

Standards Committee – 13th October, 2010

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 seventh 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;
 - 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 Group Leaders;
 - review the action points from the 2009/10 Annual Report;
 - propose some action points for 2010/11.

Summary of the work of the Standards Committee since October 2009

4. The Standards Committee has an agreed work programme and meetings schedule for the year. The following issues in particular have been considered this year to date:-
 - Joint Standards Committees – Dispensation and other action
 - Adjudication Panel update
 - Politically Restricted Posts
 - Legal Update
 - Anti Fraud and Corruption Strategy
 - Revised Code of Corporate Governance
 - Standards for England – Review of Local Standards Framework
 - Annual Report of the Committee on Standards in Public Life

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 22nd June, 2010, 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. Following the necessary advertising process, at the meeting of the Council on 26th April 2010, the Bishop of Dudley was reappointed as an Independent Member of the Standards Committee for a four year period with effect from 27th April 2010. At the annual meeting of the Council on 20th May, 2010 the Bishop of Dudley was re-elected as Chairman of the Standards Committee.

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. On 13th July, 2010 Members of the Standards Committee received updated training on the Code of Conduct. This builds on training provided to Members in previous years.
9. Refresher training for existing Members and training for any new elected or Independent Members appointed to the Standards Committee will be provided as and when necessary during the year.

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

10. A positive and constructive meeting took place on the 16th March, 2010. The need for a further meeting will be considered towards the end of this municipal year.

Review of Action Points for 2009/10

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;

- to provide training for new members (elected and independent) and regular training for existing members after the municipal elections in May 2010 - This has been done and will continue;
- to consider the need for a meeting between the Chairman of the Standards Committee and the Group Leaders towards the end of the municipal year.

Action Points for 2010/11

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 any new Members (elected and independent) and refresher training for existing Members as necessary;
 - consider the need for a liaison meeting between the Chairman of the Standards Committee and the Group Leaders as necessary;
 - monitor changes to the standards regime in the light of the national context and future legislative developments.

Conclusion

15. Overall, experience still shows 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 to 14 be considered by the Standards Committee and referred to the Council for approval.



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List of Background Papers

Report to Standards Committee dated 14th October 2009