

SPECIAL MEETING OF THE CABINET

TUESDAY 13TH NOVEMBER, 2012

**AT 5.00 PM
IN COMMITTEE ROOM 2
AT THE COUNCIL HOUSE
DUDLEY**

If you (or anyone you know) is attending the meeting and requires assistance to access the venue and/or its facilities, could you please contact Democratic Services in advance and we will do our best to help you

**STEVE GRIFFITHS
DEMOCRATIC SERVICES MANAGER**

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**You can view information about Dudley MBC on
www.dudley.gov.uk**

IMPORTANT NOTICE

MEETINGS IN DUDLEY COUNCIL HOUSE

Welcome to Dudley Council House

In the event of the alarm sounding, please leave the building by the nearest exit. There are Officers who will assist you in the event of this happening, please follow their instructions.

There is to be no smoking on the premises in line with national legislation. It is an offence to smoke in or on these premises.

Please turn off your mobile phones and mobile communication devices during the meeting.

Thank you for your co-operation.

Our Ref:
SG/KLG

Your Ref:

Please Ask For:
Steve Griffiths

Telephone No:
01384 815235

5th November, 2012

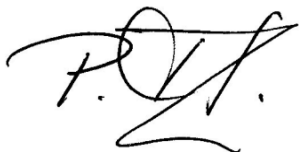
Dear Councillor

SPECIAL MEETING OF THE CABINET – TUESDAY 13TH NOVEMBER, 2012

You are requested to attend a special meeting of the Cabinet to be held on Tuesday 13th November, 2012 at 5.00p.m. in Committee Room 2 at the Council House, Priory Road, Dudley to consider the business set out in the agenda below.

The agenda and reports for this meeting can be viewed on the Council's website www.dudley.gov.uk (Follow the links to Meetings and Decisions and Committee Information).

Yours sincerely



Director of Corporate Resources

AGENDA

1. APOLOGIES FOR ABSENCE

To receive apologies for absence from the meeting.

2. CHANGES IN REPRESENTATION OF MINORITY GROUP MEMBERS

To report any changes in the representation of Minority Group Members at this meeting.

3. DECLARATIONS OF INTEREST

To receive declarations of interest, in accordance with the Members' Code of Conduct.

4. REVIEW OF PARLIAMENTARY CONSTITUENCY BOUNDARIES (PAGES 1 – 7)

To consider the report of the Chief Executive.

5. REVIEW OF AREA COMMITTEES (KEY DECISION) (PAGES 8 – 14)

To consider the report of Scrutiny Chairs.

6. ANNUAL REVIEW OF THE CONSTITUTION (PAGES 15 – 47)

To consider the report of the Director of Corporate Resources.

To: All Members of the Cabinet:

Councillor Sparks (Leader - Chair)

Councillor Ali (Deputy Leader)

Councillors K Ahmed, Crumpton, Foster, Islam, Lowe, Partridge, Waltho and Wood.

Opposition Group Members nominated to attend meetings of the Cabinet:

Councillors Blood, Harley, L Jones, Mrs Shakespeare, Vickers, Mrs Walker and Wright.

Meeting of the Cabinet – 13th November, 2012

Report of the Chief Executive

Review of Parliamentary Constituency Boundaries

Purpose

1. To consider the revised proposals of the Boundary Commission for England with regard to the boundaries of Parliamentary constituencies.

Background

2. Under the Parliamentary Voting System and Constituencies Act 2011 the Boundary Commission is obliged to review constituency boundaries. Under the legislation the number of constituencies within the United Kingdom reduces from 650 to 600. In England the number falls from 533 to 502.
3. The statutory rules state that every constituency in England (apart from the Isle of Wight) must have an electorate of between 72,810 and 80,473 i.e. 5% either side of the **electoral quota of 76,641**. In determining the boundaries the Commission may also take into account:-
 - (a) Special geographic considerations including the size, shape and accessibility of a constituency.
 - (b) Local Government boundaries as they existed on 6th May 2010.
 - (c) Boundaries of existing constituencies, and
 - (d) Any local ties that would be broken by changes in constituencies.
4. However, none of the factors set out in paragraph 3 (a) – (d) above overrides the necessity to achieve an electorate in every constituency that is within the range allowed.
5. The revised proposals were issued on the 16th October 2012 and a copy has been placed in the Members' Room. The proposals have also been on formal public deposit in our main libraries.

6. The Commission is consulting upon the revised proposals for 8 weeks ending on 10th December 2012. The Boundary Commission's main focus during this final consultation is on those constituencies where the initial proposals have been revised. The proposals for two of the Dudley constituencies have been revised. The tables below show the current constituencies, the initial proposals and the revised proposals.
7. The Commission will then consider its final recommendations to the Government during 2013 with Parliament making the final decision.

Current Constituencies

8. The following table shows the composition of the current Dudley constituencies including the two which are cross boundary.

Table 1

Dudley North Constituency

BOROUGH WARD	ELECTORATE
Castle and Priory	10692
Gornal	10580
Sedgley	9850
St James's	10019
St Thomas's	10163
Upper Gornal and Woodsetton	10410
Total	61714

Dudley South Constituency

BOROUGH WARD	ELECTORATE
Brierley Hill	10105
Brockmoor and Pensnett	9771
Kingswinford North and Wall Heath	10259
Kingswinford South	10423
Netherton, Woodside & St. Andrews	10636
Wordsley	10114
TOTAL	61308

Halesowen and Rowley Regis Constituency

BOROUGH	ELECTORATE
Belle Vale	10227
Halesowen North	9573
Halesowen South	10008
Hayley Green and Cradley South	9419
Blackheath*	9276
Cradley Heath and Old Hill*	9989
Rowley*	9164
TOTAL	67656

* Wards situated in Sandwell Metropolitan Borough Council

Stourbridge Constituency

BOROUGH WARD	ELECTORATE
Amblecote	10465
Cradley and Wollescote	9953
Lye and Stourbridge North	9597
Norton	9743
Pedmore and Stourbridge East	10008
Quarry Bank and Dudley Wood	10311
Wollaston and Stourbridge Town	10148
TOTAL	70225

Wolverhampton South East Constituency

BOROUGH WARD	ELECTORATE
Coseley East**	9657
TOTAL	9657

** Relinquished to Wolverhampton City Council

9. The initial proposals of the Commission originally published on 13th September 2011 are set out in Table 2 below:-

Table 2

Dudley East and Oldbury Constituency

BOROUGH WARDS	ELECTORATE
Castle and Priory	10,692
Netherton, Woodside and St Andrews	10,636
St James's	10,019
St Thomas's	10,163
Greets Green and Lyng*	7,702
Oldbury*	9,218
Tipton Green*	9,738
Tividale*	9,226
TOTAL	77,394

* Wards situated in Sandwell Metropolitan Borough Council

Dudley South and Rowley Regis Constituency

BOROUGH WARDS	ELECTORATE
Amblecote	10,465
Brierley Hill	10,105
Lye and Stourbridge North	9,597
Quarry Bank and Dudley Wood	10,311
Wordsley	10,114
Blackheath*	9,276
Cradley Heath and Old Hill*	9,989
Rowley*	9,164
TOTAL	79,021

* Wards situated in Sandwell Metropolitan Borough Council.

Dudley West Constituency

BOROUGH WARDS	ELECTORATE
Brockmoor and Pensnett	9,771
Coseley East	9,657
Gornal	10,580
Kingswinford North and Wall Heath	10,259
Kingswinford South	10,423
Sedgley	9,850
Upper Gornal and Woodsetton	10,410
Spring Vale*	8,735
TOTAL	79,685

* Ward situated in Wolverhampton City Council

Halesowen and Stourbridge Constituency

BOROUGH WARDS	ELECTORATES
Belle Vale	10,227
Cradley and Wollescote	9,953
Halesowen North	9,573
Halesowen South	10,008
Hayley Green and Cradley South	9,419
Norton	9,743
Pedmore and Stourbridge East	10,008
Wollaston and Stourbridge Town	10,148
TOTAL	79,079

10. The revised proposals of the Commission published on 16th October 2012 are set out in Table 3 below:-

Table 3

Dudley East and Oldbury Constituency

BOROUGH WARDS	ELECTORATE
Castle and Priors	10,692
Netherton, Woodside and St Andrews	10,636
St James's	10,019
St Thomas's	10,163
Greets Green and Lyng*	7,702
Oldbury*	9,218
Tipton Green*	9,738
Tividale*	9,226
TOTAL	77,394

* Wards situated in Sandwell Metropolitan Borough Council

Dudley West Constituency

BOROUGH WARDS	ELECTORATE
Brockmoor and Pensnett	9,771
Coseley East	9,657
Gornal	10,580
Kingswinford North and Wall Heath	10,259
Kingswinford South	10,423
Sedgley	9,850
Upper Gornal and Woodsetton	10,410
Spring Vale*	8,735
TOTAL	79,685

* Ward situated in Wolverhampton City Council

Halesowen and Rowley Regis Constituency

BOROUGH WARDS	ELECTORATES
Belle Vale	10,227
Halesowen North	9,573
Halesowen South	10,008
Hayley Green and Cradley South	9,419
Quarry Bank and Dudley Wood	10,311
Blackheath*	9,276
Cradley Heath and Old Hill*	9,989
Rowley*	9,164
TOTAL	77,967

* Wards situated in Sandwell Metropolitan Borough Council.

