Standards in Local Government

Annual Report of the Standards Committee 2008/09
Foreword from the Chairman

Introduction
Welcome to this the Second Annual Report of Bromsgrove District Council’s Standards Committee for the 2008/09 Municipal Year, which I hope you will find both useful and informative. The Report provides a brief overview of the role and make-up of the Committee and gives an insight into some of the work carried out by the Committee over the last year, including the local assessment of complaints against councillors. More information about how the local assessment process works, together with details of what is involved in making a complaint, can be found at pages 12 and 13 of the Report.

Background
Standards committees were established under the Local Government Act 2000 and form part of the ethical framework for local government. A key element of the ethical framework is the Code of Conduct which both District and Parish Councillors (who are referred to as “members” within the Code) are required to comply with.

The main functions of the Standards Committee are:

- to promote and maintain high standards of conduct for Councillors;
- to help Councillors to follow the Code of Conduct;
- to give the Council advice on adopting a local Code of Conduct;
- to monitor the effectiveness of the Code;
- to arrange training on the Code;
- to assess and review complaints about Councillors;
- to conduct determination hearings; and
- to grant dispensations to Councillors with prejudicial interests.

There are strict rules which govern the membership of standards committees. Our Committee comprises 8 members, namely:

- 3 Independent Members;
- 3 District Councillors; and
- 2 Parish Councils’ Representatives.

Meetings of the Committee, which are usually held in public, take place every two months at the Council House, the agendas and reports for which are available on the Council’s website at www.bromsgrove.gov.uk.

Looking back at 2008/09
The 2008/09 municipal year saw a significant change for the Standards Committee following the introduction, on 8 May 2008, of the local assessment by standards committees of complaints against Councillors for alleged breaches of the Code of Conduct. On that date local authorities’ standards committees became responsible for receiving complaints and deciding what action, if any, should be taken with these; a function which was previously carried out by the Standards Board for England (which has recently taken on the new operating name of ‘Standards for England’). This has proven to be an extremely interesting and challenging time for the Committee, with 15 complaints having been received since the implementation of the new regime. Further information on the complaints dealt with by the Committee over the last year can be found under Key activities on pages 9 and 10.
In order to fulfil its statutory requirements under local assessment the Standards Committee established three Sub-Committees, namely the:

- Assessment Sub-Committee;
- Review Sub-Committee; and
- Final Determination Sub-Committee.

Each of the Sub-Committees is responsible for dealing with a different stage of the Councillor complaints process. At the time of preparing this Report only the Assessment Sub-Committee had been required to meet. This has involved a steep learning curve for both officers and members of the Committee, with a number of processes and procedures having been developed to support the new regime, each of which are continually monitored and, where appropriate, refined in the light of experience.

Training for members of the Standards Committee, its support officers and Councillors as a whole has been paramount over the last year; in view of both the introduction of local assessment and ongoing ethical governance issues generally.

**The year ahead**

The 2009/10 Municipal Year will see an equally busy time for the Committee as it undertakes a major review of certain aspects of local assessment, including publicity to and promotion of the ethical framework and complaints process.

A new Code of Conduct, on which the Department of Communities and Local Government consulted local authorities in late 2008, is also eagerly awaited, which it is anticipated will involve a change in respect of criminal activity in a Councillor’s personal life (the Code only currently applying to Councillors when they are acting in an official capacity). The Standards Committee (Further Provisions) (England) Regulations 2009 have also recently come into force. These allow the Standards Board to suspend the initial assessment functions of an authority, enable authorities to establish joint standards committees and contain a new provision in relation to dispensations (see further details on page 10).

The Committee also recently approved the establishment of a training programme for the 20 parish councils within the district on ethical governance issues, meaning officers will be working closely with the parishes over the year ahead. Both the publicity to and promotion of the ethical framework and complaints process and the training for the parish councils will link in with the new Code of Conduct.

On a more personal note, the start of the 2009/10 Municipal Year saw Noel Burke take over the chairmanship of the Committee, Noel having previously been Vice-Chairman of this, as I will be completing my second and final term of office in October 2009. I will continue on the Committee, as Vice-Chairman, until the end of my current term. I have greatly enjoyed my time on the Committee and wish both Noel and the Committee continued success in the future.

