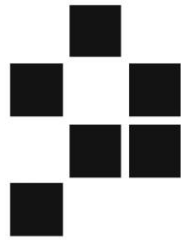


Chairs Announcement

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, 7 February, 2020 at 2.30pm
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 meetings held on 28 June, 4 October and 11 November 2019 as a correct record.
4. Update on the Member Development Programme.
5. Annual Review – Register of Members' Interests and Gifts and Hospitality Register.
6. Recruitment of Independent Persons for dealing with Standards matters.
7. Elected Member Standards Complaints – Update.
8. National Cases.

David Stevens
Chief Executive

Sandwell Council House
Freeth Street
Oldbury
West Midlands

Distribution:

Councillor Lewis (Chair)

Councillor Ahmed, Akhter, Dhallu, Hevican, P Hughes, Horton and Simms.

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**

**28th June, 2019 at 2.30 pm
at the Sandwell Council House, Oldbury**

Present: Councillor Lewis (Chair);
Councillors Akhter and Hevican.

Observer: Mr Tew (Independent Person).

Apologies: Councillors Ahmed and Dhallu.

23/19 **Minutes**

Resolved that the minutes of the meeting of the Ethical Standards and Member Development Committee, held on 19th March, 2019, be confirmed as a correct record.

24/19 **Appointment to Ethical Standards Sub Committees, Standards Working Group and Member Development Working Group**

The Localism Act 2011 required authorities to adopt arrangements for dealing with complaints about breaches of the Member Code of Conduct. The Council's arrangements for dealing with complaints provided 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).

The Council, at its annual meeting held on 21st May 2019, agreed the membership of the Ethical Standards and Member Development Committee for the 2019/2020 municipal year. It was now necessary for the Committee to make appointments to the Ethical Standards Sub-Committees for this municipal year.

Ethical Standards and Member Development Committee
28th June, 2019

At its meeting on 9th 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. Three members, alongside the Chair, should be appointed to the Group, alongside the Chair and it was agreed that nominations would be confirmed by the Chair.

At its meeting on 3rd 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. Three members, alongside the Chair and Independent Person, should be appointed to the Group and it was agreed that nominations would be confirmed by the Chair.

Resolved:-

- (1) that the Ethical Standards and Member Development Committee 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	
+ Independent Person		+ Independent Person	

Ethical Standards and Member Development Committee
28th June, 2019

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

25/19

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 (CPO). 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 then be considered further by the Monitoring Officer once it had been finalised.

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 had 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 10th March 2019.

There were two further 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. Both of the matters had been concluded without the need for further action.

There is one further matter that was 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
28th June, 2019

26/19 **Work Programme 2019/20**

The Committee considered the draft work programme for 2019/20.

Resolved that the work programme for 2019/20 be approved and kept under review during the year.

27/19 **National Cases**

The Committee received details of a national case relating to a councillor who failed to declare all of his disclosable pecuniary interests and had also threatened another councillor.

(Meeting ended at 2.43 pm)

Contact Officer: Trisha Newton Democratic Services Unit 0121 569 3193

**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.

Ethical Standards and Member Development Committee 4th October, 2019

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.

Ethical Standards and Member Development Committee

4th October, 2019

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.

Ethical Standards and Member Development Committee

4th October, 2019

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.

Ethical Standards and Member Development Committee

4th October, 2019

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.

Ethical Standards and Member Development Committee

4th October, 2019

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.

Ethical Standards and Member Development Committee

4th October, 2019

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.

Ethical Standards and Member Development Committee
4th October, 2019

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.

Ethical Standards and Member Development Committee
4th October, 2019

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)

Contact Officer: Trisha Newton
Democratic Services Unit
0121 569 3193

**Minutes of the Ethical Standards
and Member Development Committee**

**11th November, 2019 at 2.00pm
at the Sandwell Council House, Oldbury**

Present: Councillor Lewis (Chair);
Councillors Ahmed, Akhter, Dhallu, Hevican,
P Hughes and Simms;
Mr Tew (Independent Person).

Apology: Councillor L Horton.

36/19 **Declaration of Interest**

Councillor P Hughes declared that he was referred to in a document contained within the papers but it was a minor point that did not prevent him from considering this matter at the Committee.

37/19 **Exclusion of the Public and Press**

Resolved that the public and press be excluded from the rest of the proceedings to avoid the possible disclosure of exempt information under Schedule 12A to the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006 relating to information relating to individuals (paragraph 1) and information likely to reveal the identity of an individual (paragraph 2).

38/19

Review of Standards Complaint Preliminary Assessment Decision

The Committee was requested to consider whether a decision made by the Deputy Monitoring Officer in respect of a complaint made against a member under the Council's Ethical Framework was properly arrived at.

In June 2019, concerns were raised with the Monitoring Officer in relation to the manner in which a standards complaint made in 2016 had been dealt with. The Monitoring Officer undertook a review of the procedures and practices that were followed in respect of the 2016 complaint.

The review by the Monitoring Officer led to two standards complaints being made.

The former Deputy Monitoring Officer (DMO), Phil Tart, undertook an assessment of the complaint in accordance with the Council's Arrangements for dealing with complaints against Elected Members.

As required by the Localism Act 2011 and the Arrangements, the DMO was required to seek the views of the Independent Person before deciding whether or not a formal investigation should be undertaken. The DMO duly sought the views of the Independent Person.

