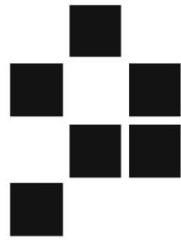


Chairs Announcement

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, 6 March, 2020 at 3.00pm
in Committee Room 1 at the Sandwell Council House, Oldbury**

Agenda

(Open to Public and Press)

This agenda gives notice of items to be considered in private as required by Regulations 5 (4) and (5) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

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 meeting held on 7 February 2020 as a correct record.
4. Urgent Item of Business - To determine whether there are any additional items of business which, by reason of special circumstances, the Chair decides should be considered at the meeting as a matter of urgency.
5. LGA Member Code of Conduct Review.
6. Annual Report of the Ethical Standards and Member Development Committee 2019-20.
7. Recruitment of Independent Persons for dealing with standards matters – update.

8. Elected Member Standards Complaints – Update.
9. 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

**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.

Ethical Standards and Member Development Committee

7th February, 2020

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.

Ethical Standards and Member Development Committee
7th February, 2020

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)

Contact Officer: Trisha Newton Democratic Services Unit 0121 569 3193

Ethical Standards and Member Development Committee

6 March 2020

Subject:	LGA Member Code of Conduct Review
Director:	Director of Legal and Governance and Monitoring Officer - Surjit Tour
Contribution towards Vision 2030:	
Contact Officer(s):	Elaine Newsome – Service Manager Democracy

DECISION RECOMMENDATIONS

That:

1. The Director of Legal and Governance and Monitoring Officer is given delegated authority, in consultation with the Chair and Vice Chair of the Committee, to work with the Local Government Association on the update of the model Code of Conduct.
2. That the draft model Code of Conduct is submitted to a future meeting of the Ethical Standards and Member Development Committee.

1 PURPOSE OF THE REPORT

- 1.1 To advise the Committee on the national development of a revised model Code of Conduct, which will have implications for the Council's wider review of its governance arrangements.

2 IMPLICATIONS FOR VISION 2030

- 2.1 Good Governance supports the Council in delivering against all aspects of Vision 2030.

3 BACKGROUND AND MAIN CONSIDERATIONS

3.1 The Local Government Peer Challenge in 2018 and 2019 endorsed the Council's proposed holistic review of its governance arrangements. The Council's constitution as the guiding governance document was included in the review. The Code of Conduct for elected members is included at Part 5 of the constitution and outlines the expectations placed on Members and Co-opted members of the authority. It was last reviewed in 2016.

3.2 In January 2019 the Committee for Standards in Public Life published their findings and recommendations which 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 30th 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.

4 THE CURRENT POSITION

4.1 Nationally, Elected Members and Officers have been involved in initial discussions on the content of the code. The Council's Monitoring Officer has been invited by the LGA to participate in progressing this element of the LGA's programme.

4.2 The outcome of the national review will influence the Council's own review of its governance arrangements.

4.3 Any revised LGA Code of Conduct would require approval by Full Council. Before any recommendation is made, Members will be consulted on the revised LGA Code of Conduct.

5 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)

5.1 Any proposed changes to the model code will be subject to a consultation period which commences in mid-March 2020.

6 ALTERNATIVE OPTIONS

- 6.1 The Council could opt not to be involved in the LGA programme. This would be a missed opportunity to affect a key national initiative.

7 STRATEGIC RESOURCE IMPLICATIONS

- 7.1 None directly associated with this report.

8 LEGAL AND GOVERNANCE CONSIDERATIONS

- 8.1 The Council has a statutory duty under the Localism Act 2011 to promote and maintain high standards of conduct by its elected members. The Code of Conduct sets out the expectations placed on members.

9 EQUALITY IMPACT ASSESSMENT

- 9.1 None associated with this report.

10 DATA PROTECTION IMPACT ASSESSMENT

- 10.1 None associated with this report.

11 CRIME AND DISORDER AND RISK ASSESSMENT

- 11.1 None associated with this report.

12 SUSTAINABILITY OF PROPOSALS

- 12.1 The Council has a responsibility to ensure that the Monitoring Officer is appropriately resourced in order to that they are able to carry out their statutory functions.

13 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

- 13.1 None associated with this report.

14 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

- 14.1 None associated with this report.

15 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

15.1 The LGA review of the model code will influence the direction of the Council's review of its governance arrangements. It is appropriate and timely for the Council's Monitoring Officer to contribute to the development of the revised model and that the Ethical Standards and Member Development Committee should continue to lead on developments relating to the conduct of elected members.

16 BACKGROUND PAPERS

16.1 None associated with this report.

17 APPENDICES:

None

Surjit Tour
Director Legal & Governance and Monitoring Officer

Ethical Standards and Member Development Committee

6 March 2020

Subject:	Annual Report of the Ethical Standards and Member Development Committee
Director:	Director of Law and Governance and Monitoring Officer - Surjit Tour
Contribution towards Vision 2030:	
Contact Officer(s):	Surjit Tour Director of Law and Governance and Monitoring Officer surjit_tour@sandwell.gov.uk

DECISION RECOMMENDATIONS

That the Ethical Standards and Member Development Committee:

1. Considers the draft Annual Report of the Ethical Standards and Member Development Committee 2019/20 at Appendix 1.

PURPOSE OF THE REPORT

1.1 Annual Report

The Ethical Standards and Member Development Committee's terms of reference requires the committee to produce an annual report detailing the activities undertaken throughout the municipal year. The annual report will be referred to Full Council for consideration at its next meeting on 7 April 2020. The draft Annual Report is set out Appendix 1 to this report.

2 IMPLICATIONS FOR SANDWELL'S VISION

Through its work in promoting high standards of conduct, the Committee makes a positive contribution to the Council's governance and decision-making arrangements of the authority.

