

Council

17 April 2018

Subject:	Annual Report of the Ethical Standards and Member Development Committee 2017-18
Director:	Director - Monitoring Officer - Surjit Tour
Contribution towards Vision 2030:	
Contact Officer(s):	Trisha Newton Principal Democratic Services Officer 0121 569 3193

DECISION RECOMMENDATIONS

That Council:

1. Receive and note the Ethical Standards and Member Development Committee Annual Report for 2017-18.

1 PURPOSE OF THE REPORT

- 1.1 The Council established an Ethical Standards and Member Development Committee to promote and maintain high standards of conduct and ethical governance by Elected and Co-opted Members of the Council.
- 1.2 The Committee is required to submit an annual report to Council detailing the work undertaken throughout the year.

2 IMPLICATIONS FOR SANDWELL'S VISION

- 2.1 Through its work in promoting high standards of conduct, the Committee makes a positive contribution to the effective governance of the authority.

3 STRATEGIC RESOURCE IMPLICATIONS

3.1 There are no strategic resource implications arising from this report.

4 LEGAL AND GOVERNANCE CONSIDERATIONS

4.1 The Localism Act 2011 removed the requirement for a national code of conduct and statutory standards committees. The Act places a general obligation on the Council to promote and maintain high standards of member conduct. Further details are set out within the Annual Report appended to this Report.

5 APPENDICES

Ethical Standards and Member Development Committee Annual Report
2017-18

Surjit Tour
Director – Monitoring Officer

Annual Report of the Ethical Standards and Member Development Committee

2017-18

Foreword – Chairperson of the Ethical Standards and Member Development Committee

I am pleased to present the Annual Report of the Ethical Standards and Member Development Committee 2017-18.

This year has been a busy and challenging one for the committee involving considerable work dealing effectively with standards matters with the limited powers available to the committee under the law.

The Ethical Standards Sub Committee has determined important, complex issues. These cases demonstrate the importance of Elected and Co-opted Members understanding the Members' Code of Conduct and ensuring they fully appreciate and understand their obligations, and the expectations placed upon them.

It's important to remember that the standards issues the Committee has dealt with, apply to a very small number of Elected Members. The conduct of the vast majority of Elected and Co-Opted Members has been, as we would expect, exemplary.

The Committee and its Sub-Committees have demonstrated considerable resolve, often under immense pressure and scrutiny. They have considered each case on the evidence presented and they have managed complaints by adopting a robust but fair and open approach.

This year, the Committee has also reviewed the approach to member development and is overseeing a new Member Development Programme. The programme has been designed to help Elected Members lead their own development and ensure they develop and acquire the necessary knowledge, experience and skills to succeed in their various councillor roles.

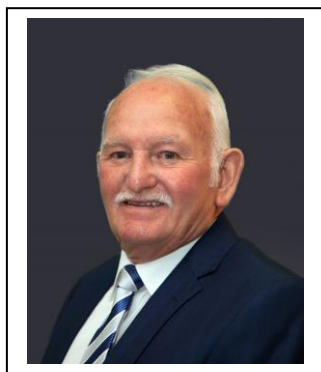
I would take this opportunity to emphasise to all Elected and Co-opted Members the importance of attending all standards training that is offered each year. These sessions are essential to your understanding of the Members' Code of Conduct and are also a useful discussion forum for Elected Members about ethical issues. This training is essential for all Elected and Co-opted Members every two years in any event.

In particular, I urge all Elected and Co-opted Members to pay particular attention to their disclosable pecuniary interests. One-to-one sessions are provided each year by the Monitoring Officer and his staff.

The Committee will also be formally responding to the consultation launched by the Committee on Standards in Public Life to propose more powers for councils to deal with breaches of the Members' Code of Conduct, as well as reviewing the Council's Members' Code of Conduct and arrangements for dealing with complaints.

I would like to thank all members of the Ethical Standards and Member Development Committee for their support and contributions during the past year. I would also like to thank our Independent Persons who have provided invaluable advice and healthy challenge to the Committee and the Monitoring Officer.

I wish to give my personal thanks to the Vice-Chairperson, Monitoring Officer, Deputy Monitoring Officers and staff from Law and Governance Services who have supported me and the Committee throughout the year.



