

**Minutes of the Ethical Standards  
and Member Development Committee**

**9<sup>th</sup> March, 2018 at 2.30 pm  
at the Sandwell Council House, Oldbury**

- Present:** Councillor Lewis (Chair);  
Councillor S Crumpton (Vice-Chair);  
Councillors E M Giles, P Hughes, Sandars, Trow  
and Underhill.
- Observer:** Mr J Tew, Mr R Tomkinson and Ms J Williams  
(Independent Persons).
- Apology:** Councillor Shackleton.

1/18 **Minutes**

**Resolved** that the minutes of the meeting of the Ethical Standards and Member Development Committee, held on 8<sup>th</sup> December 2017, be confirmed as a correct record.

2/18 **Appointment of Independent Person**

In accordance with the Localism Act 2011, arrangements must be put in place for the appointment by the Council of at least one Independent Person whose views must be sought and taken into account by the Council before it made its decision on an allegation against an elected member that it had decided to investigate.

The Independent Person's views may be sought by a member or co-opted member of the Council if that person's behaviour was the subject of an allegation, and may also be sought by the Council in relation to an allegation it had not yet decided to investigate.

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The Council had decided to have three Independent Persons. Following a resignation, there was a vacancy. The position was advertised and four candidates were interviewed in December 2017 by the Leader of the Council and the Chair and Vice Chair of the Ethical Standards and Member Development Committee.

Mr John Tew had been offered the position and the appointment was approved by full Council at its meeting on 16<sup>th</sup> January 2018.

The Chair welcomed Mr Tew and introduced him to the Committee.

**Resolved** that the appointment of Mr John Tew as Independent Person for Standards matters, for a four year period ending 31<sup>st</sup> January 2022, be noted.

3/18

### **Member Development Programme – Update**

An update was provided to the Committee on the recent workshops held for elected members in order for members to identify their development and training needs to succeed in their various Councillor roles and achieving the strategic priorities of the Council.

In the past few years, the Council had invested in member development and successfully achieved the Member Development Charter accreditation from West Midlands Employers. However, the subjective development model underpinning member development had recently shifted to a more objective one. Furthermore, West Midlands Employers no longer provided Member Development Charter accreditation.

It had therefore been proposed to revise the revised Member Development Programme to assist members to lead their own development and ensure that they developed/acquired the requisite knowledge, experience and skills, as well as have the necessary support mechanisms, to succeed in their various Councillor roles.

The Council sought to build upon its successes as a member-led Council and recognised that to do so, all elected members had an important role to play in ensuring the Member Development Programme was member-led through their input in workshops and prioritisation of learning topics and attendance and contribution at the learning interventions as requested.

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It was recognised that elected members could, during their period of office (whether one or over several terms), be appointed to various roles. The programme was purposely designed to facilitate discussions and debate with all elected members and would specifically consider the following roles an elected member could undertake. A similar but separate development programme had also been developed for the Executive and was led and overseen by the Leader of the Council.

Joined-up Member and Executive Development Programmes had been developed that were designed to engage all members and Cabinet Members so that their respective development, training and support needs could be properly examined and met. The programme would challenge and inform members so that they were equipped to meet the requirements of the 2030 Vision.

During week commencing 12<sup>th</sup> February 2018, facilitated sessions were held with all elected members for them to consider their specific role(s), consider and explore the challenges ahead, including the Vision 2030 and the West Midlands Combined Authority and to convey the strategic skills, knowledge and awareness that they needed to make a significant impact both individually and collectively. At these sessions, members were also asked to consider how they could convey the Council values of 'Trust, Unity and Progress' through their various roles.

Officers were analysing comments received by members from each of these sessions in order to identify the support requirements that members were requesting to help deliver Sandwell's Vision 2030 as well as other strategic priorities facing the Council as a Borough. The feedback/findings would be categorised thematically taking into account the various roles elected members undertook and would be reviewed by the Member Development Working Group.

Following agreement on the list of topics to be covered, members would also be asked to complete a paired comparison exercise which would ask them to rank what learning support sessions they would like most based on the topics drawn from the workshops. Upon completing these forms, officers would collate all the findings and produce a final list in ranked order of the interventions sought by members.

The Member Development Working Group would be consulted on the final list of interventions and their agreement would be sought based on the results.

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A development programme would subsequently be produced and training sessions arranged through training providers, both internal and external, capable of delivering the support sessions as identified by members, throughout the next municipal year as detailed within the programme.