**Nichola Trigg** - Chairman, Independent Member
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Nichola Trigg has been an Independent Member of the Standards Committee since November 2001 and Chairman of the Committee since June 2003. She qualified as a Chartered Accountant in Birmingham with Coopers and Lybrand (now Pricewaterhouse Coopers) after graduating with a BSc (Hons) in Microbiology and has held a number of senior posts in commercial organisations. She is currently Finance Director and Company Secretary of Redcliffe Catering Group, which provides banqueting and conference facilities (including Birmingham Botanical Gardens and the Centennial Centre), event management and contract catering. Nichola is also a Non-Executive Director and Vice-Chairman of the Worcestershire Acute Hospitals Trust. Locally she is Treasurer of the Hagley Community Association which is a voluntary organisation running Hagley Community Centre and the Hagley Village News. She lives in Hagley Parish and is married with a 12 year old son.

Noel Burke - Vice-Chairman, Independent Member

Noel Burke was appointed as an Independent Member of the Standards Committee in April 2007. He takes a keen interest in the activities of the town and the community and serving on the Standards Committee allows him to become involved with the community in a pro-active way. Noel is employed as a Sales Manager for a manufacturing company within the construction industry and has experience of working with and leading teams. He is married with two children.
Membership of the Committee in 2008/09

Simon Allard - **Independent Member** (until October 2008)

Simon Allard was an Independent Member of the Standards Committee from 2002 to 2008. He studied Law, Criminology, Social Work and Management at Bristol, Keele, Leicester and Aston Universities respectively. He is now retired but worked in the voluntary and public sector at local, regional and national levels. He ended his career with the Department of Health, responsible for inspection, policy development and performance review, predominantly in the social services field. Simon left the Committee in October 2008 following the expiration of his second term of office.

Debbie Roberts - **Independent Member** (from November 2008)

Debbie Roberts has been an Independent Member of the Standards Committee since November 2008. She is a qualified Social Worker, a Chartered Manager and a Member of the Chartered Managers Institute. Debbie has always taken an active interest in her local community and has lived and worked locally for many years. She managed the Multi Agency Resource Centre [MARC] in Charford for five years and more recently has been running her own Community Interest Company, Empowering People In Communities [EPIC]. She is also a Board member of Bromsgrove Citizens Advice Bureau. Debbie lives in Aston Fields in Bromsgrove with her two teenage sons.

Diane Campbell - **District Councillor**

Diane Campbell has been a District Councillor representing Slideslow Ward since February 2008 and previously represented Whitford Ward for 4 years. Diane has been a member of the Standards Committee since May 2008. She is also a member of the Council’s Planning and Licensing Committees and was previously a member of the Council’s Overview and Scrutiny Boards. She has been on the Artrix Trust Board for over 4 years. Diane’s career was in television, as a Producer and Director for both the BBC and ITV. She won several awards, including a Royal Television Society Award, for her work which included documentaries, educational and children’s television. She also taught media for 8 years at Dudley College before retiring to work part-time for a local charity. Diane also has over 20 years experience as a Magistrate, dealing with criminal and family matters.
Ted Tibby - District Councillor

Ted Tibby was first elected to the Council in 1987. During his time as a District Councillor he has served on most of the Council’s committees. He was elected Chairman of the Council in 2004 and is currently Chairman of the Planning Committee. He is a Board member of the Bromsgrove Citizens Advice Bureau, a member of the Bromsgrove Institute and a former member of the Institute of Supervisory Managers. Before entering into local government Ted served 22 years in the army and spent 18 years in the prison service.

Sean Shannon - District Councillor (until May 2009)

Sean Shannon has been a District Councillor, representing Charford Ward, for 7 years and previously represented Stoney Hill Ward for 4 years. He was a member of the Standards Committee from 2002 until May 2009 and is a member of the Council’s Licensing Committee. He holds Board member positions on both Bromsgrove District Housing Trust and Avoncroft Museum. Sean was also a County Councillor until 2009, representing Bromsgrove West Division, and served on the County’s Health Overview and Scrutiny Committee and the Schools Anti-Bullying Task Group. He worked in the motor industry for 35 years and was an active trade union representative. He then moved into the catering industry and managed his own business before retiring.

John Cypher - Parish Councils’ Representative

John Cypher joined the Standards Committee in August 2007 as the then sole representative of the 20 parish councils within the Bromsgrove district. He has been a member of Alvechurch Parish Council since May 2008 and has recently been appointed Chairman of this. He also serves on committees that promote parish council interests at County and West Midlands regional levels. John is a recently retired civil servant (Department of Health) and prior to that worked in social services and higher education. He has had longstanding interests in the better management and organisation of local public services.
Membership of the Committee in 2008/09

Ivan Hodgetts - Parish Councils’ Representative

Ivan Hodgetts was appointed Deputy Parish Councils’ Representative on the Standards Committee in 2007 and became the second full Parish Representative on the Committee in July 2008. He became a Parish Councillor for Romsley in May 1976 and was Chairman of Romsley Parish Council for 11 years from the early 1980’s. He was re-appointed to this role in the late 1990’s and still holds this position today. He has been an active member of St. Kenelms Church in Romsley, having been Church Warden for 18 years. After leaving College Ivan joined his father’s haulage contracting business which served local farmers, handling contracts with Bromsgrove Rural District Council and Worcestershire County Council. He expanded the business into more general haulage and became Transport Manager. Ivan is now fully retired and spends his free time on his small holding.

