



Standards Committee

Thu 24 Oct
2013
7.00 pm

Committee Room 2
Town Hall
Redditch

REDDITCH BOROUGH COUNCIL

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Debbie Parker-Jones
Democratic Services Officer**

**Town Hall, Walter Stranz Square, Redditch, B98 8AH
Tel: (01527) 881411 Fax: (01527) 65216
Email: d.parkerjones@bromsgroveandredditch.gov.uk**

Welcome to today's meeting.

Guidance for the Public

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

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

The emergency Assembly Area is on Walter Stranz Square.



Standards

24th October 2013

7.00 pm

Committee

Committee Room 2, Town Hall

Agenda

Membership:

Redditch Borough Councillors: Pat Witherspoon (Chair)
Michael Braley (Vice-Chair)
Joe Baker
Michael Chalk
Andrew Fry
Phil Mould
Brenda Quinney
Luke Stephens
Derek Taylor

Feckenham Parish Council
Representative (non-voting
co-opted): Fiona Hawker

Observers: Michael Collins (Independent Observer)
Wreide Poole (Deputy Feckenham
Parish Council Representative)

1. Apologies and Named Substitutes	To receive the apologies of any Member who is unable to attend this meeting and notification of any substitutes.
2. Declarations of Interest	To invite Councillors to declare any interests they may have in items on the agenda.
3. Minutes (Pages 1 - 6) Chief Executive	To confirm as a correct record the minutes of the meeting of the Standards Committee held on 25th July 2013. (Minutes attached)
4. Monitoring Officer's Report (Pages 7 - 12) Head of Legal, Equalities and Democratic Services	To receive a report from the Monitoring Officer on any matters of relevance to the Committee. (Report attached) (No Direct Ward Relevance)

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<p>5. Parish Council Report (if any)</p>	<p>To consider any report from the Feckenham Parish Council Representative on any matters of relevance to the Committee.</p> <p>(Oral report)</p> <p>(Astwood Bank & Feckenham Ward)</p>
<p>6. Localism Act 2011 - Standards Regime - Budget Setting Dispensation</p> <p>(Pages 13 - 16)</p> <p>Head of Legal, Equalities and Democratic Services</p>	<p>To consider the granting of a general dispensation under s33 of the Localism Act 2011 to enable Members to participate and vote in the Budget setting process.</p> <p>(Report attached)</p> <p>(No Direct Ward Relevance)</p>
<p>7. Work Programme</p> <p>(Pages 17 - 22)</p> <p>Head of Legal, Equalities and Democratic Services</p>	<p>To consider and review the Committee's Work Programme.</p> <p>(Report attached)</p>
<p>8. Exclusion of the Public</p>	<p>Should it prove necessary, in the opinion of the Chief Executive, to exclude the public from the meeting at any point during the proceedings in relation to any item(s) of business on the grounds that either exempt and/or confidential information is likely to be divulged, the following resolution(s) will be moved:</p> <p>"That under Section 100 I of the Local Government Act 1972, as amended, it/they involve the likely disclosure of <u>exempt</u> information as defined in Part I of Schedule 12A to the Act, as amended, the relevant paragraphs of that part being (...to be specified by the Chairman at the meeting), and that it is in the public interest to do so.", and/or</p> <p>"That under Section 100 A of the Local Government Act 1972, as amended, it/they involve the likely disclosure of <u>confidential</u> information which would be in breach of an obligation of confidence."</p>



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MINUTES

Borough Councillors Present:

Councillor Pat Witherspoon (Chair), and Councillors Michael Braley (Vice-Chair), Michael Chalk, Roger Hill (substituting for Derek Taylor), Alan Mason (substituting for Andy Fry), Phil Mould and Yvonne Smith (substituting for Joe Baker)

Also Present:

Michael Collins (Independent Observer)
 Fiona Hawker (Feckenham Parish Council Representative – non-voting co-opted)
 Wreide Poole (Deputy Feckenham Parish Council Representative – Observer)

Officers:

C Felton and C Flanagan

Committee Officers:

D Parker-Jones

1. APOLOGIES AND NAMED SUBSTITUTES

Apologies for absence were received on behalf of Borough Councillors Joe Baker, Andrew Fry, Luke Stephens and Derek Taylor.

