

# Agenda

## Ethical Standards and Member Development Committee

**Friday 12<sup>th</sup> March at 9:30am**

**The meeting will be conducted virtually via Microsoft Teams in accordance with The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020**

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[Ethical Standards and Member Development Committee](#)

**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**  
To receive any apologies for absence.
- 2 Members to declare any interests in matters to be discussed at the meeting**  
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 4 December 2020 as a correct record.
- 4 **Urgent Item 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, the Arrangements for Dealing with Complaints under the Code and associated member policy/protocols**  
To consider the revised Member Code of Conduct, Arrangements for Dealing with Complaints under the Code and associated documents.
- 6 **Annual Report of the Ethical Standards and Member Development Committee 2019-21**  
To consider the draft annual report of the Committee.
- 7 **Update on the progress, advised launch and rollout of the new MyCouncillor Member Portal**  
To receive an update on the member portal and consider rollout.
- 8 **Gifts and Hospitality.**  
Standing item to consider the gifts and hospitality register.
- 9 **National Cases**  
Standing item to consider national cases in relation to Member Code of Conduct.
- 10 **Complaints Update.**  
Standing item to consider the update on complaints.

**D Stevens**  
**Chief Executive**  
Sandwell Council House  
Freeth Street  
Oldbury

**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

**4<sup>th</sup> December 2020 at 3.30pm**

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

43/20      **Apologies for Absence**

Apologies for absence were received from Councillors Hevican and Simms and Mr Phillips, Independent Person.

44/20      **Declarations of Interest**

No declarations of interest were declared.

45/20      **Minutes**

Subject to the inclusion of Councillor P Hughes' objection to appointments to the Committee being made by Emergency Committee, the minutes of the meeting held on 25<sup>th</sup> September 2020 were agreed as a correct record and signed by the Chair.

46/20      **Matter of Urgency**

There were no additional items of business to consider.

47/20      **Review of Member Code of Conduct/Arrangements –  
Standards Working Group Update**

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

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 in January 2019, which included a number of recommendations. The first recommendation of the report was that the Local Government Association should draft a model code of conduct. In response to this recommendation, LGA consultation had taken place on a draft Model Code of Conduct.

It was expected that the LGA Model Code of Conduct would be made available in the coming weeks and consideration had 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 were due to commence in early December and would also be accompanied by a survey.

In addition, the Committee on Standards in Public Life had provided some best practice recommendations to be taken into consideration. These had been considered by the Standards Working Group and the response which had been provided on how these are/will be addressed was provided. These recommendations would also be factored into the review of the Code of Conduct/Arrangements and the engagement sessions.

48/20      **Update on Phase Two of the Member Development Programme including implementation the My Councillor Member Portal**

The Committee received an update on the progress of phase two of the Member Development Programme and how Members had been supported by virtual/on-line learning and development interventions during the current pandemic.

In addition, an update was provided on the My Councillor portal pilot which had been extended to 27<sup>th</sup> November 2020 and estimated roll-out arrangements in 2021.

49/20      **Register of Members' Interests – Annual Review**

The work programme of the Committee provided for an annual review of the Register.

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

The Register was available for inspection at the Sandwell Council House upon a request being made to the Monitoring Officer and was also available for the public to view on the Council's website.

One to one meetings with the Monitoring Officer and senior legal staff had been offered to members. The Registers were periodically reviewed by the Monitoring Officer.

50/20      **Gifts and Hospitality**

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



51/20

### **Complaints Update**

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

Meeting ended at 4.34pm.

# Report to Ethical Standards and Member Development Committee

**12 March 2021**

<b>Subject:</b>	Review of Member Code of Conduct, the Arrangements for Dealing with Complaints under the Code and associated member policy/protocols
<b>Director:</b>	Surjit Tour – Director of Law and Governance and Monitoring Officer
<b>Contact Officer:</b>	Surjit Tour Surjit_Tour@sandwell.gov.uk

## 1 Recommendations

That:-

- 1.1 Council be recommended to approve the revised Member Code of Conduct, as set out in Appendix A;
- 1.2 Council be recommended to approve the revised Arrangements for Dealing with Complaints under the Code, as set out in Appendix B;
- 1.3 Council be recommended to approve the revised Social Media Policy and Incident Reporting Form, as set out in Appendix C;
- 1.4 the Director of Law and Governance and Monitoring Officer be authorised to make any revisions/updates to the guidance which accompanies the social media policy, in consultation with the Chair of the Ethical Standards and Member Development Committee;







- 1.5 in connection with social media and the duty to promote, a further report be submitted to the Ethical Standards and Member Development Committee in relation to promotion of good news and work of elected members/the Council (such as the Herald, on-line member pages, etc.);
- 1.6 Council be recommended to approve the revised Gifts and Hospitality Guidance, including the revised limit of declaration, as set out in Appendix D;
- 1.7 the Member Development Programme be updated to include:-
- training on the Code of Conduct, including scenario-based learning;
  - training in relation to the Arrangements for Dealing with Complaints, including scenario-based learning;
  - training/guidance on the use of social media, including scenario-based learning, and incorporate into Member PDPs any specific issues on an individual basis;
  - training on Member Interests and Gifts and Hospitality;
  - training on lobbying, with particular emphasis on quasi-judicial committees and to highlight the statutory and legal obligations of members sitting on these committees;
  - training on the duty to promote high standards;
- 1.8 the training/induction programme for new members be updated so as to include:-
- training on the Code of Conduct, which should also include scenario-based learning;
  - training in relation to the Arrangements for Dealing with Complaints under the Code, including scenario-based learning;
  - training/guidance on the use of social media, including scenario-based learning, and incorporate into Member PDPs any specific issues on an individual basis;

- training on Member Interest and Gifts and Hospitality;
  - training on lobbying, with particular emphasis on quasi-judicial committees and to highlight the statutory and legal obligations of members sitting on these committees;
  - training on the duty to promote high standards;
- 1.9 the retention policy for Members' Register of Interests be set for as long as a person remains a Councillor, plus three months which represents the relevant limitation period for disclosure of information;
- 1.10 Council be recommended to approve the protocol for meetings to take place on a regular basis between senior officers, group leaders and chief whips to talk about standards issues, as set out in Appendix E;
- 1.11 a review of the recruitment process for Independent Persons be undertaken, in consultation with the Standards Working Group, and a further report submitted to a future meeting of the Ethical Standards and Member Development Committee.
- 1.12 that a further report be submitted to the Ethical Standards and Member Development Committee/Standards Working Group in respect of DBS Basic Checks for elected members;
- 1.13 that a review of the composition of the Ethical Standards and Member Development Committee and operation be undertaken in the new municipal year and a further report be submitted;
- 1.14 that the template/process for reporting matters in relation to the Arrangements for Dealing with Complaints under the Code to the Ethical Standards and Member Development Committee, as set out in Appendix F, be approved;
- 1.15 that, in connection with recommendations 1.1, 1.2, 1.3, 1.4 and 1.6 above, the Director of Law and Governance and Monitoring Officer be authorised to update the Council's Constitution accordingly.

## 2 Reasons for Recommendations

- 2.1 Following a review, by the Standards Working Group, of the Member Code of Conduct, the Arrangements for Dealing with Complaints under the Code, the Social Media Policy and associated ethical framework policies/procedures, through a series of member engagement sessions, a series of recommendations have been prepared based on the information and feedback gathered.

## 3 How does this deliver objectives of the Corporate Plan?

		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.
		
		By ensuring that all complaints are dealt with fairly, ethical standards will be further enhanced and this will contribute to better corporate governance which underpins the delivery of high quality services.

## 4 Context and Key Issues

- 4.1 The Committee on Standards in Public Life carried out a review of local government ethical standards in 2018 and invited comments from local authorities and representative bodies. Sandwell provided comments as part of the consultation process. In January 2019, the Committee published a final report together with recommendations relating to local government ethical standards.

This included a recommendation that the LGA should create an updated Model Code of Conduct in consultation with representative bodies of councillors and officers of all tiers of local government. The Model Code was circulated on 3rd December 2020, however, that was amended and a further version circulated on 23rd December 2020. The LGA propose to produce a guidance document to accompany the Model Code of Conduct – this is expected to be published in April 2021.