The DMO completed the assessment and determined that the matter should not be referred for investigation.

A request for a review of the DMO decision was made pursuant to the Council's Constitution.

The Committee considered the report and appendices presented that was exempted under Schedule 12A Local Government Act 1972 (as amended).

The Committee gave careful consideration to all material issues, points and factors that had been raised. The Committee heard from the Independent Person and duly considered the representations made by the subject member's representatives.

Ethical Standards and Member Development Committee
11th November, 2019

The Committee noted that the DMO's decision related to the complaint made in 2019 albeit connected to circumstances and matters arising in the standards complaint going back to 2016.

The Committee acknowledged and accepted that in considering and dealing with the matter before them, the rules of natural justice and the Human Rights Act needed to be complied with, together with all other applicable statutory provisions and legal obligations and duties, such as the Localism Act 2011. The Committee was satisfied that all applicable rules and relevant legislation had been complied with.

The Committee was satisfied that the complainant was entitled to seek a review of the DMO's decision concerning the complaint made in 2019.

Upon considering all the material and relevant facts, issues and representations arising in this matter, a motion was put forward, and seconded, that:

“the DMO's decision be set aside and the matter be referred for reassessment under the Arrangements for dealing with complaints and that a further report be submitted to the Committee in relation to the governance of all complaints dating back from 2015.”

An amendment to the motion was proposed and seconded, and voted upon, and it was:

Resolved:-

- (1) that the Deputy Monitoring Officer's decision of 24 September 2019 be set aside and the complaint against the subject member dated 24 July 2019 be re-assessed under the Arrangements for dealing with complaints against Members (with the possibility of local resolution being explored) and all relevant information being provided to the Independent Person;

Ethical Standards and Member Development Committee
11th November, 2019


- (2) that the Standards Working Group, already established to review the Members' Code of Conduct and Arrangements for dealing with complaints against Members, considers what lessons can be learned from this matter and what improvements can be made to the Arrangements.

(Meeting ended at 3.48pm)

Contact Officer: Trisha Newton
Democratic Services Unit
0121 569 3193

Ethical Standards and Member Development Committee

7 February 2020

Subject:	Update on the Member Development Programme
Director:	Director of Law and Governance and Monitoring Officer – Surjit Tour
Contribution towards Vision 2030:	
Contact Officer:	Phil Challoner phil_challoner@sandwell.gov.uk

DECISION RECOMMENDATIONS

That Ethical Standards and Member Development Committee:

1. Notes the continued progress of the Member Development Programme to date, including plans to factor in feedback from phase one plus outputs from Personal Development Plan (PDP) meetings, as part of phase two of the programme which will commence from next Municipal Year 2020.

1 PURPOSE OF THE REPORT

- 1.1 For the Ethical Standards and Member Development Committee to note the progress of the Member Development Programme to date, including plans to review future content and scope to ensure it remains a programme designed by Members that is fit for purpose to meet their ongoing needs.

2 **IMPLICATIONS FOR SANDWELL'S VISION**

- 2.1 Elected Members with the requisite skills, knowledge and understanding of subject matters impacting upon their role will result in positive implications for each Vision 2030 ambition.

3 **BACKGROUND AND MAIN CONSIDERATIONS**

- 3.1 The Elected Member Development Programme ('MDP') has been continually designed and led by Members.
- 3.2 Last year, 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 MDP as 'phenomenal' adding the programme was an 'exemplar' relating to the approach taken and delivery to date.
- 3.3 They were also updated on development of bulletins which have been continually circulated to Elected Members and contains key information on forthcoming training, as well as updates related to the upcoming 'My Councillor' portal which is currently in its design stage ahead of an anticipated pilot and Spring time launch this year.
- 3.4 Since phase one of the MDP commenced in October 2018, a total of 76 sessions have been delivered. These are related to the following interventions:
- Universal Credit Briefing Sessions
 - A Focus Group on Members' ICT needs
 - "The Big Conversation" - a partnership marketplace event
 - Corporate Parenting
 - Safeguarding and Vulnerabilities Awareness Raising
 - Understanding Council Finance
 - Understanding Overview and Scrutiny Training
 - Planning related Training
 - Licensing related Training (Taxi, Alcohol and Gambling)
 - Members' Code of Conduct
 - Data Protection
 - Procurement Training
 - Child Trafficking, Exploitation, Modern Slavery Training
 - Overview and Scrutiny Review – Member engagement sessions
 - Understanding Dementia

- Community Engagement (Delivered jointly in-house with West Midlands Employers)
- Audit and Risk
- The previously postponed How to get the most from Social Media (Delivered via the Local Government Association)
- Mop-up sessions for Data Protection
- Personal Safety for Elected Members Training
- Queen's Honours and Awards
- Being an effective Councillor: ways of strengthening and sustaining personal resilience (Delivered by the Local Government Information Unit)
- Prevention Matters -a one-day facilitated workshop for elected members to support their role as champions of health improvement and prevention in their local community
- Equalities and Religious Awareness Training

3.5 Turnout at these sessions have remained encouragingly high for most Elected Members with, for example, over 60% attending Corporate Parenting training. Based on the Phase One interventions delivered to date, the average attendance rate is currently at 50% which compares favourably with levels prior to phase one of the MDP that averaged only 22%. Most recently, attendance levels have dropped to an average of 44%. This follows a period of change which also included a Parliamentary General Election.

