

# Ethical Standards and Member Development Committee Agenda

Friday 4 December 2020 at 3.30pm  
Online Virtual Meeting

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[Ethical Standards and Member Development Committee – 4 December 2020](#)

**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**  
To receive any apologies for absence.
- 2. Declarations of Interest**  
To receive any declarations of interest from members relating to any item on the agenda, in accordance with the provisions of the Code of Conduct and/or S106 of the Local Government Finance Act 1992.
- 3. Minutes**  
To confirm the minutes of the meeting held on 25 September 2020 as a correct record.
- 4. Additional Items of Business**  
To determine whether there are any additional items of business arising which should be considered at the meeting as a matter of urgency.
- 5. Review of Member Code of Conduct/Arrangements – Standards Working Group Update**  
To provide an update on the work of the Standards Working Group.

- 6. Update on phase two of the Member Development Programme including implementation of the My Councillor Member Portal**  
To provide an update on the Member Development Programme and the Member Portal.
- 7. Register of Members' Interests – Annual Review**  
To considers the Register of Members' Interests as part of the annual review.
- 8. Gifts and Hospitality**  
Standing item to consider the gifts and hospitality register.
- 9. Complaints Update**  
Standing item to consider the update on complaints.

**David Stevens**  
**Chief Executive**

Sandwell Council House  
Freeth Street  
Oldbury  
West Midlands

**Distribution:**

Councillors Ahmed (Vice Chair), Bostan, Dhallu, Hevican, P Hughes, Horton, Mabena and Simms.

Mr John Tew and Mr Richard Phillips [Independent Persons].

Contact: [democratic\\_services@sandwell.gov.uk](mailto:democratic_services@sandwell.gov.uk)

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## Minutes of the Ethical Standards and Member Development Committee

25<sup>th</sup> September 2020 at 3.00pm

- Present:** Councillor Ahmed (Vice Chair);  
Councillors Bostan, Dhallu, Hevican, Horton, P Hughes and Mabena.
- Observers:** Mr John Tew and Mr Richard Phillips (Independent Persons).
- Officers:** Surjit Tour – Director of Law and Governance and Monitoring Officer; Elaine Newsome – Service Manager – Democracy; Trisha Newton – Senior Democratic Services Officer.

### 34/20 **Apologies for Absence**

Apologies for absence were received from Councillor Simms.

### 35/20 **Minutes**

The minutes of the meeting held on 13<sup>th</sup> August 2020 were agreed as a correct record and signed by the Chair.

With regard to the update on complaints and timelines, the Committee requested an additional meeting.

**Agreed** that an additional meeting of the Committee be scheduled in relation to an update on outstanding complaints.

### 36/20 **Declarations of Interest**

No declarations of interest were declared.

37/20 **Matter of Urgency**

There were no additional items of business to consider.

38/20 **Appointment of Sub Committees**

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 21<sup>st</sup> May 2019 agreed the membership of the Ethical Standards and Member Development Committee. As two vacancies had arisen, the Emergency Committee gave approval to the appointment of two additional members to the Committee on 18<sup>th</sup> August 2020. The Committee gave consideration to the appointments to the Ethical Standards Sub Committees for the remainder of the municipal year.

Concern was expressed that appointments to the Committee had been approved by the Emergency Committee and not full Council.

The Committee also reviewed the members appointed to the Standards Working Group and the Member Development Working Group, alongside the Vice Chair, for the remainder of the municipal year.

**Agreed that:-**

- (1) the Ethical Standards and Member Development Committee appoints to two Ethical Standards Sub-Committees for the remainder of the 2020/21 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
Ahmed	Substitute members taken from remainder of committee	Ahmed	Substitute members taken from remainder of committee
Hevican		P Hughes	
Bostan		Mabena	
Simms		Dhallu	
Horton		Hevican	
+ Independent Person		+ Independent Person	

- (2) that the Standards Working Group membership be amended to include Councillor Bostan for the remainder of the municipal year;
- (3) that Councillors Ahmed, Hevican, P Hughes and Mabena be appointed to the Member Development Working Group for the remainder of the municipal year.

39/20

**Committee on Standards in Public Life – Annual Report**

On 22<sup>nd</sup> July 2020, the Committee on Standards in Public Life published its annual report for 2019-20.

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.