Stourbridge and Dudley Constituency

BOROUGH WARDS	ELECTORATE
Amblecote	10,465
Brierley Hill	10,105
Cradley and Wollescote	9,953
Lye and Stourbridge North	9,597
Norton	9,743
Pedmore and Stourbridge East	10,008
Wollaston and Stourbridge Town	10,148
Wordsley	10,114
TOTAL	80,133

11. Stourbridge and Dudley Constituency would be the only constituency entirely within the Borough. The revised proposals for Dudley East and Oldbury and Dudley West Constituencies remain unchanged from the initial proposals. Halesowen and Rowley Regis is similar to the current Halesowen & Rowley Regis Constituency but with the addition of Quarry Bank and Dudley Wood
12. The revised proposals clearly achieve the primary objective of falling within 5% of the electoral quota of 76,641 referred to in paragraph 3 above, but they pay scant regard to the factors referred to in paragraph 3 (a) – (d) above. On the plus side all of our constituency boundaries remain within the Black Country and, unlike other parts of the country, do not cross into neighbouring counties.

13. Individual political parties will presumably respond to the revised proposals. If the council wishes to make its own submission, I propose that Cabinet authorise me, in consultation with the Leader and Councillor Les Jones, to examine any viable counter-proposal for submission to the Boundary Commission for England.

Finance

14. Any cost incurred during this process will be met from existing budgets.

Legal

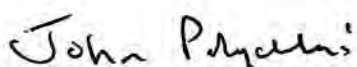
15. The review of Parliamentary constituency boundaries is governed by the Parliamentary Voting System and Constituencies Act 2011.

Equality Impact

16. It is not considered that the review of Parliamentary constituency boundaries will have any particular impact on equality issues but any alternative proposals put forward by the Council will be consistent with our policies on equality and diversity.

Recommendation

17. It is recommended that the Chief Executive, in consultation with the Leader and Councillor Les Jones, be authorised to examine any viable alternative proposal for Parliamentary constituency boundaries within the borough and, make an appropriate submission to the Boundary Commission for England.



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John Polychronakis
Chief Executive.

Contact Office: John Polychronakis
Telephone : 01384 815200
Email: john.polychronakis@dudley.gov.uk

List of Background papers:

Initial Proposals issued by Boundary Commission for England.
Revised Proposal issued by Boundary Commission for England.

Special Meeting of the Cabinet – 13th November, 2012

Report of Scrutiny Chairs

Review of Area Committees

Purpose

1. To invite the Cabinet to consider and make recommendations to the Council on the proposals for a review of Area Committees. These proposals have been subject to a consultation period from 1st October to 9th November, 2012 and a summary of responses received will be made available in advance of the Cabinet meeting.

Background

2. In accordance with the decision taken at the annual meeting of the Council on 17th May, 2012, the Scrutiny Committee Chairs met on 18th July and 19th September 2012 to discuss the existing Area Committee arrangements and options for change. They were concerned to address three key questions:-
 - What should area/neighbourhood meetings achieve?
 - How should they operate?
 - How do we move forward to change Area Committees?

This report draws from Members' discussion on these questions and sets out a proposal for a preferred option.

3. **The need to change Area Committee arrangements**

There is a general consensus that while Area Committees were useful following their establishment in 2000, subsequently they have become less relevant and appropriate. Some of the concerns around Area Committees are set out below:-

- They are too bureaucratic and formal, which is off-putting for local people to become interested and involved in;
- There is insufficient time devoted to local issues, and for the public to have an opportunity to comment on, or raise items;
- Meetings are an unsatisfactory mix of community engagement and council decision making;
- As there are only three meetings a year, this makes the Area Committees insufficiently responsive to local issues. There needs to be more regular opportunities for local people to discuss issues and engage with Elected Members;

- The Area Committee boundaries are in general, too large, and smaller neighbourhood groupings would be preferable;
- They involve too much officer resource to attend each meeting;
- There is inconsistency in the links with other local events such as the PACT meetings, the Citizen First Panels etc.

4. **Purpose and Format**

It is proposed that in future, Community Forums should be centred around the democratic representational role of local ward Councillors, therefore all Directorates should ensure that ward Councillors are briefed about key issues affecting their wards. The principal focus of Community Forums should be the opportunity for local people to engage with Councillors to discuss local issues.

5. There are clear links to the Government's Localism agenda and the principles of the Localism Act 2011 in terms of effective community engagement. Therefore, while members would take a lead role in a meeting, there should be a clear focus on community engagement and members should encourage community participation.
6. To assist in developing that role, the Council is considering advice from Dudley Council for Voluntary Service (DCVS), drawing on their experience of managing community events and making use of a series of development sessions for Members before the launch of the new Community Forums.
7. In addition, information is available about recent work nationally and locally which considers the democratic role of elected members in the context of the Localism Act. This advice can be used in future Member development sessions.

8. **Geography**

The geographic coverage of the Community Forums ideally should be less than those of the Area Committees.

9. Various options have been considered, all based on existing ward geography and all returning a greater number of forum areas focussing on smaller, more local areas. The options put forward were based on 8, 9, 10 and 12 forum areas. Inevitably, some groupings are more naturally aligned than others and are easier to describe. However, any change to one boundary cannot fail to have knock-on consequences across the rest of the Borough.
10. The preferred option of Scrutiny Chairs is the 9 forum model in recognition of the need to keep to a manageable minimum the support resource required. This is shown as Appendix 1.

11. This proposal creates areas that vary between 25,044 and 47,899 in terms of whole population (2010 estimates). See Appendix 2 for details. In particular, the Scrutiny Chairs recognised that the largest Forum would be in Halesowen and noted that this represented the current Halesowen Area Committee with the exception of the Cradley and Wollescote ward. In putting forward this preferred option, Scrutiny Chairs acknowledged that consultation would be necessary with all ward Councillors and the public before a final decision is taken by the Council. Consultation has taken place during October and will close on 9th November, 2012. A summary of the responses received will be available in advance of the Cabinet meeting.
12. It is important to note that flexibility can be retained so that, for example, members and the public should be able to attend adjoining forums on matters that transcend boundaries, if they wish.
13. **Management and Resourcing**
Firstly, the new structure is to be funded from existing resources.
14. Meetings will be less bureaucratic and move away from stereotype “Council Committee” format:-
 - Forums to meet in locally accessible venues (5 meetings per year);
 - Focus on public forum/ward issues and area funding;
 - Standard times of all meetings to be 6.30pm – 8.30pm (making it easier to publicise across the Borough);
 - Removal of microphone/sound system;
 - No special meetings to be called in view of increased frequency;
 - Rooms to be set out informally;
 - Officer attendance to be only one Senior Officer and a Democratic Services Officer to take a note of issues requiring action/response (bullet point informal minutes). In the New Year we will be launching a leadership development programme aimed initially at senior managers. Once managers have completed the first phase of development they will become part of a talent pool where they will be expected to undertake further practical development through working on real projects, shadowing, short term secondment etc. This will include shadowing or working alongside an Assistant Director at a Community Forum with a view to taking on this role in the future;
 - No written committee reports;
 - No separate working groups/pre-meetings (except for discussing funding applications if necessary). However, local ward meetings can take place on specific issues should ward Councillors wish to arrange these.