Steven Malek - Deputy Parish Councils’ Representative

Steve Malek was appointed Deputy Parish Councils’ Representative on the Standards Committee in July 2008. He first came into local government 30 years ago, when he was elected to Clent Parish Council. During that time he was Chairman for 6 years and currently serves as Vice-Chairman, a post which he has held for a number of years. He is also the representative for Clent Parish Council on the Bromsgrove Area Committee of the Worcestershire County Association of Local Councils (CALC), where he previously served as Vice-Chairman and has recently been appointed Chairman. He in turn sits on the Worcestershire CALC as a representative for Bromsgrove CALC, where he is also the internal auditor. Steve took early retirement from the drinks industry in early 2008, where he worked for a number of international companies spanning some 35 years. His final position was that of a National Account Manager for the hotel/pub industry. In addition, he served a 6 year term as Chairman to the West Midlands Rolls-Royce Enthusiasts Club, for which he has recently taken up the post of Treasurer. He is also Treasurer to Belbroughton & Clent Conservatives.
Claire Felton - **Head of Legal, Equalities & Democratic Services and Monitoring Officer**

Claire Felton has worked at Bromsgrove District Council for over 20 years. She became Head of Legal and Equalities in August 2006 and in January 2007 took over responsibility for Democratic Services, becoming Head of Legal, Equalities and Democratic Services. Claire is also the Council’s Monitoring Officer, Corporate Property Officer, Deputy Returning Officer and Deputy Electoral Registration Officer. She is a resident of Bromsgrove and is married with three children.

Debbie Warren - **Senior Solicitor and Deputy Monitoring Officer**

Debbie Warren was admitted as a solicitor in 1988 and worked in private practice until moving to local government in 1994, when she became a solicitor with Redditch Borough Council. After spending 3 years at Redditch Debbie started working as a Policy Adviser in the professional Ethics Team at the Law Society where she remained until the arrival of her daughter, when she became a full-time mother. In 2002 Debbie took on the part-time roles of Clerk and Responsible Finance Officers with both Catshill & North Marlbrook Parish Council and Barnt Green Parish Council, during which time she studied for and passed the Certificate in Local Council Administration. In 2005 she returned to working as a solicitor at Redditch Borough Council and in June 2006 moved to Bromsgrove District Council where she is a Senior Solicitor and the Council’s Deputy Monitoring Officer.

Sarah Sellers - **Senior Solicitor and Deputy Monitoring Officer**

Sarah Sellers studied Law at Leeds University, following which she stayed in Yorkshire to complete her training as a solicitor and qualified in 1992. For the next 9 years she worked in private practice in Bradford and Wakefield, specialising in family law and child care cases. In 2001 Sarah re-located to Bromsgrove and began working in the legal team at Solihull Metropolitan Borough Council where she was responsible for childcare cases and prosecuting in the Magistrates' court for non school attendance. She worked at Solihull for 2½ years and in September 2004 began working for Bromsgrove District Council where she is a Senior Solicitor and the Council’s Deputy Monitoring Officer.

Debbie Parker-Jones - **Ethical Standards Officer and Clerk to the Committee**

Debbie Parker-Jones has worked in local government since January 2001. She began working as a Committee Services Officer, with particular emphasis on regulatory committees, at Redditch Borough Council. In June 2007 she moved to Bromsgrove District Council where she initially continued in a similar role until being appointed Ethical Standards Officer in September 2008. Prior to commencing in local government Debbie worked at the Law Society for 13 years in a variety of roles within the Professional Standards Directorate. Her final position being that of Casework Officer within the Legal Education division, where she dealt with the transfer of overseas and other UK lawyers.
Key activities

I. Training

As part of its role in ensuring that Councillors are trained on the Code of Conduct the Committee has closely monitored training which has taken place on this. The Council recently achieved Primary level of the West Midlands Local Government Association Member Development Charter; the required benchmark of best practice in elected Member development and which included 100% of District Councillors having been trained on the Code.

