

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

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

**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

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
Tel: (01527) 64252 (Extn. 3210)