Any identified recommendations arising from the annual report would be included as part of the review being undertaken by the Standards Working Group.

40/20 **Gifts and Hospitality**

No new entries had been made to the Gifts and Hospitality Register since the last meeting of the Committee.

41/20 **National Cases**

The Committee received and discussed details of national cases relating to a councillor who had voted on a council tax increase despite being in arrears and a councillor who had been cleared of breaching the code of conduct after publishing a confidential agenda on line.


42/20 **Allegations Update**

The Committee received details of complaints received in relation to member conduct and the progress on the complaints.

Meeting ended at 3.41pm.

**ETHICAL STANDARDS AND MEMBER DEVELOPMENT COMMITTEE**

**4 December 2020**

<b>Subject:</b>	Review of Member Code of Conduct/Arrangements – Standards Working Group update
<b>Director:</b>	Director of Law and Governance & Monitoring Officer - Surjit Tour
<b>Contribution towards Vision 2030:</b>	
<b>Contact Officer(s):</b>	Elaine Newsome – Service Manager Democracy

**DECISION RECOMMENDATIONS**

**That :**

1. The Committee notes the update on the work of the Standards Working Group and the series of workshops for all elected members in relation to the Review of the Member Code of Conduct/Arrangements and endorses the approach.
2. The Committee notes the response to the Committee on Standards in Public Life Best Practice Recommendations.

**1 PURPOSE OF THE REPORT**

The Standards Working Group has met twice since the last meeting of the Committee and has given consideration to the methodology/timeline for the review of the Member Code of Conduct/Arrangements.



## **2 IMPLICATIONS FOR VISION 2030**

- 2.1 This matter falls within the Council's Governance agenda which sits at the heart of delivering Vision 2030.

## **3 BACKGROUND AND MAIN CONSIDERATIONS**

- 3.1 In 2018 the Committee on Standards in Public Life announced a review of ethical standards in local government. The report into Local Government Ethical Standards was published on 19 January 2019, which included a number of recommendations. The report was submitted to Government and a formal response is awaited in relation to how those recommendations will be addressed.
- 3.2 The first recommendation of the report into Local Government Ethical Standards was that the Local Government Association should draft a model code of conduct. In response to this recommendation, LGA consultation has taken place on a draft Model Code of Conduct.
- 3.3 It is expected that the Model Code of Conduct will be made available in the coming weeks and consideration has been given to a series of workshops/engagement sessions to take place to enable all elected members to provide feedback on the current Code, the LGA Model Code of Conduct and to form the basis of the Member Code of Conduct and Arrangements for Dealing with Complaints. The workshops are due to commence in early December and will be accompanied by a survey.
- 3.4 In addition, the Committee on Standards in Public Life has provided some best practice recommendations to be taken into consideration. These have been considered by the Standards Working Group and the response which has been provided on how these are/will be addressed is attached at Appendix One. These recommendations will also be factored into the review of the Code of Conduct/Arrangements and the engagement sessions.

## **3 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)**

- 3.1 A series of workshops are proposed to take place with all elected members.

## **4 ALTERNATIVE OPTIONS**

- 4.1 The Council has to have a Member Code of Conduct and the outcome of the engagement sessions will inform the review of the Code and the Arrangements for dealing with Complaints.

## **5 STRATEGIC RESOURCE IMPLICATIONS**

- 5.1 None directly associated with this report.

## **6 LEGAL AND GOVERNANCE CONSIDERATIONS**

- 6.1 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.

## **7 EQUALITY IMPACT ASSESSMENT**

- 7.1 None associated with this report.

## **8 DATA PROTECTION IMPACT ASSESSMENT**

- 8.1 None associated with this report.

## **9 CRIME AND DISORDER AND RISK ASSESSMENT**

- 9.1 The proposed revised code of conduct forms part of a wider piece of work by the LGA to explore civility in public life.

## **10 SUSTAINABILITY OF PROPOSALS**

- 10.1 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.

**11 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)**

11.1 None associated with this report.

**12 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND**

12.1 None associated with this report.

**13 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

13.1 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 Committee and the Council's Director of Law and Governance & Monitoring Officer to review the Council's Code of Conduct and Arrangements for dealing with Complaints.

