

AUDIT, GOVERNANCE AND STANDARDS COMMITTEE

3rd July 2014

MONITORING OFFICER'S REPORT – STANDARDS REGIME

Relevant Portfolio Holder	Councillor John Fisher, 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 standards regime matters which are of relevance to the Audit, Governance and Standards Committee since the last meeting of the former Standards Committee on 24th October 2013.
- 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. Any further updates arising after publication of this report will be reported orally by the Monitoring Officer at the meeting.

2. RECOMMENDATIONS

The Committee is asked to RESOLVE that

- 1) the report of the Monitoring Officer, together with any additional updates provided by the Monitoring Officer at the meeting, be noted and commented upon as appropriate; and**
- 2) the membership of the Hearings Sub-Committees, as detailed at paragraph 3.7 of this report, be agreed.**

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

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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 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 – October 2013 to June 2014

3.3 Two formal complaints were made against Borough Councillors during the period October 2013 to June 2014, as detailed below.

- A complaint was made about a press release quoting a senior Member during the pre-election period. Preliminary enquiries established that this was not a Council press release but that even if it were, quoting a Member holding a key position would not necessarily be in breach of the Code of Practice for the pre-election period where the circumstances were such that an emergency, or where there was a genuine need for a Member to respond to an important event outside the authority's control (which this was).
- A member of the public complained about a Member's conduct. A preliminary enquiry established that the issue related to a personal situation in the Member's private life. Although the Code of Conduct did not therefore apply, the Monitoring Officer spoke to the Member concerned about the matter.

3.4 Two further standards-related issues, which were not formal Member complaints but which the Monitoring Officer feels should be reported to the Committee to help illustrate the situations that have arisen and which will also help the Council in fulfilling its statutory duty to promote and maintain high standards of Member conduct, are detailed below.

- A member of the public complained on social media about a Member in relation to conduct in his/her personal life. This was referred to the Monitoring Officer for consideration. On the basis that the Code of Conduct did not apply to a Member when acting in their personal capacity, the matter was not pursued as a Member complaint. However, the Monitoring officer spoke to the Member's Group Leader who in turn

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raised the matter informally with the Member for information and to help prevent a recurrence.

- A query was raised with the Monitoring Officer on two separate occasions when correspondence appeared in the letters pages of the local press from members of the Planning Committee and referring to specific planning applications that had been made. The Monitoring Officer agreed that this was not appropriate conduct by those Members and raised the matter with Group Leaders, who agreed to speak to their Members to point out the risks to the Council of such actions, potentially undermining the decision and its soundness in procedural terms.

Hearings Sub-Committees

- 3.5 As part of the Council's Arrangements for Managing Standards Complaints under the Localism Act 2011, Hearings Sub-Committees exist, the membership of which needs to be agreed annually should a complaint reach Hearing stage.
- 3.6 As set out in the Committee Memberships report to the Annual Meeting of the Council on 9th June 2014, the chairing of the Hearings Sub-Committees will vary according to the circumstances of the Hearing (Labour Chair for Hearing about a Conservative Member and Conservative Chair for Hearing about a Labour Member).
- 3.7 The parent Committee of the Hearings Sub-Committees – previously the Standards Committee and now the Audit, Governance and Standards Committee – establishes membership of the Sub-Committees. Based on the same formula which was previously applied to the Sub-Committee memberships, the memberships set out are proposed, which Members are asked to consider:

Hearings Sub-Committee 1

Cllr Bennett (Chair), Cllr Brookes and Cllr Fisher.

Hearings Sub-Committee 2

Cllr P Witherspoon (Chair), Cllr Braley and Cllr Potter.

Hearings Sub-Committee 3

Cllr Thain (Chair), Cllr R Smith and Cllr J Witherspoon.

