



Sandwell

Metropolitan Borough Council

**Annual Report of the  
Ethical Standards and  
Member Development  
Committee 2019-20**

## **Foreword – Chair of the Ethical Standards and Member Development Committee**

I am pleased to present the Annual Report of the Ethical Standards and Member Development Committee.

This year the Committee has continued to review the approach to member development and the revised Member Development Programme assists members to lead their own development and ensure that they develop/acquire the requisite knowledge, experience and skills to succeed in their various councillor roles.

The Committee has also undertaken a review of personal safety for elected members. 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.

I would take this opportunity to emphasise to all members the importance of attending the standards training that is offered every year. These sessions are essential to your understanding of the Code of Conduct and are also a useful discussion forum for members about ethical issues. This training is mandatory for all members every two years. In particular, members must pay attention to their disclosable pecuniary interests.

I would like to thank members of the Ethical Standards and Member Development Committee and the Independent Person for their attendance and contributions during the past year. The Monitoring Officer and his officers have also provided good support throughout the year.



**Councillor Lewis**  
Chair of the Ethical Standards and  
Member Development Committee



**Councillor Ahmed**  
Vice Chair of the Ethical Standards and  
Member Development Committee

## 1 The Standards Committee

- 1.1 The Localism Act 2011 removed the requirement for a national code of conduct and statutory standards committees, and set out a light touch framework for a new ethical regime. The Act places a general obligation on the Council to promote and maintain high standards of member conduct.
- 1.2 Whilst there is no requirement to have a standards committee, standards issues and casework need to be dealt with due to the statutory obligation for a council to promote high ethical standards. The Council decided to retain a Standards Committee in 2019/20, including the wider remit of member development.
- 1.3 The main functions of the Ethical Standards and Member Development Committee are to:-
  - (a) promote and maintain high standards of conduct and ethical governance by members and co-opted members of the Council;
  - (b) assist members and co-opted members of the Council to observe the Council's Code of Conduct;
  - (c) advise the Council on the adoption or revision of a Code of Conduct for members and co-opted members;
  - (d) monitor the operation of the Council's Code of Conduct for members and co-opted members;
  - (e) advise, train or arrange for training for members and co-opted members of the Council on matters relating to the Council's Code of Conduct;
  - (f) develop and offer to all members an annual programme of development activities which provides members with development opportunities that support the Council's corporate priorities, identifying sufficient resources to deliver an effective Member Development Programme.
- 1.4 The Committee also has two sub-committees which form part of the arrangements for dealing with complaints about breaches of the Member Code of Conduct. These sub-committees may consider investigation reports referred to them by the Monitoring Officer and conduct hearings (including the imposition of sanctions).

These sub-committees operate according to the principles of natural justice and human rights legislation and ensure that both the complainant and the subject member receive a fair hearing.

## **2. Members**

2.1 The membership of the Standards Committee in 2019/20 was as follows:-

**Chair**

Councillor Lewis

**Vice Chair**

Councillor Ahmed

**Elected Members**

Councillor Akhter

Councillor Dhallu

Councillor Hevican

Councillor Horton

Councillor P Hughes

Councillor Simms

2.2 The inclusion of experience from all areas of the decision making process gives the Committee a broad base of experience from which to make rounded decisions on ethical matters.

2.3 The Council's Constitution also includes role descriptions for the Chair of the Standards Committee and for its members. The role descriptions emphasise the impartial and non-political nature of the conduct of the Ethical Standards and Member Development Committee.

### **Independent Person(s)**

2.4 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. 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, in general the Independent Person cannot be a councillor, officer or their relative or close friend.

- 2.5 The Act gives discretion to appoint one or more Independent Persons, but provides that each Independent Person must be consulted before any decision is taken on a complaint which has been investigated.
- 2.6 The Council currently has one Independent Person; Mr J Tew, whose term of office expires on 31 January, 2022. A recruitment process is underway to fill two vacant positions.
- 2.7 The remit of independent persons has been extended by The Local Authorities (Standing Orders)(England)(Amendment) Regulations 2015 in relation to changes to statutory dismissal procedures for heads of paid service, monitoring officers and chief finance officers. In the case of a proposed disciplinary action against one of the statutory officers, the council is required to invite independent persons who have been appointed for the purposes of the members' conduct regime under section 28(7) of the Localism Act 2011 to form an independent panel.
- 2.8 Independent Persons are invited to attend all meetings of the Ethical Standards and Member Development Committee as observers.

#### **Officer Support to the Committee**

- 2.9 The Monitoring Officer is one of the Council's statutory officers, appointed under Section 5(1) of the Local Government and Housing Act, 1989. The Monitoring Officer is responsible for ensuring that the Council and its members act lawfully; do not cause maladministration; and comply with the Code of Conduct for Members. He is the primary source of advice for members on the requirements of the Code of Conduct and also has specific statutory duties such as securing the investigation of complaints of member misconduct.