**14 BACKGROUND PAPERS**

14.1 None associated with this report.

**15 APPENDICES:**

**Appendix 1** – Committee on Standards in Public Life – Best Practice recommendations response

**Surjit Tour**

**Director of Law and Governance and Monitoring Officer**

## CSPL local government ethical standards 15 best practice recommendations

**Name of local authority: Sandwell MBC**

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**1:** Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

**Progress:** The Council has embarked upon a full review of its Code along with the Arrangements for dealing with Standards Complaints as part of a wider ongoing Governance Review. It is also carrying out a review of the Council's Ethical Framework. Any BPRs that have not been fully met will be addressed as part of this review.

Prohibition on bullying already included in current Code, but not harassment. Intention is to adopt New Model Code which will have definitions of both in the definition section. The authority will include examples of bullying and harassment as an appendix to Code.

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**2:** Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors.

**Progress:** Code currently states 'You must at all times facilitate and engage with the council and its committees on probity and ethical matters and submit yourself to the scrutiny necessary to ensure this without any undue delay.' This will be broadened to require councillors to comply with any formal standards investigation when the New Model Code is adopted.

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**3:** Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

**Progress:** An annual report is submitted to Council. The Council is currently reviewing its Code along with the Arrangements for dealing with Standards Complaints. Arrangements for future reviews is part of discussions with the working group working on the current review.

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**4:** An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

**Progress:** Currently accessible to all. The Council is however looking to update the website to include an Ethical Framework page to make the documents more prominent as part of its continuous improvement drive.

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**5:** Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

**Progress:** This is already included as standing item for Ethical Standards Committee which meets quarterly. Each member's register is published on the Council's Committee Management Information System (CMIS) and is easily accessible. We are looking at options with regard to publication of full register.

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**6:** Councils should publish a clear and straightforward public interest test against which allegations are filtered.

**Progress:** The public interest test is currently considered in all allegations and this is clearly referenced in the decision notices. Once the Model Code is finalised, the Council will address this issue as part of the ongoing review of the ethical framework and include the publication of the public interest test.

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**7:** Local authorities should have access to at least two Independent Persons.

**Progress:** Already achieved. We are looking at the possibility of engaging a third Independent Person and exploring regional resilience through a collaborative approach with other West Midland Councils. Also, we are investigating whether there is any merit in introducing a remuneration package.

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**8:** An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

**Progress:** Requirement of Localism Act – already in place. Explicitly referenced in the Arrangements for dealing with Standards Complaints.

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**9:** Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

**Progress:** Already achieved – agenda,/minutes and decision are published and considered by Standards Sub Committee.

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**10:** A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

**Progress:** Webpage includes this information which is easily accessible. With regard to timescales, once instructed the investigator should be able to give a time estimate to ensure it is reasonable/realistic.

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**11:** Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.

**Progress: n/a**

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**12:** Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

**Progress: n/a**

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**13:** A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

**Progress:** Arrangements include the ability for the Deputy Monitoring Officer to be utilised and the possibility of using the MO from another authority or other external person (independent investigator) to address any conflicts of interest and capacity issues to ensure complaints are managed effectively and consistently and in a timely fashion.

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**14:** Councils should report on separate bodies they have set up or which they own as part of their annual governance statement, and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual reports in an accessible place.

**Progress:** Wherever appropriate and practicable to do so, subject to other legal arrangements or agreements that oversee the operational arrangements of that body and other primary legislation governing operations, the council does provide performance and other information on such bodies such as to its Audit Committee, Scrutiny Boards. However, different companies/bodies have separate accountability arrangements depending on nature of company. The Council will consider this issue further as part of the ongoing review of the ethical framework.

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**15:** Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

**Progress:** Monitoring Officer will be addressing this issue as part of the ongoing review of the Ethical Framework. The MO will be proposing that there be regular meetings with the Group Leader/Whip/Chair/Vice Chair. These arrangements will be formalise arrangements as part of the Arrangements for dealing with Standards Complaints refresh.

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## Ethical Standards and Member Development Committee

4 December 2020

<b>Subject:</b>	<b>Update on phase two of the Member Development Programme including implementation of the My Councillor Member Portal</b>
<b>Director:</b>	<b>Director of Law and Governance and Monitoring Officer – Surjit Tour</b>
<b>Contribution towards Vision 2030:</b>	
<b>Contact Officer:</b>	Phil Challoner phil_challoner@sandwell.gov.uk

### DECISION RECOMMENDATIONS

**That Ethical Standards and Member Development Committee:**

1. Notes the continued progress relating to phase two of the Member Development Programme (MDP) which includes the latest on the design, pilot and future launch of the 'My Councillor' Member Portal.