3.6 Member feedback following sessions held to date has, however, remained very positive and comments include:

"Member Participation was very good. A very keen interest was shown by all members in the Chamber". "Very Good training and well delivered."
 "Trainer spoke well and made the topic engaging and easy to understand." "Enjoyed Session and discussions." "Brilliant. Eyeopener."
 "Appreciate the session about our wellbeing as councillors-Sometimes we forget whilst serving other people to remind ourselves about our own health. Future similar sessions will be much appreciated." "Very Good."
 "Very enjoyable and informative." "Brilliant."

Members have also given constructive comments as to how some sessions can improve on certain aspects such as:

"prior knowledge of subject matter would have been useful",
 "the technology could not be viewed by some delegates which was frustrating.", "Bitesize sessions/topics 2 hours not long enough."

“Due to not having/using social media I struggled with varied social media terminology. Maybe a session on how to set up using social media. Maybe I could get help in social media 1-1.”

In those instances, an immediate review is undertaken between Civic and Member Services and the facilitator to ensure these issues are rectified or mitigated at future sessions.

3.7 Further sessions for phase one are scheduled to take place imminently and include:

- Equalities and Religious Awareness Training on 13 February
- Mop-up sessions for Members’ Code of Conduct on 10, 17 and 24 February

Other training sessions are currently in the process of being sourced and will be communicated via MDP bulletins in due course.

3.8 The new MDP continues to be 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 is 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

Following on from previous reports to this committee, the Digital Solution Working Group have continued to explore how the 26 key requirements can be met.

A report was presented to a Digital Solution Board meeting where it was agreed the Firmstep’s Councillor Portal met all the requirements enabling the Council to digitise their processes for Councillors through a dedicated self-service portal. This portal will allow Councillors to transact online for a broad range of member and constituent services. The portal can be branded differently to the Council’s main website and be used to provide Councillor specific information as well as a one stop shop for all member services.

This portal will look to include links to council meetings, agendas and minutes, Councillor notifications/communications and a range of specific processes which allows Councillors to log, track and escalate requests reported on behalf of constituents. This is an exciting, key element of the MDP and addresses all aspects associated with creating a sustainable digital solution for all 72 Elected Members.

Work continues at pace and includes officers working alongside Elected Members in ensuring the final solution is fit for purpose to meet all 26 requirements. Alongside the design and launch of the new portal, Elected Member training and upskilling requirements has been factored in to all PDP meetings and will be addressed via the MDP to ensure the portal is consistently, as well as confidently, utilised by all 72 Councillors with support at hand as required.

- 3.9 The Leader has agreed a new peer process for conducting PDP meetings which commenced during January this year. The Leader will carry out PDP's for Cabinet Members who will then carry out PDP's for Town Leads. Town Leads will then carry out PDP's for all other Elected Members. It is anticipated this process will be completed by 31 March 2020 to help inform phase two of the MDP that will commence from the next Municipal Year and will incorporate induction requirements for newly Elected Members. Training on how to carry out effective PDP's was delivered to the Leader, Cabinet and Town Leads by the Civic and Member Services Manager on 30 October 2019.
- 3.10 A further example of support via the new MDP relates to Member Wellbeing, Resilience and Personal Safety. The role of an Elected Member is fast changing, with numerous relentless demands placed upon an individual's time and resources. Latest links to LGA workbooks on stress management and personal resilience will continue to be circulated to all 72 Members via MDP bulletins. Personal resilience training for Elected Members was sourced via the LGiU (Local Government Information Unit) and took place early December 2019. The feedback was excellent from those who were able to attend. Whilst this was scheduled several weeks in advance, attendance was lower than anticipated due to the Parliamentary General Election, so consideration will be given to invite the external facilitator to return, if the demand is there from Elected Members.

3.11 In addition, and in response to feedback, four training sessions relating to Personal Safety and Lone Working for Elected Members were delivered on 19 November 2019, 7 and 10 January respectively. The aim of this essential learning course was *'To raise awareness of personal safety issues in relation to aggression and violence. Explore how to anticipate, avoid and deal with incidents during the course of your duties'*.

Key outcomes of the course included:

- To state what makes an aggressive incident
- To describe the new incident reporting procedure
- To recognise your body's response to fear/aggression
- To describe how to calm and de-escalate conflict situations
- To recognise the role your behaviour has in the violent behaviour cycle

It should be noted Specialist Officers from WM Police positively endorsed the content and approach which included a filmed introduction by Chief Superintendent Richard Youds.

This course was delivered in-house by officers from the Council's Health and Safety Unit supported by officers from the Civic and Member Services team.

3.12 A full review of phase one, to consolidate key strengths and establish areas for improvement, is currently taking place and will be reported back to the next Committee ahead of phase two. It is noted individual PDP discussions may contain matters that require confidentiality. Where agreed, outputs from individual PDP meetings, which commenced in January 2020, will continue to influence future MDP content and this will be consolidated at future workshops to be held as part the overall review process.

4 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)

4.1 Elected Members have been consulted at key stages of the process, feeding into the design and delivery of the Member Development Programme via workshops and PDP's. Elected Members are also represented on both the Digital Solution Working Group and Board.

5 ALTERNATIVE OPTIONS

- 5.1 Alternative options have not been considered as the MDP has been developed with Members and the purpose of the MDP is to deliver development, learning and support requirements designed and/or requested by Members themselves.

