

**STANDARDS  
COMMITTEE**

**12th December 2012**

**MONITORING OFFICER'S REPORT**

Relevant Portfolio Holder	Councillor Phil Mould, Portfolio Holder for Corporate Management
Portfolio Holder consulted	
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.**

**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 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

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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**

### **New Standards Regime & Disclosable Pecuniary Interests forms**

- 3.3 A new standards regime which introduced fundamental changes to the system of regulation of the standards of conduct for elected Members and co-opted Members (with voting rights) came into force on 1st July 2012.
- 3.4 Under the new regime Members are still required to comply with a Code of Conduct and the authority has established arrangements under which complaints that a Member (at either parish or district level) has failed to comply with his or her authority's Code of Conduct can be dealt with.
- 3.5 Members are required to complete a Register of Members' Disclosable Pecuniary Interests (DPI) form. Section 29 of the Localism Act requires that all parish and district DPI forms be published on the District Council's website. If a parish council has a website it too must ensure that its Members' forms are published on the parish council's website. A hard copy of the master Register of Interests is also available for inspection at the Town Hall. Officers have been liaising with Members and the Feckenham Parish Council Clerk in recent months on the submission and completion of DPI forms.

### **Appointment of Independent Persons**

- 3.6 The Localism Act requires that the arrangements put in place to deal with complaints against Members must include provision for the appointment by the authority of at least one Independent Person whose views are to be sought, and taken into account, by the authority before it makes its decision on a complaint allegation that it has decided to investigate, and whose views may be sought by the authority or subject Member in certain circumstances.
- 3.7 Following a formal recruitment and selection process interviews with a joint Member/Officer panel (comprising the Monitoring Officer, Deputy Monitoring Officer, Chair and Vice-Chair of the Standards Committee) took place in July. Ms Megan Harrison was recommended for appointment by the panel and full Council on 23rd July 2012 approved Ms Harrison's appointment.

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- 3.8 The Monitoring Officer further suggested to full Council that in order to minimise costs and in view of the low number of complaints at Redditch, that Bromsgrove District Council be approached to ascertain whether it would be possible, if necessary, to make use of the services of that Authority's Independent Person (when appointed) if a substitute Independent Person was required. The Monitoring Officer also reported that as Bromsgrove District Council had, at that point, been unsuccessful in recruiting an Independent Person, a request had been received from that Authority to use the services of Ms Harrison should it prove necessary to do so in the interim. Both requests were approved by the Council.

### Parish Representative and Independent Observer on the Standards Committee

- 3.9 Full Council has agreed that the composition of the Standards Committee will include one Feckenham Parish Council Representative and one Independent Observer. Both roles are non-statutory, non-voting co-opted positions, with the Independent Observer position being for a transitional period and subject to annual review. The arrangements for parish involvement will also be reviewed after 12 months to monitor effectiveness.
- 3.10 As advised at the 16th July 2012 meeting, Fiona Hawker has been appointed as the Feckenham Parish Council Representative on the Committee. Ms Hawker has since confirmed to Officers that Mr Patrick Hawkins will act as her deputy on the Committee, where necessary. Mr Michael Collins, former Independent Member on the previous Standards Committee under the old regime, has been appointed as the Independent Observer to the Committee.

### Member Dispensations and Complaints

- 3.11 Members' attention is drawn to the separate report which appears later in this agenda in relation to the granting of general dispensations under s33 of the Localism Act, together with the processes for the investigation and reporting of complaints and for local hearings.

### Member Training

- 3.12 The majority of the training detailed in the 2012/13 programme of Member training has now been completed, with 'mop-up'/1:1 sessions being arranged as necessary for those Members who have been unable to attend certain of the sessions.

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- 3.13 A training session on Equalities and Diversity remains to take place and further training sessions/workshops on the new standards regime will be arranged as and when deemed necessary.
- 3.14 The Member Support Steering Group will be meeting in due course to evaluate the training which has taken place as part of the 2012/13 programme.

## **Customer / Equalities and Diversity Implications**

- 3.15 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.
- 3.16 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  
Standards report to Full Council on 21st May 2012

## **AUTHOR OF REPORT**

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