


## Ethical Standards and Member Development Committee

9 March 2018

<b>Subject:</b>	Annual Report of the Ethical Standards and associated matters
<b>Director:</b>	Director - Monitoring Officer - Surjit Tour
<b>Contribution towards Vision 2030:</b>	
<b>Contact Officer(s):</b>	Surjit Tour Director – Monitoring Officer <a href="mailto:surjit_tour@sandwell.gov.uk">surjit_tour@sandwell.gov.uk</a>

### DECISION RECOMMENDATIONS

#### **That Ethical Standards and Member Development Committee:**

1. Considers the draft Annual Report of the Ethical Standards and Member Development Committee 2017/18 at Appendix 1.
2. Authorises the Chair of the Ethical Standards and Member Development Committee to agree the content and final version of the Annual Report for submission to Full Council at its meeting on 17 April 2018.
3. Notes the update provided in respect of complaints received in relation to member conduct detailed at Appendix 2.
4. Considers the Register of Members' Interests and declaration of interests made by Members.
5. Considers the Local Authority Ethical Framework: Stakeholder Consultation launched by the Committee in Standards in Public Life (set out at Appendix 4) and agrees that the Committee Chair responds to the consultation on behalf of the Council.

6. As part of the Council's review of governance, agrees to establishing a Standards Working Group to review the Council Ethical Framework in accordance with the Terms of Reference set out at Appendix 3 to this report.

## **PURPOSE OF THE REPORT**

### **1.1 Annual Report**

The Ethical Standards and Member Development Committee's terms of reference requires the committee to produce an annual report detailing the activities undertaken throughout the municipal year. The annual report will be referred to Full Council for consideration at its next meeting on 17 April 2018.

The draft Annual Report is set out Appendix 1 to this report.

### **1.2 Allegations Update**

Details of ongoing standards matters are set out at Appendix 2 to this report.

### **1.3 Register of Interests**

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

The Council's present arrangements comply with the statutory provisions.

The statutory requirements also provide that the Council must ensure that copies of the Register are available at an office of the authority for inspection by members of the public at all reasonable hours.

The Register is available for inspection at the Sandwell Council House upon a request being made to the Monitoring Officer.

The Members' Register of Interests is available for the public to view on the Council's website.

The Council's arrangements enable 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 have been offered to all members and the majority of members have been assisted or received guidance in filling in their declaration of interest forms.

The Registers are periodically reviewed by the Monitoring Officer.

The work programme provides for an annual review of the Register. The paper Register will therefore be available at the meeting for members to peruse.

The Monitoring Officer will be providing training to Elected and Co-opted Members on Declarations of Interests at the beginning of the next municipal year.

#### **1.4 Member Code of Conduct**

The Localism Act 2011 introduced a revised standards regime. The Council on 18 October 2016 adopted a new Code of Conduct. The principles of good governance require the regular review of policies and processes that contribute to the ethical framework of the authority.

The Committee is asked to give consideration to 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. Proposed Terms of Reference for the Working Group are attached at Appendix 3 to this report.

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

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

Training on the refreshed Code of Conduct and Arrangements for dealing with complaints will be provided to all Elected and Co-opted Members.

## 1.5 Local Authority Ethical Standards: Stakeholder Consultation

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

The CoSPL's website states that "robust standards arrangements are 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 are 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 consultations closes at 5pm on 18 May 2018.

It is proposed that the Committee considers the consultation and agrees that the Chairperson of the Committee (with assistance through the Standards Work Group) formally responds to the consultation on behalf of the Council.

## 2 IMPLICATIONS FOR SANDWELL'S VISION

Through its work in promoting high standards of conduct, the Committee makes a positive contribution to the council's governance and decision-making arrangements of the authority.

## 3 STRATEGIC RESOURCE IMPLICATIONS

There are no resource implications arising from this report.

## **4 LEGAL AND GOVERNANCE CONSIDERATIONS**

The Authority has a statutory duty under the Localism Act 2011 to promote and maintain high standards of conduct by Members. The Authority is also obliged to have in place a Code of Conduct, a procedure for investigating complaints against Members and ensure that any complaints made are investigated in accordance with that procedure.

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.

The Localism Act 2011 strengthens requirements on members to register and disclose interests.

## **5 APPENDICES:**

- Appendix 1 - Draft Annual Report of the Ethical Standards and Member Development Committee 2017/18.
- Appendix 2 - Standards Matters Update
- Appendix 3 – Draft Terms of Reference – Standards Working Group
- Appendix 4 - Committee on Standards in Public Life - Local Authority Ethical Framework: Stakeholder Consultation

**Surjit Tour**  
**Director – Monitoring Officer**