Councillor Geoff Lewis

Chairperson of the Ethical Standards and Member Development Committee

1 The Standards and Member Development Committee

- 1.1 The Localism Act 2011 introduced significant changes to the ethical framework, including the removal of the requirement for a national code of conduct and statutory standards committee. Instead it set out a light touch framework for a new ethical regime. The Act places an obligation on the Council to have a code of conduct and promote and maintain high standards of Elected Member conduct.
- 1.2 Whilst there is no requirement to have a standards committee, standards issues and casework must still be dealt with. As part of addressing the Council's statutory obligation to promote high ethical standards, the Council retained its Standards Committee and broadened its remit to include Elected Member Development.
- 1.3 The main functions of the Ethical Standards and Member Development Committee ("the Committee") are to: -
 - (a) promote and maintain high standards of conduct and ethical governance by members and co-opted members of the Council;
 - (b) assist members and co-opted members of the Council to observe the Council's Code of Conduct;
 - (c) advise the Council on the adoption or revision of a Code of Conduct for members and co-opted members;
 - (d) monitor the operation of the Council's Code of Conduct for members and co-opted members;
 - (e) advise, train or arrange for training for members and co-opted members of the Council on matters relating to the Council's Code of Conduct;
 - (f) develop and offer to all members an annual programme of development activities which provides members with development opportunities that support the Council's corporate priorities, identifying sufficient resources to deliver an effective Member Development Programme.

- 1.4 The Committee also has two Sub-Committees which form part of the arrangements for dealing with complaints about breaches of the Members' Code of Conduct. These Sub-Committees may consider investigation reports referred to them by the Monitoring Officer and conduct hearings (including the imposition of sanctions).
- 1.5 These Sub-Committees operate according to the principles of natural justice and human rights legislation and ensure that both the complainant and the subject member are treated fairly.

2. Members of the Committee

- 2.1 The membership of the Committee in 2017/18 is:-

Chairperson
Councillor Lewis

Vice Chairperson
Councillor S Crumpton

Elected Members
Councillor E M Giles
Councillor P Hughes
Councillor Sandars
Councillor Shackleton
Councillor Trow
Councillor Underhill

- 2.2 The inclusion of experience from all areas of the decision-making process gives the Committee a broad base of experience from which to make rounded decisions on ethical matters.
- 2.3 The Council's Constitution also includes role descriptions for the Chairperson of the Committee and for its members, which are attached to this report at Appendix 1. The role descriptions emphasise the impartial and non-political nature of the conduct of the Committee.

Independent Person(s)

- 2.4 Section 28(7) of the Localism Act 2011 (“the Act”) requires local authorities to appoint at least one Independent Person to advise the Council before it makes a decision on an allegation. The Independent Person also advises an Elected Member facing an allegation who has sought the views of that person. There are restrictions on who can be appointed as the Independent Person.
- 2.5 The Act gives discretion to appoint one or more Independent Persons, but provides that each Independent Person must be consulted at specific times when dealing with a complaint.
- 2.6 The Council currently has three Independent Persons; Mr R Tomkinson and Ms J Williams whose term of office expires on 31 July, 2018 and newly appointed Mr J Tew whose term of office expires on 31 January, 2022.
- 2.7 The remit of the Independent Person has been extended by The Local Authorities (Standing Orders)(England)(Amendment) Regulations 2015 to include statutory dismissal procedures for the council’s Heads of Paid Service, Monitoring Officer and Chief Finance Officer. Where the council is proposing disciplinary action against one of these statutory officers, the council is required to invite at least one Independent Person who has been appointed for the purposes of the Members’ Ethical Framework under section 28(7) Localism Act 2011 to form an independent panel.
- 2.8 The Independent Persons are invited to attend all meetings of the Ethical Standards and Member Development Committee as observers but invited to share their views and opinions on matters before the Committee.

