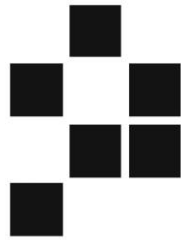


Chairs Announcement

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, 28 June, 2019 at 2.30 pm
in Committee Room 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 19 March 2019, as a correct record.
4. Appointment to Ethical Standards Sub Committees, Standards Working Group and Member Development Working Group.
5. Elected Member Standards Complaints – Update.
6. Work Programme 2019/20.
7. National Cases.

J Britton
Chief Executive

Sandwell Council House
Freeth Street
Oldbury
West Midlands

Distribution:

Councillor Lewis (Chair)

Councillor Ahmed, Akhter, Dhallu, Hevican, Horton, Simms and White.

Mr Tew [Independent Person].

**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 Ethical Standards
and Member Development Committee**

**19th March, 2019 at 1.30 pm
at the Sandwell Council House, Oldbury**

- Present:** Councillor Lewis (Chair);
Councillors E M Giles, Hartwell, P Hughes,
Sandars and Shackleton.
- Observer:** Mr Tew (Independent Person).
- Apologies:** Councillors Trow and Underhill.

17/19 **Minutes**

Resolved that the minutes of the meeting of the Ethical Standards and Member Development Committee, held on 7th December, 2018, be confirmed as a correct record.

18/19 **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 9th April 2019.

Ethical Standards and Member Development Committee
19th March, 2019

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/02/0717 - Councillor B S Bawa

Allegations concerning land sales to the Councillor when displaced from his home by a Compulsory Purchase Order. The matter had been subject to an investigation and a report prepared. Although no breach of the Code of Conduct had been found in relation to the substantive allegations, there were associated matters that were the subject of further investigation. The Monitoring Officer would consider this matter further following completion of the investigatory work.

Case Reference: MC/17/0218 - Councillor M Rouf

Allegations concerning the Councillor's Register of Interests containing incorrect/false information in relation to property and employment matters. The matter had been subject to an investigation and a report prepared. A breach of the Code of Conduct had been found. The Monitoring Officer had determined that this matter could be dealt with by way of local resolution and the subject Member undertake training in relation to Registration of Interests.

The Director of Law and Governance and Monitoring Officer confirmed that there were currently two matters outstanding.

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 9th April 2019;
- (2) that the update provided in respect of complaints received in relation to member conduct be noted.

Ethical Standards and Member Development Committee
19th March, 2019

19/19 **Committee on Standards in Public Life – Local Authority
Ethical Standards – Stakeholder Consultation Outcome Report**

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

The report on Local Authority Ethical Standards had now been published, following responses to its consultation to inform its review of local government ethical standards.

The report contained a list of recommendations to Government and also included a list of best practice aimed at local authorities.

It was agreed that the report be referred to the Standards Working Group to consider the recommendations/best practice and report back to the Committee.

Resolved that the Committee on Standards in Public Life – Local Authority Ethical Standards report be submitted to the Standards Working Group to consider and report back to a future meeting of the Committee with recommendations.

20/19 **Interim report relating to a review of personal safety of Elected
Members to include their surgeries**

It was reported that there had been recent incidents, reported by some Elected Members, that had raised concerns about personal safety when carrying out their day to day role.

The Director of Law and Governance and Monitoring Officer had been asked to oversee a review relating to the personal safety of Elected Members in pursuance of their role.

Senior officers from Civic and Member Services and the Council's Health and Safety team would conduct this review which would encompass all aspects of personal safety for Elected Members and follow the most up to date guidance literature that had been produced regionally and nationally.

Existing processes and procedures relating to personal safety would be assessed to explore if they were relevant to Elected Members and fit for purpose.

Ethical Standards and Member Development Committee

19th March, 2019

The review had already included a survey of Elected Members in relation to their surgeries, as well as discussions with specialist officers from West Midlands Police who had agreed to provide the requisite advice and guidance to help mitigate any actual, or perceived, risks moving forward.

