

# Standards

## Committee

Wednesday 20th April  
2011  
7.00 pm

Committee Room 2  
Town Hall  
Redditch



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

# Access to Information - Your Rights

---

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)

---

**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@redditchbc.gov.uk](mailto:ivor.westmore@redditchbc.gov.uk) Minicom: 595528**

# 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**

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

---

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:-

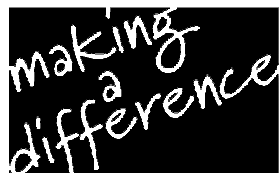
- It is a personal interest **and**
- The item affects your **financial position** (or conveys other benefits), or the position of your **family, close associates** or bodies through which you have a **registered interest** (or relates to the exercise of **regulatory functions** in relation to these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



# Standards

20th April 2011

7.00 pm

## Committee

Committee Room 2, Town Hall

### Agenda

#### Membership:

##### Independent Members:

Deborah Andrews (Chair)  
Michael Collins (Vice-Chair)  
Brian Warwick

##### Redditch Borough Councillors:

Anita Clayton  
Andrew Fry  
Malcolm Hall  
William Norton  
Brenda Quinney  
Mark Shurmer  
Derek Taylor

##### Feckenham Parish Councillors:

Antonia Pulsford  
Louisa Venables

<b>1. Apologies</b>	To receive the apologies of any Member who is unable to attend this meeting.
<b>2. Declarations of Interest</b>	To invite Councillors to declare any interests they may have in items on the agenda.
<b>3. Minutes</b> (Pages 1 - 6) Chief Executive	To confirm as a correct record the minutes of the meeting of the Standards Committee held on 13th October 2010.  (Minutes attached)
<b>4. Changes to the Ethical Framework for Members - Localism Agenda</b> (Pages 7 - 16) Monitoring Officer	To consider how the Council should respond to the proposed changes, should the proposals contained within the Localism Bill subsequently be enacted.  (Report attached)  <b>(No Direct Ward Relevance)</b>

# Standards

Committee

20th April 2011

<p><b>5. Monitoring Officer's Report</b></p> <p>(Pages 17 - 22)</p> <p>Head of Legal, Equalities and Democratic Services</p>	<p>To receive a report from the Monitoring Officer on any matters of relevance to the Committee.</p> <p>(Report attached)</p> <p><b>(All Wards)</b></p>
<p><b>6. Chair's / Members' Reports</b></p> <p>Borough Director</p>	<p>To consider any Chair / Member updates not separately covered on the agenda list, including brief feedback from any Seminars or Conferences.</p> <p>(Oral report)</p>
<p><b>7. Parish Council Report (if any)</b></p>	<p>To consider any report in relation to Feckenham Parish Council.</p> <p>(Oral report)</p> <p><b>(Astwood Bank and Feckenham)</b></p>
<p><b>8. Publications</b></p> <p>Head of Legal, Equalities and Democratic Services</p>	<p>To note any publications which the Committee may find of interest.</p> <p>(There are no publications to consider)</p>
<p><b>9. Work Programme</b></p> <p>(Pages 23 - 24)</p> <p>Monitoring Officer, Head of Legal, Democratic and Property Services</p>	<p>To consider and review the Committee's Work Programme.</p> <p>(Report attached)</p>



www.redditchbc.gov.uk

## MINUTES

# STANDARDS

## Committee

13th October 2010

### Present:

Independent Members:

Deborah Andrews (Chair)  
Michael Collins (Vice-Chair)  
Brian Warwick

Redditch Borough Councillors:

Andrew Fry  
Malcolm Hall  
William Norton  
Brenda Quinney  
Derek Taylor

### Also Present:

Councillor Michael Braley

### Officers:

D Parker-Jones, C Felton and C Flanagan

### Committee Officers:

I Westmore

### 10. APOLOGIES

Apologies for absence had been received on behalf of Borough Councillor Anita Clayton and Parish Councillors Antonia Pulsford and Louisa Venables.

