

STANDARDS COMMITTEE

Thursday, 22nd March, 2007, at 6.00 p.m.
in Committee Room 4 at the Council House, Dudley

PRESENT:-

The Bishop of Dudley (Independent Chairman)
Councillors Mrs Dunn, Fraser-Macnamara, Male and Tyler.

OFFICERS

The Director of Law and Property, Assistant Director Legal and Democratic Services and Mr J Jablonski (Directorate of Law and Property).

17 **APOLOGIES FOR ABSENCE**

Apologies for absence from the meeting were submitted on behalf of Councillors Ms Craigie and Ms Partridge and Miss L Smith.

18 **DECLARATIONS OF INTEREST**

No member made a declaration of interest in accordance with the Members' Code of Conduct in respect of any matter to be considered at this meeting.

19 **MINUTES**

RESOLVED

That the minutes of the meeting of the Committee held on the 18th December, 2006, be approved as a correct record and signed.

20 **COMPREHENSIVE PERFORMANCE ASSESSMENT – COMPREHENSIVE ASSESSMENT REPORT**

A report of the Monitoring Officer was submitted on the findings of the Audit Commission with regard to ethical governance within the Council as set out in the Corporate Assessment Report dated February, 2007.

As part of the presentation of this report the Monitoring Officer commented on the two references to the ethical framework as set out in paragraph 6 of the report with particular reference to the comments made that meetings of the Standards Committee were “ad hoc and it lacks the benefit of a clear plan of proactive reviews which limits its effectiveness”.

Whilst this view was not endorsed by the Council the Audit Commission clearly considered that it was still good practice to have planned meetings, which could be cancelled if there was no relevant business for them, and that a clear plan of proactive reviews could be formulated.

Regarding proactive reviews, the Monitoring Officer, having sought guidance on this matter, circulated work programmes of Standards Committees from a number of other authorities.

RESOLVED

That the information contained in the report submitted, on the findings of the Audit Commission with regard to ethical governance within the Council as set out in the Corporate Assessment Report dated February, 2007, be noted and that in view of the comments expressed in that report the Monitoring Officer arrange for four meetings of the Standards Committee to be included in the Calendar of Meetings to be considered at the Annual Meeting of the Council in May, 2007 and submit to the first meeting of this Committee in the new Municipal Year a proposed work programme for consideration.

REVISED MODEL CODE OF CONDUCT

A report of the Monitoring Officer was submitted on a Consultation Paper issued by the Department for Communities and Local Government on amendments to the Model Code of Conduct for Local Authority Members. A copy of the proposed revised Code was attached at Appendix 1 to the report submitted. Also attached, as Appendix 2 to the report submitted, was a copy of Annex B of the Consultation Paper which set out eight specific questions on which responses were requested.

The Monitoring Officer commented on paragraphs 7 to 23 of the report submitted which set out significant amendments to the Code and on proposed responses to the eight specific questions set out in Appendix 2 to the report submitted.

Consideration was then given to each of the questions and proposed responses in turn.

RESOLVED

That the information contained in the report, and Appendices to the report, submitted on the Consultation Paper issued by the Department for Communities and Local Government on amendments to the Model Code of Conduct for Local Authority Members, be noted and that the Monitoring Officer be requested to respond to the Department for Communities and Local Government on the eight questions set out in Appendix 2 to the report submitted as follows:-

Question 1

Regarding the disclosure of confidential information the procedure should include some third party involvement requiring the member to consult with, say, the Information Commissioner or the Monitoring Officer before they decide to breach any confidentiality.

Question 2

Regarding actions by members in their private capacity beyond actions which are directly relevant to the office of the member it is considered that the proposed text would bring greater clarity to a problematic area of the Code allowing members to draw a distinction between their private life and their political role and, apart from criminal activity, what they do in private should not be deemed to be a contravention of the Code.

Question 3

Regarding the Code of Recommended Practice on Local Authority Publicity it is considered that the Publicity Code is now twenty years old and is out of date. It may have been appropriate in the particular political climate in which it was introduced but it had little relevance now. Local authorities should be left to make their own decisions on appropriate publicity without any central guidance. The only exception may be to proscribe publicity at election times.

Question 4

Regarding the proposed text on gifts and hospitality there can be no objection in principle to including gifts and hospitality in the Register of Interests. However, as the threshold of £25 has not changed since 2002 it is considered that this should be increased to £50. In addition the requirement to declare draws no distinction between, say, modest hospitality costing £25, the current threshold level, and an expensive gift of, say, free air travel or hotel accommodation. It is also considered that the requirement to disclose the personal interest to a meeting should cease after twelve months and not after five years as proposed.

Question 5

Regarding the proposed text relating to friends, family and those with a close personal association it is considered that the terms used are very broad and that the interpretation of "close personal association" could routinely embrace "acquaintances". Members

would therefore err on the side of caution and declare interests if they simply know the individual concerned. This would tend to significantly increase the number of declared interests. It is also queried whether the wording of the Code needs to be amended. Furthermore the proposed text to be adopted in the Code should have definitions for “family” and “friends”.

Question 6

Regarding any new exemptions to be included in the text as additions to the list of items which are not to be regarded as prejudicial it was agreed that the list of exemptions should be extended to cover decisions on indemnities for members, setting the Council Tax and whether or not the member should be awarded the status of Freeman. No other exemptions are proposed.

Question 7

Regarding the relaxation of the rules to allow increased representation at meetings it is considered that the proposed text appears to be a reasonable compromise. If a member has a prejudicial interest in, say, a planning application, the member should be given the same opportunity as any other applicant to make verbal representations at the Development Control Committee and then depart from the meeting.

Question 8

Regarding a possible more user friendly way of ensuring that the text is gender-neutral it is considered that the least cumbersome way of making the Code gender-neutral is to amend the wording to say “you” rather than “he or she”.

The meeting ended at 7.00 p.m.

CHAIRMAN