Following the introduction of local assessment in May 2008 key sessions, conducted by external experts and to which all District Councillors and Parish Council Chairmen were invited, were run on Handling Standards Complaints and the Code of Conduct. Such training has also been supported by separate one-to-one sessions with the Council’s Monitoring Officer, Deputy Monitoring Officer and Ethical Standards Officer, as and when required. Additional training for members of the Committee on chairing meetings and a mock Standards Assessment Sub-Committee has also taken place.

As noted in the Foreword from the Chairman, a programme of training on ethical governance issues for the parish councils will also be rolled out to all parishes during 2009/10, together with any further training required in the light of the new Code of Conduct.

II. Complaints

During the first part of the 2008/09 Municipal Year the Committee considered three complaints against Councillors, which had been made before the introduction of local assessment, for alleged breaches of the Code of Conduct. In one of those cases it was the Investigating Officer’s finding that the Councillor had not failed to comply with the Code; a finding which was upheld by the Committee. In the remaining two cases it was the Investigating Officer’s finding that the Councillors had failed to comply with the Code; both findings of which were upheld by the Committee, and which resulted in one case of no sanction being imposed by the Committee and in the other case of the Councillor’s suspension from office for a period of 1 month.

Since the introduction of local assessment 15 complaints have been received, all of which have been considered by the Standards Assessment Sub-Committee. In 8 of those cases the Sub-Committee decided to take no further action, 1 case was referred to the Monitoring Officer for other action (with which the Councillor duly complied), 1 case was referred to the Monitoring Officer for local investigation (for which the Investigating Officer’s report is currently awaited) and 5 cases were referred to the Standards Board for England for investigation. No requests for review of the Assessment Sub-Committee decisions were received and in all 5 cases referred to the Standards Board it was the Investigating Officer’s finding that there had been no breach of the Code of Conduct; decisions which bound the Standards Committee.
The following complaints were received under local assessment:

<table>
<thead>
<tr>
<th>Nature of complaint</th>
<th>No. of complaints</th>
</tr>
</thead>
<tbody>
<tr>
<td>Register of Interests (failure to declare in full/failure to complete and return</td>
<td>2</td>
</tr>
<tr>
<td>within required 28 days of adoption of the Code of Conduct)</td>
<td></td>
</tr>
<tr>
<td>Failure to treat others with respect</td>
<td>1</td>
</tr>
<tr>
<td>Acted in a manner which brought office/the Council into disrepute</td>
<td>4</td>
</tr>
<tr>
<td>Bullying/intimidation of Council officers</td>
<td>2</td>
</tr>
<tr>
<td>Combined: brought office into disrepute/improper use of position/prevention</td>
<td>1</td>
</tr>
<tr>
<td>of access to information to which a person is entitled by law</td>
<td></td>
</tr>
<tr>
<td>General inappropriate behaviour (relating to Councillors' actions at a meeting</td>
<td>5</td>
</tr>
<tr>
<td>of the Council's Planning Committee)</td>
<td></td>
</tr>
</tbody>
</table>

### III. Dispensations

The Committee is also responsible for considering requests from Councillors for "dispensations"—that is, for its permission for Councillors who have a prejudicial interest to be able to participate in Council business when the subject of that interest is being discussed.

The Standards Committee (Further Provisions) (England) Regulations 2009 have recently made changes to the criteria for the granting of dispensations for Councillors to speak and vote when they have a prejudicial interest, and standards committees can now grant a dispensation to a Councillor:

- where more than 50% of the Councillors who would be entitled to vote at a meeting are prohibited from voting; or
- where the number of Councillors that are prohibited from voting at a meeting would upset the political balance of the meeting to the extent that the outcome of voting would be prejudiced.

No requests for dispensation were made to the Committee during the last year.

### IV. Review of Council protocols

Within the terms of the Council’s Constitution the Committee is charged with reviewing certain of the Council protocols and codes of practice. During the last year the Committee has reviewed the separate protocols on relations between Councillors and between Councillors and officers, as well as the Planning Services Code of Practice and, where appropriate, has made recommendations to Full Council on these.
Associated organisations

I. Parish Councils’ Forum
The Parish Councils’ Forum was established to facilitate a closer working relationship between the 20 parish councils within the district and the District Council itself. Four meetings of the Forum are usually held each year to discuss relevant issues.

II. Worcestershire County Association of Local Councils
The Worcestershire County Association of Local Councils (otherwise known as ‘CALC’) is the representative body for Parish and Town Councils - the first tier of government - in Worcestershire. Nominations for the Parish Councils’ Representatives on the Standards Committee are put forward by the Bromsgrove Area Committee of the Worcestershire CALC. The Standards Committee has recently worked with the Area Committee of the Worcestershire CALC on issues such as the establishment of a training programme for the parish councils and the extension of the terms of office of the Parish Representatives on the Standards Committee, and will continue to forge links with the Association in the future.