### 11. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 12. MINUTES

**RESOLVED that**

**the minutes of the meeting of the Committee held on 30th June 2010 be agreed as a correct record and signed by the Chair.**

.....  
Chair

# STANDARDS

## Committee

13th October 2010

---

### 13. MONITORING OFFICER'S REPORT

#### Training

The Monitoring Officer informed the Committee that training was to be provided to members of the Standards Committee prior to the first hearing that was shortly to be undertaken. It was noted that the cut-off for the hearing of complaint reference 01/2010 was 23rd November 2010.

More generally, it was noted that Officers intended to develop a Member Training Programme based upon what Councillors considered they needed to know in order to fulfil their roles. It was hoped that a draft programme could be circulated to Members prior to Christmas. This process was being managed through the Member Development Steering Group. In parallel with this, it was also recognised that Members were under-resourced in terms of IT provision and it was intended that money would be sought to remedy this shortcoming.

#### Standards for England regime

The Monitoring Officer commented that the Council was awaiting further information from the Government on this but it was expected that Standards for England would be abolished and the Standards Committee process with it. Central Government considered that the present regime was 'a sledgehammer to crack a nut'. It was anticipated that complaints would be dealt with through the Local Government Ombudsman or the criminal justice system, depending on the nature or severity of the case.

The Committee was informed that, until any replacement process came on stream, the existing regime would continue in its current form, probably for the next 18 months or thereabouts.

#### Member Investigations

It was reported that there were three ongoing Member investigations at the present time. Two were at the stage of the Investigating Officer's report being compiled. The third had been the subject of an investigation and was now ready to go to a hearing.

Members noted with some concern that it had taken approximately six months for the latter complaint to reach the culmination of the process. The different stages of the process were explained by Officers and the requirements set out in the Guidance from Standards for England highlighted. The fact that the Council



# STANDARDS

## Committee

13th October 2010

---

adopted a Sub-Committee procedure for dealing with complaints throughout also meant that the majority of Members were unaware of the progress of complaints through these different stages.

### **RESOLVED that**

**the report of the Monitoring Officer be noted.**

#### **14. LOCAL ASSESSMENT OF COMPLAINTS**

The Deputy Monitoring Officer reported that, in the light of Officers' experiences in undertaking recent assessment and investigation of complaints, a number of changes were being proposed to the process in order that apparent anomalies might be overcome.

The first and most substantial change was in the timing of the notification to the subject Member that a complaint had been received about them. At present the Monitoring Officer could only provide the subject Member with notification that a complaint had been received and the general nature of the complaint but that a written summary of the allegation would only be provided once the Standards Assessment Sub-Committee had met to carry out its initial assessment of that complaint. It was considered that this might cause Members unnecessary concern in respect of a matter which the Assessment Sub-Committee might determine does not constitute a valid complaint and which would therefore go no further.

Some Members took the contrary view, suggesting that Members should be made aware that complaints had been received about them at the outset. To an extent, the present rules appeared to go against the rules of natural justice and the proposed change did not appear to remedy this. It was clarified for the benefit of the Committee that it was due to the legislation (Local Government Act 2000 (as amended)) that only the Standards Committee had the power to give a written summary of an allegation to the subject member. This time lapse between the fact of the complaint and the details of it, was the source of the problem which the change in procedure was hoped to remove. The most recent complaint received by the Monitoring Officer had been a case in point, causing a considerable amount of stress for the subject Member and resulting in strained Member / Officer relations. It was also noted that there was a definite period of time within which the Assessment Sub-Committee would be expected to make an initial assessment, hence the period between the receipt of the complaint and this stage was not unduly long.

# STANDARDS

## Committee

13th October 2010

---

The second proposal was a largely administrative change, seeking amendment to those parts of the local procedure which related to the request for information from the subject Member and complainant as there was presently duplication in the roles played by the Monitoring Officer and Investigating Officer. It was suggested that questions to the complainant and subject Member regarding suggested evidence and lines of enquiry might more properly come from the Investigating Officer.

It was noted that there were, in addition, a number of small changes required to the terminology within the procedure to fulfil certain statutory requirements.

### **RESOLVED that**

- 1) **the proposed amendments to the Procedure for the Local Assessment and Investigation of Complaints that Councillors have breached the Code of Conduct as set out at Appendix 1 to the report be adopted; and**
- 2) **delegated authority be given to the Monitoring Officer to make amendments to the Procedure for the Local Assessment and Investigation of Complaints in line with statutory provisions and guidance.**

### **15. CHAIR'S / MEMBERS' REPORTS**

There were no reports from the Chair or Members of the Committee.