15. However, it is important to ensure that there is an audit trail of the business of meetings and what happens to issues raised at them, otherwise there is scope for community issues to be lost with no apparent action outcome. For example, an issue might have a number of “destinations” depending on its nature, including:-

- Straightforward service response from the appropriate Directorate;
- Report to a Scrutiny Committee; a Regulatory Committee; a Cabinet Member or the Cabinet and Full Council;
- Referred to local partners such as police, fire, health;
- Bullet point Forum minutes to be reported in White Book to full Council.

16. **Communication and Media**

Community Forums will be publicised through all available channels such as Council website, Twitter, Facebook, media releases. Other publicity to be more targeted depending on local issues identified by ward Councillors rather than a ‘blanket’ approach.

17. Dates to be programmed in the Council Calendar with all Community Forums meeting in the same week (i.e. from Monday – Thursday), but ensuring that neighbouring Forums are not on the same night. This makes it easier to publicise meetings during identified ‘democracy weeks’ and councillors to attend neighbouring Forums as necessary.

18. Agendas to be focussed on local issues, with input from partners when necessary to avoid duplication with other meetings.

19. **Venue**

The proposal is to use existing community centres or venues provided by local groups, although these may need to be augmented by other premises where appropriate. However, this is a matter that can be left to local discretion.

20. **The Way Forward**

The Cabinet is invited to consider the proposals in this report, the outcomes of consultation and make a recommendation to the Council on 26th November 2012.

21. If the Cabinet is minded to endorse the proposals to establish new Community Forums, it is proposed to undertake a development programme for both members and supporting officers to be arranged between December 2012 and February 2013. New Forums will be launched in February 2013 (the Area Committees previously programmed in 2013 will no longer take place).

22. Any future arrangements will build in a process of ongoing review to ensure the new arrangements remain flexible. Community Forum Chairs, Vice Chairs and Lead Officers will meet regularly (i.e. after each cycle initially) with a full review after 12 months.
23. The Scrutiny Committee Chairs, at their meeting on 19th September 2012, recommended that the proposals in this report be accepted as the preferred option for consultation.

Finance

24. Costs will be met within existing budgetary allocations.
25. Area Grant allocations will remain as £10,000 per ward. Funding to be allocated by the Director of Corporate Resources on the recommendation of each Community Forum.
26. Members' allowances payments to be retained for the Chair and Vice-Chair of the new Community Forums but these will be contained within the existing budget allocation (pending a review of the Members Allowances Scheme in 2013).

Law

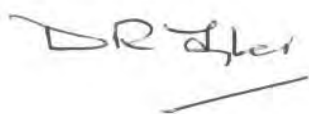
27. Area Committees are currently established in accordance with the provisions of the Local Government Act 1972.

Equality Impact

28. The report takes into account the Council's policies on equality and diversity.

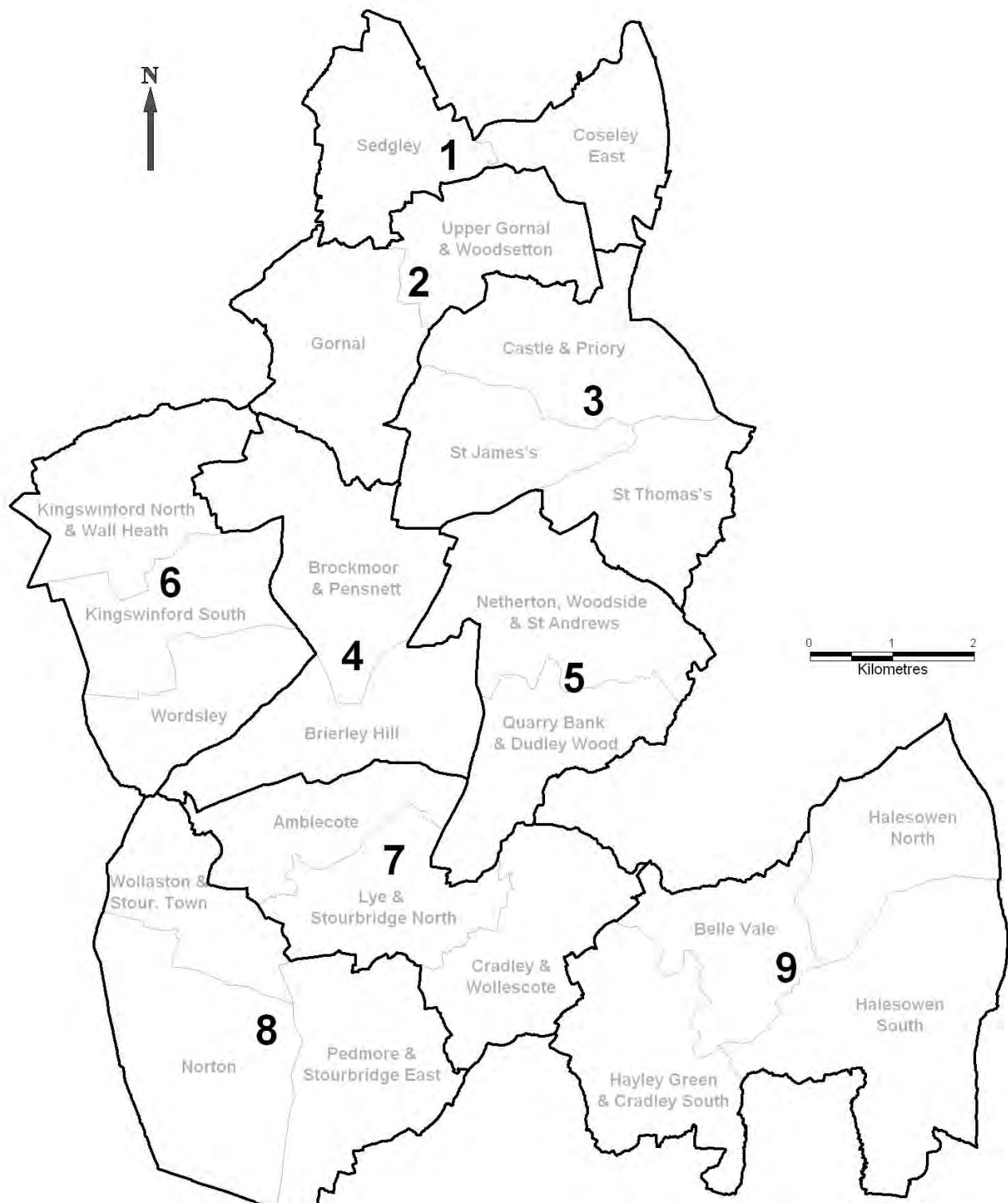
Recommendation

29. That the Cabinet consider the proposals in this report and make recommendations to the Council on 26th November, 2012 concerning the review of Area Committees.



.....
Councillor Dave Tyler
on behalf of the Chairs of Scrutiny Committees

9 Forum Model In Relation To Electoral Ward Boundaries



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APPENDIX 2 : Indicative Population Figures For Community Areas: 9 Forum Model

Area No.	No. of Wards	Electoral Wards Covered	Population	Variance From Average Population
1	2	Coseley East / Sedgley	25,044	- 9,107
2	2	Gornal / Upper Gornal and Woodsetton	26,133	- 8,018
3	3	Castle and Priory / St. James's / St. Thomas's	41,848	+ 7,697
4	2	Brierley Hill / Brockmoor and Pensnett	26,483	- 7,668
5	2	Netherton, Woodside and St. Andrews / Quarry Bank and Dudley Wood	27,462	- 6,689
6	3	Kingswinford North and Wall Heath / Kingswinford South / Wordsley	37,597	+ 3,446
7	3	Amblecote / Lye and Stourbridge North / Cradley and Wollescote	38,568	+ 4,417
8	3	Norton / Pedmore and Stourbridge East / Wollaston and Stourbridge Town	36,328	+ 2,177
9	4	Belle Vale / Halesowen North / Halesowen South / Hayley Green and Cradley South	47,899	+ 13,748
		<i>Average Population</i>	<i>34,151</i>	

Source: 2010 Mid-Year Population Estimates, Office for National Statistics (ONS)

Notes:

1. The population figures are based on aggregations of Electoral Wards.
2. 2010 is the latest year for which Mid-Year Population Estimates are available. The scope of these Mid-Year estimates is limited to population figures by age and sex; other demographic and socio-economic data at the ward level is available but must be sourced from the 2001 Census.
3. Data from the 2011 Census at the Ward level is due to be published in the second phase of 2011 Census outputs scheduled for November 2012 - February 2013.
This will enable the data presented here to be updated to give a more accurate picture of the population.
4. The summed variance from average population may not equal the average population due to rounding.

