

Minutes of the Ethical Standards and Member Development Committee

**4th October, 2019 at 3.00pm
at the Sandwell Council House, Oldbury**

Present: Councillor Ahmed (Chair);
Councillors Dhallu, P Hughes and Simms.

Apologies: Councillors Hevican, L Horton and Lewis;
Mr Tew (Independent Person).

28/19 **Minutes**

Resolved that the minutes of the meeting held on 28th June 2019 be referred to the next meeting of the Ethical Standards and Member Development Committee for approval as a correct record.

29/19 **Appointment to Ethical Standards Sub Committees**

Further to Minute No. 24/19, at its meeting on 28th June 2019, the Ethical Standards and Member Development Committee had appointed members to the two Ethical Standards Sub Committees.

However, following changes in proportionality, the Council, at its meeting held on 16th July 2019, revised the membership of the Ethical Standards and Member Development Committee for the 2019/2020 municipal year. As a result, it was now necessary for the Committee to revise the appointments to the Ethical Standards Sub-Committees for this municipal year to reflect the revised membership.

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Resolved that the Ethical Standards and Member Development Committee revises the appointments to the 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	Ahmed	Ahmed	Lewis
Akhter	Horton	Horton	Akhter
Dhallu	P Hughes	P Hughes	Dhallu
Hevican	Simms	Simms	Hevican
+ Independent Person		+ Independent Person	

30/19

Review of Personal Safety of Elected Members

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

The review formed part of the Member Development Programme which incorporated training, support and well-being interventions, as requested by Elected Members in its design phase.

The review surveyed Elected Members and utilised outcomes to assess the key factors affecting personal safety in pursuance of their roles which included surgeries, a mechanism for reporting and escalating incidents, the need for personal alarms and associated training, advice and guidance for all Elected Members.

The review researched best practice and utilised the skill, knowledge and experience of specialist officers from West Midlands Police, who were available in an advisory capacity throughout.

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The review was based on the premise that Elected Members needed, and had every right, to feel safe and assured when carrying out their roles, including the fulfilment of expectations relating to the delivery of Vision 2030 ambitions.

Senior officers from Civic and Member Services and the Council's Health and Safety Team conducted the review, overseen by the Director of Law and Governance and Monitoring Officer, and encompassed all aspects of personal safety for Elected Members following the most up to date guidance literature that had been produced both regionally and nationally.

To assist the review, a short survey was circulated to Elected Members in January 2019 which sought to validate information relating to surgery addresses, asked for any incidents or issues that had occurred in the past six months as well as any improvements that would make Elected Members feel safer and more effective during their surgeries.

Discussions had also taken place with Elected Members who had experienced issues that could be directly attributed to personal safety concerns.

Existing processes and procedures relating to personal safety had also been reviewed, with advice sought from West Midlands Police at key stages of the review. A process for Elected Members to report incidents affecting their personal safety had been developed which included a process for Elected Members to report minor incidents, to Civic and Member Services, via a Partnership Information Report form to the West Midlands Police's Force Intelligence Bureau. Isolated incidents could then be recorded by area to assess trends and clusters of activity that may require further investigation.

In response to feedback, and as part of the Member Development Programme, four training sessions relating to Personal Safety and Lone Working for Elected Members would be delivered.

Following survey responses and other comments received, the review had also investigated the main types and specification of personal alarms that could be obtained for Elected Members to carry with them in order to mitigate risks to their personal safety.

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The Committee welcomed the review of personal safety and made the following recommendations:-

- with regard to the incident log sheet, an additional box should be included for reporting of stalking/harassment incidents;
- in relation to personal alarms, the offer of alarms would be included within the training sessions, along with a demonstration;
- incident log sheets would be circulated to all elected members, with the process included within the training sessions;
- a further review of personal safety would be added to the work programme for consideration in 12 months' time.

Resolved:-

- (1) that personal safety training be made available to all Elected Members as an essential element of the Member Development Programme, to include the offer of personal alarms;
- (2) that the revised incident log sheet be approved and circulated to all Elected Members, with the process for Elected Members to report incidents affecting their personal safety being included in the training session;
- (3) that a review of personal safety for Elected Members be undertaken in 12 months' time and a report submitted to the Ethical Standards and Member Development Committee.

31/19 Member Development Programme Update

The Elected Member Development Programme had been designed and led by Members.

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 and that the programme was an exemplar in relation to the approach taken and delivery to date. The Peer Review were also updated on development of bulletins which had been circulated to Elected Members which contained key information on forthcoming training, as well as updates relating to the digital agenda.

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In total, 38 sessions had been delivered as part of the Member Development Programme. Turnout remained encouragingly high amongst Members with average attendance rate ranging from 45 – 50%. Member feedback following sessions held to date was also very positive.

Further sessions were scheduled to take place from September to December. Other training sessions were currently in the process of being sourced and would be communicated via member training bulletins.

The new Member Development Programme was more than just training, advice and guidance. As part of the initial programme design Members identified, via workshops held, 26 key requirements a new Councillor Portal needed to meet. These included:

- a directory of key service areas/contacts to avoid unnecessary searching;
- the facility for councillors to access what was key to them personally;
- an enquiries section with the ability to escalate;
- latest news and updates;
- learning menus/a training directory;
- links to Council websites and much more.

