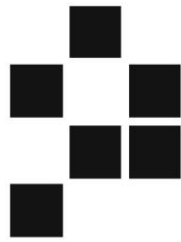


Chairs Announcement

Please note that members of the public and the press are now allowed by law to film, audio record, take photographs, blog or tweet at this meeting. I would ask at this point if anyone is intending to film the meeting? I would ask anyone who is recording to avoid any disruption of the meeting and to avoid filming members of the public. If you do film members of the public there is the potential for civil action against you by anyone who has not given their permission to be filmed.

We are not expecting a fire drill, so in the event of the fire alarm sounding, please leave the building as quickly as possible. The Governance Services Officer will direct you to the appropriate exit and assembly point.



Sandwell
Metropolitan Borough Council

**Ethical Standards and Member
Development Committee**

**Friday, 16 June, 2017 at 2.30 pm
in Annexe 1 at the Sandwell Council House, Oldbury**

Agenda

(Open to Public and Press)

1. Apologies for absence.
2. Members to declare any interest in matters to be discussed at the meeting.
3. To confirm the minutes of the meeting held on 24 March, 2017, as a correct record.
4. Appointment of Sub Committees.
5. Appointment of Independent Person.
6. Allegations Update.
7. Case Summary.
8. Work Programme 2017/18.

J Britton
Chief Executive

Sandwell Council House
Freeth Street
Oldbury,
West Midlands

Distribution:

Councillor Lewis (Chair)

Councillor S Crumpton (Vice-Chair);

Councillors E M Giles, P Hughes, Sandars, Shackleton, Trow and Underhill.

Mr Tomkinson and Ms Williams [Independent Persons].

**Agenda prepared by Trisha Newton
Democratic Services Unit
Tel No: 0121 569 3193
E-mail: trisha_newton@sandwell.gov.uk**

This document is available in large print on request to the above telephone number. The document is also available electronically on the Committee Management Information System which can be accessed from the Council's web site on www.sandwell.gov.uk

Please note that this meeting may be filmed by members of the public and press, and may be filmed by the Council for live or subsequent broadcast on the Council's web site.

Apologies

To receive any apologies from members

Declarations of Interest

Members to declare any interests in matters to be discussed at the meeting.

Minutes of the Standards Committee

**24th March, 2017 at 2.30 pm
at the Sandwell Council House, Oldbury**

- Present:** Councillor Lewis (Chair);
Councillor S Crumpton (Vice-Chair);
Councillors Edwards, Sandars, Shackleton and
Trow.
- Observer:** Ms Williams (Independent Persons).
- Apologies:** Councillor E M Giles;
Mr Bell and Mr Tomkinson (Independent Persons).

1/17

Mr Frederick Bell – Independent Person

The Chair advised the Committee that Mr Bell, Independent Person, had submitted his resignation on ill-health grounds.

Members wished to express their thanks to Mr Bell for his service and requested that a letter be sent on behalf of the Committee.

2/17

Minutes

Resolved that the minutes of the meeting held on 9th December, 2016 be confirmed as a correct record.

Annual Report of the Standards Committee 2016/17

The Committee received the draft annual report of the Standards Committee for 2016/17. The report detailed the activities undertaken during the year and identified outcomes for the Committee.

Resolved that the Standards Committee Annual Report 2016/17 be approved for submission to Council.

(Meeting ended at 2.38 pm)

Contact Officer: Trisha Newton
Democratic Services Unit
0121 569 3193

Ethical Standards and Member Development Committee

16 June 2017

Appointment of Standards Sub-Committees

1. Summary Statement

- 1.1 The Localism Act 2011 requires authorities to adopt arrangements for dealing with complaints about breaches of the Member Code of Conduct. The Council's arrangements for dealing with complaints provide for a Sub-Committee of the Ethical Standards and Member Development Committee to consider investigation reports referred to it by the Monitoring Officer and to conduct hearings (including the imposition of sanctions).
- 1.2 The Council at its annual meeting held on 16 May 2017 agreed the membership of the Ethical Standards and Member Development Committee for the 2017/2018 municipal year. The Committee now needs to make appointments to the Ethical Standards Sub Committees for this municipal year.

Further details are attached for your information

2. Recommendation

- 2.1 That two Ethical Standards Sub-Committees be appointed for the 2017/18 municipal year, with delegated powers to carry out the functions set out in the following terms of reference, and with the membership set out below:

Terms of reference of the Ethical Standards Sub Committee

- To consider investigation reports referred to it by the Monitoring Officer.
- To conduct hearings (including the imposition of sanctions).