### **16. PARISH COUNCIL REPORT (IF ANY)**

Given the absence of the Parish Council representatives, there was no report from the Parish Council.

### **17. PUBLICATIONS**

Members considered the Standards for England Bulletin No. 48 (August 2010) and the Press Release from the Department for Communities and Local Government published on 20th September 2010 on the future of the Standards regime.

Members were not convinced that the Press Release indicated a proper understanding of the nature of most Standards cases and focussed unnecessarily on those very rare cases of corruption which occurred. The Committee was advised that they could make their views on the matter known via the website of Local Government Improvement and Development (formerly the IDeA).

# **STANDARDS**

Committee

13th October 2010

---

**RESOLVED that**

**the publications be noted.**

**18. WORK PROGRAMME**

The Monitoring Officer indicated her intention to provide additional training on the Council's Code of Conduct, both now for existing Members and also following the elections in May 2011 for new Members. It was indicated that this could be provided to individual Groups should that be more convenient.

**RESOLVED that**

**subject to the preamble above, the Committee Work Programme be noted.**

The Meeting commenced at 7.00 pm  
and closed at 8.31 pm

.....  
Chair



**STANDARDS  
COMMITTEE**

20th April 2011

**CHANGES TO THE ETHICAL FRAMEWORK FOR MEMBERS - LOCALISM  
AGENDA**

Relevant Portfolio Holder	<b>Councillor Michael Braley, Portfolio Holder for Corporate Management</b>
Relevant Head of Service	<b>Claire Felton, Monitoring Officer</b>
Non-Key Decision	

**1. SUMMARY OF PROPOSALS**

- 1.1 The Localism Bill proposes the abolition of the existing Standards regime.
- 1.2 Members views are sought on how the Council should respond to the proposed changes, should they subsequently be enacted.

**2. RECOMMENDATIONS**

The Committee is asked to **RESOLVE** that:

- 1) **the proposed changes to the ethical framework for members be noted ; and**
- 2) **Officers note the comments (if any) of the Committee on an appropriate way forward for the Council, should the provisions of the Localism Bill be enacted.**

**3. BACKGROUND**

- 3.1 The Government announced its intention in May 2010 to 'abolish the Standards Board regime'. No further details were available at the time as to whether that meant surgical removal of the centralised national apparatus, or abolition of the entire ethical framework.
- 3.2 In September 2010 the Department for Communities and Local Government (DCLG) announced that "the whole Standards Board regime consisting of a centrally prescribed code of conduct, standards committees with the power to suspend councillors and an unelected central body will be axed in the upcoming Localism Bill".
- 3.3 The DCLG's announcement also advised that in place of the current Standards Board regime the Government would introduce legislation "to ensure that if a councillor is corrupt and abuses their office for personal gain they will be dealt with in the criminal courts".

## STANDARDS COMMITTEE

20th April 2011

3.4 In December 2010 the Localism Bill provided more information on proposals for the future of standards in local government. It is still a Bill and not law. Even if the legislation is passed as published later this year, implementation may not be until late 2011 or 2012. In the meantime, the current framework continues until the legislation is brought into effect.

### 4. KEY ISSUES

4.1 The Localism Bill proposes the **abolition** of:

- the **mandatory Code of Conduct** for members
- the **mandatory process** for dealing with complaints against Members
- **suspensions/disqualifications** for breaches of the Code
- the **requirement to have a Standards Committee and Standards for England**.

4.2 The Bill proposes that there will be a continuing requirement for members to **register and declare personal interests** and not use their position improperly for personal gain. Wilful breach of these requirements will become a **criminal offence**.

4.3 Local authorities will have **discretion**:

- **whether to have any local Code of Conduct** at all
- over the **content of any local Code** it adopts
- **how to deal with complaints** against members and
- whether to have a Standards Committee.