## 1 PURPOSE OF THE REPORT

- 1.1 For the Ethical Standards and Member Development Committee to note progress of phase two of the MDP and how Members have been supported by virtual/on-line learning and development interventions during the current pandemic. In addition, the report outlines the latest information on the 'My Councillor' portal pilot which was extended to 27 November and includes estimated roll-out arrangements in 2021. Finally, to bring the Committee up to speed with how future content and scope of the member development programme will continue to be shaped by Members, ensuring it 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**

### Member Development Programme Phase 2 update

- 3.1 The Elected Member Development Programme has been continually designed and led by Members.
- 3.2 Phase one of the MDP concluded prematurely due to the COVID-19 pandemic. However, all scheduled essential and requested learning was delivered successfully. Additional learning interventions requested were also delivered earlier this year which coincided with Elected Member Personal Development Plan ('PDP') meetings that reviewed phase one and considered future interventions and priorities for phase two.
- 3.3 Due to the current pandemic, and subsequent service re-prioritisation, delivery of phase two has inevitably been affected, however, the move to virtual/on-line learning provision has been adapted to well by members who have participated.
- 3.4 For example, Artemis on-line learning has featured modules that directly correlate with issues arising from the pandemic and subsequent lockdowns. These include:
- Domestic Violence and Abuse
  - Adverse Childhood Experiences
  - Poverty

An additional Healthy Outcomes module is currently at the testing stage and will be available in due course. Whilst take up has been encouraging in recent months, efforts are ongoing to encourage more members to undertake the various modules given the importance of the subject matter. There are other Artemis modules available to members and they are encouraged to view the catalogue at regular intervals, particularly when undertaking new portfolios or areas of responsibility.

- 3.5 Shortly after the first lockdown and following MS Teams training for all members which resulted in increased familiarity with using this platform, new virtual learning has also been offered which has been received well.

This has included:

- I-ACT Managing and Promoting Positive Mental Health and Wellbeing which was attended by 17 members during September and October. Due to positive and constructive feedback, received further sessions are scheduled for January and February 2021
- On 15 December an 'Understanding Extremism' course is taking place via MS Teams where all members will be encouraged to attend
- In some circumstances, where appropriate, Members have been signposted to relevant courses available via the LGiU and LGA sites and these have included; Chairing Skills for Virtual Meetings, Participating in Virtual Meetings and Presenting with Impact
- In December, a series of Mindset e-learning self-coaching modules will be rolled out for members to access. Initially they will include Wellbeing, Resilience, Mindfulness and Thriving During Isolation. This will be followed in the New Year by additional modules that will total 25 for members to choose from by the end of the roll out.

#### Additional Planned Member Development Activity

3.6 Priority requested learning and development identified from PDP's included:

- ICT upskilling at a basic and intermediate level to include Word and Excel
- Chairing Meetings /Committees
- Public speaking
- Using Social Media effectively
- Additional Well-being and Personal Safety training

This will form part of a virtual and on-line training plan to be offered to members from early 2021 up to the end of that calendar year. This will be co-ordinated following ongoing consultation with internal and external learning providers. The essential core learning modules provided during Phase One will also be included, and internal facilitators from the relevant service areas are currently working with Civic and Member Services officers. This will include Code of Conduct training which will be a priority for members of the Ethical Standards and Member Development Committee and Licensing committee members, due to new regulations.

PDP feedback identified essential core learning for all newly Elected Members, however, most current members have stated they would prefer refresher workshops on the content, suggested at 3-year intervals. This would be reviewed regularly in line with member identified need, alongside any substantial changes to regulations or guidelines.

- 3.7 Information, advice and guidance relating to learning and development opportunities have been circulated via regular direct e-mails and occasional Member Bulletins. Future communications will include reminders to access on-line learning as much as possible during this unprecedented period as it is unlikely traditional classroom style learning will be a viable option for some time.
- 3.8 Whilst the pilot and launch of the 'My Councillor' portal remains a priority for phase two of the MDP, Civic and Member Services will continue to carry out external research for suitable learning opportunities and make them available to members where appropriate.
- 3.9 Work is also underway with colleagues across the Democracy function to develop new packages that will assist members in a variety of roles to assist from a role identification, procedural, signposting and networking perspective. This includes the design and launch of a new Cabinet Member induction guide. Ahead of the next Municipal election, the newly elected member induction arrangements will also be refreshed.