Councillor Yvonne Smith was confirmed as a substitute for Councillor Baker, Councillor Alan Mason was confirmed as a substitute for Councillor Fry and Councillor Roger Hill was confirmed as a substitute for Councillor Taylor.

Apologies were also received on behalf of Mrs Megan Harrison, Independent Person and observer.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

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 Chair

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3. MINUTES

The minutes of the meeting of the Standards Committee held on 8th April 2013 were submitted.

RESOLVED that

the minutes of the meeting of the Standards Committee held on 8th April 2013 be confirmed as a correct record and signed by the Chair.

4. MONITORING OFFICER'S REPORT

Members received a report from the Monitoring Officer (MO) outlining the current position in relation to matters of relevance to the Committee.

The MO advised that no complaints had been received against Members during the six month period 1st January to 30th June 2013. She added that the investigation into the complaint which had previously been referred to her by the Standards Assessment Sub-Committee for investigation was currently ongoing.

A Member queried how long it was likely to be before the investigation reached its conclusion, which the MO advised was imminent. It was noted that the investigation had been ongoing for some time, and that whilst it was always hoped that investigations would be concluded as quickly as possible this depended on the availability of the Members/parties involved. Occasionally there would be issues outside of a particular party's control which could delay the process, which had regrettably happened in this case.

The MO welcomed Mr Wreide Poole, the new Deputy Feckenham Parish Council Representative, to the meeting and thanked him for taking on the role of Deputy.

RESOLVED that

the report of the Monitoring Officer be noted.

5. PARISH COUNCIL REPORT (IF ANY)

The Feckenham Parish Council Representative advised that she had nothing to report to the Committee on and Mr Wreide Poole, the new Deputy Parish Representative, was welcomed to the meeting.

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RESOLVED that

the position be noted.

6. LOCALISM ACT 2011 - UPDATED ARRANGEMENTS FOR HANDLING STANDARDS COMPLAINTS AGAINST MEMBERS

The Committee considered a report on a 12-month review of the working of the adopted Arrangements for Handling Complaints against Members under the new standards regime introduced by the Localism Act 2012.

The report suggested some amendments to the current Arrangements which had arisen as a result of their application over the last year. The amendments focussed on:

- the referral of complaints to the Police and any separate course of action to be taken by the Monitoring Officer in such cases, including the information which could be provided by the MO on such complaints before the outcome of any resulting Police actions was known; and
- the role of the Assessment Sub-Committee.

The roles of the Independent Observer and Parish Council Representative on the Committee, together with the make-up of the Hearings Sub-Committee panels, were also detailed in the report.

Officers responded to Member questions on the current Arrangements and the proposed changes.

Under section 8 of the Arrangements (Action that can be taken where a Member has failed to comply with the Code of Conduct) Officers advised that Members could only be recommended for removal from any or all Committees or Sub-Committees of the Council, and not from the (full) Council, as Council was not a committee of itself.

In relation to the Hearings Sub-Committee panels, it was noted that the recent changes in membership of the Standards Committee necessitated a change to the previously established Sub-Committees. Members agreed the proposed make-up of the new Sub-Committees. In doing so, it was noted that any Sub-Committees would take place in strict rotation and that, if necessary, other suitably trained Members could substitute on the Sub-Committees.

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It was noted that there was no proposal to alter the Council's previous decision to include a non-voting co-opted Feckenham Parish Council Representative on the Standards Committee.

The Committee supported the recommended amendments to the Arrangements as detailed in the revised (version 2) Arrangements attached at Appendix 1 to the report. Members also supported the recommended continuation of the non-voting Independent Observer on the Standards Committee for the coming year.

In response to a Member's question the MO advised that in cases where the Police investigated a complaint and concluded that no action was required in relation to the complaint, this related to criminal proceedings only. There could therefore still be standards of behaviour linked with the complaint which the Council, via the MO, might wish to look at separately. This was akin to the position with taxi drivers who might not be prosecuted by the courts on a matter but who could still be required to go before the Council's Taxi Licensing Committee to ascertain whether or not they were a fit and proper person to hold a driver's licence.

