

STANDARDS COMMITTEE

Monday, 12th April 2010, at 6.00 p.m. in Committee Room 4
At the Council House, Dudley

PRESENT

The Bishop of Dudley (Independent Chairman)
Councillors J R Davies, Kettle, Mrs. P. Martin, Ms. Partridge and Tyler;
Mrs V Ainsworth and Father Alan Williams.

Officers

The Director of Corporate Resources, Head of Audit Services and Mr J Jablonski (Directorate of Law, Property and Human Resources).

27 **APOLOGY FOR ABSENCE**

An apology for absence from the meeting was submitted on behalf of Councillor Ms Boleyn.

28 **DECLARATIONS OF INTEREST**

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

29 **MINUTES**

RESOLVED

That the Minutes to the meeting of the Committee held on 20th January, 2010, be approved as a correct record and signed.

POLITICALLY RESTRICTED POSTS

A report of the Monitoring Officer was submitted on an update of the Council's policy and procedures relating to politically restricted posts in the light of guidance issued by the Local Government Employers and on the need to amend the terms of reference of the Standards Committee to make provision for the determination of appeals from employees of the Council concerning the inclusion of their posts in the list of politically restricted posts.

A copy of the amended policy taking account of the recent legislative changes and guidance was attached as an Appendix to the report submitted.

Arising from the presentation of the content of the report, and Appendix to the report submitted, by the Monitoring Officer it was noted that the Council was under a duty to draw up and regularly update a list of those posts which were politically restricted. These posts fell into two broad categories that is "Specified Posts" and "Sensitive Posts". Only employees whose posts fell within the category of "Sensitive Posts" had a right of appeal to the Standards Committee on the grounds that the Authority had wrongly applied the criteria when including their post in the list.

During consideration of this matter it was noted that the Monitoring Officer would submit a list of "Sensitive Posts", following determination of such posts by each Directorate of the Council, for consideration by the Committee.

RESOLVED

1. That the Council's policy and procedures relating to politically restricted posts, revised in the light of guidance issued by the Local Government Employers, attached as an Appendix to the report submitted, be endorsed and that the Council be recommended to amend the terms of reference of the Standards Committee so as to include the determination of appeals from employees of the Council concerning the inclusion of their posts in the list of politically restricted posts.
2. That, following completion of a list comprising "Sensitive Posts", as determined by each Directorate of the Council, the Monitoring Officer be requested to submit a report to a future meeting of this Committee on those posts considered to be sensitive; with the post holders having the right of appeal against inclusion in the list of politically restricted posts to the Standards Committee.

THE ANTI-FRAUD AND CORRUPTION STRATEGY

A report of the Director of Corporate Resources and Monitoring Officer was submitted on proposals for further revisions to the strategy, as set out in Appendix 1 to the report submitted, arising from the approval of the original strategy by Council in 2004 and an initial revision in 2009.

The Head of Audit Services outlined the various proposed revisions, as included in the Appendix, including the statement set out and highlighted on the first page of the Appendix.

Arising from detailed consideration of the revisions referred to and on other provisions of the Strategy it was:-

RESOLVED

1. That, subject to the following further amendments and comments, the Anti-Fraud and Corruption Strategy, as set out in the Appendix to the report submitted, be approved:-
 - (a) The determination, following further consideration by the Head of Audit Services, in consultation with appropriate Officers, as to whether the following words in brackets ...”unless there are very exceptional circumstances” could be deleted from paragraph 3.4 a.
 - (b) That the third sentence of the statement as highlighted on the first page of the Strategy be amended to read “Action will be taken to recover all assets and monies stolen from the Authority”.
 - (c) In paragraph 6.7, and other paragraphs similarly worded, inclusion of the words after Head of Internal Audit “or authorised deputy”.
 - (d) In paragraph 6.4c inclusion of the words “and Independent Safeguarding Authority”.
 - (e) Further consideration be given by the Head of Audit Services, in consultation with appropriate Officers, as to the possible rewording of paragraphs 12.2. and 12.3 under the heading “12 The Standards Committee” so as to clarify the role of the Standards Committee.