III. Standards for England
Standards for England (formerly known as the ‘Standards Board for England’) provides an independent, national overview of how local authorities promote and improve the ethical behaviour of their Councillors. It assists local authorities in this work by providing support and guidance, as well as investigating cases which are inappropriate for authorities to deal with themselves. It is a non-departmental public body, set up by an Act of Parliament. Its responsibilities include:
- giving standards committees and Councillors support and guidance on understanding the Code of Conduct, and on how to deal with complaints;
- monitoring the performance of local authorities in the local assessment of complaints;
- publishing information about how councils and other authorities are dealing with complaints;
- working with standards committees to help them improve if they do not deal with complaints properly;
- removing the power of the standards committee to receive complaints about their Councillors, if believed necessary; and
- investigating the most serious cases where the local standards committee believes it is not best placed to deal with the matter and the Board agrees with them.

IV. The Adjudication Panel for England
The Adjudication Panel for England is an independent Tribunal, established by the Local Government Act 2000 as a disciplinary body to hear and determine references concerning the conduct of local authority Councillors. Subsequent regulations allowed the Adjudication Panel to act as an appellate body to determine appeals against the decisions of local standards committees.
Local assessment

The way the Standards Committee deals with complaints about a Councillor and how to make a complaint

What complaints does the Standards Committee deal with?
The Standards Committee can only deal with complaints about the behaviour of either a Bromsgrove District or Parish Councillor. It will not deal with complaints about things that are not covered by the Councillors’ Code of Conduct. If you make a complaint to the Standards Committee it must be in writing (see details on page 13 regarding complaint form). You should say who the complaint is about and why you think the Councillor concerned has failed to follow the Code of Conduct.

Once you have made a complaint you will be told in writing what will happen to it. On receipt of a complaint the Standards Committee will set up a meeting of the Assessment Sub-Committee to consider the complaint. The Sub-Committee will consist of 3 members of the Standards Committee and will decide what should happen with the complaint. The meeting will be chaired by one of the Independent Members of the Standards Committee and will usually take place within 20 working days of receipt of a complaint.

The Assessment Sub-Committee can decide:

- to refer the complaint for local investigation;
- to refer the complaint to the Standards Board for England for investigation;
- to refer the complaint for other action; or
- to take no action.

What is “other action”?
“Other action” is usually some form of conflict resolution, mediation or training. This decision is reached where the Assessment Sub-Committee decides that it is likely to resolve the situation more effectively than an investigation and possible sanction.

What if the Assessment Sub-Committee decides to take no further action and you don’t agree?
The law says that the Assessment Sub-Committee should take reasonable steps to tell you the reason(s) for its decision. You may not agree with the reason(s), or think that the Sub-Committee did not make the decision properly, or you may have new information that you think might affect its decision. If so, you can ask for the decision to be reviewed. A request for review must be made in writing within 30 calendar days of your receiving the Assessment Sub-Committee’s decision.
Any requests for review will be considered by the Review Sub-Committee, which will happen within three months of the request. The decision will be reviewed by at least 3 members of the Standards Committee. None of the people who made the original decision are allowed to take part in the review. This meeting will be chaired by one of the Independent Members of the Standards Committee. The Review Sub-Committee can either uphold the original decision or overturn it, and will tell you in writing what it has decided. In the event that the Sub-Committee overturns the decision a full investigation may take place which could, in turn, lead to a final determination hearing.

Complaint form

A copy of the complaint form and guidance on how to complete this can be found on the Council’s website at www.bromsgrove.gov.uk - under the ‘Your Council’ and ‘Councillors’ sections of the homepage, or by contacting the Monitoring Officer at the details set out below.

Complaints should be returned to:

Claire Felton
Monitoring Officer
Bromsgrove District Council
The Council House
Burcot Lane
Bromsgrove
Worcestershire
B60 1AA
Telephone: 01527 881429
Email: c.felton@bromsgrove.gov.uk
Contacting the Committee

If you would either like to contact the Committee or wish to find out further information on its work please contact:

Debbie Parker-Jones
Ethical Standards Officer
Bromsgrove District Council
The Council House
Burcot Lane
Bromsgrove
Worcestershire
B60 1AA
Telephone: 01527 881411
Email: d.parkerjones@bromsgrove.gov.uk

NOTE

Copies of the agendas and minutes of all meetings of the Standards Committee can be accessed on the Council's website at www.bromsgrove.gov.uk under the 'Your Council' and then 'Meetings, Minutes & Agendas' sections of the homepage.
This report can be provided in large print, braille, CD, audio tape and computer disc.