Officer Support

- 2.9 The Monitoring Officer is one of the Council’s statutory officers, appointed under Section 5(1) of the Local Government and Housing Act 1989.
- 2.10 The Monitoring Officer is responsible for ensuring that the Council and its Elected and Co-opted Members (i) act lawfully; (ii) avoid maladministration; and (iii) ensure that the Members’ Code of Conduct for Members is observed. The Monitoring Officer is the primary source of advice for Elected and Co-opted Members on the requirements of the Members’ Code of Conduct.
- 2.11 The Monitoring Officer is also the principal adviser to the Ethical Standards and Member Development Committee and its Sub-Committees and is assisted by his Deputy Monitoring Officer(s).

2.12 More information about the role of the Monitoring Officer can be found in Article 12 of the Council's Constitution.

3. Business of the Committee

- 3.1 During 2017/18, the Ethical Standards and Member Development Committee met on five occasions and considered the following matters:
- Updates on allegations made under the Members' Code of Conduct;
 - Appointment of the Ethical Standards Sub-Committees for 2017/18;
 - Overview of the appointment of another Independent Person;
 - Annual review of Members' Gift and Hospitality;
 - Committee on Standards in Public Life Annual Report 2016/17 and its Consultation launched in 2018;
 - Annual Review – Members' Register of Interests;
 - Member Development Programme;
 - Review of National Standards Cases.

4. Specific Focus

Member Development Programme

- 4.1 The Committee has overseen a new Member Development Programme designed specifically to assist Elected Members to lead their own development. The new Programme will ensure that Elected Members develop/acquire the requisite knowledge, experience and skills to succeed in their various councillor roles.
- 4.2 The Council seeks to build upon its successes as a member-led Council and recognises that, to do so, all Elected Members have an important role to play. It recognises that Elected Members could be appointed to various roles during their period of office (whether one or over several terms). The Member Development Programme has been designed purposely to facilitate discussions and debate with all Elected Members; and specifically consider the roles of Chairperson, Vice Chairperson, Committee Member, and representatives on outside bodies.

- 4.3 Elected Members have undertaken annual personal development plans previously and many undertake a wide range of training and other forms of development courses. However, the Committee acknowledges that there is a need to better understand the needs of Elected Members; and the Member Development Programme seeks to do this more effectively. The development programme will be aligned to those needs and will ensure that any development and training is delivered in a manner that ensures Elected Members find engaging, thought-provoking and informative.
- 4.4 The Member Development Programme will seek to engage all Elected Members so that their needs can be properly examined and met. The programme will challenge and inform Elected Members so that they are equipped to meet the requirements of the 2030 Vision. The programme will be supported by facilitators such as the LGA, Member Peers (as far as possible) and use of Elected Member networks locally, regionally and nationally. Importantly, it encourages Elected Members to share their expertise, local knowledge and experience to inform the whole development programme.
- 4.5 The council's Member Development Programme has been acknowledged and praised by the Local Government Association. It is specifically referenced in the Peer Review completed in January 2018 which supports the approach and outcomes sought.
- 4.6 The engagement of Elected Members in the development programme has been positive in both the 'market stall' and 'thinking hats' sessions that have been undertaken. These exercises have allowed Elected Members to share openly their development and training needs. The insight gathered has been assessed. Elected Members have also undertaken a 'paired-comparison' prioritisation exercise to help ensure the development programme addresses their priority subject matters appropriately.
- 4.7 The Monitoring Officer and his staff are currently analysing and evaluating all the feedback and information gathered and will produce a Member Development Programme. This will be presented to the Committee's working group and Committee in the new Municipal Year. The new Member Development Programme will be rolled out in June 2018 onwards.
- 4.8 The Committee would like to thank every Elected Member who has participated in the development of the programme for taking time out of their busy schedules to attend the various sessions and openly engaging with it.

Training and Development

- 4.9 The Committee is responsible for advising on and arranging training for Elected and Co-opted Members of the Council on matters relating to the Council's Members' Code of Conduct. The Monitoring Officer delivers relevant training to all Elected and Co-opted Members on behalf of the Committee. In light of recent cases that have been, and are being, dealt with, the Committee recommends that all Elected and Co-opted Members should familiarise themselves with the facts and issues that have arisen in these cases; and attend annual training on the Members' Code of Conduct, so as to ensure they maintain a sound understanding of it.
- 4.10 The Committee considers summaries of cases of national interest to ensure that it is up to date with how complaints about Elected Member misconduct are being dealt with in other authorities around the country, so that Elected Members can bring this knowledge to any cases being dealt with in Sandwell.
- 4.11 The Committee will continue to develop its own skills and expertise as part of its own continuous improvement drive. As appropriate, the Committee will periodically receive a 'Lessons Learned' report on local and national cases to ensure the Committee and all Elected and Co-opted Members keep abreast of the latest developments in standards cases and matters.