6 STRATEGIC RESOURCE IMPLICATIONS

- 6.1 The MDP will involve a range of providers and support being utilised to ensure effective development and learning. The costs of such support will be met from existing approved budgets.

7 LEGAL AND GOVERNANCE CONSIDERATIONS

- 7.1 An effective Member Development Programme will help ensure the council make informed decisions and empower Members in undertaking their various roles.
- 7.2 Members in relation to regulatory matters/functions are required to undertake specific kinds of training such as planning, licensing, standards and safeguarding.
- 7.3 Supporting Members in their development, training and support needs strengthens the council's governance arrangements.

8 EQUALITY IMPACT ASSESSMENT

- 8.1 The Members Development Programme will address any Equality Act implications and issues arising.

9 DATA PROTECTION IMPACT ASSESSMENT

- 9.1 Personal Development Plans remain confidential and any discussion concerning the same would be held in confidence.

10 CRIME AND DISORDER AND RISK ASSESSMENT

10.1 There are no such implications arising.

11 SUSTAINABILITY OF PROPOSALS

11.1 The Member Development Programme is a two-phase initiative designed to ensure Elected Members have the requisite skills, support and knowledge necessary to undertake their various roles. Following phase two, a fundamental review will be held to consider how the MDP is sustained from 2021.

12 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

12.1 There are no such implications arising.

13 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

13.1 There are no such implications arising.

14 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

14.1 Designed to inform Members of MDP progress, this report will act as an update in relation to the progress of the programme.

15 BACKGROUND PAPERS

15.1 None.

16 APPENDICES:

16.1 ONE Latest MDP Bulletin

Appendix 1



Member Development Bulletin

A grid of twelve circular icons in various colors (yellow, orange, red, purple, red, purple, dark blue, blue, green, light green) representing different sectors: a star, a heart with a pulse line, crossed wrench and pencil, scales of justice, a graduation cap, a bus and train, a house, a family, a robotic arm, and a ribbon award.

Your Elected Member Development Update



Happy New Year!

Happy New Year to you all from the Civic & Member Services team!

We would like to take the opportunity to thank you for the training sessions you attended in the past year and your much valued support for all that we do.

Hopefully you have all had a good break amongst the seasonal madness and are ready to go into 2020 refreshed and recharged, eager to complete the first phase of the Member Development Programme and keen to shape phase 2 going forward.

As always, the Member Development Programme is shaped by you, our members and for you. Your input and guidance meant that our first phase was very highly regarded by the LGA during our peer review last year and your ongoing feedback indicates you're pleased with how we're doing, and your continuing contribution and engagement is vital to build on our success so far.



Personal Safety Training

Tuesday 7 January 2020, 5pm - 7pm, Committee Room 2

Friday 10 January 2020, 11am - 1.00pm, Committee Room 1

In response to feedback and as part of the MDP, these training sessions relating to Personal Safety and Lone Working for Elected Members have been designed 'To raise awareness of personal safety issues in relation to aggression and violence. Explore how to anticipate, avoid and deal with incidents during the course of your duties'.

These sessions were very well received by members who attended the first two sessions in November. Feedback included:

“Very Good.”
“Very enjoyable and informative.”
“Brilliant.”

Appointments have been sent out, if you were not able to attend in November, please come along to one of these sessions.



Prevention Matters

Prevention matters

How elected members can improve the health of their communities

Tuesday 21 January 2020,

11am-5pm, Annexe 1

This is a one-day facilitated workshop for elected members to support their role as champions of health improvement and prevention in their local community.

Lisa McNally, Director Public Health will be in attendance along with other officers with expertise in public health.

This session will provide a great opportunity to hear about our public health work and consider how you can contribute as an elected member.

This is an extensive course that does run longer than most of our Member Development Programme sessions but is an important element of an elected member's role, so please make every effort to attend.

Appointments have been sent. Lunch will be provided.



**LOCAL ENERGY ADVICE
PARTNERSHIP**

LEAP Presentation

Thursday 23 January 2020, 11am-12noon or 5pm-6pm, Annexe 1

This presentation will introduce members to the LEAP scheme and ensure they are fully aware of the opportunities it provides.

LEAP is a free service that offers advice and guidance regarding energy, and income maximisation (benefits entitlement)

- To help Members point residents in the right direction if energy/income maximisation advice is something that they, the residents, could benefit from.
- Ensure Members understand basic eligibility rules
- To make Members aware of the referral procedure
- Update Members regarding progress and successes over the past 12 months
- Advise Members of other free energy-related services available via Agility Eco.

Appointments have now been sent out, the presentation will be approximately an hour, with time then for questions at the end.



ICT Survey

In the latter half of last year, all members were sent a short ICT survey designed to allow us to establish how members are accessing their council emails and using council systems, to ensure we are complying with best practice and relevant regulations around Data Protection. It will also allow us to build a picture of how you utilise technology in your role as councillors.

If you have not yet responded to the survey, please answer the questions below sending your replies to members_services@sandwell.gov.uk

1) What devices do you currently use to access your council email?

(Please list all the devices you use to do this)

2) What devices will you want to access your council emails on going forward?

(Please list all the devices you will want to use to do this)

3) Do you currently have a council laptop? If you do, how long have you had it?

(Please provide your asset ID)

Stir it up!

As part of our refresh of Overview & Scrutiny, we'll be hosting some regular drop-ins for members.