- 4.2 In addition, the Committee on Standards in Public Life included a list of 15 Best Practice Recommendations. Progress against these recommendations is monitored by the Committee on Standards in Public Life. Sandwell responded to the request to provide its progress in relation to the Recommendations in November 2020. The first national report on progress against these Recommendations was published on 11th January 2021 and Sandwell reflects positively against the Recommendations with many of the standards already achieved.
- 4.3 The Standards Working Group has overseen a review of the ethical framework including a review of the Member Code of Conduct, the Arrangements for Dealing with Complaints under the Code and the Social Media Policy.

Five engagement sessions were held during December 2020. This is the first time such an extensive engagement process has been adopted for Members in relation to the ethical framework. The sessions were as follows:

- **Review of the Member Code of Conduct**

The engagement session facilitated a discussion about what the code of conduct for Sandwell should look like. Options available were to keep the current Code, keep the current Code subject to some changes, adopt the new Model Code or adopt the new Model Code with some changes.

When asked about the current Code of Conduct, the general view was that there were issues with the current Code and there was a need for it to be made simpler, easier to read and for there to be greater accountability.

The majority of Members considered that the application of the LGA Model Code was better explained and the obligations concerning the standards of conduct that were required was clearer and more personalised.

There was general support for adoption of the LGA Code as it would enable the Council to take advantage of any advice, guidance and other supporting materials, sessions, workshops that the LGA may provide.

The Code of Conduct attached at Appendix A is the LGA Code of Conduct, but in addition includes a definition of Family Members and Close Associates.

- **Spotlight on Social Media**

This was a spotlight session on the use of, and the benefits and the issues associated with, the use of social media and how this should be reflected in the new Member Code of Conduct. It was important to understand Members' thoughts and views on social media and its use.

The level of use by Members of social media varied considerably. The main uses were for disseminating information and promoting Council services.

Additional use of social media was seen largely to improve engagement. There was an acknowledgement that it was important to keep a personal social media account separate from ones used in the role of a Councillor.

There was a level of understanding of the risks associated with the use of social media, and how these risks can be managed. There was concern about the negative impact, not only on individual Members, but also their families.

There was a strong desire for additional support to be provided in relation to the use of social media so that the benefits can be exploited, and the pitfalls avoided. By finding ways to address the negative aspects of use of social media, and providing safeguards, there was a better prospect of social media being used in a more positive fashion to the benefit of Members, residents and the Council as a whole.

- **Spotlight on Member Interests**

The declaration of Members' interests is a key area which is an important element of the Member's Code of Conduct. Of particular importance is the registration and declaration of interests, gifts and hospitality, sensitive interests and when matters should be excluded from the Public Register. Additionally, lobbying is a matter that merited further discussion.

Members had a good understanding about the types of interest that should be declared and a wide understanding of a Member's obligation when dealing with disclosable pecuniary interests. With regard to improving understanding of DPLs and other interests, training was the favoured way of achieving this, but Members also highlighted that example scenarios and case studies would be of assistance.

With regard to the retention period for Members' interests, the majority considered that it should be for as long as a person remained a Councillor plus three months, which represents the relevant limitation period for disclosure of information.

The majority of Members considered that the requirements relating to gifts and hospitality were sufficiently clear and that the current limit for gifts and hospitality of £100 should be lowered to £50, as set out in the LGA Model Code of Conduct.

The majority of Members thought that there should be greater clarity around the issue of lobbying Councillors and that members of the Planning and Licensing Committees, had a greater understanding of the issues presented by lobbying.

- **Review of the Arrangements for Dealing with Complaints under the Code**

This engagement session considered the current and future arrangements for dealing with standards allegations. The arrangements are of particular importance as they outline the process that will be followed for dealing with complaints relating to a breach of the Members' Code of Conduct.

The current arrangements were consistent with neighbouring authority's arrangements but need some improvement to allow complaints to be dealt with more effectively. As part of the Committee for Standards in Public Life's review of the ethical standards framework, they provided a list of best practice recommendations.



Sandwell has already made significant progress in the majority of the recommendations or in fact are already doing what is suggested, but some required further discussion around how often the Code of Conduct and arrangements should be reviewed, providing timescales for investigations and separate meetings between senior officers, group leaders and Whips to discuss standards matters (as set out in the attached protocol).

Members were asked to assess how they rated the arrangements for dealing with allegations of breaches of the Code of Conduct.

Members thought that more guidance was needed on making complaints, the process and timescales and outcomes.

Openness and speed was the top response to the question about improvement of the arrangements. There was also a need for more information and training for Members so that they understood the process better.

**- Duty to Promote and Maintain High Standards of Conduct**

This session specifically focussed on the promotion and maintenance of high standards.

The LGA's Model Code specifically focusses on the Nolan Principles and aims to create confidence in the role of a Councillor. The session aimed to explore with Members how the Council can promote high standards.

There were some useful suggestions about what could be done differently to demonstrate high standards.

There was also some discussion about the way that the Independent Persons are recruited.

There was a general consensus that there should be DBS checks for all Councillors.

In addition to the engagement sessions, a questionnaire was made available for Members who may not have been able to attend the sessions.

- 4.4 Attendance at sessions was good with an overall attendance of 50% across all the engagement sessions.
- 4.5 Feedback was recorded using a software tool called Mentimeter and the consolidated results for each session, together with an analysis of the information collected along with a list of proposed recommendations were used as the basis of a further member engagement session in February 2021.

## 5 Alternative Options

- 5.1 Section 27 of the Localism Act 2011 provides the duty for local authorities to promote and maintain high standards of conduct. In discharging this duty, local authorities must adopt a code of conduct and procedure for investigating complaints against members and ensure that any complaints are investigated in line with that procedure. The revisions proposed are based on the LGA Model Code and feedback from member engagement sessions.

## 6 Implications

<b>Resources:</b>	There are no resource implications arising from this report.
<b>Legal and Governance:</b>	The Localism Act 2011 introduced wide ranging changes to the old Standards regime. The Standards Board was abolished and Section 27 of the Act introduced the duty for local authorities to promote and maintain high standards of conduct. In discharging this duty, a local authority must adopt a code of conduct which deals with the conduct expected of members and co-opted members of the authority when they are acting in that capacity.
<b>Risk:</b>	A risk assessment has not been undertaken.
<b>Equality:</b>	An equality impact assessment has not been undertaken.
<b>Health and Wellbeing:</b>	The impact on the health and wellbeing of elected members has been taken into account in the revision of the Member Code of Conduct, the Arrangements for Dealing with Complaints under the Code and the Social Media Policy and additional processes introduced to support members in the their roles.

<b>Social Value</b>	There are no direct social value implications arising from this report.
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## 7. **Appendices**

Appendix A – Revised Member Code of Conduct

Appendix B – Revised Arrangements for Dealing with Complaints under the Code

Appendix C – Revised Social Media Policy/Guidance/Incident Reporting Form/Protocol

Appendix D – Revised Gifts and Hospitality Guidance and Form

Appendix E – Protocol for Meetings between Senior Officers and Chief Whips

Appendix F - template/process for reporting matters in relation to the Arrangements for Dealing with Complaints under the Code to the Ethical Standards and Member Development Committee

## 8. **Background Papers**

<https://www.gov.uk/government/publications/local-government-ethical-standards-report>

<https://www.local.gov.uk/sites/default/files/documents/Model%20Council%20Code%20of%20Conduct%202020.pdf>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/951186/Responses\\_from\\_local\\_government\\_part\\_1\\_final.xlsx](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/951186/Responses_from_local_government_part_1_final.xlsx).

# **Sandwell Metropolitan Borough Council**

## **Members' Code of Conduct**

**1 July 2021**

# **Member's Code of Conduct**

## **Introduction**

All councils are required to have a local Councillor Code of Conduct.

The Local Government Association (LGA) has developed a Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of Local government to continue to aspire to high standards of leadership and performance.

During the 2020/21 municipal year the Council's Member Development and Ethical Standards Committee undertook a comprehensive review of the Council's ethical framework and following consultation with elected members recommended this code to full council.

## **Definitions**

For the purposes of this Code of Conduct, a "councillor" means a member or co-opted member of a local authority or a directly elected mayor. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint subcommittee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

For the purposes of this Code of Conduct, "local authority" includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

For the purpose of registration of your interest (Part C of the Registration of Interest Form), "potential conflicts of interests" includes relationships of the member, the member's spouse or the member's civil partner or any person with whom you are living as husband and wife or as if you were civil partners: a son/daughter (including a biological son/daughter, stepson/daughter, adopted son/daughter or male/female child for which the person has custodial responsibilities), mother, father, brother or sister, a niece, nephew, aunt, uncle, grandchild, grandparent, or a person with whom you have a close association (meaning someone that you are in either regular contact with over a period of time or a significant contact who is more than an acquaintance or can be considered to be a friend, a colleague, a business associate or someone whom you know through general social contacts) in relation to a council decision or contract.