Committee on Standards in Public Life

- 4.12 The Ethical Standards and Member Development Committee has a duty to promote high ethical standards amongst Elected and Co-opted Members. As well as complying with legislation and guidance, the Committee needs to demonstrate learning from issues arising from local investigations and case law. The Committee is kept informed of any issues arising out of the Annual Report of the Committee on Standards in Public Life.
- 4.13 The Committee on Standards in Public Life has recently launched a stakeholder consultation on the Local Authority Ethical Framework which closes at 5pm on 18 May 2018. The Chairperson of the Standards and Member Development Committee will be responding to the consultation on behalf of the Council. However, each Member and Co-opted Member, in their own right, is entitled to respond to consultation, and free to make their own comments. Each Elected and Co-opted Member is encouraged to respond to the consultation.

Response to the consultation can be made on the website for the Committee on Standards in Public Life.

<https://www.gov.uk/government/organisations/the-committee-on-standards-in-public-life>

- 4.14 The Council's Monitoring Officer will also be responding to the consultation in his statutory role.

5. The Ethical Framework

Members' Code of Conduct

- 5.1 The Council's current Members' Code of Conduct was adopted with effect from 18 October, 2016. It assists Members and Co-opted Members understand standard of conduct expected of them. The Code is required to meet the provisions of the Localism Act 2011 and is available on the Council's website.
- 5.2 All candidates for election are issued with a copy of the Members' Code of Conduct and on appointment and are required to sign a Declaration that they will comply with the Code. Elected Members also receive induction training, and subsequent refresher training, on the provisions of the Code, and how to carry out their duties in line with it. This training is delivered by the Monitoring Officer. The Monitoring Officer also issues guidance to councillors appointed to outside bodies by the Council to assist them in understanding the impact of the Members' Code of Conduct.
- 5.3 Part 2 of the Members' Code of Conduct requires Elected and Co-opted Members to give written notification to the Monitoring Officer of any disclosable pecuniary interests and other registerable interests. This is to be included in the Council's statutory Members' Register of Interests within 28 days of election or appointment. Elected and Co-opted Members must update their declarations, as appropriate, by notifying the Monitoring Officer of any amendments or new interests within 28 days of becoming aware of them.
- 5.4 This Register of Interest is available for public inspection, and individual Elected Members' declarations of interest can be inspected at any time on the Council's website by accessing the Committee Management Information System ('CMIS'). The Monitoring Officer reviews the Register of Interests periodically, and the Register is made available for inspection by the Ethical Standards and Member Development Committee on a regular basis.

- 5.5 Elected Members are also obliged to disclose any interests at Committee, and other relevant meetings, where those matters are to be discussed. These declarations are recorded in the Minutes of such meetings and are open for public inspection through the CMIS. The Ethical Standards Committee keeps this requirement under review. Recently, the Committee has also reconfirmed its' view that Elected and Co-opted Members should be as open as possible in their declarations.
- 5.6 The Council has a protocol for Elected Members on gifts and hospitality, which gives additional guidance on the requirement of the Members' Code of Conduct for Elected and Co-opted Members to declare gifts and hospitality received with an estimated value of at least £100. These declarations are recorded in a register which is open for public inspection and are also recorded on the individual Elected Member page on CMIS.
- 5.7 The Register of Gifts and Hospitality is periodically reviewed by the Monitoring Officer and is made available for inspection to the Ethical Standards and Member Development Committee on a regular basis.