In cases where the MO had been unsuccessful in resolving a complaint locally and felt that the only remaining option was to proceed with an investigation, Members supported the proposal to remove the Assessment Sub-Committee stage and to replace this with MO consultation with the Independent Person and Chair of the Standards Committee to proceed to investigation. It was noted that Redditch was the only authority in the county to have an Assessment Sub-Committee which Officers felt, on experience, did not gel with the new arrangements. The limitations placed on the Assessment Sub-Committee which had met to consider the one complaint referred to it since the establishment of the new regime were noted, the membership of which had themselves felt that the decision to investigate could instead have been best dealt with by the MO, Independent Person and Chair of the Standards Committee.

In order to assist members of the public in understanding the complaints process, a Member requested whether a flowchart or equivalent could be produced explaining the process. Officers advised that a detailed flowchart had been drawn up as part of the initial changes under the new regime, which unfortunately was equally as detailed. Officers agreed therefore to produce a brief user-friendly explanatory note detailing the complaint Arrangements once the Council had considered the recommended changes. This would then be published on the Council's website.

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RECOMMENDED that

- 1) the Arrangements for Managing Standards Complaints under the Localism Act 2011 (version 2), as attached at Appendix 1 to the report, be adopted; and
- 2) the role of the former Independent Member, who has served as a non-voting Independent Observer on the Standards Committee for the past year, continue for the coming year, and

RESOLVED that

- 3) the following Hearings Sub-Committees be agreed:

Sub-Committee 1

Councillor P. Witherspoon (Chair), Councillor M. Chalk and Councillor J. Baker

Sub-Committee 2

Councillor A. Fry (Chair), Councillor M. Braley and Councillor B. Quinney

Sub-Committee 3

Councillor Derek Taylor (Chair), Councillor P. Mould and Councillor L. Stephens

7. WORK PROGRAMME

Members considered the future Work Programme of the Committee.

It was noted that no business was currently listed on the Work Programme for the next meeting of the Committee scheduled for 24th October 2013. Officers advised that if no items requiring the Committee's attention arose before then the meeting would likely be cancelled.

A Member queried how any resolution of the ongoing complaint investigation would be communicated to the Committee.

The MO stated that this would either be detailed in the next MO's Report, or if no meeting were to take place in October then a separate communication would be issued to the members of the Committee confirming the outcome.

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It was noted that, as a general rule, once any formal investigation had been completed and the Investigating Officer's (IO) finding was known the complaint could be made public. If any party wished to make a request for either anonymity or confidentiality in relation to any aspect of a complaint they could do so and this would be considered by the MO or by the Hearings Sub-Committee where a matter progressed to hearing stage.

Members were further advised that, in accordance with the Arrangements for handling standards complaints, should the IO find that there was evidence of failure by the subject Member to comply with Code of Conduct and the MO was satisfied with the IO's findings, the MO would, 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 Sub-Committee of the Standards Committee, or to seek to resolve the matter via local resolution.

RESOLVED that

subject to the comments detailed in the preamble above, the Work Programme be approved.

The Meeting commenced at 7.00 pm
and closed at 7.36 pm

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Chair

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MONITORING OFFICER'S REPORT

Relevant Portfolio Holder	Councillor John Fisher, Portfolio Holder for Corporate Management
Portfolio Holder consulted	Yes
Relevant Head of Service	Claire Felton, Head of Legal, Equalities and Democratic Services and Monitoring Officer
Wards affected	All Wards
Ward Councillor consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 This report sets out the position in relation to key matters which are of relevance to the Standards Committee.
- 1.2 It is proposed that a report of this nature be presented to each meeting of the Committee to ensure that Members are kept updated as to any relevant developments.
- 1.3 Any further updates arising after publication of this report will be reported orally at the meeting.

2. RECOMMENDATIONS

The Committee is asked to RESOLVE that

the report of the Monitoring Officer be noted and commented upon as appropriate, in particular the issues highlighted at paragraphs 3.10 to 3.12 (press and media protocol for Members) and paragraphs 3.13 to 3.16 (inter-Member complaints process) of the report.

3. KEY ISSUES**Financial Implications**

- 3.1 There are no financial implications arising out of this report.

Legal Implications

- 3.2 The Localism Act became law on 15th November 2011. Chapter 7 of Part 1 of the Localism Act 2011 introduced a new standards regime effective from 1st July 2012. The Act places a requirement on authorities to promote and maintain high standards of conduct by Members and co-opted (with voting

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rights) Members of an authority. The Act also requires the authority to have in place arrangements under which allegations that either a district or parish councillor has breached his or her Code of Conduct can be investigated, together with arrangements under which decisions on such allegations can be made. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 were laid before Parliament on 8th June 2012 and also came into force on 1st July.