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Member Training

- 3.8 Following discussion with the Member Steering Group there was no training in the months leading up to the elections, except for support for the introduction of iPads for all Councillors. The iPads have been introduced as a means of Councillors being able to access e-mails securely. This complies with Public Service Network requirements from Central Government – since the Council shares data with the Department for Work and Pensions there are very strict requirements to ensure that this cannot be transmitted to the public. One set of introductory training has been delivered; and follow-up sessions are now being arranged for all Councillors.
- 3.9 The Steering Group agreed a programme of induction events for Councillors to follow the elections in late May. This started with a short induction evening the week after the elections where a broad overview of the main issues facing the Council and its approach to Transformation was given by the Chief Executive. The Deputy Monitoring Officer also explained the Code of Conduct and associated requirements. The evening was attended by all new Councillors.
- 3.10 The Steering Group agreed that Planning and Licensing training would be mandatory for those Councillors new to the Committees or who had not carried out mandatory training during the last municipal year. The Planning training was intensive over two evenings. It was well attended and very well received, with spare places being taken up by Councillors from other authorities. Their authorities are paying for the places on a pro rata basis, which will meet approximately a third of the costs.
- 3.11 Other sessions in the programme include: Overview and scrutiny; safeguarding; data protection and equalities. All will be delivered by the end of July.
- 3.12 Immediately prior to this evening's meeting of the Audit, Governance and Standards Committee will be an hour's general (non-mandatory) introductory/refresher training covering External Audit, Internal Audit and Standards/the Code of Conduct. This is aimed to support members of the Committee and any Members who may wish to sit as substitutes on the Committee. This will be the first time External Audit training has been included with Internal Audit training (as well as training on the new Standards element), thus providing a more comprehensive introductory/refresher session for Members.

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Feckenham Parish Council Representative on the Committee

- 3.13 The Audit, Governance and Standards Committee comprises 9 elected Members (Redditch Borough Councillors), 1 Independent Member (non-voting co-opted) for the purpose of Audit and Governance and 1 Feckenham Parish Council Representative (non-voting co-opted) for the purpose of Standards. The Parish Council also seeks to appoint a Deputy Parish Representative to substitute for the Parish Representative should they be unable to attend a meeting.
- 3.14 Officers have been notified that Fiona Hawker, Feckenham Parish Council Representative, resigned from the Parish Council in early June. The role of Deputy Parish Representative is currently vacant. Officers have therefore requested that the Parish Council Clerk include an item on the agenda for the next Parish Council meeting seeking a replacement for both Ms Hawker and the Deputy Parish Representative on the Committee.

Independent Observer on the Committee

- 3.15 At the meeting of Full Council on 24th February 2014 Members agreed that the former Audit & Governance and Standards Committees be combined to form a single Audit, Governance and Standards Committee. Tonight sees the first meeting of the new Committee.
- 3.16 When the then new standards regime was introduced in July 2012 the Council agreed that, as a transitional arrangement, a former Independent Member of the previous Standards Committee be co-opted on to the new Standards Committee as an 'Independent Observer' (a non-voting non-statutory role). This appointment was made for an initial period of 12 months in order to assist in the general monitoring of effectiveness of the new standards regime.
- 3.17 In July 2013 it was agreed that the Independent Observer arrangement continue for a further 12 months and that this again be subject to review in July 2014. Consideration will therefore need to be given to the transitional role of Independent Observer first introduced in July 2012 and the Monitoring Officer will update Members on the position with this at the meeting.
- 3.18 Members are asked to note that the role of the non-voting co-opted Independent Observer is entirely separate to that of the 'Independent Person' role; the role of Independent Person being a statutory role established under the Localism Act 2011. The Independent Person role will continue under the standards regime with the Independent Person working closely with the

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Monitoring Officer in the consideration and resolution of Member complaints. The Independent Person's views must be sought and taken into account by the authority before it makes a decision on a complaint allegation which it has decided to investigate, and their views may also be sought by the authority or a Subject Member in certain (complaint) circumstances.

Customer / Equalities and Diversity Implications

- 3.19 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.
- 3.20 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

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