Arrangements for Dealing with Standards Allegations

- 5.8 The Localism Act 2011 requires authorities to adopt arrangements for dealing with complaints concerning alleged breaches of the Members' Code of Conduct. On 3 July 2012, the Council approved arrangements for dealing with complaints against Elected Members and Co-opted Members. These arrangements include provision for Sub-Committees of the Standards Committee to consider investigation reports referred to it by the Monitoring Officer and to conduct hearings (including imposition of sanctions).
- 5.9 The arrangements for dealing with standards allegations were subsequently revised by the Council on 17 January, 2017.
- 5.10 The arrangements ensure fairness to all the parties concerned. The effectiveness of the arrangements is kept under review in order to maintain public confidence in the Council's Ethical Framework. The public expect Elected Members to conduct themselves in accordance with the Members' Code of Conduct; and where they are alleged to fall short of that standard, be held to account. The arrangements and the operation of those arrangements must have regard to the rules of natural justice. The nature of complaints, and the manner in which complaints against Elected Members are dealt with, have a direct impact on the reputation of the council.

5.11 As part of the Council's drive for continuous improvement, the Committee has established a Working Group to review the Council's Ethical Framework. It is anticipated that any proposed amendments to the Ethical Framework will be referred to Full Council for approval on or before July 2018.

Allegations of Misconduct by Members

5.12 Under the Council's Ethical Framework, all complaints of misconduct come directly to the Monitoring Officer. The Monitoring Officer will review every complaint received and take a decision (after seeking the views of an Independent Person) as to whether it merits formal investigation, local resolution or some other action/approach. Where the Monitoring Officer is unable to resolve the complaint informally and feels it merits formal investigation, after consultation with the Independent Person(s), an Investigating Officer will be appointed to prepare a report. The report will conclude whether or not there is evidence of a failure to comply with the Members' Code of Conduct.

5.13 If the Monitoring Officer concludes that there is evidence of a failure to comply with the Code of Conduct, he will either send the matter for local hearing before a Sub-Committee or, after consulting the Independent Person, seek local resolution. If referred to a Sub-Committee, a decision will be reached as to whether the subject member has breached the Code; and if so, determine what sanctions (if any) should be imposed.

Case Focus and Learning

5.14 This year, the Committee and its Sub-Committees have dealt with long-standing, complex matters that have been both challenging and time-consuming.

5.15 A number of standards cases have attracted considerable public, media and other attention. However, the conduct of two Elected Members (namely, Councillor Mahboob Hussain and Councillor Ian Jones) has adversely impacted upon the reputation of the council, locally, regionally and nationally. They were both found to have breached the Code, with Councillor M Hussain being found in breach a total of twelve times. The impact and effect of their poor conduct should not be underestimated or overlooked.

- 5.16 The Committee and Sub-Committees dealing with these matters have demonstrated considerable resolve, and considered each case on the evidence presented and consistent with their legal and constitutional duties and obligations. These standards cases have involved extensive investigations and took a considerable amount of time and cost to conclude; - this was particularly the case in respect of the complaints made against Councillor M Hussain.
- 5.17 The Committee has managed complaints by adopting a robust but fair and open approach. The Sub-Committees were advised by a strong Independent Person and an external legal adviser, both of whom have provided impartial opinion, advice and guidance. The Sub-Committees carefully considered each case on its merits; examining all the relevant evidence; and having regard to aggravating and mitigating factors. The Sub-Committees spent several hours deliberating over these two standards cases. The hearings were all held in public and streamed (as much as possible) in real time, and subsequently made available to view on the council's website. All agendas and written decisions including sanctions have been published openly on the Council's website, including preliminary decisions made in relation to legal points, such as requests for adjournments.
- 5.18 One specific case (complaint against Councillor M Hussain) involved a legal challenge through a Judicial Review. Whilst the Council cannot be held responsible for such challenges, it defended robustly its' position and actions. The Council was vindicated by the High Court Judge who dismissed the Judicial Review in its entirety and awarded costs in favour of the Council. The Council is seeking £181,668 in costs of which £50,000 has been paid by Councillor Hussain. The remainder will now be determined by the Court. The Council will also be considering how it might recover other losses and costs incurred in dealing with this case, including the lost value of the property that was sold.
- 5.19 Despite the challenges faced by the Sub-Committees, they balanced confidently the strong public interest, and need to progress cases effectively and expeditiously, against the need to ensure the rules of natural justice were followed; while ensuring each case was dealt with fairly and appropriately.
- 5.20 The Committee believes that the way in which it has progressed these standards cases has demonstrated its' determination to deal properly with cases brought before it, and intends to continue this approach in the future.