To support some new approaches and to help us explore ideas for future reviews, colleagues from Democratic Services & Civic and Member Services will be on hand for a chat in the Members' Meeting Room, The Big House on Monday 13 from 11am to 1pm and prior to Full Council, in the Members' Dining Room, on Tuesday 14 January, 4pm-6pm.

We're keen to create opportunities for more informal discussions and to get a better sense of members' knowledge & experience, topics of interest and development needs.

Hopefully we'll see you there, but if you can't make it please do get in touch at:

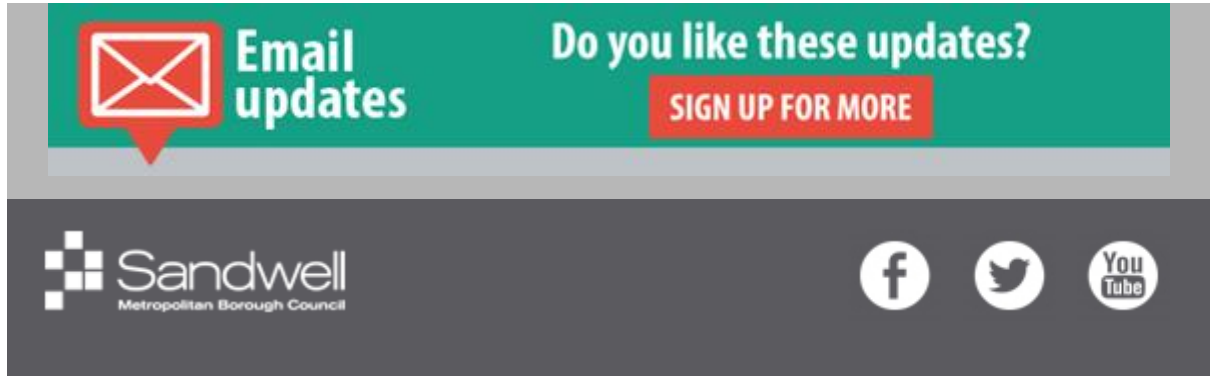
scrutiny_unit@sandwell.gov.uk

How are we doing?

If you have any comments or queries around this or any other training, or any feedback you wish to share,

please contact

member_development@sandwell.gov.uk



The banner features a green background with a red envelope icon on the left. To the right of the icon, the text "Email updates" is displayed in white. Further right, the question "Do you like these updates?" is written in white, with a red button below it containing the text "SIGN UP FOR MORE" in white. The bottom section of the banner is dark grey and contains the Sandwell Metropolitan Borough Council logo on the left, and three circular social media icons for Facebook, Twitter, and YouTube on the right.

Ethical Standards and Member Development Committee

7 February 2020

Subject:	Annual Review – Register of Members’ Interests and Gifts and Hospitality Register
Director:	Director of Law and Governance and Monitoring Officer - Surjit Tour
Contribution towards Vision 2030:	
Contact Officer:	Trisha Newton Trisha_newton@sandwell.gov.uk

DECISION RECOMMENDATIONS

That the Ethical Standards and Member Development Committee:

- 1.1 Considers the Register of Members’ Interests and Gifts and Hospitality Register and declaration of interests made by Members.
- 1.2 Notes the contents of this report and makes any relevant recommendations to the Director of Law and Governance and Monitoring Officer after consideration of the Register of Members’ Interests and Gifts and Hospitality Register.

1 PURPOSE OF THE REPORT

Register of Members’ Interests

- 1.1 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.
- 1.2 The Council’s present arrangements comply with the statutory provisions.

- 1.3 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.
- 1.4 The Register is available for inspection at the Sandwell Council House upon a request being made to the Monitoring Officer.
- 1.5 The Members' Register of Interests is available for the public to view on the Council's website.
- 1.6 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).
- 1.7 One to one meetings with the Monitoring Officer and senior legal staff are offered to members.
- 1.8 The Registers are periodically reviewed by the Monitoring Officer.
- 1.9 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.

Gifts and Hospitality Register

- 1.10 Guidance is available to all members on how to treat offers of gifts and hospitality and the process for declaring such offers. This guidance forms part of the Council's Constitution. This guidance was last reviewed by the Committee in March 2015 as part of the review of the Code of Conduct.
- 1.11 The Monitoring Officer maintains a public register of members' interests and also a record of any gift or hospitality received with an estimated value of at least £100.00. The Register of Members' Gifts and Hospitality is available for inspection by the public at all reasonable hours. Declarations of gifts and hospitality by individual members are also recorded on the Committee Management Information System [CMIS] on the Council's web site and can be accessed at any time from the internet.
- 1.12 The Registers are periodically reviewed by the Director of Law and Governance and Monitoring Officer.

- 1.13 The Committee last inspected the Register of Interests in December 2018 and its work programme provides for an annual review of the Register. The paper Register will therefore be available at the meeting for members to peruse.

2 IMPLICATIONS FOR SANDWELL'S VISION

- 2.1 Maintenance of the Members' Register of Interests contributes to public confidence in local democracy and is an essential part of good corporate governance.
- 2.2 The Members' Register of Gifts and Hospitality is an important instrument of openness and good governance. It provides an accessible record of the gifts and hospitality received by members. Monitoring and review of the Register will help to contribute to better corporate governance which underpins the delivery of high quality services.