Membership

SUB-COMMITTEE 1		SUB-COMMITTEE 2	
Member	Substitute	Member	Substitute
Lewis	S Crumpton	S Crumpton	Lewis
E M Giles	P Hughes	P Hughes	E M Giles
Shackleton	Sandars	Sandars	Shackleton
Underhill	Trow	Trow	Underhill

Darren Carter
Executive Director – Resources

Contact Officer:

Trisha Newton
Principal Democratic Services Officer
0121 569 3193

3. Strategic Resource Implications

3.1 There are no resource implications arising from this report.

4. Legal and Statutory Implications

4.1 Section 28(6) of the Localism Act 2011 provides that a relevant authority must have in place arrangements under which allegations that a member or co-opted member of the authority has failed to comply with the authority's code of conduct can be investigated, and arrangements under which decisions on allegations can be made. There is no statutory requirement as to the nature of these arrangements.

5. Implications for the Council's Scorecard Priorities

5.1 High standards of conduct are an essential part of good corporate governance and this in turn has a direct relationship with the delivery of high quality services.

Ethical Standards and Member Development Committee

16 June 2017

Appointment of Independent Person

1. Summary Statement

- 1.1 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 makes a decision on an allegation against an elected member that it has 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 is the subject of an allegation, and may also be sought by the Council in relation to an allegation it has not yet decided to investigate.
- 1.2 The Council has decided to have three Independent Persons. Following a resignation, there is currently one vacancy.
- 1.3 In terms of a third member, to enable statutory processes to be followed a recruitment exercise will be carried out.
- 1.4 An update will be provided at the next meeting with regard to the outcome of the interview process and to seek approval, if required, to additional persons to the role of Independent Person.

2. Recommendation

- 2.1 That a report be submitted to the next meeting of the Ethical Standards and Member Development Committee with regard to the outcome of the interview process for the appointment of an additional Independent Person and to seek approval, if required, to additional persons to the role.

Darren Carter Executive Director - Resources

Contact Officer:
Trisha Newton
Principal Democratic Services Officer
0121 569 3193

3. Strategic Resource Implications

- 3.1 The role of Independent Person is a voluntary position and no annual allowance is paid in respect of this appointment. However, travelling and subsistence expenses are paid at the appropriate rate. The cost of advertising is met from within existing budgets.

4. Legal and Statutory Implications

- 4.1 Section 27 of the Localism Act 2011 requires authorities to promote and maintain high standards of conduct by their members and co-opted members. The Act requires local authorities to have in place mechanisms to investigate allegations that a member has not complied with their Code of Conduct, and arrangements under which decisions on allegations may be made.
- 4.2 Section 28(7) of 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 a member facing an allegation who has sought the views of that person. There are restrictions on who can be appointed as the Independent Person, mainly, that the Independent Person cannot be a councillor, officer or their relative or close friend. Public notice has to be given of recruitment for the role.

5. Implications for the Council's Scorecard Priorities

The role of the Independent Person is advisory and is important in providing assurance to the Council and the public that standards matters are being dealt with effectively, fairly and proportionately.

6. Background Details

There are no further background details to add to this report.

Standards Committee

16 June 2017

Allegations Update

1. Summary Statement

1.1 The Standards Committee receives reports from time to time on the number of complaints received in respect of member conduct and the progress and outcome of consideration of these complaints.

1.2 An update will be provided at the meeting.

Further details are attached for your information

2. Recommendation

2.1 That details of the number of complaints received in relation to member conduct and the progress and outcome of consideration of these complaints be noted.

Maria Price
Service Manager – Legal

3. Resource Implications

- 3.1 There are no resource implications arising directly as a result of this report.

4. Legal and Statutory Implications

- 4.1 The new standards arrangements are set out in chapter 7 of the Localism Act 2011, and in secondary legislation made under the Act, particularly in The Relevant Authorities (Disclosure of Pecuniary Interests) Regulations 2012.

5. Implications for the Council's Scorecard Priorities

- 5.1 There are no implications for the Council's Scorecard priorities arising directly from this report. The increased awareness of the work of the Standards Committee will help promote higher standards by enabling better decision-making.

Ethical Standards and Member Development Committee

16 June 2017

Case Summary

1. Summary Statement

- 1.1 Within its terms of reference, the Ethical Standards and Member Development Committee has a duty to promote high ethical standards amongst Members. As well as complying with legislation and guidance, the Committee will need to demonstrate learning from issues arising from local investigations and case law. Furthermore it is advisable for the Committee to be kept informed of any particularly notable cases which are publicised as they may also add to learning at the local level.