The Monitoring Officer is also the principal adviser to the Ethical Standards and Member Development Committee and its sub-committees and is assisted by the Deputy Monitoring Officer. More information about the role of the Monitoring Officer can be found in Article 12 of the Council's Constitution.

### 3. Business

3.1 During 2019/20, the Ethical Standards and Member Development Committee met on five occasions and considered the following matters:

- Allegations Updates;
- Appointment of Ethical Standards Sub-Committees for 2019/20;
- Annual Review – Members’ Register of Interests;
- Annual Review - Members’ Gift and Hospitality;
- Committee on Standards in Public Life Annual Report 2018/19;
- Member Development Programme updates;
- A review of the personal safety of elected members;
- Standards Working Group – Remuneration for Independent Persons dealing with standards matters;
- Review of Standards Complaint Preliminary Assessment Decision;
- LGA Member Code of Conduct Review;
- National Cases.

### 4. Commentary on the Work of the Committee

#### **Member Development Programme**

- 4.1 The Elected Member Development Programme has been continually designed and led by Members.
- 4.2 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.
- 4.3 They were also updated on development of bulletins which have been continually circulated to Elected Members and contain 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.
- 4.4 Since phase one of the Member Development Programme commenced in October 2018, a total of 76 sessions have been delivered.

- 4.5 Member feedback following sessions held to date has remained very positive. Members have also given constructive comments as to how some sessions can improve.
- 4.6 The new Member Development Programme 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, including:-
- a directory of key service areas/contacts;
  - 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; and
  - links to Council websites.

The 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 Member Development Programme and addresses all aspects associated with creating a sustainable digital solution for all Elected Members.

- 4.7 The Leader has agreed a new peer process for conducting Personal Development meetings which commenced during January 2020. The Leader will carry out Personal Development meetings with Cabinet Members who will then carry out Personal Development meetings for Town Leads. Town Leads will then carry out meetings for all other Elected Members. It is anticipated this process will be completed by 31 March 2020 to help inform phase two of the Member Development Programme that will commence from the next Municipal Year and will incorporate induction requirements for newly Elected Members.

#### **A review of the personal safety of elected members**

- 4.8 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.

- 4.9 The review formed part of the Member Development Programme and researched best practice utilising the skill, knowledge and experience of specialist officers from West Midlands Police, who were available in an advisory capacity throughout. 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.
- 4.10 Senior officers from Civic and Member Services and the Council's Health and Safety Team conducted the review, which 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.
- 4.11 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.
- 4.12 Discussions had also taken place with Elected Members who had experienced issues that could be directly attributed to personal safety concerns.
- 4.13 Existing processes and procedures relating to personal safety were also reviewed, with advice on key issues provided by West Midlands Police. A process for Elected Members to report incidents affecting their personal safety has been developed where Members are able to report minor incidents via Civic and Member Services, 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.
- 4.14 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 have been delivered.
- 4.15 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. The offer of alarms was included within the training sessions, along with a demonstration.



### **Committee on Standards in Public Life**

- 4.16 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 needs to demonstrate learning from issues arising from local investigations and case law. The Ethical Standards and Member Development Committee is kept informed of any issues arising out of the Annual Report from the Committee on Standards in Public Life as they may also add to learning at the local level.
- 4.17 The Committee on Standards in Public Life launched a stakeholder consultation on the Local Authority Ethical Framework and the Monitoring Officer and the Standards and Member Development Committee responded to the consultation on behalf of the Council. The report was published on 30 January 2019 and the Standards Working Group will address matters arising from the report as part of the review of the Arrangements for Dealing with Standards Allegations.

### **LGA Member Code of Conduct Review**

- 4.18 The findings and recommendations of the report of the Committee on Standards in Public Life included:

“The Local Government Association should create an updated model code of conduct, in consultation with representative bodies of Councillors and officers of all tiers of local government.”

The Local Government Association (LGA) commenced work on revising the model code in September 2019 with an anticipated introduction of the new code at the LGA conference on 30<sup>th</sup> June 2020. This is part of a broader programme of work around civility in public life which aims to address concerns about intimidation of those holding public office and the standards of public and political debate.

The LGA review of the model code will influence the direction of the Council’s review of its governance arrangements including revisions to the Council’s Code of Conduct for Elected Members which will be developed following publication of the revised model code. The Ethical Standards and Member Development Committee will continue to lead on this and other developments relating to the conduct of elected members.