2. That the Head of Audit Services be requested to arrange for the three independent members of the Standards Committee to receive future additions of the Anti-Fraud newsletter.

32 REVISED CODE OF CORPORATE GOVERNANCE

A report of the Directorate of Corporate Resources and Monitoring Officer was submitted on proposed updates to the Code of Corporate Governance. A copy of the updated Code was attached as an Appendix to the report submitted.

RESOLVED

That the updated Code of Corporate Governance, as set out in Appendix to the report submitted, be endorsed and recommended for approval by the Leaders of the Political Groups on the Council through the expedited procedure.

33 VERBAL UPDATE FOLLOWING THE CHAIRMAN AND MONITORING OFFICER'S MEETING WITH THE GROUP LEADERS

The Chairman referred to the meeting that had been held on 16th March 2010, between himself, the Monitoring Officer and two of the three Political Group Leaders on the Council. The Leader who was not in attendance had been briefed on the issues discussed.

Of those issues discussed the Bishop referred to those matters that had been considered by the Standards Committee in the previous year and items to be discussed in the future such as politically restricted posts that had been considered at this meeting. Possible changes to the Members' Code of Conduct that may be enacted following the General Election were also raised. Consideration was also given to the future training of members with particular reference to their roles on the sub-committees of the Committee and to training for newly elected members and those members who wished to have refresher training.

The Monitoring Officer also referred to developments regarding informal complaint resolution and to the possible future position with regard to the Standards Board for England.

Overall it was considered that the meeting held had been useful.

RESOLVED

That the information, indicated above, outlining matters raised at a meeting held on 16th March, 2010, between the Chairman of this Committee, the Monitoring Officer and Group Leaders of the Council, be noted.

STANDARDS FOR ENGLAND – REVIEW OF THE LOCAL STANDARDS FRAMEWORK

A report of the Monitoring Officer was submitted on the Executive Summary and recommendations contained in the review of the local standards framework published by Standards for England in March, 2010.

A copy of the Executive Summary was attached as an Appendix to the report submitted and contained, in particular, seventeen recommendations which, if endorsed, would require legislative amendments to bring about the proposed changes.

Of those recommendations, the Monitoring Officer referred to:-

- i) Recommendation 3 that the Vice Chair of the Standards Committee should be an Independent Member.
- ii) Recommendation 11 that on receipt of an allegation the Monitoring Officer should inform a Member that they have been the subject of a complaint unless there are compelling circumstances not to (for example a risk of prejudicing an investigation by intimidation of witnesses or destroying or compromising evidence); and
- iii) Recommendation 12 that Local Authorities should no longer be required to publish decision notices in the local newspaper. Instead they should be publicised on the Local Authority's website.

It was considered that these changes, if enacted, could be supported.

Comments were also made on Recommendation 15 - that the next review should look for opportunities to simplify the Code and ensure that it is readily understood by members and remains fit for purpose and in respect of Recommendation 16 regarding Standards for England developing its training role. On this latter point it was considered that the Council's own local arrangements with regard to training worked well.

Regarding Recommendation 15 it was considered that following the General Election it was hoped that there would be an opportunity to make further detailed comments and consider proposals in greater detail.

RESOLVED

That the information contained in the report, Appendix 1 to the report and as reported at the meeting, on the Executive Summary and recommendations contained in the review of the local standards framework published by Standards for England in March 2010, be noted at this stage with a view to further consideration being given to the matters raised when further proposals were received in due course.

35 ANNUAL REPORT OF THE COMMITTEE ON STANDARDS IN PUBLIC LIFE 2008/2009

A report of the Monitoring Officer was submitted on the annual report of the Committee on Standards in Public Life 2008/2009. A copy of the Annual Report was attached as Appendix 1 to the report submitted.

RESOLVED

That the information contained in the report, and Appendix 1 to the Report, submitted on the Annual Report of the Committee on Standards in Public Life 2008/2009, be noted.

The meeting ended at 7.40 p.m.

CHAIRMAN