- 5.21 There has been considerable commentary on the standards cases by the media and others. The Council has been subjected to considerable criticism, particularly from two local MPs (James Morris MP and Adrian Bailey MP), as well as high-profile coverage from national media organisations including the Telegraph and Daily Mail. The MPs have criticised the council, its' governance arrangements, made allegations against certain Elected Members and/or made negative comments on how the Council has dealt with complaints against Elected Members. James Morris MP criticised the council extensively during a Parliamentary Adjournment Debate in January 2018. He did this despite being advised that the Local Government Association would be reporting the findings of its Peer Review of Sandwell Council the following week. It is regrettable that the above-named commentators failed to seek information from the Council, or Monitoring Officer, before making their comments; or to familiarise themselves with the legal and constitutional framework within which the Council was/is operating.
- 5.22 The Committee is of the firm view that the above-named commentators failed to provide an appropriate, fair or informed account of the issues they raised. Whilst the Committee acknowledges that the conduct of certain Elected Members fell below the standards expected of them, it does not accept that the Committee, its' Sub-Committees; or those engaged in dealing with standards cases were under the influence of others, or that the process followed in dealing with standards complaints was inadequate.
- 5.23 On the contrary, the Council has demonstrated that it had dealt, and was dealing with, standards issues without fear or favour; and in an open and fair manner. Unfortunately, there is a misconception among some and the media that the Council has the power to prosecute, suspend and/or disqualify an Elected Member who has breached the Members' Code of Conduct. Such powers are not within the remit of the Council. The power to disqualify sits with the Magistrates Court and it is only the Director of Public Prosecutions that is empowered to bring a prosecution against an Elected Member for breaches of the Code.
- 5.24 The approach and arrangements of the Council in developing and progressing its 2030 Vision; dealing with standards cases; and planned good practice review of its governance arrangements have all been acknowledged and supported by the Local Government Association Peer Review.
- 5.25 However, it is recognised nationally that the current statutory ethical framework lacks 'teeth' and, as such, requires changes to primary legislation. The stakeholder consultation of the Committee on Standards in Public Life, provides an opportunity for councils to share their experiences and call for

changes to the current statutory framework. The Chairperson of the Committee has been authorised to respond formally to the consultation, on behalf of the Council. A summary of the matters to be raised are set out at section 6 below.

- 5.26 The Committee recognises however that any legislative change (if made) will take time; and some of the issues that have arisen during the course of dealing with standards cases, particularly those before its Sub-Committees, will need to be addressed in the interim. Accordingly, a working group established by the Committee that will review the Members' Code of Conduct and the arrangements for dealing with complaints in the coming months. The working group will review the procedures adopted and consider what is working well as well as those issues that undermined and/or hindered the effective administration/progress of standards complaints. As part of this continuous improvement drive, the working group through the Committee will recommend changes to Full Council at its July meeting.

6. Conclusion

- 6.1 The Localism Act 2011 has significantly changed the need and role of the standards Committee, from previously being a legislative requirement to a voluntary one. The Act introduced broader discretion that allowed councils to significantly determine their own ethical framework. However, the operation of the limited statutory framework has exposed a number of unintended consequences which have hindered the effectiveness of the ethical framework.
- 6.2 The Council's decision to retain its standards Committee has meant that there remains a clear focus and commitment to promoting and maintaining high standards of conduct amongst Elected Members. The Committee's work has helped to shape the Council's Ethical Framework and assist the Council in meeting its' statutory requirements under the Act.
- 6.3 Through its work, the Committee continues to make a positive contribution to the effective governance of the council.
- 6.4 The Committee has ensured that all Elected Members have updated their interests in accordance with the revised Members' Code of Conduct and register of interests and received a one to one session with the Monitoring Officer (or nominees).

