


ETHICAL STANDARDS AND MEMBER DEVELOPMENT COMMITTEE

11 November 2019

Exempt information relating to the financial or business affairs of any particular person and information likely to reveal the identity of an individual (including the authority holding that information).

The information contained in this report is strictly confidential and in accordance with the appropriate Codes of Conduct, must not be disclosed to unauthorised persons

Subject:	Review of Standards Complaint Preliminary Assessment Decision
Director:	Director of Law and Governance & Monitoring Officer
Contribution towards Vision 2030:	
Contact Officer(s):	<p>Maria Price, Service Manager - Legal and Assurance</p> <p>Surjit Tour, Director and Monitoring Officer surjit_tour@sandwell.gov.uk</p>

DECISION RECOMMENDATIONS

That the Committee:

1. Considers whether the decision by made the Deputy Monitoring Officer (“DMO”) in respect of a complaint made was properly arrived at, and determine whether to:
 - a) uphold the DMO’s decision; or
 - b) set aside the DMO’s decision and refer the matter for re-assessment under the Arrangements for dealing with complaints against Members.

1 **PURPOSE OF THE REPORT**

- 1.1 The Committee is requested to consider whether the decision by made the Deputy Monitoring Officer in respect of a complaint was properly arrived at.
- 1.2 This report is exempt under paragraphs 1 and 2 of Schedule 12A Local Government Act 1972 (as amended) on the basis that it contains information that relates to an individual and is likely to reveal the identity of an individual.
- 1.3 Consideration has been given to paragraph 10 of Schedule 12A, which requires the public interest to be applied. It is accepted that the context of this matter and issues arising involve an Elected Member and as such the public are entitled to be informed of conduct that falls short of the standard expected of such a person. However, this entitlement needs to be balanced against (i) the nature of the issues arising, (ii) the need for allegations of potential misconduct of Elected Members to be dealt with properly (which includes ensuring the rights/legitimate expectations of all parties is respected), and (iii) the need for the Council to demonstrate effective due process so as to maintain confidence in its ethical framework.
- 1.4 Accordingly, on balance, the public interest in maintaining the exemptions outweigh the public interest in disclosing the information.

The full report has been provided to Committee members.