

Standards Committee - 14th October, 2009

Report of the Monitoring Officer

Annual Report : Members' Code of Conduct

Purpose of Report

1. To consider the Annual Report on the operation of the Members' Code of Conduct.

Background

2. Within its Terms of Reference the Standards Committee is obliged to monitor the operation of the Members' Code of Conduct and this report is the sixth overview since the Code of Conduct was originally introduced.
3. In this report I will:-
 - summarise the work of the Committee since the last Annual Report in October 2008;
 - provide a brief summary of activity relating to complaints;
 - give details of training for members;
 - consider the need for a future meeting between the Chairman of the Standards Committee and the three Group Leaders;
 - review the action points from the 2008/09 Annual Report;
 - propose some action points for 2009/10.

Summary of the work of the Standards Committee since October 2008

4. The Standards Committee has an agreed work programme and meetings' schedule for the year. The following issues have been considered this year to date:-
 - Standards Committee Website
 - The Case Review: 2008 Digest – The Standards Board For England
 - The Anti-Fraud And Corruption Strategy
 - Members' Allowances Scheme
 - Members' Blackberry Provision
 - Standards Board Intervention, Joint Standards Committees and Dispensations

5. In line with the arrangements for the local initial assessments of complaints, the Standards Committee has put in place all of the necessary arrangements for processing such complaints. At its meeting on the 30th June, 2009, three separate sub-committees were reappointed to deal with each potential stage of the process. Complaints forms and an information pack for complainants are available either on request or on-line and the arrangements have been publicised locally. A Monitoring Officer Protocol has also been approved.
6. Earlier this year the Standards Committee embarked upon the appointment of independent members to fill vacancies that had arisen during the year. Following advertisement and interviews the Council approved the appointment of Mrs. Valerie Ainsworth (for a term of four years with effect from 28th April, 2009) and Father Alan Williams (for a term of four years with effect from 14th July, 2009).

Brief Summary of Complaints Activity

7. There have been no formal complaints registered against Members in the year covered by this report. No meetings of the Sub-Committees have therefore been necessary. In the normal course of the Council's business, issues have been raised with me during the year, however, any issues that have arisen have been dealt with informally without the need to progress to the formal complaints machinery.

Training for Members

8. Members of the Standards Committee have received training in previous years on the Code of Conduct. This training has included viewing the DVD entitled "The Code Uncovered" produced by the Standards Board. In addition a number of members have previously attended refresher training on the Code, which included consideration of cases decided by the Adjudication Panel for England. On the introduction of the local arrangements in 2008, Members of the Standards Committee attended a training session on local initial assessments of complaints.
9. Training will be provided to the two new Independent Members, which will be particularly important should the need arise to call Sub-Committee hearings. Refresher training for existing Members and training for any new Members appointed to the Standards Committee will be provided after the municipal elections in 2010.

Meeting between the Chairman of the Standards Committee and the three Group Leaders

10. A meeting took place on the 25th February, 2008 and it was proposed at that time that this should become an annual event. In the light of the level of complaint activity, however, no meeting has been held in 2009. The need for a further meeting will be considered towards the end of this municipal year.

Review of Action Points for 2008/09

11. The main action points from last year were to:-

- ensure that the Sub-Committees that we have appointed are well briefed and supported in reaching decisions which come within their terms of reference – this is an ongoing requirement.
- signposting potential complainants to enable them to use the appropriate complaints procedure (e.g. Code of Conduct, Ombudsman or Corporate Complaints Procedure) – I continue to do this on an ongoing basis.
- provide further training events for members to increase their awareness of the new Code – this is covered in paragraphs 8 and 9 above.
- arrange the annual liaison meeting between the Chairman of the Standards Committee and the three Group Leaders – this is covered in paragraph 10 above.

Action Points for 2009/10

12. Although no formal complaints have been received over the past year, for workload planning purposes, it is sensible to continue with our previous assumption that we can expect about four complaints per year of alleged breaches of the Code. The arrangements we have put in place will ensure that decisions on whether or not to investigate are taken within strict time limits. The Referrals Sub-Committee will, of course, make the initial decision on whether or not to refer a complaint for investigation.
13. The local arrangements for dealing with complaints still has the potential to become resource intensive. At this moment in time we can cope with the expected number of complaints within existing resources. However, if this situation alters, I will submit a report to the Standards Committee.
14. My main priorities for this year are to:-
 - continue to ensure that the Sub-Committees are well briefed and supported in reaching decisions which come within their terms of reference
 - continue signposting potential complainants to enable them to use the appropriate complaints procedure (e.g. Code of Conduct, Ombudsman or Corporate Complaints Procedure)
 - provide training for new members (elected and independent) and refresher training for existing members after the municipal elections in 2010.
 - consider the need for a liaison meeting between the Chairman of the Standards Committee and the three Group Leaders towards the end of the current municipal year.

Conclusion

15. Overall, experience is showing that Dudley Members have a healthy respect for complying with the Code. All the necessary processes to cope with the legislative framework are firmly established. There is still an appetite for attending training events and my colleagues and myself are frequently asked for advice about declarations of interest and other issues associated with the Code.
16. The workload for members of the Standards Committee will continue to be monitored over the coming year.

Finance

17. Any financial implications arising from the promotion and maintenance of high ethical standards are met from within existing budgets.

Law

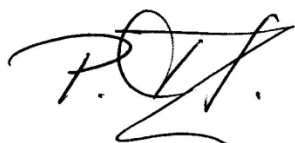
18. The relevant provisions regarding the Members' Code of Conduct are contained in Sections 49-52 of the Local Government Act 2000 and the Standards Committee (England) Regulations 2008.

Equality Impact

19. This report complies fully with the Council's policies on equality and diversity. It is a significant requirement of the Code that members do not discriminate against people on the grounds of race, gender, disability, religion or belief, sexual orientation and age.
20. There are no particular issues arising from this report with regard to children and young persons.

Recommendation

21. It is recommended that this report and the action points set out in paragraphs 12-14 be considered by the Standards Committee and referred to the Council for approval.



.....
Philip Tart
Monitoring Officer

Contact Officer: Philip Tart
Telephone: 01384 (81)5300
Email: philip.tart@dudley.gov.uk

List of Background Papers

Report to Standards Committee dated 15th October, 2008