Following this interim report, information obtained from further research and discussions would be finalised, with proposals formed for consideration at the next Ethical Standards and Member Development Committee.

The Committee welcomed the review and expressed concerns that there was a culture of not reporting incidents and the necessary reporting mechanisms needed to be put in place. Committee Members recognised that Elected Members are subjected to a range of inappropriate and aggressive behaviours, which is both physical but increasingly online. Concerns were raised over the adverse impact such behaviour has or could have on Elected Members' well-being. Committee Members suggested that the Committee's Annual Report be amended to include this review given its importance.

The Director of Law and Governance and Monitoring Officer confirmed that it was important to be alert to incidents through proper reporting channels. He stressed that serious incidents were few and far between and any proposed measures would need to be proportionate, providing a sufficient level of safety. There was also an opportunity to incorporate the subject matter into the Member Development Programme.

Resolved:-

- (1) that a further report detailing recommendations and options to mitigate the risks that Elected Members may face when carrying out their roles be submitted to a future meeting;
- (2) that the Committee's annual report be amended to include reference to the review into personal safety of Elected Members that is currently underway.

Ethical Standards and Member Development Committee
19th March, 2019

21/19 **Update on the Member Development Programme**

An updated on the Elected Member Development Programme was received.

In January 2019, the Local Government Association Peer Review team participated in a follow up visit to Sandwell and were briefed on the progress relating to the Member Development Programme. Feedback was outstanding describing the progress relating to the programme as phenomenal, adding the programme was an exemplar relating to the approach taken and delivery to date.

Since the last report to the Ethical Standards and Member Development Committee a number of sessions had been held, including Universal Credit Training Sessions, a partnership marketplace event, Corporate Parenting and Safeguarding.

A review on the Member Development Programme looking at areas of strength and for improvement would take place later in the year.

The Committee welcomed the update and praised the long awaited programme which was tailored to members' individual needs, with the new approach being well received.

22/19 **National Cases**

The Committee received details of three national cases relating to:-

- inappropriate and disrespectful language used by a councillor;
- a councillor's mileage claims;
- a councillor deliberately attempting to circumvent rules on the disclosure and declaration of interests.

(Meeting ended at 2.25 pm)

Contact Officer: Trisha Newton Democratic Services Unit 0121 569 3193

Ethical Standards and Member Development Committee

28 June 2019

Subject:	Appointment to Ethical Standards Sub-Committees, Standards Working Group and Member Development Working Group
Director:	Director of Law and Governance and Monitoring Officer - Surjit Tour
Contribution towards Vision 2030:	
Contact Officer(s):	Surjit Tour Surjit_tour@sandwell.gov.uk

DECISION RECOMMENDATIONS

That the Ethical Standards and Member Development Committee:

2.1 Appoints to two Ethical Standards Sub-Committees for the 2019/20 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	Three substitute members taken from remainder of committee	Lewis	Three substitute members taken from remainder of committee
Akhter		Ahmed	
Dhallu		Horton	
Hevican		Simms	
White		White	

2.2 In view of the change in Committee membership for the 2019/20 municipal year, confirm the appointment of members to the Standards Working Group (Chair + 3 members) and the Member Development Working Group (Chair + 3 members).

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 21 May 2019 agreed the membership of the Ethical Standards and Member Development Committee for the 2019/2020 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. The Committee is requested to confirm which three members should be appointed to the Group, alongside the Chair.
- 1.4 At its meeting on 3 November 2017, the Ethical Standards and Member Development Committee gave approval to the establishment of a Member Development Working Group to support the development, implementation and delivery of a revised Elected Member Development Programme. The Committee is requested to confirm which two members should be appointed to the Group, alongside the Chair and Independent Person.
- 1.5 The working groups are not decision-making bodies but will enable matters and issues to be discussed and explored, and reports 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 RESOURCE IMPLICATIONS

5.1 There are no direct resource implications arising from this report.

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 of Law and Governance and Monitoring Officer

MEMBER DEVELOPMENT WORKING GROUP

Terms of Reference

Purpose

To support the development, implementation and delivery of a revised Elected Member Development Programme.

