

REDDITCH BOROUGH COUNCIL

**STANDARDS
COMMITTEE**

16th July 2012

MONITORING OFFICER'S REPORT

Relevant Portfolio Holder	Councillor Phil Mould, Portfolio Holder for Corporate Management
Portfolio Holder consulted	Yes
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

- 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 Code of Conduct can be dealt with.
- 3.5 A report detailing the changes and setting out proposals on how the new regime might be implemented, including the granting of dispensations, was considered by Full Council on 21st May 2012. Following publication of the Disclosable Pecuniary Interests Regulations on 8th June the revised Code of Conduct and arrangements for managing standards complaints are being referred back to Full Council on 23rd July for ratification.
- 3.6 Under the new regime all Redditch Borough Councillors and Feckenham Parish Councillors are required to complete a new Register of Members' Disclosable Pecuniary Interests form. A copy of the new form was sent to all Members and the Clerk to Feckenham Parish Council on 21st June for completion. Members have been asked to complete and return their form as soon as possible, and by the end of July at the latest. The Monitoring Officer and Deputy Monitoring Officer are providing assistance to Members on any specific queries in relation to the registration of interests.
- 3.7 A separate report detailing proposals for the appointment of sub-committees of the Standards Committee as part of the arrangements under which allegations that a Member has failed to comply with their Code of Conduct can be investigated, and decisions made on such allegations, appears separately in this agenda.

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Independent Persons

- 3.8 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. The authority intends to appoint two such Independent Persons.
- 3.9 Following a formal recruitment and selection process interviews in this regard will take place in July, with any recommendations for final appointments to be approved by Full Council.

Parish Representative and Independent Observer on the Standards Committee

- 3.10 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. Appointments to both positions are currently pending.

Member Training

- 3.11 The 2012/13 programme of Member training has been established and a number of Members have completed various elements of both essential and non-essential training. Various "mop-up" sessions are being arranged for Members who have been unable to attend certain essential sessions.
- 3.12 Three sessions on the new Code of Conduct for Members took place in June. All three sessions were attended by representatives of the Economic Crime Unit of West Mercia Constabulary, who will be responsible for conducting any investigations into possible criminal breaches of the Code of Conduct. Further standards training sessions/workshops will be arranged as necessary.

Customer / Equalities and Diversity Implications

- 3.13 Any process for managing standards of behaviour for elected and co-opted Councillors must be accessible to the public. It is therefore proposed that

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an impact assessment will be carried out on the complaints process when established, to ensure accessibility.

3.14 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

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