


Ethical Standards and Member Development Committee

28 September 2018

Subject:	Appointment to Ethical Standards Sub-Committees and Standards Working Group
Director:	Director - Monitoring Officer - Surjit Tour
Contribution towards Vision 2030:	
Contact Officer(s):	Trisha Newton Trisha_newton@sandwell.gov.uk 0121 569 3193

DECISION RECOMMENDATIONS

That the Ethical Standards and Member Development Committee:

- 2.1 Appoints to two Ethical Standards Sub-Committees for the 2018/19 municipal year, with flexibility between membership to cater for availability and workload, 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	E M Giles	E M Giles	Lewis
Hartwell	P Hughes	P Hughes	Hartwell
Shackleton	Sandars	Sandars	Shackleton
Trow	Underhill	Underhill	Trow

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| <p>2.2 In view of the change in Committee membership for the 2018/19 municipal year, confirm the appointment of members to the Standards Working Group (to review the Council's Ethical Framework in accordance with the Terms of Reference set out at Appendix 1).</p> |
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1 PURPOSE OF THE REPORT

- 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 22 May 2018 agreed the membership of the Ethical Standards and Member Development Committee for the 2018/2019 municipal year. The Committee now needs to make appointments to the Ethical Standards Sub Committees for this municipal year.
- 1.3 At its meeting on 9 March 2018, the Ethical Standards and Member Development Committee gave approval to the establishment of a Standards Working Group to review to Council's Ethical Framework (as set out in the Terms of Reference at Appendix 1). The Committee is requested to confirm which three members should be appointed to the Group, alongside the Chair.
- 1.4 The working group is not a decision-making body but will enable matters and issues to be discussed and explored, and a report being prepared for the consideration of the Committee in due course.

2 IMPLICATIONS FOR SANDWELL'S VISION

- 2.1 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.

3 STRATEGIC RESOURCE IMPLICATIONS

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

4 LEGAL AND GOVERNANCE CONSIDERATIONS

- 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 FINANCIAL IMPLCIATIONS

- 5.1 There are no direct financial implication arising from this report, save that a successful recruitment exercise for an Independent Person will mean that any training and other expenses (such as travel costs) incurred by the Independent Person(s) in the course of discharging their duties will be met by the Council (in accordance with current approved arrangements).

6 OTHER OPTIONS CONSIDERED

- 6.1 The Committee is required to appoint members to the sub-committees to ensure relevant standards complaints are effectively addressed.
- 6.2 The Committee is not required to have a working group to review the Ethical Framework, however it is considered good practice to periodically review the Code of Conduct and Arrangements for dealing with complaints and a working group provides a helpful way to undertake such a review. A working group also enables broader discussion and debate to take place on how the Council can promote and maintain higher standards of conduct.

Surjit Tour
Director – Monitoring Officer

Standards Working Group

Terms of Reference

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.

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.