To support the accreditation process in relation to the West Midlands Member Development Charter.

Membership

Chairperson of the Standards and Member Development Committee (or his nominee).

Three other Members of the Standards and Member Development Committee (or their nominees)

Quorate and Meetings

At least three Members of the Working Group (inc. their nominees).

Meetings shall be held as required.

Decision-making

To provide a steer in relation to the development, implementation and delivery of the said Programme including the accreditation of the Member Development Charter.

To provide direction in respect of the details, content and methodology of the said Programme.

To agree any additional costs of developing and implementing the development programme.

To agree the final version of the Member Development Programme including methodology, content and implementation.

Voting

By majority vote with the Chairperson or his nominee 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.

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.

Ethical Standards and Member Development Committee

28 June 2019

Subject:	Allegations Update
Director:	Director of Law and Governance and Monitoring Officer - Surjit Tour
Contribution towards Vision 2030:	
Contact Officer(s):	Philip Tart Philip1_tart@sandwell.gov.uk

DECISION RECOMMENDATIONS

That the Committee:

Note details of complaints received in relation to member conduct and the progress and outcome of consideration of these complaints.

1 PURPOSE OF THE REPORT

- 1.1 The Ethical Standards and Member Development Committee receives reports from time to time on complaints received in respect of member conduct and the progress and outcome of consideration of these complaints.
- 1.2 This report provides a brief summary of updated information on current complaints in accordance with the Council's arrangements for dealing with Code of Conduct matters.

2 IMPLICATIONS FOR SANDWELL'S VISION

The increased awareness of the work of the Ethical Standards and Member Development Committee will help promote higher standards by enabling better decision-making.

3 STRATEGIC RESOURCE IMPLICATIONS

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

4 LEGAL AND GOVERNANCE CONSIDERATIONS

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 APPENDICES:

Allegations Update

Surjit Tour
Director of Law and Governance and Monitoring Officer

SCHEDULE OF COMPLAINTS

Complaints subject to formal investigation in accordance with the Arrangements for Dealing with Standards Allegations under the Localism Act 2011

1. Case Reference: MC/02/0717

Allegations concerning land sales to a Councillor when displaced from his home by a Compulsory Purchase Order (CPO). The matter has been subject to an investigation and a draft report prepared. Some further investigation work has had to be undertaken which means that the report is still to be completed. The report will then be considered further by the Monitoring Officer once it has been finalised.

2. Case Reference: MC/17/0218

Allegations concerning a Councillor's Register of Interests containing incorrect / false information in relation to property and employment matters. The matter has been subject to a formal investigation and a report prepared. A breach of the code of conduct was found. The Monitoring Officer determined that the matter could be dealt with by way of local resolution and the subject member undertake training in relation to Registration of Interests. The subject member completed Code of Conduct training on the 10th March 2019.


Other Matters

There are two further matters that have been the subject of preliminary enquiries by the Monitoring Officer in accordance with the Arrangements for Dealing with Standards Allegations under the Localism Act 2011. Both of the matters have been concluded without the need for further action.

There is one further matter that is currently the subject of preliminary enquiries by the Monitoring Officer in accordance with the arrangements for dealing with Standards Allegations under the Localism Act 2011.

Ethical Standards and Member Development Committee

28 June 2019

Subject:	Ethical Standards and Member Development Committee Work Programme 2019-20
Director:	Director of Law and Governance and 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:

Approve the work programme for 2019/20 which will be kept under review during the year by the Monitoring Officer and the Ethical Standards and Member Development Committee.

1 PURPOSE OF THE REPORT

- 1.1 A draft work programme for 2019/2020 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.

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. A planned work programme will help the Ethical Standards and Member Development Committee in promoting high ethical standards.