Special Meeting of the Cabinet – 13th November, 2012

Report of the Director of Corporate Resources

Annual Review of the Constitution

Purpose of Report

1. To consider the annual review of the Constitution.

Background

2. The Council introduced its written Constitution in May 2002.
3. Section 37 of the Local Government Act 2000 requires the Council to keep the Constitution up to date. This is reflected in Article 15, which requires the Monitoring Officer to monitor and review the operation of the Constitution in order to ensure that the aims and principles are given full effect.
4. Full Council is responsible for approving changes to the Constitution after consultation with the Cabinet. An exception to this is that the Leader, with the support of the opposition Group Leader, may approve amendments to the Scheme of Delegation from time to time.
5. The Constitution is an important vehicle by which the Council promotes its overall democratic governance arrangements.
6. The last annual review of the Constitution was undertaken in October 2010. The review in 2011 was deferred in view of the enactment of the Localism Act 2011. All previously approved amendments have been fully implemented. Amendments are routinely made to update legal provisions and reflect ongoing operational issues.
7. This report takes account of ongoing changes in the national and local context and it is recognised that further amendments to the Constitution may be necessary during 2012/13 and beyond.

Localism Act 2011 – The New Standards Regime

8. On 16th July, 2012, the Council approved a report on the new standards arrangements, including a new Members Code of Conduct and arrangements for complying with new Government Regulations on registering interests. Training has been organised for all Members of the Council. Article 9 of the Constitution has been amended to reflect that standards functions are now the responsibility of the Audit and Standards Committee.

9. The Council gave delegated powers to the Monitoring Officer to produce arrangements for dealing with standards complaints and these are now available on the Council's website. The standards arrangements are attached in full as **Appendix 1** to this report for endorsement by the Council.

Petition Scheme

10. Since 2009, the Council has operated a Petition Scheme under the provisions of the Local Democracy, Economic Development and Construction Act 2009. The existing scheme is set out in Part 6 of the Constitution. The Localism Act 2011 has now repealed the petitions provisions.
11. It is a matter for the Council to decide locally as to whether a Petition Scheme should remain part of the Constitution to assist with its governance arrangements. The opportunity has been taken to review the way in which the Council deals with petitions to reduce bureaucracy and simplify the previous scheme, which was based on a national model.
12. The Cabinet requested the Chairs of Scrutiny Committees to undertake a review of the procedures for dealing with petitions alongside the Area Committee review. Scrutiny Chairs considered this matter on 19th September, 2012 and the revised scheme set out in **Appendix 2** is presented for approval by the Council.

Localism Act 2011 – Ongoing Work

13. On 20th June, 2012, the Cabinet received a report on progress in ensuring legal compliance with the Localism Act 2011. In particular, this referred to ongoing work in relation to four work streams: (i) governance and constitution; (ii) housing reform; (iii) development planning and (iv) community empowerment.
14. The Cabinet has previously endorsed the ongoing work being co-ordinated by the Localism Act Officer Steering Group. The relevant Cabinet Members, the Chief Executive and Directors have been authorised to pursue the implementation of the various provisions of the Localism Act 2011 as relevant to their areas of responsibility. I will monitor corporate progress through the Steering Group.

Review of Area Committees

15. The previous agenda item sets out proposals to replace the Council's existing five Area Committees with more locally based Community Forums based around groupings of electoral wards. The introduction of the new Community Forums will require a complete revision of Article 10 of the Constitution and a draft is set out in **Appendix 3**. The Community Forums will be less formal bodies with a focus on encouraging greater community engagement. This will enable far greater flexibility in how the Forums are able to operate and conduct their business locally.

16. The former Area Committee protocols, as set out in Part 6 of the Constitution, and the references to Area Committees in Part 3 (Responsibility for Functions) will be deleted. The practical operation of the new Forums will be discussed further in the planned development sessions during December/January. In relation to the local area budgets, it is proposed that recommendations from ward members comprising the Community Forums be actioned by the Director of Corporate Resources.
17. Area Committees were previously responsible for the administration of local charities where the Council has been appointed Trustee. In practice, this affects the Stevens Trust, which was administered by Stourbridge Area Committee. To ensure the proper administration of the affairs of the Trust, detailed consideration is being given as to how this can best be achieved within the Council's Constitutional arrangements. This matter will be subject of a further report to the Cabinet.

Scheme of Delegation

18. Part 3 of the Constitution deals with responsibility for functions. The scheme of delegation is considered each year at the annual meeting of the Council. Following the annual meeting in May, 2012, a review of the functions has been carried out with a view to updating terminology, legislative provisions and statutory guidance. The revised scheme of delegation is available on the Committee Management Information System and in the Members Room. A paper copy can be supplied to any Member on request to Democratic Services. The scheme of delegation has been the subject of consultation with all Directorates and now includes a separate portfolio for the Cabinet Member for Health and Wellbeing.

'Reference Up' of Decisions

19. Within the general scheme of delegation, circumstances may arise, from time to time, where an individual Cabinet Member may decide that it would be more appropriate to refer a matter to the Cabinet although the matter may technically fall within his/her delegated functions. A similar situation may apply to an officer who considers it necessary to refer a matter to a Cabinet Member in appropriate circumstances. To recognise this situation, it is recommended that Article 7.06 (Responsibility for functions) be amended accordingly.

This provision is, however, intended to reflect exceptional circumstances where, for example, a decision is likely to attract significant public interest. The Monitoring Officer must be consulted in all cases where a Decision Taker intends to use this provision.

Process for calling special meetings of Committees

20. The Constitution currently contains different provisions for convening special (or extraordinary) meetings of Committees. In order to avoid confusion, it is recommended that in all cases the Chair of a Committee, in consultation with the Director of Corporate Resources, shall be authorised to call a special meeting of any Committee at any time. A special meeting may also be called on the written requisition of the required number of members of the Committee concerned. For this purpose, the 'required number' shall be equal to the number of opposition members appointed to the Committee. This process would be consistent with the rules relating to scrutiny call-in approved by the Council several years ago.

Deputy Leader of the Council

21. Article 7 of the Constitution (The Cabinet) refers to the role of Leader and other Cabinet Members but does not make specific reference to the Deputy Leader. It would seem appropriate to include the following within Article 7:

"The Deputy Leader will be a Councillor appointed to that position by the Leader. He/she shall hold office until the end of the Leader's term of office or until:

- (a) his/her term of office as a Councillor expires; or
- (b) He/she resigns from the office; or
- (c) He/she is no longer a Councillor; or
- (d) He/she is removed from office by the Leader.

If the office of Deputy Leader is vacant, the Leader shall appoint a person to that position. If the Leader is unable to act, the Deputy Leader must act in his/her place. If the Leader and Deputy Leader cannot act then the Cabinet must do so or appoint another Cabinet Member to act as appropriate."

Scrutiny Officer

22. The Localism Act 2011 has repealed the statutory requirement for the Council to designate a Scrutiny Officer as previously contained in Section 31 of the Local Democracy, Economic Development and Construction Act 2009. The Assistant Director of Adult, Community and Housing Services (Housing Strategy and Private Sector), Dr Ron Sims, has undertaken this role since its inception.
23. In practice, however, many local authorities are continuing to designate an officer to lead on scrutiny issues. A review of the Council's Scrutiny Committees will be undertaken, with a view to new arrangements being considered in advance of the annual Council meeting in May 2013. It is proposed to retain the existing arrangements pending the review of the scrutiny process.

Access to Information Regulations

24. The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 came into force on 10th September, 2012 and apply to decisions taken by the 'executive', namely the Cabinet, Cabinet Members and Officers acting under delegated powers.
25. The main principles behind the Regulations are to increase transparency and promote the transaction of business in public session as far as possible. The presumption of openness underpins the Regulations and will complement the Council's long established decision-making processes.
26. 28 clear days notice is now required of the intention to take an 'executive' decision in private session. In practice, the Council will use the Forward Plan as a practical way of complying with these Regulations. If the 28 clear days notice cannot be complied with, then there is still provision for decisions to be taken: so long as the approval of the relevant Scrutiny Chair is obtained (or the Mayor/Deputy Mayor in his/her absence).
27. The Council must specify the date, time and venue for the signing of decision sheets. The public must be given access to these 'meetings'. The five clear days notice requirement for making all decisions is still in force. Democratic Services will continue to be responsible for ensuring the notice requirements are complied with.
28. Administrative arrangements have been put in place to deal with the practical application of the Regulations requiring all Directorates to give notice to Democratic Services of forthcoming business to be considered in private session. The requirements of the new Regulations will be reflected in the Access to Information Procedure Rules in Part 4 of the Constitution.