4.4 The Committee is asked whether it has any **early steer** as to the Council's approach should the Bill be enacted. It is not yet the law, and Bills do change or fall. However, some **relevant questions** are:

- Should we have a Code?
- If so, should we retain the existing Code? If not, what are the 'best bits' from the existing Code to be recycled? What should be left out?
- Should anything else be included in a Code?
- Should any steps be taken to homogenise the approach with other Districts and the County?
- Should we have a Standards Committee?
- If we have a Code, how should we deal with complaints against members?

## STANDARDS COMMITTEE

20th April 2011

---

### Abolition of the 'Standards Board regime'

- 4.5 The Localism Bill pursues the Government's promise to abolish the 'Standards Board Regime' in England introduced by the Local Government Act 2000. Various amendments to existing legislation will be required in order to abolish:
- A mandatory Model Code of Conduct for members of local authorities
  - Statutory Standards Committees of local authorities;
  - Standards for England, and
  - The jurisdiction of the First Tier Tribunal in relation to local government standards in England.
- 4.6 One minor amendment consequential to the removal of the statutory requirement to have a Standards Committee relates to the grant and supervision of exemptions from political restrictions to Council officers. Currently, the Council's Standards Committee considers any application for exemption from a political restriction. Under the Localism Bill, this role is passed to the Head of Paid Service (i.e. the Chief Executive).
- 4.7 If passed, the abolition of Standards for England and revocation of the mandatory Code of Conduct for members and statutory complaints procedures will take place on a date to be appointed by the Secretary of State. In the meantime, allegations of misconduct against a member of the Council are to be dealt with under the current framework until it is revoked.
- 4.8 The Localism Bill gives the Secretary of State the power to make transitional provisions in relation to the abolition of the 'Standards Board regime' and its replacement with localised discretion.

### **Duty to promote and maintain high standards of conduct**

- 4.9 Although the mandatory tools to achieve this are to be removed, the Localism Bill would still impose a **statutory duty** on the Council to "promote and maintain high standards of conduct by members and co-opted members" of the Council.

### **Voluntary Code of Conduct**

- 4.10 The Localism Bill allows Councils to adopt a "voluntary code of conduct" dealing with the conduct that the Council expects of members and co-opted members of the Council when they are **acting in their official capacity**.

## STANDARDS COMMITTEE

20th April 2011

---

- 4.11 The Bill provides that the Council may decide:
- to **revise its existing mandatory Members' Code of Conduct** and adopt this revision as the Council's voluntary Members' Code of Conduct;
  - to **adopt a new** voluntary Members' Code of Conduct to replace its existing mandatory Members' Code of Conduct, or
  - to **withdraw** its existing mandatory Members' Code of Conduct without replacing it.
- 4.12 Given the expectations of proper behaviour and the proposed statutory duty to maintain high standards, members may well consider that having no Code at all to set the yardstick would be retrograde.

### Complaints

- 4.13 If the Council adopts a Code, then members would have to comply with it – it is not 'voluntary' for individual members. If a written allegation is made to the Council that a member or co-opted member of the Council has failed to comply with it, the Council must:
- consider whether it is **appropriate to investigate** the allegation, and
  - if the Council decides that an investigation is appropriate, **investigate** the allegation in such manner as the Council thinks fit.
- 4.14 There would need to be some mechanism for deciding those questions. What mechanisms would be a matter for the Council, subject to basic principles of natural justice. It might be thought that the current mandatory system is too complex and lengthy, and a **simpler, faster (and cheaper) system** would be an improvement, together with an **early filtering** power to cut political/vexatious complaints off at source.
- 4.15 Is there room also within the filtering process to allow an **informal referral of a complaint to the political Group** involved to consider invoking group discipline? There may be merit to be at least a filtering option eg for intermediate cases where a formal investigation/disposal may be disproportionate but there is room to ruminate on member behaviour alleged, with even a power to refilter again if no satisfactory outcome.
- 4.16 If the Council were to adopt a Code and find on complaint that a member had **failed to comply** with the Code, then the Council 'may have regard to this failure' in deciding:



## STANDARDS COMMITTEE

20th April 2011

- whether to take action in relation to the member or co-opted member, and
  - what action to take.
- 4.17 However, the Bill is a bit thin on this, and does **not provide an express power to impose any particular sanctions** on members who fail to comply with a Code. It is likely to be a **power to censure/name and shame, with perhaps the Committee deciding the level of publicity**. This is in contrast to the current Standards Regime, which provides the following sanctions:
- Censure of the Member
  - Full or partial suspension either for a specified period of time (not exceeding six months) or until the member has met a requirement set by the Standards Committee (written apology, training or conciliation);
  - Restriction of the member's access to Council premises or use of Council resources;
  - Requirement to submit a written apology;
  - Requirement to undertake training;
  - Participation in conciliation.