3 STRATEGIC RESOURCE IMPLICATIONS

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

4 LEGAL AND GOVERNANCE CONSIDERATIONS

- 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.

Surjit Tour
Director of Law and Governance and Monitoring Officer

Ethical Standards and Member Development Committee Work Programme 2019/20

- 28 June 2019**
- Appointment of Sub-Committees, Standards Working Group and Member Development Working Group
 - Allegations Update
 - National Cases for information
 - Work Programme 2019/20
- 6 September 2019**
- Personal Safety of Elected Members
 - Member Development Programme Update
 - Standards Working Group Update/Review of Member Code of Conduct/Arrangements
 - Committee on Standards in Public Life – Annual Report
 - Allegations Update
 - National Cases for information
- 6 December 2019**
- Member Code of Conduct – Annual Review
 - Members Gifts and Hospitality Register – Annual Review
 - Register of Members’ Interests – Annual Review
 - Allegations Update
 - National cases for information
- 6 March 2020**
- Annual Report of the Ethical Standards and Member Development Committee
 - Review of Casework/Allegations Update
 - National cases for information

Ethical Standards and Member Development Committee

28 June 2019

Subject:	National Cases
Director:	Director of Law and Governance and Monitoring Officer - Surjit Tour
Contribution towards Vision 2030:	
Contact Officer(s):	Trisha Newton Principal Democratic Services Officer Trisha_newton@sandwell.gov.uk

DECISION RECOMMENDATIONS

That the Ethical Standards and Member Development Committee:

1. note the contents of the report and the case at Appendix 1 and consider any issues for the Council.

1 PURPOSE OF THE REPORT

- 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 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 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.

Surjit Tour

Director of Law and Governance and Monitoring Officer

Coventry City Councillor breached Code by failing to declare property interests

Coventry City Council's Ethics Committee has found that Cllr Rois Ali breached its Code of Conduct for members by failing to disclose numerous property interests in Coventry within 28 days of his election and, subsequently, by long delays in making a full disclosure of all of his Disclosable Pecuniary Interests.

Cllr Ali is a well-known businessman in Coventry and owns a large number of properties in the city. He was elected in May 2016 but had not made any entries on his register of interests within the 28 day time limit set by s.30(1) of the Localism Act 2011. When he made his first entry on his register of interests, it contained a number of omissions.

Despite several warnings from officers, Cllr Ali failed to promptly and comprehensively disclose his DPis until February 2018.

An independent investigator was appointed following a complaint by Cllr Tim Mayer, also a member of the City Council. He found that there had been four breaches of the Code.

Three related to Cllr Ali's failings in disclosing his DPis.

The fourth breach related to comments made during an interview with Cllr Ali, in which the councillor threatened to "stamp on" Cllr Mayer. Cllr Ali also said that he would take Cllr Mayer "to the cleaners".

The independent investigator concluded that Cllr Ali had not acted dishonestly and found no evidence that Cllr Ali had participated in any Council business in which he had a DPI.

At a meeting of the City Council's Standards Committee on 6 November 2018, Cllr Ali accepted that he had not disclosed his DPis within the deadline and that he regretted his choice of words directed at Cllr Mayer.

The Standards Committee found that Cllr Ali had breached two sections of the Code in relation to declaring DPis in line with members' legal obligations.

The Standards Committee did not find that Cllr Ali's comments towards Cllr Mayer had breached the Code. Although "ill-considered", they had been not been made in a public forum and had not formed part of the original complaint.

The Committee decided to:

- (i) publish its findings in respect of Cllr Ali's conduct;
- (ii) send a formal letter of censure to Cllr Ali;

- (iii) report its findings to full Council for information; and
- (iv) recommend that the Monitoring Officer organises additional training for Cllr Ali on the registration and declaration of interests.

Taken from Cornerstonebarristers.com and Coventry City Council Decision Notice dated 4 December 2018