A review of Member Development Programmes would also include a refresh of the elected member induction arrangements and the implementation of Personal Development Plan interviews arranged with elected members to discuss and agree development, training and specific support needs.

Feedback on the Executive Development sessions and progression of the above stages in relation to the Executive Development Programme would be progressed with the Leader and Cabinet Members.

4/18

### **Annual report of the Ethical Standards and Member Development Committee and associated matters**

#### **Annual Report**

The Ethical Standards and Member Development Committee's terms of reference required the Committee to produce an annual report detailing the activities undertaken throughout the municipal year. The annual report would be referred to Full Council for consideration at its meeting on 17<sup>th</sup> April 2018.

#### **Allegations Update**

The Committee received details of complaints received in relation to member conduct and the progress on the complaints as follows:-

#### **Case reference MC/06/0616 - Councillor Hussain**

On 8<sup>th</sup> to 10<sup>th</sup> January 2018, the Ethical Standards Sub-Committee determined that Councillor Hussain had breached the Code of Conduct by his actions in connection with the sale of toilet blocks and the reduction or cancellation of parking tickets. The Decision Notice would be issued shortly and a Sanctions Hearing would take place during March.

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**Case reference MC/03/0517 - Councillor I Jones**

On 24<sup>th</sup> January 2018, the Ethical Standards Sub-Committee determined that Councillor I Jones had breached the Code of Conduct by his actions in connection with the removal of a plot of land from an already arranged and publicised auction during his term as a Cabinet Member.

The Sub-Committee imposed the following sanctions in relation to Councillor I Jones:

- (i) the Decision Notice should be published on Councillor I Jones' Member Profile on the Council's website for the remainder of his term of office (or, if later, until he complied with the sanctions set out below);
- (ii) recommendation that Councillor I Jones be suspended from membership of the Economy, Skills, Transport and Environment Scrutiny Board and not be appointed to any further Committee of the Council until he had carried out training to the satisfaction of the Monitoring Officer as set out below;
- (iii) the training would be bespoke to ensure that Councillor I Jones understood appropriate competencies, responsibilities, and behaviours in carrying out his responsibilities as a member of committees. Such training to be at Councillor I Jones' own expense.

**Case reference MC/02/0517**

Allegations concerning community events at Hill Top Park and Radcliffe Park and the indication that the Councillor may have included the names of council officers on official documents as organiser of an event without their knowledge; alleged failure of Councillor to register interests as Vice Chair of Hill Top Community Development Association, and failure to follow appropriate council procedures in arranging the event.

The subject Councillors had been unable to attend interviews with the Investigator due to medical reasons.

The Investigation into the allegations had been completed and the report of the Investigating Officer was being prepared.

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**Case reference MC/05/0717**

Allegations concerning land sales to two Councillors when displaced from their homes by a Compulsory Purchase Order. In addition, it was further alleged that housing was allocated to family members of one of the Councillors.

An Investigator had been appointed and the Investigation was proceeding, notwithstanding a lack of response to date from the subject Councillors.

**Case references MC/07/1017, MC/08/1017, MC/09/1117**

Three complaints including a self-referral from one Councillor concerning alleged “Whats app” texts published on a local blog site entitled “In the Public Domain”.

These allegations included disclosure of confidential information and inappropriate and disparaging references to individuals.

In accordance with the arrangements for dealing with Code of Conduct Complaints, the Council’s Independent Person had been consulted and a formal decision to proceed to investigate had been made by the Monitoring Officer.

An independent Investigator had been appointed and the matter was proceeding to witness interviews.

There were connected police enquiries ongoing and the Standards Investigation was initially delayed at the request of the police. The Investigation was however proceeding as it was in the public interest to deal with these allegations as soon as reasonable practicable.

**Register of Interests**

The statutory requirements relating to the Register of Members’ Interests were set out in Section 29 of the Localism Act 2011. It required the Monitoring Officer to establish and maintain a Register of Members’ Interests which also included the interests of co-opted members of the Council.

The Council’s present arrangements complied with the statutory provisions.

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The statutory requirements also provided that the Council must ensure that copies of the Register were available at an office of the authority for inspection by members of the public at all reasonable hours. The Register was available for inspection at the Sandwell Council House upon a request being made to the Monitoring Officer.

The Council's arrangements enabled the public to view details of each individual Member's interests [including co-opted members] on the Council's website via the Committee Management Information System (CMIS).

One to one meetings with the Monitoring Officer and senior legal staff had been offered to all members and the majority of members had been assisted or received guidance in filling in their declaration of interest forms.