3 STRATEGIC RESOURCE IMPLICATIONS

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

4 LEGAL AND GOVERNANCE CONSIDERATIONS

- 4.1 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.
- 4.2 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.
- 4.3 The Localism Act 2011 strengthens requirements on members to register and disclose interests.
- 4.4 The Localism Act 2011 (and Regulations made under the Act) did not include any provisions requiring Members' or co-opted Members' to register Gifts and Hospitality, which was formerly the case. However, the Council does still have a duty to promote high standards of conduct by Members' and co-opted Members'.

- 4.5 The Members' Code of Conduct describes the interests of any person from whom a member has received a gift or hospitality with an estimated value of at least £100.00 as other registerable interest of the member.
- 4.6 The Protocol for Members' on Gifts and Hospitality sets out important guidance for Members' on the acceptance of Gifts and Hospitality.
- 4.7 Maintaining a Protocol on Gifts and Hospitality also assists the Council to comply with the requirements of the Bribery Act 2010. Under the Bribery Act 2010 all employees and Elected Members' are prohibited from soliciting, arranging or accepting bribes intended for the benefit of the Council, or for their personal benefit, or for the benefit of the employee's family, associates or acquaintances.

5 EQUALITY IMPACT ASSESSMENT

- 5.1 There is no requirement for an equality impact assessment.

6 DATA PROTECTION IMPACT ASSESSMENT

- 6.1 There is no requirement for a data protection impact assessment.

7 CRIME AND DISORDER AND RISK ASSESSMENT

- 7.1 There is no requirement for a crime and disorder and risk assessment.

APPENDICES:

None

Surjit Tour
Director of Law and Governance and Monitoring Officer

Ethical Standards and Member Development Committee

7 February 2020

Subject:	Recruitment of Independent Persons for dealing with Standards matters
Director:	Surjit Tour - Director of Law and Governance and Monitoring Officer
Contribution towards Vision 2030:	
Contact Officer(s):	Surjit Tour Surjit_tour@sandwell.gov.uk

DECISION RECOMMENDATIONS

That the Ethical Standards and Member Development Committee:

1. Notes the progress with regard to the recruitment of Independent Persons for dealing with Standards matters.

1 PURPOSE OF THE REPORT

- 1.1 To provide the Committee with an update with regard to recruitment of Independent Persons for dealing with Standards matters.

2 IMPLICATIONS FOR VISION 2030

- 2.1 The role of the Independent Person is advisory and is important in providing assurance to the Council and the public that standards matters are being dealt with effectively, fairly and proportionately.

3 BACKGROUND AND MAIN CONSIDERATIONS

- 3.1 In accordance with the Localism Act 2011, arrangements must be put in place for the appointment by the Council of at least one Independent Person whose views must be sought and taken into account by the Council before it makes a decision on an allegation against an elected member that it has decided to investigate. The Independent Person's views may be sought by a member or co-opted member of the Council if that person's behaviour is the subject of an allegation, and may also be sought by the Council in relation to an allegation it has not yet decided to investigate.
- 3.2 The Council has decided to have three Independent Persons. There are currently two vacancies.

4 THE CURRENT POSITION

- 4.1 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.
- 4.2 Walsall MBC's Standards Committee gave approval to the joint recruitment exercise at its meeting in July 2019 and also gave approval to remuneration of independent persons (plus expenses).
- 4.3 The Standards Working Group met on 24 September 2019 to consider the proposal to provide remuneration to independent persons for dealing with standards matters and 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.
- 4.4 At its meeting on 4 October 2019, the Ethical Standards and Member Development Committee gave approval to the Director of Law and Governance and Monitoring Officer to proceed with recruitment in the interim period, whilst the options for remuneration/joint recruitment are being further investigated (Minute No. 32/19 refers).

4.5 To enable statutory processes to be followed a recruitment exercise is being undertaken. The position has been advertised on WM Jobs, Express and Star in print and on-line job search and on the Council's website with a closing date of 31 January 2020. Interviews will take place during February and it is anticipated that, in the event there are successful applicant(s), a report will be submitted to Council at its March meeting.

5 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)

5.1 In accordance with the Localism Act 2011, the vacancy for an independent person has been advertised in such manner as the authority considers is likely to bring it to the attention of the public.

6 ALTERNATIVE OPTIONS

6.1 In accordance with the Localism Act 2011, arrangements must be put in place for the appointment by the Council of at least one Independent Person whose views must be sought and taken into account by the Council before it makes a decision on an allegation against an elected member that it has decided to investigate.

7 STRATEGIC RESOURCE IMPLICATIONS

7.1 The role of Independent Person is a voluntary position and no annual allowance is paid in respect of this appointment. However, travelling and subsistence expenses are paid at the appropriate rate. The cost of advertising is met from within existing budgets.

8 LEGAL AND GOVERNANCE CONSIDERATIONS

8.1 Section 27 of the Localism Act 2011 requires authorities to promote and maintain high standards of conduct by their members and co-opted members. The Act requires local authorities to have in place mechanisms to investigate allegations that a member has not complied with their Code of Conduct, and arrangements under which decisions on allegations may be made.

- 8.2 Section 28(7) of the Act requires local authorities to appoint at least one Independent Person to advise the Council before it makes a decision on an allegation. The Independent Person also advises a member facing an allegation who has sought the views of that person. There are restrictions on who can be appointed as the Independent Person, mainly, that the Independent Person cannot be a councillor, officer or their relative or close friend. Public notice has to be given of recruitment for the role.

9 EQUALITY IMPACT ASSESSMENT

- 9.1 An equality impact assessment is not required.