## **5. The Ethical Framework**

### **Members' Code of Conduct**

- 5.1 The Council's current Code of Conduct was adopted with effect from 18 October, 2016. It assists Members and Co-opted Members to meet the provisions of the Localism Act 2011 and is available on the Council's website.
- 5.2 All elected members are issued with a copy of the Code of Conduct and on appointment and are required to sign an undertaking to comply with the Code. Members also receive induction training and subsequent refresher training on the provisions of the Code and how to carry out their duties in line with the Code. This training is delivered by the Monitoring Officer/Deputy Monitoring Officer. The Monitoring Officer also issues guidance to councillors appointed to outside bodies by the Council to assist them in understanding the impact of the Members' Code of Conduct.
- 5.3 Part 2 of the Members' Code of Conduct requires elected and co-opted members to give written notification to the Monitoring Officer of any disclosable pecuniary interests and other registerable interests to be included in the Council's statutory Register of Interests within 28 days of election or appointment, and to update their declarations as appropriate by notifying any amendments or new interests within 28 days of becoming aware of them.
- 5.4 This register of interest is available for public inspection, and individual members' declarations of interest can be inspected at any time on the Council's website through the Committee Management Information System. The Register of Interests and Declarations of Interest are periodically reviewed by the Monitoring Officer and are made available for inspection by the Ethical Standards and Member Development Committee on a regular basis.
- 5.5 Members are also obliged to disclose any interests at meetings where those matters are to be discussed. These declarations are recorded in a register open for public inspection and are also noted on the Committee Management Information System.

- 5.6 The Local Government Association is currently reviewing the model Code of Conduct which the Council will contribute to (see paragraph 4.18 above).
- 5.7 The Council has a protocol for members on gifts and hospitality giving additional guidance on the requirement of the Members' Code of Conduct for members to declare gifts and hospitality received with an estimated value of at least £100. These declarations are recorded in a register which is open for public inspection and are also recorded in their individual entries on the Committee Management Information System. The Register of Gifts and Hospitality is periodically reviewed by the Monitoring Officer and is made available for inspection to the Ethical Standards and Member Development Committee on a regular basis.

### **Arrangements for Dealing with Standards Allegations**

- 5.8 The Localism Act 2011 requires authorities to adopt arrangements for dealing with complaints about breaches of the Member Code of Conduct. The arrangements for dealing with standards allegations were revised by the Council on 17 January, 2017.
- 5.9 A schedule of complaints is included at Appendix 1.
- 5.10 A Working Group has been established by the Committee to review the Council's Ethical Framework.

### **Allegations of Misconduct by Members**

- 5.11 Under the new ethical framework, all complaints of misconduct come direct to the Monitoring Officer. The Monitoring Officer will review every complaint received and take a decision as to whether it merits formal investigation. Where the Monitoring Officer is unable to resolve the complaint informally and feels it merits formal investigation after consultation with the Independent Person(s), he will appoint an Investigating Officer who will prepare a report concluding whether or not there is evidence of a failure to comply with the Code of Conduct.

If the Monitoring Officer concludes that there is evidence of a failure to comply with the Code of Conduct, he will either send the matter for local hearing before a sub-committee or, after consulting the Independent Person, seek local resolution.

## **Continuous Development**

- 5.12 The Standards Committee is responsible for advising, training or arranging for training for members and co-opted members of the Council on matters relating to the Council's Code of Conduct. The Monitoring Officer, his deputy and a senior legal officer deliver relevant training to all members and co-opted members on behalf of the Committee.
- 5.13 The Committee considers summaries of cases of national interest to ensure that it is up to date with how complaints about member misconduct are being dealt with in other authorities around the country, so that members can bring this knowledge to any cases in Sandwell.
- 5.14 The Ethical Standards and Member Development Committee continues to develop its own skills and expertise, for instance, by looking at case summaries and appropriate refresher training.

## **6. The Committee's Main Achievements**

- 6.1 The Committee ensured that all members have updated their interests in accordance with the revised Code of Conduct and register of interests.
- 6.2 The revised Member Development Programme has been designed to assist members to lead their own development and will ensure that they develop/acquire the requisite knowledge, experience and skills to succeed in their various councillor roles.
- 6.3 A review relating to the personal safety of Elected Members in pursuance of their role has been undertaken and training provided.
- 6.4 Various standards matters have and are being addressed.

## **7. Contribution to the Vision**

- 7.1 Through its work in promoting high standards of conduct, the Committee makes a positive contribution to the quality of governance of the authority.
- 7.2 The standards of conduct influence public trust in the authority and enables Members to work effectively in the community.

## 8. Conclusion

- 8.1 The Localism Act 2011 has significantly changed the role of the Standards Committee, which is no longer statutory. However, the Council's decision to continue with a Standards Committee has meant there is a clear focus for the responsibility to promote and maintain high standards of conduct to good practice standards. Its work has helped to shape the new ethical framework and assist the Council in meeting the statutory requirements under the Act.