Forward Plan of Key Decisions

29. Paragraph 14 of the Access to Information Procedure Rules states that a Forward Plan will be prepared by the Leader to cover a period of four months beginning with the first day of any month. The Plan is available on the Internet via the Committee Management Information System.
30. Directorates routinely notify Democratic Services of key decisions to include in the Plan. As referred to in paragraph 26 above, we are extending the Forward Plan to include any executive decisions that will be taken in private session to comply with new Government Regulations concerning access to information.
31. To make more effective use of the Forward Plan and increase opportunities for prior notification/consultation on items in the Plan, it is proposed that the Forward Plan be reported to all ordinary meetings of the Cabinet. Increasing accessibility to the Forward Plan will also assist the process of overview and scrutiny.

Finance

32. There are no financial implications arising from this report. Any costs arising from compliance with the Constitution are met from existing budgets.

Law

33. Section 37 of the Local Government Act 2000 requires the Council to keep its Constitution up to date.

Equality Impact

34. This report complies with the Council's policies on equality and diversity and there are no particular implications for children and young people.

Recommendations

35. That the Council be recommended:
- (a) To endorse the standards arrangements, produced by the Monitoring Officer under delegated powers, as set out in Appendix 1.
 - (b) To approve the Petition Scheme as set out in Appendix 2.
 - (c) To approve a revision of Article 10 of the Constitution as set out in Appendix 3 to reflect the replacement of Area Committees with the new Community Forums (subject to the outcome of the previous agenda item).
 - (d) To delegate authority to the Director of Corporate Resources to action recommendations from the Community Forums in respect of area budgets, as referred to in paragraph 16.
 - (e) That the revisions and updates to the scheme of delegation, as referred to in paragraph 18, be approved and adopted.
 - (f) That the provisions for the 'reference up' of decisions, as set out in paragraph 19 be approved and incorporated in Article 7.06 of the Constitution.
 - (g) That the arrangements for calling special meetings of any Committee, as referred to in paragraph 20, be approved to ensure consistency in all parts of the Constitution.
 - (h) That Article 7 of the Constitution be amended to make specific reference to the role of the Deputy Leader as set out in paragraph 21.
 - (i) That the Council's existing overview and scrutiny arrangements and Scrutiny Committee structure be reviewed and that recommendations be presented to the Council in advance of the 2013/14 municipal year.

- (j) That the implications of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, be noted and that the Director of Corporate Resources be authorised to make any consequential changes to the Access to Information Procedure Rules in Part 4 of the Constitution.
- (k) That the Forward Plan of Key Decisions be reported to all ordinary meetings of the Cabinet as referred to in paragraph 31.



.....
Philip Tart
Director of Corporate Resources

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Telephone: 01384 815300 / 815235
Email: philip.tart@dudley.gov.uk
steve.griffiths@dudley.gov.uk

List of Background Papers

[The Council's Constitution - Full copy on the Council's Website](#)

Arrangements for Dealing with Standards Allegations under the Localism Act 2011

1. Context

The Localism Act 2011 requires the Council to adopt “arrangements” to deal with allegations that a Member or co-opted Member has failed to comply with the local Members’ Code of Conduct. These arrangements set out how any such complaints or allegations will be investigated and dealt with.

The Council has appointed Independent Person(s). An Independent Persons’ views must be sought before a decision is taken on any allegation that the Monitoring Officer has decided shall be investigated. An Independent Persons’ views can be sought by the Council at any other stage, or by a Member against whom an allegation has been made.

2. The Code of Conduct

The Council has adopted a Members’ Code of Conduct, which is attached as Appendix 1. The document is also available on the website and from the Council on request.

3. Making a complaint

It is a requirement of the Localism Act 2011 that any complaint or allegation that a Member has failed to comply with the Council’s code of conduct must be in writing.

If you wish to make a complaint against a Member or co-opted Member, you will need to complete our complaint form, which is available on the website and on request from the Council. You should send the completed form to:-

The Monitoring Officer
Director of Corporate Resources
Dudley Metropolitan Borough Council
The Council House, Priory Road, Dudley DY1 1HF
E-mail: philip.tart@dudley.gov.uk
Telephone: 01384 815300

The Monitoring Officer has statutory responsibility for maintaining the register of Members’ interests and is responsible for administering the system in respect of complaints about the conduct of Members.

The following points should be noted before you make a complaint:

- You will need to provide us with your name and a contact address or email address, so that the Monitoring Officer can acknowledge receipt of your complaint and keep you informed of its progress.
- The Council will not investigate anonymous complaints, unless there is a clear public interest in doing so.
- There is a presumption that a complainant will not be allowed to claim confidentiality unless exceptional circumstances exist. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form, in which case we will not disclose your name and address to the Member against whom you make the complaint, without your prior consent.

4. **Will your complaint be investigated?**

The Monitoring Officer will review every complaint received and take a decision as to whether it merits formal investigation. He may consult an Independent Person as appropriate. Where the Monitoring Officer has taken a decision, he will inform you of this and the reasons for it.

If the Monitoring Officer requires additional information before coming to a decision, he may ask you to provide such information. He may also request information from the Member against whom your complaint is directed.

The Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the Member accepting that his/her conduct was unacceptable and offering an apology, or other remedial action. Where the Member or the Council makes a reasonable offer of local resolution, but you are not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

If your complaint identifies potential criminal conduct or breach of other regulations by any person, the Monitoring Officer has the power to inform the Police and/or any other regulatory agencies.

5. **How is the investigation conducted?**

The Council has adopted a procedure for the investigation of misconduct complaints, which is attached as Appendix 2.

If the Monitoring Officer decides that a complaint merits formal investigation, he/she will appoint an Investigating Officer, who may be another senior officer of the Council, an officer of another authority or an external investigator. The Investigating Officer will decide whether he/she needs to meet or speak with you to understand the nature of your complaint. It will also allow you to explain your understanding of events and suggest what documents the Investigating Officer needs to see, and

whom the Investigating Officer needs to interview. However the conduct of the investigation is in the total discretion of the Investigating Officer.

The Investigating Officer will normally write to the Member against whom you have complained and provide him/her with a copy of your complaint. He/she will ask the Member to provide his/her explanation of events, and to identify what documents if any he/she needs to see, and whom he/she needs to interview.

In exceptional cases, where it is appropriate to keep your identity confidential, or where disclosure of details of the complaint to the Member might prejudice the investigation, the Monitoring Officer can delete your name and address from the papers given to the Member, or delay notifying the Member until the investigation has progressed sufficiently. The Monitoring Officer shall keep the issue of confidentiality under review throughout the complaints process.

At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to you and to the Member concerned. This will allow you and the Member an opportunity to identify any matter in the draft report that you disagree with, or which you consider requires more consideration.

Having received and taken into account any comments on the draft report, the Investigating Officer will send his/her final report to the Monitoring Officer.

6. **What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?**

The Monitoring Officer will review the Investigating Officer's report and consult an Independent Person as necessary. If he is satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to you and to the Member concerned, notifying you that he is satisfied that no further action is required, providing you both with a copy of the Investigating Officer's final report. If the Monitoring Officer is not satisfied that the investigation has been conducted properly or is insufficient to determine the complaint, he may ask the Investigating Officer to reconsider his/her report.

7. **What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?**

The Monitoring Officer will review the Investigating Officer's report and either seek local resolution or refer the matter for a local hearing before the Standards Sub-Committee.

8. **Local Resolution**

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult with an Independent Person and with you as complainant and seek to agree what you consider to be a fair resolution that also helps to ensure higher standards of conduct for the future. Such resolution may include the Member accepting that

his/her conduct was unacceptable and offering an apology, and/or other remedial action. If the Member complies with the suggested resolution, the Monitoring Officer will take no further action.

9. **Local Hearing**

If the Monitoring Officer considers that local resolution is not appropriate, or the Member concerned is not prepared to undertake any proposed remedial action (such as giving an apology), then the Monitoring Officer will refer the Investigating Officer's report to the Standards Sub-Committee. The Sub-Committee will conduct a local hearing before deciding whether the Member has failed to comply with the Code of Conduct and, if so, whether to take any action.