The Digital Solution Working Group had explored how the 26 key requirements could be met and the Digital Solution Board agreed the Firmstep's Councillor Portal met all the requirements enabling the Council to digitise their processes for Members through a dedicated self-service portal. This portal would allow Councillors to transact online for a broad range of member and constituent services. The portal could be branded differently to the Council's main website and be used to provide Member specific information as well as a one stop shop for all member services.

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The portal would look to include links to Council meetings, agendas and minutes, Member notifications/communications and a range of specific processes which allowed Members to log, track and escalate requests reported on behalf of constituents. This was an exciting, key element of the Member Development Programme and addressed all aspects associated with creating a sustainable digital solution for all Elected Members.

Members considered it would also be useful if a family tree could be included on the portal to indicate where people/areas sat in the organisation.

It was anticipated that an early demonstration of the new portal would be available for the Ethical Standards and Member Development Committee to view and give feedback in late Autumn.

A full review of the Member Development Programme, to consolidate areas of strength and establish areas for improvement, would be held late 2019 and reported back to Committee early 2020. Outputs from individual personal development plan meetings would continue to influence future content and this would be consolidated at planned workshops to be held as part the overall review process.

Resolved:-

- (1) that a demonstration of the new portal be provided to the Ethical Standards and Member Development Committee at a future meeting;
- (2) that a full review of the Member Development Programme be undertaken, and a report submitted to a meeting of the Ethical Standards and Member Development Committee for consideration.

32/19

Standards Working Group Update – Remuneration for Independent Persons dealing with standards matters

At its meeting on 28th September 2018, the Ethical Standards and Member Development Committee gave approval to a joint recruitment exercise being undertaken with Walsall Council in relation to the appointment of Independent Persons for dealing with standards matters.

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The Committee also gave authorisation to the Chair of the Ethical Standards and Member Development Committee to approve a new job role for the Independent Person and to agree all necessary recruitment arrangements/procedures between both Councils, in consultation with the Director of Law and Governance and Monitoring Officer and Walsall Council.

Walsall MBC's Standards Committee gave approval to the joint recruitment exercise at its meeting on 8th July 2019 and also gave approval to remuneration of independent persons (plus expenses).

Currently independent persons were entitled to claim mileage and expenses. In the event that Sandwell was not minded to proceed with remuneration, both authorities would continue the appointments process to appoint its own Independent Person(s).

The Standards Working Group met on 24th September 2019 to consider the proposal to provide remuneration to independent persons for dealing with standards matters.

The Working Group considered that a more detailed analysis would be required in order to make an informed decision and requested that officers bring back a further report to include:-

- recruitment – whether remuneration would improve the situation and whether this was the reason for difficulties in recruiting the correct calibre of candidates;
- benchmarking with regional local authorities – where they had commenced remuneration had this demonstrated a change in recruitment pattern;
- independent positions recruited to across the Council which were also non-paid positions and their roles/responsibilities;
- options of remuneration - such as payment per meeting.

A further report would be submitted to the Standards Working Group for consideration.

At the request of the Vice-Chair, it was agreed that the membership of the Standards Working Group and Member Development Working Group would be revised to include Chair, Vice-Chair and three members.

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Resolved:-

- (1) that a further report be submitted to the Standards Working Group in respect of remuneration for independent persons dealing with standards matters;
- (2) that the Director of Law and Governance and Monitoring Officer proceed with recruitment in the interim period, whilst the options for remuneration/joint recruitment are being further investigated;
- (3) that Walsall MBC be notified of Sandwell's intention to advertise in the interim period, whilst options for remuneration/joint recruitment are being further investigated;
- (4) that the terms of reference of the Standards Working Group and Member Development Working Group be revised to reflect a change in membership to the Chair, Vice-Chair plus three members.

33/19

Committee on Standards in Public Life – Annual Report

On 29th July 2019, the Committee on Standards in Public Life published its annual report for 2018-19.

Within its terms of reference, the Ethical Standards and Member Development Committee had a duty to promote high ethical standards amongst Members. As well as complying with legislation and guidance, the Committee needed to demonstrate learning from issues arising from local investigations and case law. Furthermore, it was advisable for the Committee to be kept informed of any issues arising out of the Annual Report from the Committee on Standards in Public Life as they may add to learning at the local level.

34/19 **Elected Member Standards Complaints – 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

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

Case Reference: MC/01/0619

Allegations concerning a meeting between two Councillors prior to one of the Councillor's election in May 2019 in which it was alleged that various inappropriate comments and actions took place in breach of the Members' Code of Conduct and Nolan Principles. A decision had been made to formally investigate the matter and this would commence shortly.

There were two further connected matters that had 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.

A decision had been made to move to a formal investigation in relation to one matter. An independent investigator would be appointed shortly.

The second matter was still the subject of preliminary enquiries and a decision would be made as to whether or not an investigation was to take place.

35/19 **National Cases**

The Committee received details of a national case relating to a councillor who had breached the code following inappropriate contact with a resident.

Members suggested that it would be useful to have code of conduct cases available to view on the member portal.

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Resolved that options are looked at with regard to including content on the member portal in relation to national cases/code of conduct.

(Meeting ended at 4.14pm)

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