


REPORT TO AUDIT AND RISK ASSURANCE COMMITTEE

22 March 2018

Subject:	Final draft of the letter to the Home Secretary and the Director of Public Prosecutions
Director:	Director - Monitoring Officer - Surjit Tour
Contribution towards Vision 2030:	
Contact Officer(s):	Peter Farrow Audit and Risk Assurance Services Manager Peter_farrow@sandwell.gov.uk

DECISION RECOMMENDATIONS

That Audit and Risk Assurance Committee consider and approve the final draft of the letter to Home Secretary and the Director of Public Prosecutions.

The Audit and Risk Assurance Committee delegate responsibility to the Chair to make any no substantive changes to the content of the letter, and to its signatories or its recipients.

1 PURPOSE OF THE REPORT

- 1.1 At its meeting on 18 January 2018, the Audit and Risk Assurance Committee expressed that it was not in the interest of the electorate that legal action, related to misconduct in public office, should have been so difficult to pursue. Prosecutors should, in future, be more willing and empowered to take action. It was suggested that current legislation be reviewed and that a letter should be prepared on this matter to the Director of Public Prosecution and the Home Secretary.

2 IMPLICATIONS FOR SANDWELL'S VISION

- 2.1 This action supports Ambition 10 of Sandwell's Vision: Sandwell now has a national reputation for getting things done, where all local partners are focused on what really matters in people's lives and communities.

3 BACKGROUND AND MAIN CONSIDERATIONS

- 3.1 This relates to the ongoing investigations into allegations of fraud, misconduct and related issues.

4 THE CURRENT POSITION

- 4.1 The requested final draft is attached at Appendix 1.

5 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)

- 5.1 No consultation is required.

6 ALTERNATIVE OPTIONS

- 6.1 If the letter is not agreed and sent it would be contrary to the course of action already agreed by the Committee.

7 STRATEGIC RESOURCE IMPLICATIONS

- 7.1 There are no Strategic Resource Implications.

8 LEGAL AND GOVERNANCE CONSIDERATIONS

- 8.1 The Committee wished to write to the Home Secretary and the Director of Public Prosecutions in order to bring its concerns to their attention in the hope that the relevant guidance issued to police forces in relation to the threshold criteria for Misconduct in Public Office offences could be reviewed.

9 EQUALITY IMPACT ASSESSMENT

- 9.1 Not required.

10 DATA PROTECTION IMPACT ASSESSMENT

- 10.1 Not required.

11 CRIME AND DISORDER AND RISK ASSESSMENT

- 11.1 Not required.

12 SUSTAINABILITY OF PROPOSALS

12.1 Not applicable.

13 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

13.1 Not applicable.

14 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

14.1 Not applicable

15 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

15.1 To improve the powers of the Police in relation to Misconduct in Public Office offences by bringing the issue to the attention of both the Home Secretary and the Director of Public Prosecutions

16 BACKGROUND PAPERS

16.1 None

17 APPENDICES:

Appendix A – Final Draft of Letter

**Surjit Tour
Director – Monitoring Officer**