100.00
	<b><u>4,441.24</u></b>		
Cllr William Norton	April 2011 – April 2012	MBAS	3,219.00
		MSRA	235.34
		MTRV	0.00
	<b><u>3,454.34</u></b>		
Cllr Jinny Pearce, Portfolio Holder	April 2011 – April 2012	MBAS	3,219.00
		MSRA	1,500.00
		MTRV	128.70
		FAP	14.50
		BRDN	100.00
	<b><u>4,962.20</u></b>		
Cllr Brenda Quinney	April 2011 – April 2012	MBAS	3,219.00
		MSRA	990.75
		MTRV	258.00
		EXP	0.00
	<b><u>4,467.75</u></b>		
Cllr Mark Shurmer	April 2011 – April 2012	MBAS	3,219.00
		MSRA	1,029.96
		MTRV	0.00
		BRDN	100.00
	<b><u>4,348.96</u></b>		

**REDDITCH BOROUGH COUNCIL****COUNCIL****21st May 2012**

Cllr Luke Stephens	May 2011 – April 2012	MBAS MSRA EXP	2,613.27 797.38 300.00 <b><u>3,710.65</u></b>
Cllr Debbie Taylor	April 2011 – April 2012	MBAS MSRA	3,219.00 1,029.96 <b><u>4,248.96</u></b>
Cllr Derek Taylor, Portfolio Holder	April 2011 – April 2012	MBAS MSRA MTRV BRDN	3,219.00 1,161.29 290.15 100.00 <b><u>4,770.44</u></b>
Cllr Diane Thomas	April 2011 – April 2012	MBAS MSRA MTRV EXP	605.73 363.37 0.00 0.00 <b><u>969.10</u></b>
Cllr Graham Vickery	April 2011 – May 2011	MBAS MSRA MTRV EXP	121.14 38.76 42.00 6.50 <b><u>208.40</u></b>
<b>Independent Members</b>			
Deborah Andrews, Chair of Standards	April 2011 – April 2012	MSRA	266.04 <b><u>266.04</u></b>
Michael Collins, Vice-Chair of Standards	April 2011 – April 2012	MSRA MTRV OAA	102.96 122.00 1,058.85 <b><u>1,283.81</u></b>

**REDDITCH BOROUGH COUNCIL**

**COUNCIL**

**21st May 2012**

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Brian Warwick, Standards Committee Member	April 2011 – April 2011	MSRA	102.96 <b><u>102.96</u></b>
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**AUTHOR OF REPORT**

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