

STANDARDS COMMITTEE

Wednesday, 14th October, 2009 at 6.00 p.m.
in Committee Room 4 at the Council House, Dudley

PRESENT

The Bishop of Dudley (Independent Chairman)
Councillors Ms. Boleyn, J.R. Davies, Kettle, Ms. Partridge, Taylor and
Tyler; Father A. Williams – Independent Member.

Officers

The Interim Director of Law, Property and Human Resources (Monitoring
Officer), the Interim Assistant Director (Legal and Democratic Services)
and the Democratic Services Manager (Directorate of Law, Property and
Human Resources).

11 **APOLOGIES FOR ABSENCE**

Apologies for absence from the meeting were submitted on behalf of
Councillor Mrs. P. Martin and Mrs. V. Ainsworth.

12 **APPOINTMENT OF SUBSTITUTE MEMBER**

It was reported that Councillor Taylor had been appointed as a substitute
member for Councillor Mrs. P. Martin for this meeting of the Committee
only. In noting the absence of Mrs. Ainsworth, the Committee expressed
their best wishes for a speedy recovery.

13 **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.

14 **WELCOME TO FATHER ALAN WILLIAMS**

The Chairman welcomed Father Alan Williams, a recently appointed
Independent Member, to his first meeting. Introductions were made by all
the other persons present.

15

MINUTES

RESOLVED

That the minutes of the meeting of the Committee held on 30th June, 2009, be approved as a correct record and signed.

16

ANNUAL REPORT ON THE MEMBERS' CODE OF CONDUCT

The Committee considered the annual report of the Monitoring Officer on the operation of the Members' Code of Conduct. The report summarised the work of the Committee during 2008/09 and associated matters.

The report included a review of action points from the 2008/09 annual report and proposed action points for 2010/11. These included proposals to:-

- (a) Continue the established arrangements for the local assessment of complaints;
- (b) Monitor the level of resources required to deal with the arrangements for the local assessment of complaints and report to the Committee as necessary.
- (c) Establish the following priorities for the Monitoring Officer during 2009/10:-
 - (i) Continue to ensure that the appointed Sub-Committees were well briefed and supported in reaching decisions.
 - (ii) Continue to signpost potential complainants to enable them to use the appropriate complaints procedure.
 - (iii) Provide training for new Members (elected and independent) and refresher training for existing members.
 - (iv) To arrange a liaison meeting between the Chairman of the Standards Committee and the three Group Leaders.

In relation to the training of the new independent members, the Monitoring Officer indicated that a dedicated session with Mrs. Ainsworth and Father Williams would be arranged before Christmas. Unless there were any particular issues arising that necessitated an earlier session, training for other Members would take place after the municipal elections in 2010. This would include a viewing of the Standards Board DVD on 'Assessment made Clear'.

The liaison meeting between the Chairman of the Standards Committee and the three Group Leaders would be organised, prior to the municipal elections, in February, 2010 if possible.

The Monitoring Officer also referred to an issue that had arisen during the year relating to Members' responding to e-mail correspondence. The Committee considered that this was not a major issue that necessitated any further action and the Monitoring Officer was asked to raise any specific issues with Group Leaders in the first instance.

The Chairman reiterated the point that all ordinary meetings of the Standards Committee were held in public session. The Committee (or any of its Sub-Committees) would only hear matters in private session if individual cases were being discussed.

RESOLVED

That, subject to the comments noted above, the annual report on the Member's Code of Conduct, and the action points set out in paragraphs 12 to 14 of the report, be endorsed and referred to the Council for approval.

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JOINT STANDARDS COMMITTEES : DISPENSATIONS AND OTHER ACTION

A report of the Monitoring Officer was submitted on updated guidance issued by the Standards Board for England on establishing and operating joint Standards Committees; granting dispensations and other action.

Arising from Minute No. 10 of the meeting held on 30th June, 2009, the Monitoring Officer had made enquiries of the other authorities and bodies referred to in the Minute. In light of the information received, the Committee considered that no further action was necessary at the present time concerning joint arrangements, however, it was noted that the power existed should this be required in the future.

In relation to dispensations, the Committee considered that this was not a significant issue in Dudley in view of the effective substitution arrangements that already existed within the Council Procedure Rules.

The Committee also noted that in his annual report on the Constitution, to be considered by the Cabinet on 28th October, 2009, the Monitoring Officer had included reference to public participation at Area Committees. This would clarify the position concerning Members who had declared personal and prejudicial interests in matters such as Capital Allocations. The Committee supported the proposal to clarify this situation, which was similar to the position of Members speaking on planning applications, where they had disclosed interests under the Members' Code of Conduct.

RESOLVED

That, subject to the comments set out above, the report be noted.

CODE OF CONDUCT FOR EMPLOYEES

A report of the Monitoring Officer was submitted on the position concerning the Code of Conduct for Employees.

The Standards Board for England had been informed that further consultation on the introduction of a national Code for Officers was likely to take place in 2010. The existing Code of Conduct for Employees, as set out in the Council's Constitution, would therefore remain operational until such time as a national code was introduced.

RESOLVED

- (1) That, subject to the approval of the Council, paragraph 15 of the Code of Conduct for Employees be amended to read as follows:-

Outside Commitments and Conduct Outside Working Time

15. Some employees have conditions of service which require them to obtain written consent to take any outside employment. All employees should be clear about contractual obligations and must not take outside employment which conflicts with the Council's interests.

Generally, what you do outside work is your own concern, but you must avoid doing anything that might adversely affect the reputation of the Council or bring the Council into disrepute. If in doubt, you should seek the advice of the Council's Monitoring Officer.

- (2) That, subject to the amendment set out in resolution (1) above, the existing Code of Conduct for Employees remain operational until such time as further information on a proposed national Code is issued by the Department for Communities and Local Government.

CONFIDENTIAL REPORTING POLICY

The Committee considered a report of the Monitoring Officer on the operation of the Council's Confidential Reporting Policy (also known as the Whistle-Blowing Policy). The Committee was informed of the results of a survey of all Council Directorates undertaken by the Monitoring Officer during the spring of 2009. Other than minor updating, no further changes were recommended to the Policy at this time.

RESOLVED

That the outcome of the monitoring of the Confidential Reporting Policy be noted.

20

ADJUDICATION PANEL FOR ENGLAND UPDATE

The Monitoring Officer circulated details of a case considered by the Adjudication Panel for England concerning a Councillor at Suffolk County Council who had been disqualified for one year following allegations that she had voted twice at a full Council meeting by misusing the Council's electronic voting system.

In view of the general interest of this case, the Monitoring Officer was requested to circulate details to all Members of the Council by e-mail.

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QUESTIONS UNDER COUNCIL PROCEDURE RULE 11.8

Pursuant to Council Procedure Rule 11.8, Councillor Ms. Partridge gave notice of the following question to the Chairman for a response to be given at the next meeting.

"What useful purpose does the Standards Committee serve in considering Councillors' allowances?"

The meeting ended at 7.00 p.m.

CHAIRMAN