#### My Councillor portal design and pilot

- 3.10 The My Councillor portal has been designed based on initial feedback from members at the outset of the MDP. It is a personalised portal for members with an in-built casework management system integrated with CMIS. In addition, it allows elected members to access information and tools that are key to helping perform their roles as local representatives more effectively and efficiently.
- 3.11 One of the key priorities emerging from the PDP analysis for phase two was the focus on learning, understanding, confidence and support requirements for members to fully utilise the new 'My Councillor' portal when launched.
- 3.12 A series of portal demonstrations took place prior to the pandemic which had informed the design stage prior to a pilot. Progress was temporarily delayed as officers were redeployed to assist with the Council's response to the pandemic. In September, a pilot group of 14 Elected Members was established. This pilot group contained individuals with varying IT capability levels who were encouraged to participate in order to make it as representative as possible. The design stage had involved extensive system build, process and procedural arrangements with key services etc. ahead of the pilot which commenced on Monday 5 October and was proposed to run for six weeks initially.

- 3.13 Officers from the Council's Digital Transformation Team have worked closely with Civic and Member Services to produce appropriate training guides/videos and begin to establish robust governance arrangements to ensure the portal is used appropriately, consistently, correctly, efficiently and effectively with detailed reporting available that can come back to this committee at regular intervals. Civic and Member Services will manage these governance arrangements following completion of the full launch.
- 3.14 The pilot has already proven to be both robust and effective in identifying strengths and areas for improvement to address prior to a live launch. At the time of writing this report the pilot had been extended to Friday 27 November. The rationale for this extension was as follows:
- The take-up by some of the pilot members at the beginning of the pilot was a little slow, meaning only a small number of members and services used the product for in the first two weeks.
  - Those members who actively engaged with the portal in those first few weeks helped to root out a number of technical configuration issues and user errors. At the mid-point stage of the pilot, 77% of issues raised by pilot members had been resolved so it was important members had an extended opportunity to use the product with the improvements made following this initial feedback.
  - There had been quite limited feedback from officers, so extending the pilot gave an opportunity to push for more feedback during the closing weeks.
  - Although there had been over 80 counts of feedback from members for the 'Raise a new Case' functionality, we had not received feedback from members regarding any of the other functionality the portal offers. Extending the pilot, therefore, provided the opportunity for more feedback on the wider functionality
  - It should be noted, the average review left by members rose from 3 out of 5 stars as at 20 October, to 4 out of 5 stars as at 16 November which reflects the improvements in functionality accomplished during the pilot phase
- 3.14. Outside of scheduled training sessions, user guides, videos, practice platforms, a digital skills analysis and guidance, approximately 12 hours of 1-1 support has been provided to date for pilot members during planned surgeries to support with use, talk through feedback and assistance to help understand the platforms potential for them
- 3.15. Upon completion of the pilot, officers from the Digital Transformation Team and Civic and Member Services will analyse all feedback during December. This will involve consolidating key strengths and correcting outstanding functionality issues that could not be addressed during the pilot.

- 3.16. Depending on timescales required to amend or add any additional functionality, it is envisaged a phased roll out will commence early 2021. This will be preceded by extensive training that will be tailored to the skill set of individual members.

Officers have developed an indicative timeline to cover the period from the end of the pilot to phased launch:

- Pilot concludes 27 November 2020
- Lessons Learnt established, incorporated and tested December 2020 and January 2021
- Phased pre-portal launch training starts February 2021
- Phased portal launch starts February/March 2021

The final two elements will also need to be caveated that they are subject to scoping any required changes post pilot. If the feedback requires any significant reworking of the platform or processes to incorporate, then this may take additional time to review/prioritise and develop.

## **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 MDP via workshops and PDP's. Elected Members are also represented on both the Digital Solution Working Group/Board and 'My Councillor' portal pilot group.

## **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, including the costs associated with the My Councillor portal, will be met from existing approved budgets.