- 6.5 The revised Member Development Programme is being designed and will be implemented to assist Elected Members to lead their own development. This will ensure that they develop/acquire the requisite knowledge, experience and skills to succeed in their various councillor roles.
- 6.6 The Committee and its Sub-Committees have dealt with standards cases effectively, often under immense pressure and scrutiny. The Committee appreciates the importance of maintaining public confidence in the Council's Ethical Framework and will continue to deal with standards matters in an open and transparent manner.
- 6.7 However, dealing with standards cases has also exposed the legislative limitations of the current Ethical Framework.
- 6.8 The opportunity for prolonged delays, the ambiguity around the minimum level evidence required for specific actions (such as adjournments) and the limited sanctions afforded to councils, all have the potential to (i) undermine public confidence in the legislative and Council's Ethical Framework, and (ii) the ability of the council to deal with standards matters in a more effective and expeditious manner.
- 6.9 The Committee Chairperson will be formally responding to the consultation launched by the Committee on Standards in Public Life and will make reference to the issues encountered and proposing a more robust legislative framework be introduced that :-
- Addresses the need for more effective sanctions, such as the power to suspend an Elected Member for up to 1 year.
 - Allows councils to reduce (up to 50%) the basic allowance paid to the subject member for serious/significant breaches of the Code.
 - Issues clear criteria or guidance to the Director of Public Prosecutions on when a prosecution should be pursued against an Elected or Co-opted Member, or in the alternative, gives the power to prosecute to councils.
 - Defines minimum evidence levels where specific applications are made to the Sub-Committee.
 - Defines what amounts to an abuse of process in standards cases.
 - Establishes the level of weight and importance to be attached to the public interest.
 - Clear timeframe within which standards cases must be heard (unless exceptional circumstances exist to extend the timeframe) to avoid delays in standards cases being heard.

- Provides a power to recover costs against the subject member where a breach of the Code is found; and to seek payment of such costs through the basic allowance paid to that member.

6.10 Finally, notwithstanding the standards cases that have been dealt with and are ongoing, Council should not ignore the fact that the conduct of the vast majority of Elected and Co-opted Members has been exemplary. Elected and Co-opted Members work incredibly hard, balancing many competing priorities and demands - and do so conducting themselves consistently within the Code, and as strong ambassadors for the Council and the Borough.

6.11 The Committee will continue to support all Elected and Co-opted Members in their council duties and responsibilities, and focus on the duty to promote high standards to ensure public confidence is maintained in Elected and Co-opted Members and the Council.

April 2018

Role Description - Chairman of Ethical Standards and Member Development Committee

1. To lead the relevant standards function of the Council, ensuring the overall co-ordination and management of the process.
2. To chair meetings of the Ethical Standards and Member Development Committee.
3. To ensure the efficient carrying out of the standards process and keep under review the standards process.
4. To promote high standards of conduct by all elected members.
5. To assist elected members observe the Council's Code of Conduct.
6. To monitor and review the Code of Conduct and arrangement of appropriate training for all elected members to ensure its proper application.
7. To keep yourself and the Committee fully up to date with all relevant legislation and good practice relating to the Ethical Standards and Member Development Committee.
8. To comply with the Council's Code of Conduct or such other code of conduct as the Council may from time to time adopt.
9. To comply with the Member/Officer protocol as set out in the Constitution.
10. To ensure members of the Committee abide by the Member/Officer protocol.
11. To ensure that the principles of equality and fairness are integral to all actions and policies of the Council.
12. To take part in training and development programmes to ensure that this role is undertaken as effectively as possible.

Role Description - Member of the Ethical Standards and Member Development Committee

1. To assist the Chairman of the Committee in the discharge of the key duties of that position as set out above.
2. To participate actively and effectively as a member of the Committee and its Sub-Committees.
3. To comply with the Council's Code of Conduct or such other code of conduct as the Council may from time to time adopt.
4. To comply with the Member/Officer protocol as set out in the Constitution.
5. To ensure that the principles of equality and fairness are integral to all actions and policies of the Council.
6. To take part in training and development programmes to ensure that this role is undertaken as effectively as possible.
7. Members need to be mindful that decisions made by the Committee and its Sub-Committees should be impartial and without regard to party loyalty. Elected members should not be subject to the party whip.