The Council has agreed a procedure for local hearings, which is attached as Appendix 3.

The Monitoring Officer will conduct a "pre-hearing process", requiring the Member to give his/her response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing. The Chair of the Sub-Committee may issue directions as to the manner in which the hearing will be conducted. At the hearing, the Investigating Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the Member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask you as the complainant to attend and give evidence to the Sub-Committee. The Member will have an opportunity to give his/her evidence, to call witnesses and to make representations to the Sub-Committee as to why he/she considers that he/she did not fail to comply with the Code of Conduct.

The Sub-Committee, with the benefit of advice from an Independent Person, may conclude that the Member did not fail to comply with the Code of Conduct, and so dismiss the complaint. If the Sub-Committee concludes that the Member did fail to comply with the Code of Conduct, the Chair will inform the Member of this finding and the Sub-Committee will then consider what action, if any, should be taken as a result of the Member's failure to comply with the Code of Conduct.

In doing this, the Sub-Committee will give the Member an opportunity to make representations and will consult an Independent Person, but will then decide what action, if any, to take in respect of the matter.

10. **What action can the Sub-Committee take where a Member has failed to comply with the Code of Conduct?**

The Council has given delegated powers to the Standards Sub-Committee to determine the appropriate course of action in respect of any complaints heard.

The action taken by the Sub-Committee, following a finding of a Member breach of the Code of Conduct, must be proportionate taking account of the facts and circumstances of each individual case. The Sub-Committee has no power to suspend or disqualify the Member from office or to withdraw Members' allowances.

The Sub-Committee may consider the following (although this is not an exhaustive list):

- Reporting the findings to Council.
- Recommending to the Member's Group Leader that the Member in question be removed from the Cabinet, any or all Committees or Sub-Committees of the Council or Other Bodies subject to statutory and constitutional requirements.
- Formal letter from the Council or the Chair of the Audit and Standards Committee to the Member in question.
- Formal censure through a motion.
- Withdrawal of facilities (eg: ICT).
- Arrange training for the Member.

11. **What happens at the end of the hearing?**

At the end of the hearing, the Chair will announce the decision to all parties present along with any other actions that the Sub-Committee decides to take.

As soon as reasonably practicable, the Monitoring Officer will send a copy of the decision letter to you and to the Member concerned. The minutes of the Sub-Committee will be placed on the Council's website and submitted to the next convenient ordinary meeting of the Council for information.

12. **Appeals**

There is no right of appeal for you as complainant or for the Member against any of the decisions made by the Monitoring Officer or by the Sub-Committee in accordance with these arrangements.

If you feel that the Council has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman.

Appendix 1: Dudley MBC - Members' Code of Conduct

Appendix 2: Procedure for Investigations

Appendix 3: Procedure for Local Hearings



Members' Code of Conduct

1. Application of the Code

As a Member or Co-opted Member of Dudley Metropolitan Borough Council, I acknowledge that this Code of Conduct applies whenever I am acting in my capacity as a Member, including

- At formal meetings of the Council, the Cabinet, Committees, Sub-Committees and Working Groups.
- When acting as a representative of the Council.
- In taking any decisions as a Cabinet Member or Ward Councillor.
- In discharging functions as a Ward Councillor.
- At briefing meetings with Officers.
- At site visits.
- When corresponding with the Council other than in a private capacity.

2. General Principles

As a Member or Co-opted Member of Dudley Metropolitan Borough Council, I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

In accordance with the Localism Act provisions, when acting in this capacity, I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this Council.

Selflessness: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

Objectivity: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership: Holders of public office should promote and support these principles by leadership and example.

3. **Standards of Conduct**

As a Member of Dudley Metropolitan Borough Council my conduct will address the statutory principles of the code of conduct by:

- Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me - and putting their interests first.
- Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the borough or the good governance of the Council in a proper manner.
- Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a Member or Co-opted Member of this Council.
- Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
- Contributing to making this Council's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other Members to account but restricting access to information when the wider public interest or the law requires it.

- Behaving in accordance with all our legal obligations, alongside any requirements contained within this Council's policies, protocols and procedures, including on the use of the Council's resources.
- Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- Always treating people with respect, including the organisations and public I engage with and those I work alongside, and not bullying any person.
- Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this Council.
- Respecting the confidentiality of information received as a Member by:
 - not disclosing confidential information to third parties unless required by law to do so or where there is a clear and over-riding public interest in doing so; and
 - not obstructing third parties' legal rights to access information.

4. **Members' Interests**

The Localism Act 2011 provides for registration and disclosure of interests and in Dudley Metropolitan Borough Council this will be done as follows:

Disclosable Pecuniary Interests

Members must:

- Comply with the statutory requirement to register, disclose and withdraw from participating in respect of any matter in which they have a disclosable pecuniary interest.
- Ensure that the register of interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change(s) in respect of disclosable pecuniary interests.
- Make a verbal declaration of the existence and nature of any disclosable pecuniary interest at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent.

"Meeting" means any meeting organised by or on behalf of the Council, including:

- Any meeting of the Council, the Cabinet or any Committee, Sub-Committee or Working Group.
- In taking a decision as an individual Ward Member or Cabinet Member.
- Any briefing with officers.
- Any site visit associated with any business of the Council.

Other Interests

In addition to the requirements above, if Members attend a meeting at which any item of business is to be considered and you are aware that you have a “non-disclosable pecuniary interest or a non-pecuniary interest” in that item, you must make a verbal declaration of the existence and nature of the interest at or before the consideration of the item or as soon as the interest becomes apparent.

You have a “non-disclosable pecuniary interest or a non-pecuniary interest” in an item of business where:-

- A decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the Council Tax Payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the Council’s administrative area; or
- It relates to or is likely to affect any of the interests set out in the form attached to this Code, but in respect of a member of your family (other than a relevant person referred to on the form) or a person with whom you have a close association;

and that interest is not a disclosable pecuniary interest.

It is the responsibility of Members to disclose interests and to withdraw from participating in meetings as and when necessary in accordance with both the requirements of this Code and the Council’s Constitution.

Sensitive interests

“Sensitive interests” mean those that contain information, the details of which if disclosed publicly, could lead to a Member or a person connected with a Member, being subjected to violence or intimidation.

Where a Member considers that the details of a disclosable pecuniary interest contains sensitive information, and the Monitoring Officer agrees, the Monitoring Officer shall not include details of the interest on the public version of the register, but may include a statement that an interest exists but the details are withheld.

Dispensations

The Council may grant a dispensation, but only in limited circumstances, to enable a Member to participate and vote on a matter in which they have a disclosable pecuniary interest.

Members do not have disclosable pecuniary interests in any business of the Council where that business relates to functions of the Council in respect of-

- housing, where you are a tenant of the Council provided that those functions do not relate particularly to your tenancy or lease;
- school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full-time education, or are a parent governor of the school, unless it relates particularly to the school which the child attends;
- statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- an allowance, payment or indemnity given to Members;
- any ceremonial honour given to Members; and
- setting the Council Tax or a precept under the Local Government Finance Act 1992 as amended.

Gifts and Hospitality

Members must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £100 that has been accepted from any person or body other than the Council. The Monitoring Officer will include the notification in the public register.

LOCALISM ACT 2011 - Section 30(3)

The Relevant Authority (Disclosable Pecuniary Interests) Regulations 2012

REGISTER OF MEMBER'S DISCLOSABLE PECUNIARY AND OTHER INTERESTS

NAME

A Member of

PLEASE NOTE that you are required to register the disclosable pecuniary interests of "relevant persons" which includes:

- (a) yourself as the Member or Co-opted Member;
- (b) the interests of the following persons in so far as you are aware of the existence of the interests of the other person(s):
 - your spouse or civil partner;
 - a person with whom you are living as husband and wife
 - a person with whom you are living as if you were civil partners

PLEASE STATE "NONE" WHERE APPROPRIATE

DISCLOSABLE PECUNIARY INTERESTS

- (a) Employment, office, trade, profession or vocation carried on for profit or gain

- (b) Sponsorship – any payment or provision of any other financial benefit (other than from the Council) made or provided within the relevant period in respect of any expenses incurred in carrying out duties as a Member, or towards election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992

- (c) Contracts - Description of any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the Council (a) under which goods or services are to be provided or works to be executed; and (b) which has not been fully discharged.