Service / Operational Implications

Member Complaints received from July to September 2013

- 3.3 No Members complaints were received during the period 1st July to 30th September 2013.

Number of Investigations referred for Investigation during 2012/13: 1

- 3.4 The Council has agreed that details of any complaints managed and resolved locally by the Monitoring Officer, without the need for a formal investigation, should not be made public and that only the numbers and general trends of any such complaints be reported to the Standards Committee.
- 3.5 Where an investigation does take place, it was decided that the investigation would remain confidential until "any formal investigation process had been completed and the Investigating Officer's findings known, when information on the parties, the complaint and the outcome should be publicly available" (unless, in exceptional circumstances the Monitoring Officer considers it appropriate for any such information to be withheld).

Report of Investigation to Standards Committee

- 3.6 A complaint was made on 17th October 2012 by Councillor Greg Chance that two members of the Council, Councillor Juliet Brunner and Councillor Gay Hopkins had failed to follow the Council's Code of Conduct. The complaint related to an article which appeared in the Redditch Advertiser on 17th October 2012. The article was a press release made by Councillors Brunner and Hopkins to the paper following a meeting of the Council's Overview and Scrutiny Committee on 9th October 2012. This was attended by Councillor Chance as Portfolio Holder for Planning, Regeneration, Economic Development and Transport to answer a number of pre-set queries including some relating to local development plans.

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Outcome of Investigation and Recommendations for consideration by the Standards Committee

- 3.7 Following a decision by a Standards Assessment Sub-Committee that the complaint should be investigated, the Monitoring Officer appointed an external investigator, Mr Kevin Douglas. Mr Douglas concluded that whilst licence had been taken in the way the Portfolio Holder's responses were reported, that was part of the political interaction in which councillors were engaged in order to gain political advantage. He concluded that in the absence of guidance or rules to Members about press releases and media contact generally, leaving the area unregulated, there was no breach of the Code of Conduct but that the Council may want to consider a protocol moving forward.
- 3.8 The purpose of this Report is to discuss the recommendation made by the Investigating Officer and the issue raised by the Independent Person at the conclusion of the process, and for the Committee to decide on how these can be acted upon with a view to promoting and maintaining high standards of conduct by Members and co-opted Members of the authority and to fulfil the statutory duty under the Localism Act 2011.
- 3.9 With regard to the decision on the complaint, the Monitoring Officer considered the Report in consultation with the Independent Person as required by the Council's Arrangements for dealing with complaints against Members. The Monitoring Officer and Independent Person agreed with the Report's findings and reasoning. The Monitoring Officer then wrote to the parties to tell them so and to confirm that she was satisfied that no further action was required and that the complaint was concluded.

Matters for the Committee's consideration

- 3.10 Although the Investigating Officer's finding was that there had not been a breach of the Code of Conduct, it was coupled with a recommendation that the Council should give consideration to agreeing a protocol for contact with the press and media by Members and in particular by senior Members of the Council.
- 3.11 The main purpose of such a protocol would be to confirm the accuracy of information provided and to afford a right of reply to any councillor who is quoted or cited in the information. The recommendation was that the Monitoring Officer should be requested to liaise with the Council's press team with a view to such a protocol being developed.