3 STRATEGIC RESOURCE IMPLICATIONS

There are no resource implications arising from this report.

4 LEGAL AND GOVERNANCE CONSIDERATIONS

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, a procedure for investigating complaints against Members and ensure that any complaints made are investigated in accordance with that procedure.

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.

APPENDICES:

Appendix 1 - Draft Annual Report of the Ethical Standards and Member Development Committee 2019/20.

Surjit Tour
Director of Law and Governance and Monitoring Officer



Sandwell

Metropolitan Borough Council

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

Draft Annual Report

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 30th 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.

Draft Annual Report

Ethical Standards and Member Development Committee

6 March 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.
2. In the event that there are successful applicants following the interview process, a recommendation be made to Council with regard to appointment(s).

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 has been 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. Interviews were due to take place at the end of February and an update will be provided to the Committee as to the outcome of the interviews with a view to making a recommendation to Council at its next meeting should there be successful applicant(s).

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

6 March 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. Maxwellization to be completed by 6 March 2020.

2. Case Reference: MC/01/0619

Allegations arising from a meeting between an 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 underway. Final report imminent.

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 and the next course of action.

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. A decision notice has been provided to the parties with no further action required.

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 save for advice and guidance to the subject member by the Monitoring Officer.

A new complaint has been received by the Monitoring Officer alleging inappropriate behaviour and failure to challenge inappropriate behaviour at a meeting of members. This matter is currently under initial assessment by the Monitoring Officer.

Ethical Standards and Member Development Committee

6 March 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

A Greenwich councillor who applied for and lived in council housing while she owned three other properties has been found guilty of fraud

It took a jury roughly an hour of deliberation to come to the decision on Greenwich councillor Tonia Ashikodi's case at Inner London Crown Court on Wednesday.

Cllr Ashikodi had been charged with two counts of fraud by misrepresentation.

The councillor was accused of applying for and accepting a council home while owning three homes herself – two in Thamesmead and one in Charlton.

Cllr Ashikodi's legal team had maintained she had been holding the homes in trust for her father, Tony Ashikodi, who was receiving rent and paying the bills on the properties.

However, a jury found the councillor guilty on two counts of fraud by false representation following a short period of deliberation.

Addressing the councillor following the finding, Judge Benedict Kelleher said "these are serious matters". The judge added that he would consider "all sentencing options" when the matter returns to court on March 4.

Judge Kelleher also ruled out any changes to Cllr Ashikodi's bail conditions following the verdict. Cllr Ashikodi had been on unconditional bail throughout the trial.

A charge of perverting the course of justice was dropped against the councillor and her father, Tony Ashikodi, earlier in the trial.

The verdict comes after a 2018 investigation by Greenwich Council's internal anti-fraud team in connection with the "ownership of a number of properties" by the councillor.

She was subsequently suspended by the Labour party but has remained on the council since being charged.

Following the verdict, Greenwich Council's chief executive, Debbie Warren, issued the following statement:

"We also should not forget why we had to prosecute. There are 20,000 residents on our housing waiting list and more than 1,000 households in temporary accommodation. Cllr Ashikodi would have known this as a councillor elected to represent the interests of our residents. The jury has found that she lied in her application for council housing and also when she signed her tenancy agreement. As well as breaking the law, she denied someone with a genuine need for a secure home."

If an elected councillor is convicted of an offence and sentenced to more than three months' in prison they will be disqualified.

Extract from News Shopper 12 February 2020

Councillor barred from pub after 'drinking his own whisky'

Licensing committee member Councillor Paul Birch steps down after apparently being caught out at a Wolverhampton city centre pub.

Wolverhampton Councillor Paul Birch was a member of the city authority's licensing panel when he was spotted drinking whisky in the Lych Gate Tavern, which staff noticed he had not ordered from the bar.

The Labour councillor admitted he had brought the alcohol in from elsewhere and was ordered to leave the city centre pub as his actions had breached licensing regulations. He has now been banned.

Dr Birch has apologised unreservedly for his actions and quit the council's Licensing Committee.

Dr Birch had bought a bottle of wine and two pints of beer at the bar and asked for two extra glasses.

The Landlord said he saw him and his mate drinking whisky out of them a short time later.

Staff said: "It was explained to him that we could have got into serious trouble and that I could have lost my licence."

"He apologised and although we accepted his apology, what he did was so serious that we thought it was only right to ask him to finish his drinks and leave."

Dr Birch said: "I'm sorry for my mistake. I unreservedly apologise for my actions. It's appropriate therefore that I step down from the Licensing Committee."

Extract from Express and Star 13 February 2020

A COUNCILLOR accused of tweeting Islamophobic comments has been given an indefinite suspension from Dudley's Tory group

Councillor Colin Elcock, who represents the Norton ward in Stourbridge on Dudley Council, has had the Conservative whip withdrawn over claims he posted tweets saying Islam was "domination not integration", and asking whether people in Iran were "all on the dole".

He was also accused of making a sexist comment when responding to another tweet featuring a picture of woman's buttocks.

Within days of the tweets coming to light, the leader of Dudley Council and Dudley Conservatives - Councillor Patrick Harley - confirmed Cllr Elcock had been given a 21-day suspension the suspension would be "indefinite".

Cllr Elcock will now serve as an independent councillor.

The offending tweets, which were posted earlier this month, have since been deleted and Cllr Elcock appears to have shut down his Twitter account and he said: "I am deeply sorry to anyone who has been affected or offended by my actions. I will abide by the group's decision."

He still, however, faces possible disciplinary action by Dudley Council's standards board for allegedly breaching of the authority's code of conduct.

Two complaints relating to comments made on Twitter are currently being investigated by the council's monitoring officer

Extract from Malvern Gazette 27 January 2020