### Disclosure and Registration of Members' Interests

- 4.18 The Bill allows for Regulations requiring the Council's Monitoring Officer (Head of Legal and Democratic Services) to establish and maintain a "Register of Members' Interests" of the Council's members. It is clear that the issue of **'conflict of interests' will remain a significant plank of the future framework**.
- 4.19 These Regulations may make provision:
- (a) Specifying the financial and other interests that must be registered;
  - (b) Requiring any member who has a specified interest to disclose it before taking part in business of the Council relating to it;
  - (c) Preventing or restricting the participation of a member in any business of the Council to which an interest relates;
  - (d) For the Council to grant dispensations in specified circumstances from a prohibition;
  - (e) About the sanctions that the Council may impose on a member for failure to comply. These will not include:
    - suspension or partial suspension of a member, or
    - disqualification of a member;
  - (f) Requiring the Council to make copies of the Register of Members' Interests available to the public.

## STANDARDS COMMITTEE

20th April 2011

- 4.20 Until draft Regulations are produced setting out the “financial and other interests” that will be required to be registered/declared, we can only guess how this “new” Register will differ from the existing one.

### **Criminalising breaches of requirements concerning interests**

- 4.21 What is clear, though, in contrast to the general relaxation of the ethical framework, is the legislative intent to **amplify the importance of avoiding conflicts of interest**. Members will commit a **criminal offence** where they without reasonable excuse:
- (a) Fail to register “a financial or other interest” in accordance with the Regulations;
  - (b) Fail to disclose an interest of a specified kind before taking part in Council business relating to it; and
  - (c) Take part in Council business to which an interest relates, contrary to a prohibition imposed by the Regulations.
- 4.22 Where a member is convicted of such an offence they may be **fined up to £5,000**. In addition, **the court** may make an order **disqualifying** a person convicted from being or becoming a member of the Council or any other “relevant authority” for a period of up to five years.
- 4.23 Any prosecution for an offence must be brought by the Director of Public Prosecutions, and no proceedings may be brought more than 3 years after the date of the offence.
- 4.24 It is anticipated that the Localism Bill (which is wide-ranging, with the provisions on the Standards Regime only a very small part), may take up to a year before being brought into force. The abolition of the current Standards Regime may have a separate timescale to the rest of the Bill. **Until the relevant sections of the Localism Bill are brought into force the current statutory framework remains operative.**
- 4.25 Members are asked to consider the best approach for the Council and the questions raised earlier in the report.

## **5. FINANCIAL IMPLICATIONS**

There are no direct financial implications arising out of this report.

## **6. LEGAL IMPLICATIONS**

This report considers the implications of the Localism Bill.

**STANDARDS  
COMMITTEE**20th April 2011

---

**7. POLICY IMPLICATIONS**

There may be policy implications in due course with regard to the Council's approach to the ethical framework for Members. The present report has no direct policy implications.

**8. COUNCIL OBJECTIVES**

This report links to the Council priority of a Well-Managed Organisation.

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

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

- Individual Members failing to receive the necessary support and guidance on the Council's ethical framework; and
- The Council being brought into disrepute

**10. CUSTOMER IMPLICATIONS**

The present report is the basis for initial discussions on the possible replacement of the current Standards regime and, as such, has no direct implications

**11. EQUALITIES AND DIVERSITY IMPLICATIONS**

The present report is the basis for initial discussions on the possible replacement of the current Standards regime and, as such, has no direct implications

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

None identified.

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

None identified.

**14. HUMAN RESOURCES IMPLICATIONS**

None identified.

**STANDARDS  
COMMITTEE**

20th April 2011

**15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS**

The present report is the basis for initial discussions on the possible replacement of the current Standards regime and, as such, has no direct implications. However, the Council's arrangements for its ethical framework will have major implications for governance in due course.

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

None identified.