## **7 LEGAL AND GOVERNANCE CONSIDERATIONS**

- 7.1 An effective MDP 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 development activities, particularly relating to planning and licensing functions, ethical standards and the code of conduct 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 MDP will address any Equality Act implications and issues arising. Support arrangements for Members identifying any specific needs will be developed accordingly.

## **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 MDP is initially a two-phase initiative designed to ensure Elected Members have the requisite skills, support and knowledge necessary to undertake their various roles. During phase two, a fundamental review will commence to consider how the MDP is enhanced and sustained from Autumn 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 phase two progress, this report will act as an update in relation to the progress of the programme, including the design, pilot and implementation of the 'My Councillor' portal.

## Ethical Standards and Member Development Committee

4 December 2020

<b>Subject:</b>	Annual Review – Register of Members’ Interests
<b>Director:</b>	Director of Law and Governance and Monitoring Officer - Surjit Tour
<b>Contribution towards Vision 2030:</b>	
<b>Contact Officer:</b>	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 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.

## 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.

## **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.

## **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.

## **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

4 December 2020

<b>Subject:</b>	Gifts and Hospitality Register
<b>Director:</b>	Director of Law and Governance and Monitoring Officer - Surjit Tour
<b>Contribution towards Vision 2030:</b>	
<b>Contact Officer:</b>	Trisha Newton Trisha_newton@sandwell.gov.uk

### DECISION RECOMMENDATIONS

**That the Ethical Standards and Member Development Committee:**

- 1.1 Considers the Gifts and Hospitality Register and declaration of interests made by Members.

#### 1 PURPOSE OF THE REPORT

- 1.1 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.
- 1.2 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.
- 1.3 The Registers are periodically reviewed by the Director of Law and Governance and Monitoring Officer.

- 1.4 Following the Best Practice recommendations made by the Committee on Standards in Public Life, the Gifts and Hospitality Register is a standing agenda item for meetings of this Committee.
- 1.5 At the point of publishing the agenda, there have been no new entries to the Gifts and Hospitality Register since the last meeting of the Committee.
- 1.6 The Gifts and Hospitality register, guidance and arrangements/processes for publication will be reviewed as part of the forthcoming review of the Code of Conduct.

## **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.

**Surjit Tour**

**Director of Law and Governance and Monitoring Officer**

## Ethical Standards and Member Development Committee

4 December 2020

<b>Subject:</b>	Complaints Update
<b>Director:</b>	Director of Law and Governance and Monitoring Officer - Surjit Tour
<b>Contribution towards Vision 2030:</b>	
<b>Contact Officer(s):</b>	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:**

Complaints 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/020719**

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 previous DMO and it was determined that a formal investigation was not appropriate.

The Ethical Standards and Member Development Committee was asked to review the previous DMO decision on 11 November 2019 and determined that the complaint be referred for re-assessment. The re-assessment has been undertaken and the complaint has been referred for a formal investigation, which is ongoing.

Issues arose with regards to the investigation of this matter as a result of having to await for the appointment of a new independent person.

Anticipated draft report - 7 December 2020

Consultation on draft report (2 weeks) – 23 December 2020

Investigator final amendments – 8 January 2021

Anticipated final report – 8 January 2021

Further action if required – to be determined

#### **2. Case Reference: MC/010719**

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 investigation which is ongoing.



Issues arose with regard to the investigation, a report was commissioned and deemed unsatisfactory so a new investigator was appointed.

Anticipated draft report - 30 November 2020

Consultation on draft report (2 weeks) – 23 December 2020

Investigator considers feedback – 8 January 2021

Anticipated final report – 8 January 2021

Further action if required – to be confirmed

### **3. Case reference: MC/120220**

A complaint was received that several subject members are alleged to have acted inappropriately in relation to council officers and/or failing to challenge inappropriate behaviour of elected members in breach of the Members' Code of Conduct. This matter has been referred for formal investigation by the Monitoring Officer, which is ongoing.

Various Issues including Covid 19 has contributed to length of time taken to investigate this matter.

Anticipated draft report – 11 December 2020

Consultation on draft report (2 weeks) – 31 December 2020

Investigator considers feedback– 8 January 2021

Anticipated final report – 8 January 2020

Further action if required – to be confirmed

### **4. Case Reference MC/140520**

An allegation was received from a member of the public that a councillor failed to comply with Covid-19 guidance and caused reputational harm to another legal entity; and the subject member allegedly engaged in other inappropriate communications in social media in contravention of the Members' Code of Conduct. This matter has been referred for formal investigation and is ongoing.