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- (d) Land - Any beneficial interest in land, which is within the area of the Council

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- (e) Licences - Any licence (alone or jointly with others) to occupy land in the area of the Council

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- (f) Any tenancy where (to my knowledge) (a) the landlord is the Council; and (b) the tenant is a body in which the relevant person has a beneficial interest

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- (g) Securities - Any beneficial interest in securities of a body where (a) that body (to my knowledge) has a place of business or land in the area of the Council; and (b) either
- (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class

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OTHER INTERESTS

- (h) Gifts and Hospitality - Details of the interests of any person from whom a gift or hospitality has been received with an estimated value of at least £100.

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- (i) I am a member or in a position of general control or management of the following body/ies one of whose principal purposes include the influence of public opinion or policy (including any Political Party or Trade Union)

--

Signed

Dated



Investigations Procedure

Standards Allegations under the Localism Act 2011

1. Purpose

The purpose of this procedure is to ensure that investigations are carried out as quickly and thoroughly as possible in line with the principles of fairness, natural justice and other legal issues.

There are many factors that can affect the time it takes to complete an investigation. Most investigations should be carried out, and a report on the investigation completed, within six months of the original complaint being received by the Monitoring Officer. The timescale for holding a hearing to consider the outcome of an investigation should normally be no longer than three months from completion of the investigation. The Monitoring Officer will oversee the process to minimise delays wherever possible.

All decisions will be made under this procedure in accordance with the following principles:

- proportionality (i.e. the action must be proportionate to the desired outcome, including consideration as to cost);
- due consultation and taking of professional advice;
- a presumption in favour of openness;
- clarity of aims and desired outcomes;
- taking account and explaining the options considered and the reasons for the decision taken;
- due regard to the Members' Code of Conduct.

2. Procedure for Code of Conduct Investigations

1. A written complaint is received by the Monitoring Officer.
2. The Monitoring Officer acknowledges receipt and notifies the Member of the details of the complaint.
3. The Monitoring Officer decides whether or not further information is required. Both parties to the complaint will be notified if this is necessary.

4. The Monitoring Officer carries out an initial assessment of the complaint and consults with the Independent Person as necessary.
5. The possible outcomes of the Initial Assessment are:
 - **No case to answer** - The Monitoring Officer will notify the Member and the complainant of the outcome of the initial assessment.
 - **Informal resolution** – The Monitoring Officer may seek to resolve the complaint informally in consultation with an Independent Person as necessary. The Monitoring Officer will contact the complainant and the Member to discuss the proposal to resolve the complaint informally.

If both parties to the complaint accept informal resolution, the Monitoring Officer will notify them accordingly. If the Complainant refuses a reasonable offer of informal resolution, the Monitoring Officer will take this into account in deciding whether or not the complaint merits formal investigation. The Monitoring Officer may choose to dismiss the complaint.

If the Member agrees to informal resolution, and subsequently fails to comply with any agreed action to informally resolve the matter, the Monitoring Officer may refer the matter to the Standards Sub-Committee.

The Monitoring Officer will advise both parties of the outcome of the agreed informal resolution, thereby concluding the complaint.

- **The Monitoring Officer decides that the complaint requires formal investigation.**

The Monitoring Officer will consult an Independent Person as necessary and advise the complainant and the Member of this decision.

The Monitoring Officer will appoint an Investigating Officer – who may be another senior officer of the Council, a senior officer from another Authority, or an external investigator.

The Investigator will advise the Complainant and the Member of the scope of the investigation, including proposed timescales, the witnesses to be interviewed and the documents required. The Investigator has sole discretion as to how to conduct the investigation and conclude the investigation report.

At the conclusion of the investigation, the Investigation Officer will produce a draft report, to be forwarded to the complainant, the Member and the Monitoring Officer.

The Complainant and the Member will have an opportunity to comment on the draft report, and identify aspects of the report they disagree with. However the Investigator has sole discretion as to whether or not to amend or alter the report as a result of any comments made. The Investigating Officer will forward the

final report to the Monitoring Officer with any amendments following his/her consideration of any comments received.

The Monitoring Officer will review the Investigating Officer's report and will decide whether or not the report is sufficient. If the report is deemed to be insufficient, the Monitoring Officer will ask the Investigating Officer to reconsider the report.

If the report is sufficient, the Monitoring Officer will send a final copy of the report to the complainant and the Member, and indicate the course of action that he will take in relation to the complaint.

The courses of action will be as follows:

- **The report finds no breach of the Members' Code of Conduct** – the Monitoring Officer will advise the complainant and the Member that the matter is concluded.
- **The report finds a breach or potential breach of the Members' Code of Conduct** – the Monitoring Officer will write to the parties confirming this and propose one of the two following options:
 - (i) Informal Resolution following consultation with an Independent Person. In this event the same procedure as set out above will apply for informal resolution.
 - (ii) Referral for a local hearing by the Standards Sub-Committee.



Procedure for Standards Sub-Committee Meetings

1. Interpretation

'Subject member' means the Member of the Council who is the subject of the allegation being considered by the Sub-Committee, unless stated otherwise. It also includes the Member's nominated representative.

'Investigator' means the Monitoring Officer or his nominated representative.

'Independent Person' means a person appointed to undertake this role by the Council pursuant to the provisions of the Localism Act 2011.

2. Representation

The subject Member may be represented or accompanied during the meeting by a person of their choice.

3. Advice

The Sub-Committee may take advice, in private if necessary, from officers at any time during the hearing or while they are considering the outcome. The substance of any advice given to the Sub-Committee should be shared with the subject Member and the investigator if they are present.

4. Independent Person

The Independent Person involved in the case shall be entitled to attend the meeting to give advice and views to the Sub-Committee at any stage of this procedure.

5. Setting the scene

After everyone has been formally introduced, the Chair should explain how the Sub-Committee is going to run the hearing.

6. Exclusion of the Public and Press

The Sub-Committee will consider whether the meeting should be considered in public or private session under the provisions of the Local Government Act 1972.

7. Preliminary Procedural Issues

The Sub-Committee should then resolve any issues or disagreements about how the hearing should continue, which have not been resolved during the pre-hearing process.

8. Making findings of fact

After dealing with any preliminary issues, the Sub-Committee should then move on to consider whether there are any significant disagreements about the facts contained in the investigator's report.

If there is no disagreement about the facts, the Sub-Committee can move onto the next stage of the hearing.

If there is a disagreement, the investigator, if present, should be invited to make any necessary representations to support the relevant findings of fact in the report. With the Sub-Committee's permission, the investigator may call any necessary supporting witnesses to give evidence. The Sub-Committee may give the subject Member an opportunity to challenge any evidence put forward by any witness called by the investigator.

The subject Member should then have the opportunity to make representations to support their version of the facts and, with the Sub-Committee's permission, to call any necessary witnesses to give evidence.

At any time, the Sub-Committee may question any of the people involved or any witnesses, and may allow the investigator to challenge any evidence put forward by witnesses called by the Member.

If the subject Member disagrees with any relevant fact in the investigator's report, without having given prior notice of the disagreement, they must give good reasons for not mentioning it before the hearing. If the investigator is not present, the Sub-Committee will consider whether it would be in the public interest to continue in their absence.

After considering the Member's explanation for not raising the issue at an earlier stage, the Sub-Committee may then:

- continue with the hearing, relying on the information in the investigator's report;
- allow the subject member to make representations about the issue, and invite the investigator to respond and call any witnesses, as necessary;
- postpone the hearing to arrange for appropriate witnesses to be present, or for the investigator to be present if they are not already.

The Sub-Committee will usually adjourn to consider the representations and evidence in private.

The Chair will announce the Sub-Committee's findings of fact.

9. **Did the subject Member fail to follow the Code of Conduct?**

The Sub-Committee then needs to consider whether, based on the facts it has found, the subject Member has failed to follow the Members' Code of Conduct.

The subject Member should be invited to give relevant reasons why the Sub-Committee should decide that he/she have not failed to follow the Code.

The Sub-Committee should then consider any verbal or written representations from the investigator.

The Sub-Committee may, at any time, question anyone involved on any point they raise on their representations.

The subject Member should be invited to make any final relevant points.

The Sub-Committee will then adjourn to consider the representations.

The Chair will announce the Sub-Committee's decision as to whether the subject Member has failed to follow the Code.

10. **If the subject Member has not failed to follow the Code of Conduct**

If the Sub-Committee decides that the subject Member has not failed to follow the Code, the Sub-Committee can move on to consider whether it should make any recommendations to the Council.

