

REDDITCH BOROUGH COUNCIL

STANDARDS COMMITTEE

26th March 2012

MONITORING OFFICER'S REPORT

Relevant Portfolio Holder	Councillor Michael Braley, Portfolio Holder for Corporate Management
Portfolio Holder consulted	
Relevant Head of Service	Claire Felton, Monitoring Officer
Wards affected	All Wards
Ward Councillor consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

This is the third report of the Monitoring Officer. 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. KEY ISSUES

Financial Implications

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

Legal Implications

- 3.2 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. This regime is in the process of being replaced following the passing into law of the Localism Act 2011.

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Service / Operational Implications

Member Investigations

- 3.3 Members are advised that the Investigating Officer's report for complaint reference 02/2010 was considered at a hearing of the Standards Determination Sub-Committee on 28th November 2011. The Standards Determination Sub-Committee found as follows:-

The Sub-Committee has decided that there has been no breach of the Redditch Borough Council Code of Conduct.

The Standards Committee's reasons for this decision were:

The Sub-Committee accepted former Councillor Vickery's argument that the comments were made within a political context and that no personal offence was intended to the Leader of Redditch Borough Council. However, the Sub-Committee did consider that the comments were intended to be sensationalist and that the point could have been made in a more appropriate way.

- 3.4 No recommendations were made to the authority.
- 3.5 Finally, Members are advised that the Assessment Sub-Committee considered complaint reference 01/2011 at a meeting on 27th April 2011. The Sub-Committee determined that there had not been a breach of the Code of Conduct in this case and that no action should be taken on the allegations. No request for a review of this decision was received from the complainant.
- 3.6 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 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.

Member Training

- 3.7 The 2012/13 programme of Member training is currently being established. It is intended that this will include training on the Code of Conduct under the

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new standards regime which it is anticipated will come into force on 1st July 2012. Whilst non-mandatory, it will be highly desirable for all Members to attend the Code of Conduct training. Three separate sessions will be run for this: one for Redditch Borough Councillors; a second for Bromsgrove District Councillors; and a third for Parish Councillors and Parish Clerks/Executive Officers. However, none of the sessions will be exclusive, meaning Members can attend any session they wish. Any Independent Persons appointed under the new regime should also attend one of the sessions.

- 3.8 The Bromsgrove District Councillor session will take place at 6.30pm on Wednesday 13th June. The session will be conducted by Simon Mallinson, Head of Legal and Democratic Services and Monitoring Officer at Worcestershire County Council. Dates for the remaining two sessions, which will be conducted by a separate external provider, will be established shortly.
- 3.9 Separate mandatory training for all members of the Standards Committee will take place immediately prior to the first meeting of the new successor Standards Committee on Monday 16th July. Further Standards Committee mandatory training sessions will then be arranged as necessary.

Localism Act 2011

- 3.10 The Localism Act became law on 15th November 2011. A separate report on the implications of the Act for the standards regime and standards committees appears at item 7 of this agenda.

Standards for England

- 3.11 As outlined in the standards provisions of the Localism Act, the regulatory role of Standards for England (SfE) ceased to exist on 31st January 2012. From that date, SfE no longer had powers to accept new referrals from local standards committees or conduct investigations into complaints against Members. Its role in providing guidance on the existing standards framework has also ceased and any guidance previously issued by SfE now takes on a different status to reflect the cessation of its regulatory role. It is anticipated that the organisation will formally close on 31st March 2012.

Customer / Equalities and Diversity Implications

- 3.12 No such implications have been identified.

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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

Member complaint files (much of which is confidential)

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