This investigation had taken longer than anticipated due personal reasons of the subject member under investigation.

Anticipated draft report – 15 January 2021  
Consultation on draft report (2 weeks) – 31 January 2021  
Investigator considers feedback – 5 February 2021  
Anticipated final report – 5 February 2021  
Further action if required – to be determined

## **5. Case reference MC/280520**

This matter is linked to allegation MC/140520 above. The allegation was made by another complainant that the subject member failed to comply with Covid-19 guidance and then posted comments on social media which were inaccurate and in breach of the Members' Code of Conduct. This matter has been referred for formal investigation.

The investigation of this matter has been delayed due to personal reasons of the subject member.

Anticipated draft report – 15 January 2021  
Consultation on draft report (2 weeks) – 31 January 2021  
Investigator considers feedback – 5 February 2021  
Anticipated final report – 5 February 2021  
Further action if required – to be determined

## **6. Case reference: MC/010720**

An allegation was received that the subject member shared confidential staffing information with another councillor without justification, shared inaccurate information and interfered with an ongoing council process. This matter is linked to MC/O3/0720 below. The matter has been referred to formal investigation.

Anticipated draft report – 3 December 2020  
Consultation on draft report (2 weeks) – 18 December 2020  
Investigator considers feedback – 23 December 2020  
Anticipated final report – 23 December 2020  
Further action if required – to be determined

## **7. Case reference MC/030720**

An allegation was received that a councillor shared confidential staffing information with another councillor. This matter is linked to MC/010720. The matter has been referred to formal investigation.

Anticipated draft report – 3 December 2020

Consultation on draft report (2 weeks) – 18 December 2020

Investigator considers feedback – 23 December 2020

Anticipated final report – 23 December 2020

Further action if required – to be determined

## **8. Case Reference MC270820-1**

A complaint has been made that a subject member has failed to declare his interests in an organisation in breach of the member code of conduct. This matter has been referred for formal investigation.

Anticipated draft report – 3 December 2020

Anticipated final report – 11 December 2020

Further action if required - to be determined

## **9. Case Reference MC/030920**

A complaint was received that an elected member has failed to declare his interests in relation to an organisation and has inappropriately used their position in relation to a land sale in breach of the member code of conduct. This matter has been referred for formal investigation

Anticipated draft report – 30 November 2020

Consultation on draft report (2 weeks) – 18 December 2020

Investigator considers feedback – 23 December 2020

Anticipated final report – 23 December 2020

Further action if required - to be determined

## **10 Case Reference MC/150920**

A complaint has been received regarding a councillor's alleged conduct in relation to domestic arrangements. This matter was referred for formal investigation.

Anticipated draft report – 26 November 2020

Anticipated final report – 4 December 2020

Further action if required – to be determined

## **11. Case Reference MC/180920**

A complaint has been received that a subject member has conducted themselves in a manner contrary to the code of conduct. This matter has been referred for formal investigation.

The investigation of this matter has been delayed due to personal reasons of the subject member.

Anticipated draft report – 15 January 2021

Consultation on draft report (2 weeks) – 31 January 2021

Investigator considers feedback – 5 February 2021

Anticipated final report – 5 February 2021

Further action if required – to be determined

## **12. Case Reference MC/011020**

A complaint has been received that a subject member has made a complaint in relation to other member in breach of the members code of conduct on conduct. The matter has been referred for a formal investigation.

Anticipated draft report – 15 January 2021

Consultation on draft report (2 weeks) – 1 February 2021

Investigator considers feedback – 5 February 2021

Anticipated final report – 5 February 2021

Further action if required – to be determined

## **Other Matters**

### **Case reference MC/011119**

A complaint was received that the subject member alleged that the complainant was involved in the inappropriate treatment of Council officers and made unwarranted and un-evidenced defamatory comments about the complainant. This complaint is linked to complaint MC/120220 above. The Monitoring Officer, after seeking the views of the Independent Person, decided that this complaint could not be dealt with until the outcome of complaint MC/120220 is first known given the nexus of law and fact arising. The matter will therefore be considered upon complaint MC/120220 being concluded.