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- 3.12 Officers have already started researching media protocols and the Monitoring Officer asks members of the Committee to agree this course of action and for this task to be included on the Committee's Work Programme.
- 3.13 The second matter was raised by the Independent Person and related to the length of time it had taken from when the complaint was made until it was concluded, some 9 months later.
- 3.14 During that time, the Monitoring Officer was asked periodically about the length of time that the process was taking and a question about this was also raised at the Standards Committee meeting on 8th April 2013. There were long delays throughout this case, both before and after the appointment of the Independent Investigator. The Monitoring Officer wishes to assure the Committee that she makes every effort to progress a complaint as quickly as possible. She is, however, reliant upon Members, and where appropriate Group Leaders, fully engaging with the process to assist in resolving a complaint in a timely manner.
- 3.15 The Localism Act 2011 abolished the old Standards regime, which involved a very prescriptive process for handling complaints against Members. It was generally framed in a formal and adversarial style where parties were kept entirely separate throughout the process. There were quite onerous sanctions, including the ability to suspend a Member, which no longer apply. It was intended that the new process would facilitate local resolution of complaints by the Monitoring Officer, with the help of the Independent Person and with the parties being involved in the process from the outset, recognising that Group Leaders would have an important role in achieving this. It was envisaged that only in exceptional circumstances would a Hearing be necessary. The process now is more a matter of the Monitoring Officer, with the assistance of the Independent Person, managing a dialogue between parties, with their active involvement from the outset, so that a complaint can be resolved in the context of maintaining high standards of conduct. The range of outcomes now available supports this approach.
- 3.16 Where a complaint is made by a Member about a Member the Monitoring Officer would ask the Committee to consider whether the Arrangements for handling complaints should be amended so that in the first instance an inter-Member complaint should first be referred to the Group Leaders to resolve before referral to the Monitoring Officer. This would strengthen the role of Group Leaders in inter-Member complaints, enable them to be more pro-active in dealing with them in the first instance and encourage their Member/s engagement in the process.

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- 3.17 The approach at paragraph 3.16 would be taken where both Members concerned are members of a political group. For any inter-Member complaints where either the complainant or the subject Member is not a member of a political group or is a Group Leader, the Monitoring Officer would continue to progress the complaint from the outset as per the current arrangements. Equally, any complaints made against a Member by either a member of the public or other non-Member third party would also continue to be dealt with by the Monitoring Officer from the outset.
- 3.18 Should the Committee support this approach the Monitoring Officer will take the matter up with Group Leaders in the first instance and report back to Committee at the next meeting.

Member Training

- 3.19 The Member Support Steering Group has been meeting regularly to review and plan training and development for Members.
- 3.20 Over the last 6 months training sessions have been held on safeguarding children and vulnerable adults. A further session was arranged in early October as a number of Councillors who wished to attend were unable to go to the original event. This has been well received and is an important subject to help Councillors in their ward roles.
- 3.21 Refresher sessions have been held for members of the Licensing and Standards Committees and the Audit and Governance Committee. The external auditors, Grant Thornton, have also delivered training on the importance of the Audit function in governance, which was well received.
- 3.22 Overview and Scrutiny Committee has held a work planning event with a difference this year, which included a refresher about the powers and operation of the Committee.

Council approval of Standards Committee recommendations – updated Arrangements for Handling Standards Complaints against Members

- 3.23 At its meeting on 9th September 2013 full Council agreed the recommendations of the 25th July 2013 Standards Committee for the Arrangements for Managing Standards Complaints against Members to be updated to include a minor change in relation to complaints referred to the Police by the Monitoring Officer, and for the role of the non-voting Independent Observer to continue for the coming year.

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Customer / Equalities and Diversity Implications

3.24 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 complaints process when established, to ensure accessibility.

3.25 In addition, it is proposed 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 events.

4. RISK MANAGEMENT

The main risks associated with the details included in this report are:

- Risk of challenge to Council decisions; and
- Risk of complaints about elected Members.

5. APPENDICES

None

6. BACKGROUND PAPERS

Chapter 7 of the Localism Act 2011.

Complaint papers and various reports to and minutes of meetings of the Standards Committee and Full Council, as detailed in the report.

AUTHOR OF REPORT

Name: Debbie Parker-Jones
Email: d.parkerjones@redditchandbromsgrove.gov.uk
Tel: 01527 881411

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LOCALISM ACT 2011 – STANDARDS REGIME – BUDGET SETTING DISPENSATION

Relevant Portfolio Holder	Councillor John Fisher, Portfolio Holder for Corporate Management
Portfolio Holder Consulted	Yes
Relevant Head of Service	Claire Felton, Head of Legal, Equalities and Democratic Services and Monitoring Officer
Ward(s) Affected	All Wards
Ward Councillor(s) Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

To consider the granting of a general dispensation under s33 of the Localism Act 2011 to enable Members to participate and vote in the Budget setting process.

