

Standards Committee – 13th October, 2011

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 eighth 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;
 - note the need for consideration of the implications of the Localism Bill relating to the future of the standards regime;
 - review the action points from the 2010/11 Annual Report;
 - set out some action points for 2011/12.

Summary of the work of the Standards Committee since October 2010

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:-
 - Local Standards Framework
 - Annual Report of the Committee on Standards in Public Life
 - Social Networking Policy
 - Standards for England Case Review
 - Request for Dispensation
 - Anti-Fraud and Corruption Strategy
 - Elected Member Feedback – Contact with the Council

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 the meeting on the 23rd June, 2011, 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.

Brief Summary of Complaints Activity

6. There have been three formal complaints registered against Members in the year covered by this report. The formal complaints were dealt with as follows:-
 - The Referrals Sub-Committee considered the first complaint on 1st November, 2010. The matter was referred for local investigation by the Monitoring Officer. The Hearings Sub-Committee was held on 30th March, 2011, where it was resolved that on the balance of probability, the Member concerned had not breached the Members' Code of Conduct.
 - The second complaint was considered by the Referrals Sub-Committee on 5th January, 2011. The matter was referred for local investigation by the Monitoring Officer. On 15th February, 2011, the Hearings Sub-Committee found that there had been a breach of the Code of Conduct, however, determined that no further action be taken in view of the circumstances of the case. The Sub-Committee also recommended that Members be made aware of, and undertake, the Council's on line equality training and that all Councillors be reminded of the Council's policy on use of the Internet and e-mails.
 - The final complaint was considered by the Referrals Sub-Committee on 30th June, 2011. The Sub-Committee determined that no further action be taken on the investigation of the complaint. The Monitoring Officer was recommended to request the Member to attend a training session on the Members' Code of Conduct; to ensure that the circumstances of this complaint were included in future New Member Induction sessions; and to arrange for all Members of the Council to be e-mailed and informed to be careful not to use the Council logo in election materials.
7. The minutes of the above meetings are publicly available on the Committee Management Information System via the Council's website. All of the recommendations made by the Sub-Committees have been actively pursued and implemented.
8. In the normal course of the Council's business, various other 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

9. On 12th July, 2011 Members received updated training on the Code of Conduct. This builds on training provided to Members in previous years. Refresher training will be provided as and when necessary.

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

10. No meeting has taken place during 2010/11 pending further details in respect of the future of the standards regime as part of the Localism Bill.

Review of Action Points for 2010/11

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 after the municipal elections in May 2011 - This has been done and will continue as necessary;
 - 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 2011/12

12. Pending the enactment of the Localism Bill, 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 have 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 Members (elected and independent) as necessary;
- consider the need for a liaison meeting between the Chairman of the Standards Committee and the Group Leaders, if necessary;
- implement any changes to the standards regime arising from the enactment of the Localism Bill.

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 subject to the enactment of the Localism Bill and its implications for the standards regime.

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.



.....
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 13th October 2010