**17. HEALTH INEQUALITIES IMPLICATIONS**

None identified.

**18. LESSONS LEARNT**

Experience to date has demonstrated the present arrangements to be protracted which members might wish to take into consideration.

**19. COMMUNITY AND STAKEHOLDER ENGAGEMENT**

None identified.

**20. OTHERS CONSULTED ON THE REPORT**

Please include the following table and indicate 'Yes' or 'No' as appropriate.

Delete the words in italics.

Portfolio Holder	No
Chief Executive	No
Executive Director (S151 Officer)	No
Deputy Chief Executive/Executive Director – Leisure, Environment and Community Services	No
Executive Director – Planning & Regeneration, Regulatory and Housing Services	No
Director of Policy, Performance and Partnerships	No

**STANDARDS  
COMMITTEE**

20th April 2011

Head of Service	Yes
Head of Resources	No
Head of Legal, Equalities & Democratic Services	Yes
Corporate Procurement Team	No

**21. WARDS AFFECTED**

No direct Ward relevance.

**22. APPENDICES**

None.

**23. BACKGROUND PAPERS**

There are no background papers.

**AUTHOR OF REPORT**

Name: The Background and Key Issues sections were prepared by Simon Mallinson, Head of Legal and Democratic Services, Worcestershire County Council for a report to the Standards and Ethics Committee, Worcestershire County Council and which was subsequently shared with District colleagues– if you have enquiries about this report please contact Clare Flanagan, Deputy Monitoring Officer, Redditch Borough Council.

E Mail: [clare.flanagan@redditchbc.gov.uk](mailto:clare.flanagan@redditchbc.gov.uk)

Tel: (01527) 64252 (Extn. 3173)



REDDITCH BOROUGH COUNCIL**STANDARDS  
COMMITTEE**

20th April 2011

**MONITORING OFFICER'S REPORT**

Relevant Portfolio Holder	Councillor Michael Braley, Portfolio Holder for Corporate Management
Relevant Head of Service	Claire Felton, Monitoring Officer
Non-Key Decision	

**1. SUMMARY OF PROPOSALS**

This is the third report of the Monitoring Officer. As was agreed at the last meeting, It is proposed that a report of this nature will be presented to each meeting of the Standards Committee to advise the Committee on a number of items.

**2. RECOMMENDATIONS**

**The Committee is asked to RESOLVE that**

**the report of the Monitoring Officer be noted and commented upon as appropriate.**

**3. BACKGROUND**Member Investigations

- 3.1 Members are advised that the Investigating Officer's report for complaint reference 01/2010 was considered at a hearing of the Standards Determination Sub-Committee on 8th November 2010. The Standards Determination Sub-Committee found as follows:-

That Councillor [Nigel] Hicks had failed to follow the Code of Conduct by being in breach of Part 1 paragraphs 3(1) and 5 in that he failed to treat others with respect and had conducted himself in a manner which could reasonably be regarded as bringing his Office or Authority into disrepute.

The Standards Committee's reasons for this decision were:

that Councillor Hicks had no reason to comment on the actions of other Councillors in withdrawing from the meeting and that his comments were personal criticism of other Councillors rather than a political exhortation to vote; and

**REDDITCH BOROUGH COUNCIL**

**STANDARDS  
COMMITTEE**

**20th April 2011**

---

the comments made by Councillor Hicks were capable of reducing public confidence in the office of Councillor.