11. **If the subject Member has failed to follow the Code of Conduct**

If the Sub-Committee decides that the subject Member has failed to follow the Code, it will consider any verbal or written representations from the investigator and the subject Member as to:-

- Whether the Sub-Committee should take any action.
- What form that action should take.

The Sub-Committee may question all parties and take any advice, to make sure they have the information they need in order to make an informed decision.

The Sub-Committee will then deliberate in private to consider whether to take any action in respect of the subject Member and, if so, what action to take.

The Sub-Committee may also consider whether it should make any other recommendations to the Council.

The Chair will announce the Sub-Committee's decision.

12. **The written decision**

The Sub-Committee will announce its decision on the day. The Monitoring Officer will arrange for a decision letter to be sent to all parties as soon as possible after the meeting to confirm the decision.

PETITION SCHEME

1. Petitions

We welcome petitions as one way in which you can let us know your concerns. We set out below how the authority will respond to petitions.

2. What is a petition and whom may send them?

Anyone who lives, works or studies in the area of Dudley Metropolitan Borough Council can sign or organise a petition. For practical purposes, we normally set a requirement for at least 10 signatories or petitioners before we treat it as a petition.

3. What should a petition contain?

A petition should include –

- A clear statement of your concerns and what you want the Council to do. This must relate to something which is the responsibility of the Council, or over which the Council has some influence. Where a petition relates to a matter which is within the responsibility of another public authority, we will ask the petition organiser whether s/he would like us to redirect the petition to that other authority. Where a petition relates to a matter over which the Council has no responsibility or influence, we will return the petition to the petition organiser with an explanation for that decision.
- The name, address and contact details of the “petition-organiser” or someone to whom you would like any correspondence about the petition to be sent. Contact details should be a postal address and an Email address if you have one;
- The names and addresses of at least 10 petitioners (which can include the petition organiser). Where the petition is in paper form, this should include a signature and an address from each petitioner. If you want your petition to be debated at a meeting of the Council (“A Petition for Debate”), your petition will need to contain at least 3,000 of signatories or petitioners (see below);

4. Who should you send a petition to?

Where you submit a petition in response to a specific consultation by the authority, please address it to the return address set out in the consultation invitation. This will ensure that it is reported at the same time when the matter to which it relates is considered.

You can hand in petitions at meetings of your local Community Forum. These will be passed on to the relevant officers for a response.

The Director of Corporate Resources is otherwise responsible for receiving petitions sent to the authority. Please address those petitions to –

The Director of Corporate Resources,
c/o Democratic Services
Dudley Metropolitan Borough Council,
The Council House, Priory Road,
Dudley, West Midlands, DY1 1HF

On receipt, your petition will be acknowledged and you will be advised that the matter has been referred to the relevant Director for attention. Group Leaders, the relevant Cabinet Member and Ward Members will also be notified that a petition has been received.

5. Types of Petition

There are different types of petition, as set out below. How the Council deals with a petition depends on which type of petition you submit –

Consultation Petitions

These are petitions in response to an invitation from the Council for the public to make representations on a particular proposal or application, for example on planning or licensing applications or proposals for parking restrictions or speed limits. Consultation petitions which are received by the response date will be reported to the appropriate Committee, Sub-Committee, Cabinet Member or Officer with delegated power to act, as defined in the Scheme of Delegation in the Council's Constitution.

Where the petition relates to a matter, which is within the delegated powers of an individual Cabinet Member, s/he may decide not to exercise those delegated powers but to refer the matter to Cabinet for decision. Similarly, an officer may choose to refer a matter to the relevant Cabinet Member.

Ordinary Petitions

Ordinary petitions will be referred to the relevant Director for consideration and attention.

The relevant Director is responsible for keeping the Petition Organiser, the appropriate Cabinet Member(s) and Ward Councillors informed of any action that is taken or proposed by the Council.

It should be noted that Petition Organisers may pursue the Council's complaints procedures should they remain dissatisfied with the outcome of the consideration of a petition.

Statutory Petitions

Particular Acts of Parliament may require the Council to consider petitions and other representations. Petitions that are to be considered under a statutory process will be referred to the appropriate Director for consideration in accordance with that process.

Petitions for Debate at Full Council

If you want your petition to be reported to and debated at a meeting of the full Council, it must contain at least 3,000 petitioners. Your petition should state that you wish the matter to be debated at full Council.

For practical reasons, petitions for Debate must be submitted no later than 14 days before the meeting of the Council at which you want the Petition debated.

Any Petitions for Debate will be reported to the next convenient ordinary meeting of the Council. Petitions will not be considered at the Annual Meeting of Council or at Extraordinary Meetings of the Council.

Petitions for debate shall be considered at meetings of the Council in the order prescribed in the Council's Procedure Rules or otherwise as may be determined by the Mayor. A maximum of 30 minutes will be allowed at each meeting for considering all petitions for debate. Petitions not dealt with in the time allowed will normally be deferred until the next ordinary meeting of the Council unless the Mayor determines otherwise.

The Mayor will invite the petition organiser to address the Council for up to 3 minutes immediately before the matter is debated. The Council's Procedure Rules shall then apply to the debate on petitions at the Council meeting.

6. Public Speaking Rights at Meetings

Unless the Constitution provides otherwise, the right of any person to speak at any meeting and the manner in which petitions are dealt with shall be at the discretion of the person presiding at the meeting concerned.

7. Duplicate, Repeat or Rejected Petitions

Duplicate Petitions

Where more than one petition is received in time for a particular meeting, each supporting the same outcome on one matter, each petition organiser will be treated as an independent petition organiser. However, only the petition organiser of the first petition to be received will be afforded speaking rights if these apply at the relevant meeting to which the petition is reported.

Repeat Petitions

A petition will not normally be considered where they are received within 6 months of another petition being considered by the authority on the same matter.

Rejected Petitions

Petitions will not be reported if in the opinion of the Director of Corporate Resources, in consultation with the relevant Cabinet Member and the Chairman of the relevant Scrutiny Committee, they are vexatious, abusive or otherwise inappropriate, or do not relate to something which is the responsibility of the authority, or over which the authority has some influence.

ARTICLE 10 – COMMUNITY FORUMS

10.01 Community Forums

The Council may appoint Community Forums to ensure improved community engagement, community participation and greater transparency and accountability in the conduct of the Council's business.

10.02 Form, composition and function

- (a) Community Forums shall cover the areas included within the boundaries of the following electoral wards:-
- Sedgley and Coseley East
 - Gornal and Upper Gornal & Woodsetton
 - Castle & Priory, St James's and St Thomas's
 - Brockmoor & Pensnett and Brierley Hill
 - Netherton, Woodside & St Andrews and Quarry Bank & Dudley Wood
 - Kingswinford North & Wall Heath, Kingswinford South and Wordsley
 - Amblecote, Lye & Stourbridge North and Cradley & Wollescote
 - Norton, Pedmore & Stourbridge East and Wollaston & Stourbridge Town
 - Belle Vale, Halesowen North, Halesowen South and Hayley Green and Cradley South.
- (b) Community Forums shall comprise the elected Members for the wards referred to above. A Member of the Council shall be entitled to attend meetings of other Community Forum(s) to which he/she is not normally appointed as a ward Councillor.
- (c) The principal focus of Community Forums is the opportunity for local people to engage with Councillors to discuss local issues. The Forums shall otherwise operate in accordance with any protocols that are adopted by the Council from time to time.
- (d) Community Forums are centred on the democratic representational role of local ward Councillors and involve discussion of local ward issues and matters raised by members of the public. Forums will also receive petitions and make recommendations on the allocation of local area budgets.

- (e) Community Forums may also:
 - (i) Refer service matters to the appropriate Directorates for a response.
 - (ii) Request that reports are submitted to any Committee, a Cabinet Member, the Cabinet or the Council.
 - (iii) Refer matters to local partner organisations.

10.03 Chairs and Vice-Chairs of Community Forums

The Council shall appoint Members to serve as Chairs and Vice-Chairs of the Community Forums on an annual basis.

10.04 Conflicts of Interest

All Members of the Council shall observe the requirements of the Members' Code of Conduct when attending meetings of the Community Forums.

10.05 Reports to Council

Bullet point informal minutes shall be produced of issues raised at Community Forums. These shall be submitted to ordinary meetings of the Council to enable questions in accordance with Council Procedure Rule 11.