## **Purpose of the Code of Conduct**

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

## **General principles of councillor conduct**

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

## **Application of the Code of Conduct**

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

### **Standards of councillor conduct**

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

### **General Conduct**

#### **1. Respect**

##### **As a councillor:**

**1.1 I treat other councillors and members of the public with respect.**

**1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor/officer protocol.

## **2. Bullying, harassment and discrimination**

**As a councillor:**

**2.1 I do not bully any person.**

**2.2 I do not harass any person.**

**2.3 I promote equalities and do not discriminate unlawfully against any person.**

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

## **3. Impartiality of officers of the council**

**As a councillor:**

**3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.



#### **4. Confidentiality and access to information**

**As a councillor:**

##### **4.1 I do not disclose information:**

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
  - i. I have received the consent of a person authorised to give it;**
  - ii. I am required by law to do so;**
  - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
  - iv. the disclosure is:**
    - 1. reasonable and in the public interest; and**
    - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
    - 3. I have consulted the Monitoring Officer prior to its release.**

##### **4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.**

##### **4.3 I do not prevent anyone from getting information that they are entitled to by law.**

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

#### **5. Disrepute**

**As a councillor:**

##### **5.1 I do not bring my role or local authority into disrepute.**

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

## **6. Use of position**

**As a councillor:**

**6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

## **7. Use of local authority resources and facilities**

**8. As a councillor:**

**8.1 I do not misuse council resources.**

**8.2 I will, when using the resources of the local or authorising their use by others:**

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

## **9. Complying with the Code of Conduct**

**As a Councillor:**

**9.1 I undertake Code of Conduct training provided by my local authority.**

**9.2 I cooperate with any Code of Conduct investigation and/or determination.**

**9.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**

**9.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

## **Protecting your reputation and the reputation of the local authority**

### **10. Interests**

**As a councillor:**

#### **10.1 I register and disclose my interests.**

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority .

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

**Appendix B sets** out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

### **10. Gifts and hospitality**

**As a councillor:**

**10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**

**10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**

**10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

## **Appendix A – The Seven Principles of Public Life**

The principles are:

### **Selflessness**

Holders of public office should act solely in terms of the public interest.

### **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

### **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

### **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

### **Honesty**

Holders of public office should be truthful.

### **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## Appendix B - Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

**"Disclosable Pecuniary Interest"** means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

**"Partner"** means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

### Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

## Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

## Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
  - a. your own financial interest or well-being;
  - b. a financial interest or well-being of a relative, close associate; or
  - c. a body included in those you need to disclose under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter **affects** your financial interest or well-being:
  - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
  - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

**Table 1: Disclosable Pecuniary Interests**

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

<b>Subject</b>	<b>Description</b>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
<b>Sponsorship</b>	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
<b>Contracts</b>	councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
<b>Land and Property</b>	Any beneficial interest in land which is within the area of the council. ‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
<b>Licenses</b>	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer



<b>Corporate tenancies</b>	<p>Any tenancy where (to the councillor's knowledge)—</p> <p>(a) the landlord is the council; and the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
<b>Securities</b>	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) ) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

\* 'director' includes a member of the committee of management of an industrial and provident society.

\* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

**Table 2: Other Registrable Interests**

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority
- b) any body
  - (i) exercising functions of a public nature
  - (ii) any body directed to charitable purposes or
  - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

You have a personal interest if your family member or close associate(s) either works for the Council or has a contractual relationship with the Council. Named individuals will need to provide written approval for their personal data to be used or the member will need to sign a statement that they have obtained permission. Any such names will be redacted from the public register.

## Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

**Best practice 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.

**Best practice 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.

**Best practice 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.

**Best practice 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.

**Best practice 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.

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

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

**Best practice 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.

**Best practice 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.

**Best practice 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.

**Best practice 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, rather than the clerk in all but exceptional circumstances.

**Best practice 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.

**Best practice 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.

**Best practice 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.

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

***The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.***

## **Sandwell Metropolitan Borough Council**

### **REGISTER OF MEMBERS INTERESTS**

(Pursuant to Sandwell Metropolitan Borough Council's Code of Conduct for Members and Part 1, Chapter 7 of the Localism Act 2011).

**Please refer to the Code of Conduct and the accompanying Notes of Guidance before completing this form.**

I,

an **Elected/Co-opted/Appointed** (*delete as appropriate*) member of Sandwell Metropolitan Borough Council give notice that I have set out below my interests and in so far as I am aware of the existence of the interests of my spouse or civil partner or any person with whom I am living as husband and wife or as if we were civil partners (relevant persons).

I have also set out in so far as I am aware of the existence of the names of any members of my family or close associates who either work for the Council or have a contractual relationship with the Council and the nature of that interest.

I have put 'None' where I/we have no such interest under any heading.

#### **PART A** **DISCLOSABLE PECUNIARY INTERESTS**

1. Any employment, office, trade, profession or vocation carried on for profit or gain (Including employment outside of the Borough of Sandwell). Please give details of (i) every employment, job, trade, business or vocation you and/or your partner have, for which you and/or your partner receive any benefit or gain (i.e. profit, salary or benefit in kind) including a short description of the activity e.g. accountant or plumber and (ii) the name of any employer or body, firm or company which you and/or your partner own or in whose securities you and/or your partner have any beneficial interest. This must include remuneration as a director.

- 
2. **Sponsorships** - any payment or provision of any other financial benefit (other than from the Council) made or provided within the relevant period in respect of any expenses incurred in carrying out duties as a member, or towards the election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

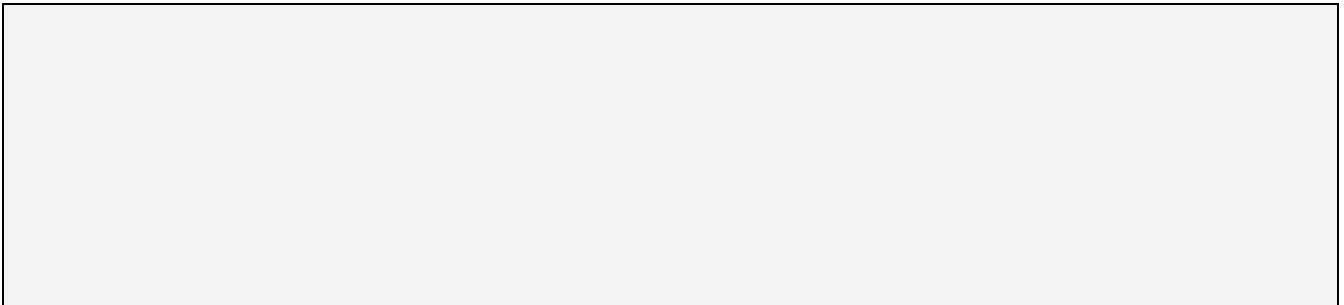
3. **Contracts** - any contract which is made between you and/or your partner (or a body in which you and/or your partner have a beneficial interest) and the Council (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.

4. **Land** - any beneficial interest in land which is within the area of the Borough of Sandwell. Please give the address or other description (sufficient to identify the location) of any land or property in the area of the Borough of Sandwell in which you and/or your partner have a beneficial interest, indicating whether you and/or your partner are the owner or lessee or a tenant. Include any house you rent from Sandwell Borough Council.

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5. **Licences** - any licence (alone or jointly with others) to occupy land in the area of the Borough of Sandwell for a month or longer. Please give the address or other description (sufficient to identify the location) of any land or property in the area of the Borough of Sandwell in which you and/or your partner licence.

6. **Corporate tenancies** - any tenancy where (to your knowledge) (a) the landlord is the Council; and (b) the tenant is a body in which you and/or your partner have a beneficial interest. Please give the address or other description (sufficient to identify the location) of any land leased or licensed from the Council by you and/ or your partner or any body, firm or company by which you are employed or which you own or in which you have a beneficial interest

7. **Securities** - any beneficial interest in securities of a body where (a) that body (to your knowledge) has a place of business or land in the area of the Borough of Sandwell ; and (b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class. Note it is not necessary to declare the nature or size of the holding, simply the name of the company or other body.