- 3.2 The Sub-Committee decided that a suitable letter of apology, which recognises and apologises for his failure to comply with the Code, as approved by the Chair of this Sub-Committee in consultation with the Monitoring Officer be sent to Councillor King and ex-Councillor Hunt and that, in addition, the Sub-Committee requires Councillor Hicks attend a training session in order to ensure he fully understands why his actions have been determined as a breach of the Code of Conduct. The Sub-Committee would ask the Monitoring Officer to arrange this.
- 3.3 The Committee is advised that the Investigating Officer's report for complaint reference 03/2010 was considered at a Sub-Committee meeting on 28th March 2011 at which the Sub-Committee concurred with the finding of the Investigating Officer that there had been no failure to follow the Code of Conduct. The matter was therefore deemed to be closed and the subject Member requested, as was their right, that no notice should appear in the local newspaper detailing the outcome of the Sub-Committee.
- 3.4 Finally, Members are advised that the draft report of the Investigating Officer into complaint reference 02/2010 has been concluded and is with relevant parties for consideration. The Investigating Officer has determined that there may have been a breach of the Code of Conduct in this case and, following receipt of the comments of the parties concerned and finalisation of the report, it is anticipated that a meeting of the Consideration Sub-Committee will be convened.
- 3.5 The Committee is asked to note that the details of only those complaints which have already been assessed by the relevant Assessment Sub-Committee are included in this report. Any complaints or other matters (for example, matters referred back to the Assessment Sub-Committee by the Monitoring Officer under Regulation 16 of the Standards Committee (England) Regulation 2008) which are currently awaiting assessment, or for which Assessment Sub-Committee decisions are in the process of being issued, are not included as the Subject Members concerned will not be aware that a complaint has been made against them until after the assessment stage.

**4. KEY ISSUES**

None



**REDDITCH BOROUGH COUNCIL****STANDARDS  
COMMITTEE**20th April 2011

---

**5. FINANCIAL IMPLICATIONS**

None

**6. LEGAL IMPLICATIONS**

The Local Government Act 2000 introduced primary legislation to enable the implementation of a Members' Code of Conduct, and this was amended by the Local Government and Public Involvement in Health Act 2007 insofar as it related to the application of the Members' Code of Conduct to their private lives. Further details have been provided by the Local Authorities (Model Code of Conduct) Order 2007 and the Relevant Authorities (General Principles) Order 2001. The local assessment regime was introduced by the LGPIHA 2007, and further expanded in the Standards Committee (England) Regulations 2008 which also set out the rules and procedures governing the investigation and determination of complaints.

**7. POLICY IMPLICATIONS**

None

**8. COUNCIL OBJECTIVES**

This item does not link directly with any Council objectives

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

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.

**10. CUSTOMER IMPLICATIONS**

None

**11. EQUALITIES AND DIVERSITY IMPLICATIONS**

None

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

REDDITCH BOROUGH COUNCIL**STANDARDS  
COMMITTEE**20th April 2011

---

None

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

None

**14. HUMAN RESOURCES IMPLICATIONS**

None

**15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS**

None

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

None

**17. HEALTH INEQUALITIES IMPLICATIONS**

None

**18. LESSONS LEARNT**

None

**19. COMMUNITY AND STAKEHOLDER ENGAGEMENT**

None

**20. OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	No
Chief Executive	No
Executive Director (S151 Officer)	No
Executive Director – Leisure, Cultural, Environmental and Community Services	No

**REDDITCH BOROUGH COUNCIL****STANDARDS  
COMMITTEE**

20th April 2011

Executive Director – Planning & Regeneration, Regulatory and Housing Services	No
Director of Policy, Performance and Partnerships	No
Head of Service	Yes
Head of Resources	No
Head of Legal, Equalities & Democratic Services	Yes
Corporate Procurement Team	No

**21. WARDS AFFECTED**

All Wards

**22. APPENDICES**

None

**23. BACKGROUND PAPERS**

None

**AUTHOR OF REPORT**

Name: Claire Felton  
 E Mail: [claire.felton@redditchbc.gov.uk](mailto:claire.felton@redditchbc.gov.uk)  
 Tel: (01527) 64252 (Extn. 3210)



**STANDARDS  
COMMITTEE**

20th April 2011

---

**STANDARDS COMMITTEE WORK PROGRAMME 2011/12**

Relevant Portfolio Holder	Councillor Michael Braley, Portfolio Holder for Corporate Management
Relevant Head of Service	Claire Felton, Monitoring Officer
Non-Key Decision	

**ON CURRENT AGENDA**

- Localism Bill / Agenda

**SEPTEMBER 2011**

- Code of Conduct Training for Members

**TO BE ALLOCATED TO SUITABLE AVAILABLE DATES, DEPENDENT ON AGENDA**

- Mock complaints training
- Visit by Members from other authorities' Standards Committees
- CRB checks
- Work Programme for 2011/12
- Canvass Member opinion on what Members are looking for Standards Committee to do/ any areas where Standards Committee should be more active.