10 DATA PROTECTION IMPACT ASSESSMENT

- 10.1 A data protection impact assessment is not required.

11 CRIME AND DISORDER AND RISK ASSESSMENT

- 11.1 A crime and disorder risk assessment is not required.

12 SUSTAINABILITY OF PROPOSALS

- 12.1 Section 28(7) of the Localism Act 2011 requires local authorities to appoint at least one Independent Person to advise the Council before it makes a decision on an allegation.

13 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

- 13.1 There are no health and wellbeing implications arising from this report.

14 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

- 14.1 None arising from this report.

15 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 15.1 To provide the Committee with an update with regard to recruitment of Independent Persons for dealing with Standards matters.

16 BACKGROUND PAPERS


16.1 Requirements set out by Localism Act 2011.

Surjit Tour

Director of Law and Governance and Monitoring Officer

Ethical Standards and Member Development Committee

7 February 2020

Subject:	Allegations Update
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 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 was subject to investigation and resulted in a new allegation that the subject member had not fully co-operated with the investigation. The Councillor and his representative have been given a number of opportunities to engage with the investigator but have not replied to requests to attend meetings and provide comments. A draft report will now be completed in line with the Arrangements.

2. Case Reference: MC/01/0619

Allegations arising from a meeting between a Councillor and candidate prior to the 2019 Local Elections in which it is alleged that various inappropriate comments and actions took place in breach of the Members' Code of Conduct and Nolan Principles. An investigation has been undertaken and a draft Investigation Report received by the Monitoring Officer. The 'Maxwellisation' process is to be commenced.

3. Case Reference: MC/02/0719

This complaint arose following the review of an historic matter. The review highlighted concerns with the conduct of the investigation. This resulted in an allegation that the Councillor had not co-operated candidly and fully with the investigation. The matter was considered by the Independent person and the DMO and it was determined that a formal investigation was not appropriate. The Ethical Standards and Member Development Committee was asked to review the DMO decision on 11 November 2019 and determined that the Independent Person had not been provided with all the relevant Information. The Committee referred the matter for re-assessment. The matter is currently being considered by the DMO (who is not the same person as the previous DMO). An alternative Independent Person is awaited before the review of the complaint under the Arrangements can be concluded.

4. **Case Reference: MC/01/0719**

This complaint arose following the review of a historic matter. The review highlighted concerns with the conduct of the investigation and the process that was followed. This resulted in an allegation that the Councillor had not co-operated candidly and fully with the investigation and had not questioned the conduct of others resulting in a potential breach of the members Code of conduct and the Nolan principles. The matter was referred for independent investigation. The DMO has recently received the Investigation Report from the Independent Investigator and is currently considering it.

Other Matters

A complaint has been received against a Councillor in which a resident alleges that the Councillor failed to treat the resident with respect and has brought the Council into disrepute. The matter is linked to a long-standing neighbour dispute that does not involve the Councillor directly. The Monitoring Officer has made enquiries and gathered further information from the parties in order to conclude the review of the complaint as required under the Arrangements. At the time of writing, a Decision Notice is to be provided to the Parties by 29 January 2020.

There is a further matter that was referred to the Monitoring Officer in relation to a Councillors disclosable pecuniary expenses and declared election expenses. Preliminary enquiries have been made by the Monitoring Officer to gauge a better understanding of the issues. The Monitoring Officer is currently determining whether further action is required.

Ethical Standards and Member Development Committee

7 February 2020

Subject:	National Cases
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

DECISION RECOMMENDATIONS

That the Ethical Standards and Member Development Committee:

1. note the contents of the report and the cases 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

Hearing over councillor's inappropriate behaviour to female colleague

A senior Lincolnshire district and county councillor has been found guilty of inappropriate behaviour towards a female council colleague.

The councillor, and financial portfolio holder at South Holland District Council, pulled the woman towards him, put his arm around her and made several references to being in the “back row of a cinema” during an official visit to London in October 2018.

It was alleged that his actions “held sexual connotations”. There was disagreement between independent members, however, the panel did not comment further as sexual connotations do not fall under the council code of conduct.

The incident is said to have occurred while the councillor and the woman, who works in a shared role between the authority and Breckland Council, were working on a project.

The panel heard how a photograph was taken of the incident, which is said to have left the complainant in “considerable distress”.

The investigation said there was “no suggestion... anything in [the complainant's] behaviour had invited the councillor to put his arm around her.

It wasn't until two weeks later the woman consulted a HR company because she said she was not sure at that point if she was “overreacting” at the time.

In his own evidence, the councillor said he had put his arm on the chair for the photo “in a pose” and denied “pulling her in”.

He said he could not recall the comments nor anything that happened which “gave him the impression he had upset” the woman.

He told the panel he would have apologised if he had done so, and that he had “no nasty or bad intentions”. He added he probably doesn't know “her level of good banter”.

The panel concluded that the councillor failed to abide by the council's code of conduct, and had “brought his office into disrepute”, showing a “lack of respect and leadership that was essential to his office”.

It recommended he be given additional training in relation to equality, diversity, culture and ethics.

In a statement, the councillor said: “I am pleased that the independent person categorically advised the hearing panel that he did not believe my action, comments or photo had any sexual aspects and the hearing panel agreed with him and so the complainants allegation was not upheld in the decision notice. My only breach of conduct was being disrespectful to the female officer by placing my arm around her while posing for a photo in public. I have offered my apologies to the staff member.”