A large, empty rectangular box with a thin black border, intended for a declaration or signature.



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PART B  
OTHER REGISTERABLE INTERESTS

8. Any body of which you and/ or your partner are a member or in a position of general control or management and to which you and/ or your partner are appointed or nominated by the Council.

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9. Any body of which you and/ or your partner are a member or in a position of general control or management and which

(a) exercises functions of a public nature;

(b) is directed to charitable purposes; or

(c) is a body which includes as one of its principal purposes influencing public opinion or policy (this includes any political parties or trade union).

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10. Any person from whom you and/or your partner have received a gift, or hospitality with an estimated value of at least £50 (you must register any gifts and hospitality worth over £50 that you receive personally in connection with official duties).

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PART C  
MEMBERS OF YOUR FAMILY AND CLOSE ASSOCIATES

11. The names of any members of your family or close associates who either work for the Council or have a contractual relationship with the Council and the nature of that interest.

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### **Voluntary Registration of Other Interests**

Please list below any other interests that you wish to declare in accordance with the General Principles of Conduct as set out in the Code of Conduct or which you think may lead to a conflict of interests between your personal interests and the public interest.

## **Confirmation**

I understand that:-

(a) I may be committing a criminal offence if I:-

- (i) fail to register or declare disclosable pecuniary interests as required, without reasonable excuse;
- (ii) participate or vote or take steps in Council business at meetings or when acting alone when prevented from doing so;
- (iii) knowingly or recklessly provide information that is false or misleading;

I understand that I must, within 28 days of becoming aware of any new or change in the above interests, provide written notification to the Monitoring Officer.

(b) I will be in breach of Sandwell Metropolitan Borough Council's Code of Conduct for Members if I:-

- (i) fail to meet the requirements in relation to disclosable pecuniary interests;
- (ii) fail to register or declare other interests as required;
- (iii) take part in Council business at meetings or when acting alone when prevented from doing so;
- (iv) provide information that is materially false or misleading;

I understand that I must, within 28 days of becoming aware of any new or change in the above interests provide written notification to the Monitoring Officer.

Signed: .....

Dated: .....

Please sign and return this Notice to the Democratic Services Unit, Sandwell Council House, P.O. Box 2374, Oldbury, West Midlands, B69 3DE.

Date received by the Monitoring Officer: ...../...../.....

## **Notes of Guidance to Register of Interests**

You should complete the register with sufficient detail to identify clearly what the interest is. Do not use abbreviations, initials or acronyms. You are personally responsible for the accuracy of the contents of the register.

Information on your register of interests will be published. Should you have any concerns regarding the information on your register of interests been publicly available please discuss these with the Monitoring Officer who will consider whether the information should be redacted and moved to the sensitive register.

### **PART A** **DISCLOSABLE PECUNIARY INTERESTS**

Disclosable Pecuniary interests are prescribed by Regulation. Please refer to Part A of the Code of Conduct when completing questions 1 - 7.

### **PART B** **OTHER REGISTERABLE INTERESTS**

8. List all the bodies that are not committees or sub committees of the Council to which you have been appointed by the Council. Give the full name of the body (not acronyms or initials). If in doubt, ask the Monitoring Officer or the Service Manager - Governance for the list of Outside Bodies. Appointments or nominations may include local committees and charities, partnerships and companies in which the Council is involved, and other related organisations. Include nominations to regional and national bodies such as local authority associations.
9. Include any public bodies of which you are a member (e.g. school governor, health authority, government agency, other non-profit organisation in the public sector, local committee). Include any charity of which you are a trustee or member and any non-profit making body such as a cultural, sporting, environmental or social association, club or organisation. Include the name of any political party of which you are a member, any national or local body operating as a pressure group and any trade union or trade association.
10. This requirement is not intended to cover gifts and hospitality received by you in your private capacity (i.e. when you are not acting as a Councillor). The requirement covers gifts and hospitality received by you as a Councillor. With some hospitality, for example, weddings and special events, you will need to consider in what capacity you are involved. You are advised to register all gifts that you accept, and all hospitality (other than incidental refreshment of a modest nature). You must register the nature and approximate value of the gift and hospitality, and the person or body giving it. You should register it as soon as possible after receiving it.

Make sure that you indicate the date when you register as this is important to determine how long you will need to disclose the receipt of the gift or hospitality in the event of any business of the authority relating to it (three years from the date of registration). Please see Guidance on Gifts and Hospitality.

## PART C MEMBERS OF YOUR FAMILY AND CLOSE ASSOCIATES

11. List the names of any members of your family or close associates who either work for the Council or have a contractual relationship with the Council. Named individuals will need to provide written approval for their personal data to be used or the member will need to sign a statement that they have obtained permission. Any such names will be redacted from the public register.

### PLEASE NOTE

In the context of BOTH Disclosable Pecuniary Interests and Other Registerable Interests you are required to set out your own interests AND in so far as you are aware of their existence the interests of your spouse or civil partner or any person with whom you are living as husband and wife or as if you were civil partners.

In circumstances where the interest is not your own, you are not required to identify the interest as being your spouse or civil partner or any person with whom you are living as husband and wife or as if you were civil partners. However, you may wish to do so should you wish to provide further clarity where appropriate.

In this Code a 'member of your family' includes the following relationships of the member, the member's spouse or the member's civil partner or any person with whom you are living as husband and wife or as if you were civil partners: a son/daughter (including a biological son/daughter, stepson/daughter, adopted son/daughter or male/female child for which the person has custodial responsibilities), mother, father, brother or sister, a niece, nephew, aunt, uncle, grandchild, grandparent.

In this Code 'a person with whom you have a close association' means someone that you are in either regular contact with over a period of time or a significant contact who is more than an acquaintance or can be considered to be a friend, a colleague, a business associate or someone whom you know through general social contacts.

Guidance revised March 2021

## **Arrangements for dealing with standards allegations under the Localism Act 2011**

### **1. Context**

These “Arrangements” set out how to make a complaint that an elected or co-opted member of this authority has failed to comply with the authority’s Code of Conduct, and sets out how the authority will deal with allegations of a failure to comply with the authority’s Code of Conduct. There is a separate procedure for dealing with Whistleblowing complaints

Under the Localism Act 2011, the Council must have in place “arrangements” under which allegations that a member or co-opted member of the authority, or of a Committee or Sub-Committee of the authority, has failed to comply with that authority’s member Code of Conduct can be investigated and decisions made on such allegations.

Such arrangements must provide for the authority to appoint at least one Independent Person, whose views must be sought by the authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the authority at any other stage, or by a member against whom an allegation has been made.

### **2. The Code of Conduct**

The Council has adopted a Code of Conduct for members, which is available for inspection on the authority’s website and on request from the Sandwell Council House, Oldbury.

### **3. Making a complaint**

To make a complaint, please write to or email –

**Surjit Tour**  
Monitoring Officer  
Director of Law and Governance  
Sandwell Council House  
Oldbury  
B69 3DE

[surjit\\_tour@sandwell.gov.uk](mailto:surjit_tour@sandwell.gov.uk)

Or

Maria Price  
Deputy Monitoring Officer  
Service Manager - Legal

[maria\\_price@sandwell.gov.uk](mailto:maria_price@sandwell.gov.uk)

The Monitoring Officer is a senior officer of the authority who has statutory responsibility for maintaining the register of members' interests and who is responsible for administering the system in respect of complaints of member misconduct.

In the event of there being a conflict of interest in relation to both the Monitoring Officer and Deputy Monitoring Officer, the Monitoring Officer will, in consultation with the Chief Executive, seek to appoint another Deputy Monitoring Officer, or alternatively, refer the matter to a Monitoring Officer from another Authority.

Complaints should be submitted using the Complaint Form for Allegation of Breach(es) of Code of Conduct for Members.

In order to ensure that all the information needed to be able to process a complaint is included, please complete and send the complaint form, which can be downloaded from the authority's website, next to the Code of Conduct, and is available on request from the Sandwell Council House, Oldbury.

The complainant should provide their name and a contact address or email address, so that the complaint can be acknowledged and they can be kept informed of its progress. If the complainant wants to keep their name and address confidential, they should indicate this in the space provided on the complaint form, in which case their name and address will not be disclosed to the member against whom the complaint is made without their prior consent. The authority does not normally investigate anonymous complaints, unless there is a clear public interest in doing so. The process for deciding how to deal with anonymous complaints is set out in the attached charts.