2. RECOMMENDATIONS

The Committee is asked to RESOLVE that

- 1) **subject to the caveat set out in paragraph 3.11 of this report, the Standards Committee grants a dispensation under Section 33 (2) of the Localism Act 2011 to allow all Members to participate in and vote at Council and committee meetings when considering setting the Budget;**
- 2) **the dispensation referred to at 1) above take effect on receipt of a written request from Members for a dispensation and where Members may have a Disclosable Pecuniary Interest in the matter under consideration, which would otherwise preclude such participation and voting; and**
- 3) **the dispensation referred to at 1) above be valid until the first Standards Committee meeting after the Borough Council Elections in 2014.**

3. KEY ISSUES

Financial Implications

- 3.1 None.

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Legal Implications

- 3.2 Section 33 of the Localism Act 2011 provides that Dispensations can be granted in respect of Disclosable Pecuniary Interests (“DPIs”).
- 3.3 Section 33 (1) requires that a Member must make a written request for a dispensation.
- 3.4 Section 33 (3) provides that a dispensation must specify the period for which it has effect and that period may not exceed 4 years.

Service / Operational Implications

- 3.5 Under s31 (4) of the Localism Act 2011 a Member who has a DPI in a matter under consideration is not permitted to participate in the discussion or vote on the matter unless s/he has first obtained a dispensation under s33.
- 3.6 The consideration of whether to grant a dispensation under s33 has been delegated to the Standards Committee.
- 3.7 At its meeting on 12th December 2012 the Committee resolved to grant, subject to receipt of the required written request from Members, general dispensations for the setting of the Council Tax, Council Rents and Members’ Allowances, and also for Members’ speaking rights. In light of experience of the new regime and to be consistent with other authorities, an additional general dispensation is now being sought for Members for when they consider setting the Budget.
- 3.8 Section 33 (2) includes a number of situations where a dispensation can be considered, but should be granted “only if, after having regard to all relevant circumstances” the Committee considers that one of those situations applies.
- 3.9 The statutory grounds under s33 (2) for the granting of a dispensation are where the authority –
- “(a) considers that without the dispensation the number of persons prohibited by section 31(4) from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,
 - (b) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,
 - (c) considers that granting the dispensation is in the interests of persons living in the authority’s area,

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- (d) if it is an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers that without them dispensation each member of the authority's executive would be prohibited by section 31(4) from participating in any particular business to be transacted by the authority's executive, or
- (e) considers that it is otherwise appropriate to grant a dispensation."
- 3.10 The Monitoring Officer considers that this exemption might be required where the business of a meeting relates to the Budget setting process and Members present may have DPs. Members must comply with the additional requirement of applying for a dispensation in writing.
- 3.11 The only caveat to the above is that under Section 106 of the Local Government Finance Act 1992 any Member who is 2 months (or more) in arrears with their Council Tax payments cannot participate in any Council meeting concerning the budget. In the event that any Members were affected by the provisions of section 106, the statutory rule that they be barred from taking part in the budget decisions would prevail and any dispensation granted under this report would not apply.
- 3.12 In accordance with the general dispensations previously granted by the Committee, and to satisfy the requirement for Members to apply for a dispensation in writing, the Monitoring Officer will circulate to all Members a request form seeking a dispensation for Members to sign prior to any budget setting considerations. The dispensation will then take effect upon receipt of the signed written request.

Customer / Equalities and Diversity Implications

- 3.13 None.

4. RISK MANAGEMENT

The granting of general dispensations by the Committee will, subject to receipt of a written request from Members for such a dispensation, clarify, for the avoidance of any doubt, Members' ability to participate in and vote at Council and committee meetings on certain matters as part of the Council's decision-making process.

5. APPENDICES

None.

6. BACKGROUND PAPERS

Section 33 of the Localism Act 2011.

**STANDARDS
COMMITTEE**

24th October 2013

AUTHOR OF REPORT

Name: Claire Felton
Email: c.felton@bromsgroveandredditch.gov.uk
Tel: 01527 881429

STANDARDS COMMITTEE

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WORK PROGRAMME

Relevant Portfolio Holder	Councillor John Fisher, Portfolio Holder for Corporate Management
Portfolio Holder Consulted	Yes
Relevant Head of Service	Claire Felton, Head of Legal, Equalities and Democratic Services and Monitoring Officer
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

Members are requested to consider the future Work Programme of the Standards Committee.

2. RECOMMENDATIONS

The Committee is asked to RESOLVE that

subject to any amendments, the Work Programme be approved.

3. KEY ISSUES

Financial Implications

- 3.1 There are no financial implications associated with the contents of this report.

