

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

**7th February, 2020 at 2.35pm
at the Sandwell Council House, Oldbury**

Present: Councillor Ahmed (Vice Chair);
Councillors Dhallu, Hevican and Simms;
Mr Tew (Independent Person).

Apologies: Councillors L Horton, P Hughes and Lewis.

1/20 **Minutes**

Resolved that the minutes of the meetings of the Ethical Standards and Member Development Committee, held on 28th June, 4th October and 11th November 2019 be confirmed as a correct record.

2/20 **Update on Member Development Programme**

The Committee received an update on the continued progress of the Member Development Programme, including plans to factor in feedback from phase one, plus outputs from Personal Development Plan meetings, as part of phase two of the programme which would commence during the municipal year 2020-21.

3/20 **Annual Review – Register of Members’ Interests and Gifts and Hospitality Register**

The statutory requirements relating to the Register of Members’ Interests were set out in Section 29 of the Localism Act 2011 which required the Monitoring Officer to establish and maintain a Register of Members’ Interests, including co-opted members.

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The Council's arrangements enabled 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).

Gifts and Hospitality Register

Guidance was available to all members on how to treat offers of gifts and hospitality and the process for declaring such offers.

Declarations of gifts and hospitality by individual members were also recorded on the Council's Website via CMIS.

The Registers were periodically reviewed by the Director of Law and Governance and Monitoring Officer.

The work programme of the Committee provided for an annual review of both the Register of Members' Interests and the Gifts and Hospitality Register. The Registers were available at the meeting for members to peruse.

4/20

Recruitment of Independent Persons for dealing with Standards matters

The Committee was provided with an update on recruitment of Independent Persons.

At its meeting on 4th 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 were being investigated (Minute No. 32/19 refers).

The position had been advertised, with interviews due to take place during February and, in the event there were successful applicant(s), a report would be submitted to Council at its March meeting.

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). A draft report would be completed in line with the Arrangements.

Case Reference: MC/01/0619

Allegations arising from a meeting between a Councillor and candidate prior to the 2019 Local Elections in which it was alleged that various inappropriate comments and actions took place in breach of the Members' Code of Conduct and Nolan Principles. An investigation had been undertaken and a draft Investigation Report received by the Monitoring Officer. A 'maxwellisation' exercise is underway and the final report will be completed thereafter.

Case Reference: MC/02/0719

This complaint arose following the review of a historic matter which highlighted concerns with the conduct of the investigation and 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 Deputy Monitoring Officer (DMO) and it was determined that a formal investigation was not appropriate. The Ethical Standards and Member Development Committee reviewed the decision 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 was currently being considered by a different DMO. An alternative Independent Person was awaited before the review of the complaint under the Arrangements could be concluded; and the parties were aware of this.

Case Reference: MC/01/0719

This complaint arose following the review of a historic matter which 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 Member Code of conduct and the Nolan principles. The matter was referred for independent investigation.

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The DMO had recently received the Investigation Report from the Independent Investigator and was considering it.

Other Matters

A complaint had been received against a Councillor in which a resident alleged that the Councillor failed to treat the resident with respect and had brought the Council into disrepute. The matter was linked to a long-standing neighbour dispute that did not involve the Councillor directly. The Monitoring Officer had gathered further information in order to conclude the review of the complaint as required under the Arrangements. A Decision Notice would be provided to the Parties.

There was a further matter referred to the Monitoring Officer in relation to a Councillor's disclosable pecuniary expenses and declared election expenses. Preliminary enquiries had been made by the Monitoring Officer to gauge a better understanding of the issues. The Monitoring Officer would determine whether further action was required.

6/20

National Cases

The Committee received and discussed details of national cases relating to various councillors who had breached the code.

(Meeting ended at 3.26pm)

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