2. Recommendation

- 2.1 Members are requested to note the contents of the report and the cases at Appendix 1 and to consider any issues for the Council.

Maria Price
Service Manager - Legal

Contact Officer

Trisha Newton
Principal Democratic Services Officer
0121 569 3193

3. Strategic Resource Implications

3.1 There are no resource implications arising from this report.

4. Legal and Statutory Implications

4.1 By considering national cases of significance the Ethical Standards and Member Development Committee will be better informed and placed to discharge its duty to promote high ethical standards.

5. Implications for the Council's Scorecard Priorities

5.1 High standards of conduct are an essential part of good corporate governance and this in turn has a direct relationship with the delivery of high quality services.

6. Background Details

6.1 As well as complying with legislation and guidance, the Ethical Standards and Member Development Committee will need to demonstrate learning from issues arising from local investigations and case law. Further, it would be advisable for the Standards Committee to be kept informed of any particularly notable case law which is publicised as this may also add to learning at the local level. Compliance with the law, decided cases, guidance and good practice will increase the effectiveness of the ethical framework within the authority and minimise the risk of challenge.

Nazi salute councillor 'could be guilty of misconduct'

A Labour councillor who made a Nazi salute in a budget meeting could be guilty of misconduct in public office.

The councillor has been suspended for three months and ordered to undertake a course of "diversity training", but will keep his role as member.

The councillor has been barred from sitting on six council committees and told to apologise to the Standing Committee on Religious Education in Plymouth.

A separate investigation into the councillor's actions, by Plymouth City Council's monitoring officer, is believed to be still ongoing.

Plymouth Herald, March 2017

East Herts councillor slams colleagues on Twitter after social media conduct hearing

A councillor took to Twitter to lash out at his colleagues, just hours after he was threatened with expulsion over his social media conduct.

East Herts District Council formally censured the councillor after he called opponents "thick" and "illiterate", and ordered him to attend social media training.

Standards sub-committee members subsequently agreed with a report that found the councillor had breached the council's code of conduct to treat the public with respect.

The councillor had argued with opponents on the social media site over whether the authority should hold prayers before its full council meetings.

He attempted to mitigate by saying he was provoked and defending not only himself but the majority of councillors who voted against stopping prayers.

The councillor was given one month to attend the training or he would be removed from the six committees he stood on.

Hertfordshire Mercury, February 2016

Ethical Standards and Member Development Committee

16 June 2017

Standards Committee Work Programme 2017/2018

1. Summary Statement

- 1.1 A draft work programme for 2017/2018 is attached at Appendix 1 for the Committee's consideration. The programme covers the areas that are within the remit of the Ethical Standards and Member Development Committee under its current terms of reference.
- 1.2 In addition Sub-Committees of the Standards Committee will deal with any case work.

Further details are attached for your information

2. Recommendation

- 2.1 That the work programme for 2017/18 be approved and that it be kept under review during the year by the Monitoring Officer and the Ethical Standards and Member Development Committee.

Darren Carter
Executive Director – Resources

Contact Officer
Trisha Newton
Principal Democratic Services Officer
0121 569 3193

3. Strategic Resource Implications

There are no resource implications arising from this report.

4. Legal and Statutory Implications

- 4.1 Whilst there is no longer a statutory requirement to establish a Standards Committee, there is a need to promote high ethical standards so the Council has agreed to continue with an Ethical Standards and Member Development Committee as part of its arrangements to deal with standards.

5. Implications for the Council's Scorecard Priorities

- 5.1 High standards of conduct are an essential part of good corporate governance and this in turn has a direct relationship with the delivery of high quality services. A planned work programme will help the Ethical Standards and Member Development Committee in promoting high ethical standards.

**Standards Committee Work Programme
2017/18**

16 June 2017

Appointment of Sub-Committees
Allegations Update
National cases for information
Work Programme 2017/18
Appointment of Independent Person

8 September 2017

Allegations Update
National cases for information
Appointment of Independent Person
Members Gifts and Hospitality Register – Annual Review
Register of Members’ Interests – Annual Review
Committee on Standards in Public Life – Annual Report
Member Development Programme
Member Code of Conduct - Review

8 December 2017

Allegations Update
National cases for information

9 March 2018

Allegations Update
Annual Report of the Standards Committee
Review of Casework 2016/17
National cases for information