Legal Implications

- 3.2 There are no legal implications associated with the contents of this report.

Service / Operational Implications

- 3.3 Under the Localism Act 2011 the Council has a duty to promote and maintain high standards of conduct by elected Members and co-opted Members (with voting rights), at both district and parish level. A new Standards Committee has therefore been established to enable the Council to discharge its duties in this regard.
- 3.4 A Work Programme is beneficial to the Committee for the following reasons:

STANDARDS COMMITTEE

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- (a) to ensure the Committee is fulfilling its role and functions in accordance with the Council's Constitution and any prevailing legislation; and
 - (b) to enable Officers to be proactive in supporting the Committee and for the Committee to be equally proactive in introducing change to ensure the Council is an ethical organisation, which promotes and maintains high standards of conduct of Members, and is an organisation which relates to the community and which continually strives to improve the service it provides.
- 3.5 The Work Programme is attached at Appendix 1. The Committee's Terms of Reference, which were approved by Full Council on 21st May 2012, are attached for Members' information at Appendix 2.
- 3.6 The Work Programme will appear as a regular item on all Standards Committee agendas.
- 3.7 Officers will update the Work Programme, as appropriate, in between meetings, where necessary in consultation with the Chair of the Committee. Any changes to this will be reported to the next meeting of the Committee, as appropriate. Members of the Committee are welcome to contact Officers at any time with suggestions for the Work Programme.

Customer / Equalities and Diversity Implications

- 3.8 In terms of customer implications, a Work Programme will assist in informing Members, Officers and the public of the work being undertaken by the Committee in ensuring that the Council is an ethical organisation, which is well managed and is proactively working towards improvement.

4. RISK MANAGEMENT

There are no risk implications associated with the contents of this report.

5. APPENDICES

Appendix 1 - Standards Committee Work Programme
Appendix 2 - Standards Committee Terms of Reference

6. BACKGROUND PAPERS

None

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7. KEY

Not applicable.

AUTHOR OF REPORT

Name: Debbie Parker-Jones

Email: d.parkerjones@bromsgroveandredditchbc.gov.uk

Tel: 01527 881411

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APPENDIX 1**STANDARDS COMMITTEE WORK PROGRAMME**

[Note: Any items that it is proposed should be removed from the Work Programme are denoted by a strikethrough, with any new additions and/or rescheduled items appearing in bold italics.]

Meeting date	Item(s) for consideration
23rd January 2014	<ul style="list-style-type: none"> • <i>Dispensations report – for outside bodies.</i>
17th April 2014	<ul style="list-style-type: none"> • Annual Review of the Operation of the Standards Committee and its Sub-Committees. • Calendar of meetings 2014/15.
July 2014 (2014/15 Municipal Year meeting dates to be set)	<ul style="list-style-type: none"> • Role of non-voting Independent Observer on the Committee – further 12-month review (as part of Monitoring Officer's report – Minute 6 of 25th July 2013 Standards Committee meeting refers). • Dispensations report – for Council Tax Setting, Rent Setting, Budget Setting, Members' Allowances, Members' Speaking Rights etc (report to go to first meeting of the Committee following Borough Council Elections).
October 2014 (2014/15 Municipal Year meeting dates to be set)	
Date to be agreed	<ul style="list-style-type: none"> • Review of the operation of the Protocol on Member-Officer relations (following consideration by the Constitution Review Working Party). • Review of the operation of the Protocol on Member-Member relations (following consideration by the Constitution Review Working Party).
<p>Note: All meetings of the Committee will include regular items such as:</p> <ul style="list-style-type: none"> • Minutes of previous meeting; • Monitoring Officer's Report; • Parish Council Representative's Report; • Relevant Member complaint/investigation updates; and • Work Programme. 	

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APPENDIX 2**STANDARDS COMMITTEE TERMS OF REFERENCE**

Terms of Reference	<p>The Standards Committee will have the following roles and functions:</p> <ol style="list-style-type: none"> 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; f. granting dispensations to Councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct; g. dealing with any report from the Monitoring Officer following an investigation into a complaint concerning the Members' Code of Conduct; 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; 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; j. monitoring, and reviewing the operation of the Protocol on Member-Officer relations; and k. monitoring and reviewing the operation of the Protocol on Member-Member Relations.
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