The Monitoring Officer will acknowledge receipt of your complaint within 5 working days of receiving it and will keep you informed of the progress of your complaint.

#### **4. Confidential Informant Process**

Any member of staff (including schools staff) within Sandwell Metropolitan Borough Council can report information anonymously to the Monitoring Officer who may authorise an investigation. The Informant may be interviewed as part of the investigation process, but will not need to reveal that they are the complainant. It will then be for the Investigator to confirm or otherwise the facts of the matter and come to a conclusion.

This process is only available to employees of Sandwell Metropolitan Borough Council. If the employee came under duress or other pressure from Councillors or Senior Officers to undertake improper behaviour the Monitoring Officer will expect them to be candid about that and it is unlikely any action will be taken against them. If the employee has colluded with the wrongdoing and benefitted from it then they cannot expect any sympathetic treatment.



## **5. Will your complaint be investigated?**

### **Preliminary tests**

The Monitoring Officer will review every complaint received and take a decision as to whether it merits formal investigation. This decision will normally be taken within 14 days of receipt of your complaint.

The complaint will be assessed by the Monitoring Officer, or in their absence the Deputy Monitoring Officer, in consultation with the Independent Person (see paragraph 12 – ‘Who is the independent person?’ for further information) against the Stage One Legal Threshold set out in paragraph 5.1 and, if applicable, the Stage Two Initial Assessment test set out in paragraph 5.2 below.

#### **5.1 Stage One - Legal Threshold:**

- (a) Was the person complained of a member of the Council at the time of the alleged conduct?
- (b) Was the person complained of acting in an official capacity at the time of the alleged conduct?
- (c) If the facts could be established as a matter of evidence, could the alleged conduct be capable of a breach of the Code of Conduct in force at the material time?
- (d) The complaint is about dissatisfaction with the Council’s decisions, policies and priorities, etc.

If the complaint fails one or more of the 1<sup>st</sup> Stage Legal Threshold tests, no further action will be taken by the Monitoring Officer and the complaint will be rejected. The Complainant will be notified accordingly with reasons, normally within 14 days of receipt of the complaint by the Monitoring Officer. There is no right of appeal against the Monitoring Officer’s decision.

#### **5.2 Stage Two – Initial Assessment**

If the complaint satisfies the Stage One Legal Threshold test, the Monitoring Officer will then apply the following Initial Assessment criteria test:

- (a) The complaint is a ‘repeat complaint’, unless supported by new or further evidence substantiating or indicating that the complaint is exceptionally serious or significant;
- (b) The complaint is anonymous (unless paragraph 4 applies);
- (c) No or insufficient information/evidence to substantiate the complaint has been submitted by the Complainant;
- (d) The complaint is malicious, trivial, politically motivated or ‘tit-for-tat’;
- (e) The Complainant is unreasonably persistent, malicious and/or vexatious;
- (f) The alleged misconduct happened more than 6 months ago;
- (g) The complaint is relatively minor and dealing with the complaint would have a disproportionate effect on both public money and officers’ and Members’ time and it is more appropriate for the matter to be discussed with the Group Leader and/or Chief Whip in accordance with paragraph xx;
- (h) The circumstances have changed so much that there would be little benefit arising from an investigation or other action;

- (i) The complaint has been the subject of an investigation or other action and there is nothing more to be gained by further action being taken;
- (j) The complaint is such that it is unlikely that an investigation will be able to come to a firm conclusion on the matter, e.g. where there is no firm evidence on the matter;
- (k) The complaint is about a deceased person;
- (l) The complaint is about a person who is no longer a Councillor.

If one or more of the Stage Two Initial Assessment test applies to the complaint, no further action will be taken by the Monitoring Officer and the complaint will be rejected. The Complainant will be notified accordingly with reasons, normally within 10 working days of receipt of the complaint by the Monitoring Officer. There is no right of appeal against the Monitoring Officer's decision.

If the complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police and other regulatory agencies.

If none of the criteria in the Stage Two Initial Assessment apply, the Monitoring Officer will go on to apply the Public Interest Test at 5.3.

### **5.3 Stage 3 – Public Interest Test**

Public interest is regarded as “something which is of serious concern and benefit to the public”. It has also been held that the public interest does not mean what is of interest to the public, but what is in the interest of the public.

The Council is of the view that it should not use its resources to investigate matters which are trivial or which have little or no impact upon the public. It is important that the Council focuses on investigations where matters are serious and capable of undermining the relationship between councillors and the public they serve such as; corruption, bullying, damaging the Council's public image, bringing the Council into disrepute, or the misuse of power in public office.

When applying the public interest test, the Monitoring Officer and Independent Person shall consider each of the following public interest factors set out below. These factors are not exhaustive, and not all may be relevant in every case.

The weight to be attached to each of these factors, and the factors identified, will also vary according to the facts and merits of each case.

- the seriousness of the breach, for example, has the Member brought the Council seriously into disrepute? The more serious the breach the more likely investigation and referral for further hearing is required;
- has the Member deliberately sought personal gain for himself or another person at the public expense? If there is evidence of this, it is likely that the complaint will be investigated and referred for further hearing;
- are the circumstances of the breach such that a Member has misused a position of trust or authority and caused harm to a person? If there is evidence of this it is likely that the complaint will be investigated and referred for further hearing;

- was the breach motivated by any form of discrimination against the victim's ethnic or national origin, gender, disability, age, religion or belief, sexual orientation or gender identity? If a member's conduct is motivated by any form of discrimination it is likely that the complaint will be investigated and referred for further hearing;
- is there evidence of previous similar behaviour on the part of the Member? If so and the matter complained about is serious enough it is likely that the complaint will be investigated and referred for further hearing;
- is the breach such that an investigation or referral to the Standards Committee is required to maintain public confidence in elected Members? If so it is likely that the complaint will be investigated and referred for further hearing; and is investigation or referral to the Standards Committee a proportionate response? namely, would the cost of an investigation or hearing by the Standards Committee be regarded as excessive when weighed against any likely sanction?

## **6. What happens once the Monitoring Officer has reached a decision?**

Where the Monitoring Officer has taken a decision, they will inform the complainant of their decision and the reasons for that decision. The Monitoring Officer must consult with the Independent Person before deciding whether or not a formal investigation should be undertaken.

Where the Monitoring Officer requires additional information in order to come to a decision, they may request further information from the complainant, and may request information from the member against whom the complaint is directed.

The member against whom the complaint is directed, may seek the views of the Independent Person at any stage in the process. This could be to provide a view on the complaint itself, the process under which the complaint will be dealt with or to provide a view on any other query the member may have relating to the complaint. An Independent Person's role is not to act as an 'advisor' to the subject member.

### **Local Resolution**

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the member accepting that their conduct was unacceptable and offering an apology, or other remedial action by the authority. Where the member or the authority make a reasonable offer of local resolution, but the complainant does not agree with that offer, the Monitoring Officer will take account of those views in deciding whether the complaint merits formal investigation.

The Monitoring Officer will complete a decision notice, whether or not a matter is to be investigated, which will outline the reasons for the decision.

The Monitoring Officer will normally only decide to investigate a complaint about alleged conduct that happened within six months of the date of receipt of the complaint. If the Monitoring Officer is of the view that exceptional circumstances apply, then this time limit may be waived.

## **7. Referral for Investigation**

If the Monitoring Officer decides that a complaint merits formal investigation, they will appoint an Investigating Officer/Officers, who may be another senior officer of the authority, an officer of another authority or an external investigator.

The Investigating Officer will decide whether they need to meet or speak to the complainant to understand the nature of the complaint and so the complainant can explain their understanding of events and suggest what documents the Investigating Officer needs to see, and who the Investigating Officer needs to interview.

The investigation will be completed in accordance with the Protocol for Dealing with Investigations into Standards Allegations under the Localism Act 2011, which is appended to these arrangements.

The Investigating Officer would normally write to the member against whom the complaint has been made and provide them with details of the complaint, within 5 working days of being appointed.

The Subject Member has the opportunity to provide an explanation of events, identify any documents they believe the Investigating Officer needs to see and who should be interviewed. This should be done within 5 working days of receiving the details of the complaint from the Investigating Officer.