The Registers were periodically reviewed by the Monitoring Officer.

The work programme provided for an annual review of the Register by the Committee.

The Monitoring Officer would provide training to elected and co-opted Members on declarations of interests at the beginning of the next municipal year.

### **Member Code of Conduct**

The Localism Act 2011 introduced a revised standards regime. On 18<sup>th</sup> October 2016, the Council adopted a new Code of Conduct. The principles of good governance required the regular review of policies and processes that contributed to the ethical framework of the authority.

The Committee was asked to consider the establishment of a Standards Working Group to undertake a review of the Members' Code of Conduct and the Council's Arrangements for Dealing with Standards Allegations under the Localism Act 2011.

Any proposed changes would be reported to the Committee for consideration and onward approval by Full Council.

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It was anticipated that the review of the Code and arrangements would be completed and referred to the Committee in June, with any changes proposed being submitted to Full Council in July 2018.

Training on the refreshed Code of Conduct and Arrangements for dealing with complaints would be provided to all elected and co-opted Members.

### **Local Authority Ethical Standards: Stakeholder Consultation**

The Committee on Standards in Public Life (CoSPL) had invited responses to its consultation to inform its review of local government ethical standards.

The CoSPL's website stated that robust standards arrangements were needed to safeguard local democracy, maintain high standards of conduct, and to protect ethical practice in local government.

The terms of reference for the review were to:

- examine the structures, processes and practices in local government in England for:
  - maintaining codes of conduct for local councillors
  - investigating alleged breaches fairly and with due process
  - enforcing codes and imposing sanctions for misconduct
  - declaring interests and managing conflicts of interest
  - whistleblowing;
- assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government;
- make any recommendations for how they can be improved;
- note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation.

The consultation would close at 5pm on 18<sup>th</sup> May 2018.

The Committee was requested to consider the consultation and authorise the Chair of the Committee (with assistance through the Standards Work Group) to formally respond to the consultation on behalf of the Council.



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**Resolved:-**

- (1) that the Chair of the Ethical Standards and Member Development Committee be authorised to agree the content and final version of the Annual Report for submission to Full Council at its meeting on 17<sup>th</sup> April 2018;
- (2) that the update provided in respect of complaints received in relation to member conduct be noted;
- (3) that the Chair of the Ethical Standards and Member Development Committee be authorised to respond on behalf of the Council to the Local Authority Ethical Framework: Stakeholder Consultation launched by the Committee in Standards in Public Life;
- (4) that, as part of the Council's review of governance, the establishment of a Standards Working Group to review the Council's Ethical Framework be approved, in accordance with the Terms of Reference set out at Appendix 1, with membership consisting of Councillors Lewis, S Crumpton, E M Giles and Sandars.

(Meeting ended at 4.23 pm)

<p>Contact Officer: Trisha Newton Democratic Services Unit 0121 569 3193</p>
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**Standards Working Group**

**Terms of Reference**

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**Scope**

To review the Council's Ethical Framework, namely:

- Council's Members' Code of Conduct;
- arrangements for Members' Register and declarations of Interest; and
- arrangements for Dealing with Standards Allegations under the Localism Act 2011.

To gather insight, consult and/or gather such data and information from sources as deemed necessary and appropriate to undertake an effective review of the Ethical Framework.

To consider and make recommendations on how the council can discharge its duty to promote high standards of conduct as required under the Localism Act 2011.

To consider and assist the Chairperson of the Committee to formally respond to the Local Authority Ethical Standards: Stakeholder Consultation.

**Membership**

Chairperson of the Standards and Member Development Committee.

Three other Members of the Standards and Member Development Committee

Independent Members shall be entitled to attend meetings of the Working Group in an advisory capacity.

The Working Group may invite other members or third parties to working Group meetings as it considers appropriate and necessary to undertake the review.

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**Quorate and Meetings**

At least three Members of the Working Group.

Meetings shall be held as required.

**Chairperson of the Working Group**

The Chairperson of the Working Group shall be the Chairperson of the Committee or in his absence the Committee's Deputy Chairperson.

**Decision-making**

To submit recommendations to the Ethical Standards and Member Development Committee on revisions to the Council's Ethical Framework.

**Voting**

By majority vote with the Chairperson (or Deputy as applicable) having a casting vote.

**Access to Information Rules**

The Working Group is not a constitutional meeting of the council or a sub-committee of the Standards and Member Development Committee and as such is not subject to the Access to Information Rules.