Extracts taken from Lincolnshire Reporter 26 July 2019

Enfield's council leader breached the local authority's code of conduct over remarks made following a meeting on proposed changes to bin collections.

Cllr Nesil Caliskan was found to have breached the code last year after suggesting Cllr Derek Levy – who was then chairman of the overview and scrutiny committee – should meet with her regularly to ensure he was “more closely aligned to key decisions” on Labour Group priorities.

She made the remarks during an email exchange that took place shortly after a scrutiny committee meeting in October.

The overview and scrutiny committee's role is to hold the council's decision-makers to account. It is supposed to remain independent of the cabinet.

In a scrutiny meeting held on October 23 last year, Conservative leader Cllr Joanne Laban raised several concerns about the public consultation on changes to bin collections. She warned some of the proposed changes could be at odds with the Mayor of London's Environment Strategy.

She made the suggestion to send it back to the cabinet member for environment, Cllr Guney Dogan.

Members of the committee were divided on what action to take, and Cllr Levy used his casting vote to send the consultation back to Cllr Dogan.

The following day, Cllr Caliskan emailed Cllr Levy saying she was worried Labour members were being “led by Conservatives on issues that have been thoroughly discussed in Labour Group and the cabinet member has been given a clear steer on”.

She suggested she and Cllr Levy meet regularly so that “as a senior member of the group” he would be “aligned to key decisions that have an implication on any priorities we have and our budget”.

Cllr Levy replied to the leader suggesting she reflect on the email, which he described as “inappropriate, compromising and incriminating”.

But Cllr Caliskan doubled down on her original request for a meeting with the scrutiny chairman in an email sent the following day.

Cllr Levy subsequently lodged a formal complaint with the council's monitoring officer, and a solicitor was brought in to carry out an investigation.

The solicitor said there was a “real risk” that the role of overview and scrutiny “could be compromised” by Cllr Caliskan’s actions.

They added the reason this did not happen was “because of the experience and confidence of experienced councillors who took steps to protect the integrity and independence of the overview and scrutiny function”.

The investigating solicitor recommended Cllr Caliskan offer a written apology to Cllr Levy for the remarks.

In a letter sent to Cllr Levy on May 21, the council’s deputy monitoring officer, Jayne Middleton-Albooye, confirmed the leader had breached the code of conduct.

Extract taken from Enfield Independent 18 June 2019

Labour councillor ordered to undertake anger management

A Labour councillor failed to treat others with courtesy and respect and brought the council into disrepute with her conduct, a standards investigation has concluded.

The councillor has been ordered to issue a formal and robust apology for her action and undertake anger management training, as a result of events which took place at a 'Spotlight Review' meeting on April 25, 2019.

Four complaints have been made about her conduct alleging that she had breached the Members' Code of Conduct.

An investigation was carried out by the County Solicitor and Monitoring Officer and Devon County Council's standards committee reviewed the findings.

Councillors found that she had failed to treat others with courtesy and respect and that she conducted herself in a manner or behaved in such a way so as to give a reasonable person the impression that they had brought their office or the Council into disrepute.

But the committee agreed that she did not breach the code of conduct in relation to allegations of bullying.

The meeting took place entirely in private with the press and public excluded on the grounds that the discussions would involve the relating to an individual whose identity would be revealed and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Details of the allegations and the findings though were revealed when the minutes of the meeting were published at the start of this week.

The complaints alleged that the councillor's behaviour was such that they fell below the standards expected of a County Councillor and in particular that she failed to treat others with courtesy and respect and that she conducted herself in a manner or behaved in such a way so as to give a reasonable person the impression that they had brought their office or the Council into disrepute.

Taken from Devon News 23 July 2019

A Councillor who lost his position over alleged “standards issues” has been cleared of wrongdoing - after a £98,000 council investigation.

Cllr Ayre was suspended from his role on City of York Council’s executive in 2017.

An allegation was made against him regarding a “standards issue raised during the investigation of a whistleblowing complaint”, according to a report prepared for a council meeting.

But he was found not to have breached the code of standards at a meeting of the joint standards committee.

Cllr Ayre said the two year-long investigation has been one of the “most stressful and emotionally-draining experiences of my life”.

Speaking after the meeting, Cllr Ayre said: “At a time when my family was dealing with issues of significant ill health, I was without warning, precedent or recourse to law, sacked from my job and subjected to a process which has appeared at every turn to be a desperate attempt to find guilt, rather than investigate the facts.

“My own personal experience has brought me to the brink on several occasions and had a lasting impact on my marriage, my family and placed a huge strain on those closest to me.”

He said the process could put people off becoming councillors because he feels they are “afforded no employment rights and treated, at times, it seemed with the scantest of respect”.

Cllr Ayre was suspended at the same time as Cllr Keith Aspden, who is now the leader of York council.

A standards hearing in January concluded that Cllr Aspden breached the code of conduct in that he had disclosed confidential information, but that no action should be taken against him.

The Liberal Democrat group said the standards investigation has cost taxpayers £98,000 and that they will now “work positively to ensure the council does not repeat this process and that lessons are learnt”.

Cllr Ayre called for a formal apology following the investigation.

He added: “There should be further scrutiny of what was allowed to happen, so we have assurance that no one else will be subject to the same damaging process that was inflicted on two elected members.”

Extract taken from York Press 25 July 2019