In exceptional cases, where it is appropriate to keep the complainant's identity confidential or disclosure of details of the complaint to the member might prejudice the investigation, the Monitoring Officer can delete the complainant's name and address from the papers given to the member, or delay notifying the member until the investigation has progressed sufficiently.

The Investigating Officer may ask the subject member to attend an interview about the complaint. The interview may be tape recorded, unless the Investigating Officer considers there to be good reason not to.

The disclosure of any evidence to the Subject Member at any stage of the investigation is a matter for the Investigating Officer, having regard to the rules of natural justice and ensuring fairness to all parties concerned.

If at any point during the investigation, the Investigating Officer forms the opinion that the investigation should cease, they will consult with the Monitoring Officer, who may consult the Independent Person and take a decision to stop the investigation at any stage.

The Investigating Officer will endeavour to complete their investigation within 8 weeks. However, **may**, if they consider it to be in the interests of natural justice and fairness, extend the timetable based upon factors such as:

- Medical reasons relating to the subject member (with evidence specifically addressing why the SM cannot engage in the investigation);
- To allow the subject member to seek legal advice and representation;
- In consideration of any personal or family circumstances of the subject member that impacts on their availability or ability to engage at the initial stage.
- Other exceptional circumstances determined on a case by case basis eg availability of a key or material witness.

Any extension will be determined by the Investigating Officer who will confirm the new timetable and notify the relevant parties.

The Investigating Officer reserves the right to proceed with the investigation in the absence of engagement of the subject member if they are satisfied that reasonable opportunity has been given to the subject member to engage in the process.

At the end of their investigation, the Investigating Officer will produce a draft report and will send a copy of that draft report, in confidence, to the Monitoring Officer. The Monitoring Officer, if satisfied with the report, will then send the draft report to the complainant and the subject member within 5 days.

The evidence gathered during the course of the investigation is not disclosed to the complainant or the subject member at this stage.

The complainant and the subject member will be given a period of 14 days to comment on the draft report. All comments should be directed to the Investigating Officer for consideration.

The Investigating Officer, having received and taken account of any comments made on the draft report and undertaking any further investigation they consider relevant and appropriate. The Investigating Officer will endeavour to send their final report to the Monitoring Officer, within 7 days.

#### **8. What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Member Code of Conduct?**

The Monitoring Officer will review the Investigating Officer's report and, if they are satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to the complainant and to the subject member, notifying them that they are satisfied that no further action is required, and give provide both with a copy of the Investigating Officer's final report. If the Monitoring Officer is not satisfied that the investigation has been conducted properly or has other concerns relating to the complaint or the investigation report, they may ask the Investigating Officer to reconsider their report. The Monitoring Officer may consult the Independent Person about this.

## **9. What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Member Code of Conduct?**

The Monitoring Officer will review the Investigating Officer's report and will then either send the matter for local hearing before a Sub Committee of the Standards Committee or, after consulting the Independent Person, seek local resolution.

### **9.1 Local Resolution**

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, they will consult with the Independent Person and with the complainant. If the complainant does not agree with the suggested resolution, the Monitoring Officer will take account of their views in deciding whether to proceed with the local resolution or refer it for a local hearing. It is however, the Monitoring Officer's decision. The purpose of the local resolution is to ensure higher standards of conduct for the future. Such resolution may include the member accepting that their conduct was unacceptable and offering an apology, and/or other remedial action by the authority.

The range of resolutions that can be imposed is wide and each resolution will be tailored to fit the particular behaviour that has resulted in a breach of the Member Code of Conduct, for example, training on a specific issue. The Monitoring Officer will set a reasonable timescale for compliance with the local resolution.

If the member complies with the suggested resolution, within the timescale set by the Monitoring Officer, the Monitoring Officer will report the matter to the Standards Committee for information, but will take no further action. If the member fails to comply with the resolution within the timescale set, the matter will be referred to the Standards Committee and Full Council for information.

The breach of the Member Code of Conduct and the resolution imposed will be publicised on the member's profile on the Council's website for a period to be determined by the Monitoring Officer, which is to be no less than the time required for compliance with any sanction. If a member fails to comply with a sanction in the timescale set, the information will remain on the profile until compliance is achieved.

### **9.2 Local Hearing**

If the Monitoring Officer considers that local resolution is not appropriate, or the member concerned is not prepared to undertake the suggested resolution, then the Monitoring Officer will report the Investigating Officer's report to a Sub-Committee of the Standards Committee which will conduct a local hearing before deciding whether the member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the member. The local hearing will normally take place within six weeks of the decision to proceed to a local hearing being made.

Within 5 days of the decision being made to proceed with a local hearing, the Monitoring Officer shall provide the complainant and the subject member with a copy of the bundle containing the supporting evidence.

The Monitoring Officer will conduct a “pre-hearing process”, requiring the member to give their response to the Investigating Officer’s report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing, and the Chair of the Sub-Committee of the Standards Committee may issue directions as to the manner in which the hearing will be conducted. If the matter to be heard is particularly complex, consideration may be given, by the Monitoring Officer and the Chair of the Committee, to have the hearing in front of the full Standards Committee rather than a sub-committee.

At the hearing, the Investigating Officer will present their report, call such witnesses as they consider necessary and make representations to substantiate their conclusion that the member has failed to comply with the Member Code of Conduct. For this purpose, the Investigating Officer may ask the complainant to attend and give evidence to the Sub Committee. The member will then have an opportunity to give their evidence, to call witnesses and to make representations to the Sub Committee as to why they consider that they did not fail to comply with the Member Code of Conduct.

If the Sub-Committee, with the benefit of any advice from the Independent Person, conclude that the member did not fail to comply with the Member Code of Conduct, they may dismiss the complaint. If the Sub-Committee concludes that the member did fail to comply with the Code of Conduct, the Chair will inform the member of this finding and the Sub-Committee will then consider what action, if any, the Sub-Committee should take as a result of the member’s failure to comply with the Code of Conduct.

In doing this, the Sub-Committee will give the member an opportunity to make representations to the Sub-Committee and will consult the Independent Person.

**10. What action can the Sub Committee of the Standards Committee take where a member has failed to comply with the Member Code of Conduct?**

The Council has delegated to the Standards Committee such of its powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly a Sub-Committee, on behalf of the Standards Committee, will publish the breach of the code of conduct and the sanction imposed on the member’s profile on the Council’s website for a period of time to be determined by the Sub Committee, which is to be no less than the time required for compliance with any sanction. If a member fails to comply with a sanction in the timescale set, the information will remain on the profile until compliance is achieved. The Sub Committee will also report its findings to Council for information.

The Standards Committee may –

- 10.1 Recommend to the member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that the subject member be removed from any or all Committees or Sub Committees of the Council;
- 10.2 Recommend to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- 10.3 Instruct the Monitoring Officer to arrange training for the member;
- 10.4 Recommend to Council to remove from all outside appointments to which the member has been appointed or nominated by the authority;
- 10.5 Withdraw facilities provided to the member by the Council, such as a computer, website and/or email and Internet access;
- 10.6 Exclude the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.
- 10.7 Recommend to the Council that the Subject Member be issued with a formal censure (i.e. the issue of an unfavourable opinion or judgement or reprimand) by motion.
- 10.8 Instruct the Monitoring Officer to apply the informal resolution process.
- 10.9 Recommend the Council to issue a press release or other form of publicity.
- 10.10 Recommend that the subject member makes an apology at the next full Council meeting.
- 10.11 Take such steps as appropriate, reasonable and proportionate to the particular conduct that amounted to the breach of the code of conduct.

The Standards Committee has no power to suspend or disqualify the member or to withdraw members' or special responsibility allowances.

## **11. What happens at the end of the hearing?**

At the end of the hearing, the Chair will state the decision of the Sub Committee as to whether the member failed to comply with the Member Code of Conduct and as to any actions which the Sub-Committee resolves to take.

As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Sub-Committee, and send a copy to you, to the member and make that decision notice available for public inspection and report the decision to the next convenient meeting of the Council.



If the member complies with the sanction imposed by the Standards Committee, within the timescale set, the Monitoring Officer will report the matter to the Standards Committee for information. If the member fails to comply with the sanction within the timescale set, the matter will be referred to the Standards Committee and Full Council for information.

## **12. Who are the Standards Committee?**

The Standards Committee is appointed each year by the Council. Details of the current membership of the Committee can be found on the Council's web site on the Committee Management Information System.

The Independent Person(s) is/are invited to attend all meetings of the Standards Committee and their views are sought and taken into consideration before a Sub Committee of the Standards Committee takes any decision on consideration of an investigation report on whether the member's conduct constitutes a failure to comply with the Member Code of Conduct and as to any action to be taken following a finding of failure to comply with the Member Code of Conduct.

## **13. Who is the Independent Person?**

The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, and is appointed by a positive vote from a majority of all the members of Council.

A person cannot be "independent" if he/she –

- 13.1 Is, or has been within the past 5 years, a member, co-opted member or officer of the authority;
- 13.2 Is a relative, or close friend, of a person within paragraph 13.1 above. For this purpose, "relative" means –
  - 13.2.1 Spouse or civil partner;
  - 13.2.2 Living with the other person as husband and wife or as if they were civil partners;
  - 13.2.3 Grandparent of the other person;
  - 13.2.4 A lineal descendent of a grandparent of the other person;
  - 13.2.5 A parent, sibling or child of a person within paragraphs 13.2.1 or 13.2.2;
  - 13.2.6 A spouse or civil partner of a person within paragraphs 13.2.3, 13.2.4 or 13.2.5; or
  - 13.2.7 Living with a person within paragraphs 13.2.3, 13.2.4 or 13.2.5 as husband and wife or as if they were civil partners.

## **14. Publication of Standards Investigations**

The Council acknowledges that there is a need to balance the public interest in transparency of these types of matters with the requirement of fairness to a member who is subject to an allegation.

The contents of the initial assessment of a complaint and the investigation will remain confidential.

When a matter progresses to a local hearing before a Sub Committee of the Standards Committee, the hearing will be in public, unless there is a particular reason for the information that will be disclosed during it, to be exempt. The Monitoring Officer will make this decision prior to the hearing in consultation with the Independent Persons and the Chair of the Committee. Each case will be determined on its own merits.

In making this decision, particular consideration will be given to the necessity of transparency, the requirements of witnesses, any Data Protection issues that may become relevant and schedule 12A of the Local Government Act 1972 which outlines what exempt information is.

Consideration will also be given to the disclosure of the papers prior to and or after the hearing and whether any redactions of the papers need to be made.

## **15. Access to Information during an Investigation**

During an investigation and any subsequent hearing, it is important to ensure that information and evidence that has been gathered, is kept confidential in order to protect the integrity of the process. With that in mind, the access to certain information will be restricted.

### **15.1 Subject Access Requests**

The Data Protection Act 1998 entitles individuals (both members of the public and employees) to access personal data held about them by Sandwell Metropolitan Borough Council. These requests are referred to as Subject Access Requests.

There are certain circumstances where the Council can legitimately withhold personal information, if one of the exemptions within the Data Protection Act applies. Information which has been obtained during an investigation under these arrangements is likely to be exempt, under the Act, as it is likely that disclosure would prejudice the prevention and detection of crime and/or prejudice certain regulatory functions. Therefore, if a Subject Access Request is made during an investigation, relating to information relevant to the investigation, it is unlikely that it will be granted. The final decision will be made by the Monitoring Officer in consultation with the Information Management Unit of the Council.

## **15.2 Freedom of Information Requests**

The Freedom of Information Act 2000 places a statutory requirement on Sandwell Metropolitan Borough Council to provide information to the public. Any individual has a right to request information held by the Council, regardless of where they reside. This right also extends to employees, pressure groups, businesses, politicians and members of the press. There are certain circumstances where information is exempt from disclosure. Information which has been obtained during an investigation under these arrangements is likely to be exempt as it is likely that the information is being held for the purposes of a criminal investigation; is or has been held for criminal proceedings conducted by a public authority; or was obtained or recorded for various investigative functions and relates to the obtaining of information from confidential sources.

The information described is exempt only where the public authority has a duty, or the power, to carry out investigations. The Council does have a duty and/or power to carry out an investigation in accordance with the Localism Act 2011, therefore, if a Freedom of Information Request is made during an investigation, relating to information relevant to the investigation, it is unlikely that it will be granted. The final decision will be made by the Monitoring Officer in consultation with the Information Management Unit of the Council.

## **16. Review Meetings**

There will be quarterly meetings between the CEO, MO, group leader(s) and group whips, to consider themes across any standards complaints/investigations for the purpose of identifying training needs and member development opportunities (or any other improvements) in order to prevent recurrence of incidents.

## **17. Revision of these arrangements**

The Council may by resolution agree to amend these arrangements, and has delegated to the Chair of the Standards Committee in consultation with the Monitoring Officer and/or Independent Person as appropriate the right to depart from these arrangements (as far as they relate to the business of a Sub Committee of the Standards Committee) where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.

There shall be a desktop review of the Code of Conduct and these Arrangements undertaken by the Committee with the Monitoring Officer annually, and an in depth review undertaken every 2 years.

## **18. Appeals**

There is no right of appeal against a decision of a Sub Committee of the Standards Committee.

If the complainant or subject member feels that the authority has failed to deal with the complaint properly, they may seek independent legal advice.

## **Glossary of Key Terms**

Complainant(s)	The person/people making the complaint.
Preliminary tests and assessment stages.	The process undertaken by the Monitoring Officer to determine if a complaint merits formal investigation. There are three assessment stages; legal threshold, initial assessment and public interest.
Local Hearing	A meeting of a sub-committee of the Standards Committee at which they consider whether the “Subject Councillor” has breached the code of conduct.
Independent person	The Council must appoint at least one Independent Person and seek that person’s views before it takes decision on a complaint that it has decided to investigate. The Independent Person’s views can also be sought by the council on any other issue in the complaints handling process. The Independent Person will also provide, on request, procedural advice to a Subject Councillor.
Investigator	The person appointed by the Monitoring Officer to undertake a formal investigation. This may involve the appointment of an investigating officer, who may be another officer of the council, an officer of another council or an external investigator.
Legal advisor	The officer responsible for providing legal advice to the Sub-committee of the Standards Committee conducting the Local Hearing. This may be the Monitoring Officer, another legally qualified officer, or someone appointed for this purpose from outside the council.
Monitoring Officer	The Monitoring Officer is a senior officer of the council who has statutory responsibility for maintaining the register of councillors’ interests and who is responsible for administering the system in respect of complaints of councillor misconduct.
Public Interest	Public interest considerations are part of the assessment of the complaint.
Subject Councillor	The councillor against whom an allegation has been made.

# COMPLAINT FORM

## Allegation of Breach(es) of Code of Conduct for Members

(Please read the 'INFORMATION FOR POTENTIAL COMPLAINANTS' before completing this Form).

### Your details

- Please provide us with your name and contact details. Anonymous complaints may be investigated if they indicate a potentially exceptionally serious or significant matter and the complaint is accompanied by sufficient documentary or other supportive evidence.**

<b>Title:</b>	
<b>First name:</b>	
<b>Last name:</b>	
<b>Address:</b>	
<b>Contact telephone:</b>	
<b>Email address:</b>	
<b>Signature:</b>	
<b>Date of complaint:</b>	

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

The following people will see this Form:

- Members of the Assessment Sub-Committee
- The Monitoring Officer of the authority and appropriate officers supporting the Monitoring Officer.
- The Independent Person
- Standards Panel and parties to any Hearing

A summary of your complaint will be shared with the subject member and their representative.

If you have serious concerns about your name and a summary, or details of your complaint being released, please complete **Section 6** of this Form and you may also discuss your reasons or concerns with the Council's Monitoring Officer.

Reference to member also includes a co-opted member of the Council.

**2. Please tell us which complainant type best describes you:**

- ☐ A member of the public
- ☐ An elected or co-opted Member of the Council
- ☐ An independent member of the Standards Committee
- ☐ A Member of Parliament
- ☐ Chief Executive or other Council employee, contractor or agent of the Council.
- ☐ A Monitoring Officer
- ☐ Other ( )

**3. Equality Monitoring Form - Please complete the Form attached at the back.**

**4. Please provide us with the name of the Member(s) you believe have breached the Code of Conduct for Members of the Council:**

Title	First name	Last name

**5. Please explain in this section (or on separate sheets) what the Member is alleged to have done that you believe breaches the Code of Conduct. If you are complaining about more than one Member you should clearly explain what each individual person has done that you believe breaches the Code of Conduct. You should also supply dates, documentary evidence and details of any witnesses that you believe would substantiate the alleged breach(es).**

It is important that you provide all the information you wish to have taken into account by the Assessment Sub-Committee when it decides whether to take any action on your complaint. For example:

- You should be specific, wherever possible, about exactly what you are alleging the Member said or did. For instance, instead of writing that the member insulted you, you should state what it was they said or did to insult you.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information or other relevant documentary evidence to support your allegation(s).
- If your allegation(s) relate to behaviour or conduct that occurred some time ago clearly explain why your complaint was not made earlier.

Please provide us with the details of your complaint.

***Complete on separate sheet(s), as necessary***

Please identify, if possible, which part of the Members Code of Conduct you consider has not been complied with.

**Only complete this next section if you are requesting that your identity is kept confidential**

6. In the interests of fairness and natural justice, we believe Members who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a summary of the complaint. We are unlikely to withhold your identity or the details of your complaint unless there are exceptional circumstances that indicate that this should be done (please see Information for Potential Complainants).

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. . The Monitoring Officer will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your personal and complaint details even if you have expressly asked us not to.



Please be aware that there is a Confidential Informant Process for Sandwell Metropolitan Borough Council employees; any member of staff within Sandwell Metropolitan Borough Council can report information anonymously to the Monitoring Officer who may authorise an investigation. The Informant may be interviewed as part of the investigation process, but will not need to reveal that they are the complainant. It will then be for the Investigator to confirm or otherwise the facts of the matter and come to a conclusion. Please see a copy of the Council's 'arrangements for dealing with standards allegations under the Localism Act 2011' or speak to the Monitoring Officer for full details.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

- 7. Please indicate the remedy or remedies you are looking for or hoping to achieve by submitting this complaint.**

(Continue on separate sheet(s), as necessary)

8. Please indicate whether you have raised your complaint directly with the member concerned and if so what response you received.

(Continue on separate sheet(s), as necessary)

### **Additional Information**

9. Complaints must be submitted in writing. This includes electronic submissions. Please use this Form to submit your complaint.
10. In line with the requirements of the Equality Act 2010, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing. We can also help if English is not your first language.
11. If you need any support in completing this form, please contact the Monitoring Officer as soon as possible.
12. Once a valid complaint relating to an alleged breach of the Code of Conduct for Members has been received by the Monitoring Officer, it will be considered in accordance with these Arrangements. You will be notified of the decision and any further stages in the process.

**Sandwell Metropolitan Borough Council**  
**Equality Monitoring Form**  
**Information for Monitoring Purposes Only**

**Ethnic Classification Categories to be used by Sandwell Metropolitan Borough:-**

**1. White**

- ☐ British
- ☐ Irish
- ☐ Any other White background (please write in)

**2. Mixed**

- ☐ White and Black Caribbean
- ☐ White and Black African
- ☐ White and Asian
- ☐ Any other mixed background (please write in)

**3. Asian or Asian British**

- ☐ Indian
- ☐ Sikh
- ☐ Pakistani
- ☐ Bangladeshi
- ☐ Any other Asian background (please write in)

**4. Black or Black British**

- ☐ Caribbean
- ☐ African
- ☐ Any other Black background (please write in)

**5. Other ethnic group**

- ☐ Chinese
- ☐ Yemeni
- ☐ Any other (please write in)

# Protocol for Dealing with Investigations into Standards Allegations under the Localism Act 2011

## **1 Context**

This protocol is to be used when conducting investigations into standards allegations under the Localism Act 2011. It should be read in conjunction with the 'arrangements' made under the Localism Act 2011.

## **2 Steps of the investigation Initial Decision**

The Monitoring Officer will review every complaint received and take a decision as to whether it merits formal investigation. This decision will normally be taken within 14 days of receipt of the complaint. The Monitoring Officer must consult with the Independent Person before deciding whether a formal investigation should be undertaken.

The Monitoring Officer will complete a decision notice, which can be found at appendix 1, whether or not a matter is to be investigated, which will outline the reasons for the decision. This will be sent to the:

- Complainant
- Member against whom the complaint was made
- Investigator

If the Monitoring Officer decides that the complaint merits investigation, investigators will be appointed.

### **Investigation Procedure**

At the beginning of the investigation an investigation plan will be completed by the investigators overseen by the Monitoring Officer, which can be found at appendix 2. The plan will identify key dates, behaviour alleged, the relevant parts of the code of conduct, issues for determination, evidence required/obtained and the witnesses to be interviewed.

When witnesses are interviewed, a statement will be taken from them which they will be able to check and sign. The format for such a statement can be found at appendix 3.

It is likely that the subject member will be interviewed at the end of the investigation; however this will be decided on a case by case basis. The interview may be tape recorded, unless the member objects to this. This ensures that there is no ambiguity as to the matters discussed in interview. A template interview plan can be found at appendix 4

The investigation will be reviewed on a fortnightly basis by the investigators, in consultation with the monitoring officer. The investigation review sheet will be completed on each occasion, which can be found at appendix 5.

If at any point during the investigation, the Investigating Officer forms the opinion that the investigation should cease, they will consult with the Monitoring Officer, who may consult the Independent Person and take a decision to stop the investigation at any stage. The Monitoring Officer will complete a Decision Notice to Cease an Investigation, which can be found at appendix 6.

### **Completion of Investigation**

At the end of their investigation, the Investigating Officer will produce a draft report and will send a copy of that draft report, in confidence, to the Monitoring Officer. The Monitoring Officer, if satisfied with the report, will then send the draft report to the complainant and the subject member within 5 days. At this stage the complainant and the subject member can identify any matter in that draft report which they disagree with or which they consider requires more consideration and will be given a period of 14 days to comment on the draft report.

Having received any comments, the Investigating Officer will assess them and complete a Comments Assessment Form which can be found at appendix 7. Once the Investigating Officer has completed this analysis and made any necessary amendments to the report, the Investigating Officer will send their final report to the Monitoring Officer.

## **Decision Notice of The Monitoring Officer for Dealing with Standards Allegations Under the Localism Act 2011**

**Reference:**

**Complainants:**

**Subject Member:**

**Person Conducting the Assessment :**

**Date of Assessment:**

### **Complaint**

On [insert date], the Monitoring Officer considered a complaint from [insert name of complainant] concerning the alleged conduct of [insert name of councillor], a member of [insert authority name]. A general summary of the complaint is set out below.

### **Complaint summary**

[Summarise complaint in numbered paragraphs]

### **Consultation with Independent Person**

[Summarise the Independent Person's views in numbered paragraphs]

### **Stage One - Legal Threshold**

The Monitoring Officer shall determine whether any of the Stage One – Legal Threshold criteria test are met as set out in paragraph 5.1 of the Arrangements.

## Stage Two Initial Assessment

The Monitoring Officer shall determine whether any of the Stage Two – Initial Assessment criteria test are met as set out in paragraph 5.2 of the Arrangements.

### Public Interest Test

The Monitoring Officer shall apply the Public Interest Test in accordance with paragraph 5.3 of the Arrangements.

### Decision

Having consulted and considered the views of the Independent Person, the Monitoring Officer decided to [refer the complaint for investigation] [offer a local resolution] [take no further action].

At this stage, the Monitoring Officer is not required to decide if the Members Code of Conduct has been breached. They are only considering if there is enough information which shows a potential breach of the Code of Conduct that warrants referral for investigation.

### If referring for Investigation

The Monitoring Officer considers that the alleged conduct, if proven, may amount to a breach of the following paragraphs of the Code of Conduct. The Monitoring Officer has appointed [insert name] as the Investigating Officer.

Please note that it will be for the Investigating Officer to determine which paragraphs are relevant, during the course of the investigation.

### Parameters of Investigation

[Include brief instruction to investigators on the scope of the investigation; possible witnesses, relevant documents, issues to focus on and timescales]

### If referring for Local Resolution:

The terms of the local resolution are as follows [insert terms that subject member must comply with]

Compliance with these terms is required within [insert weeks] of this decision notice.

If the subject member fails to comply with the local resolution, the matter will be referred to a sub-committee of the standards committee for hearing.

**If No further action**

The Monitoring Officer has decided that no further action will be taken in relation to this complaint and therefore the matter is concluded.

**Notification of decision**

This decision notice is sent to the:

- Complainant
- Member against whom the complaint was made
- Investigator

**Appeal**

There is no right of appeal against the Monitoring Officer's decision.

**Signed:**

**Date:**

**Print name:**

Monitoring Officer of Sandwell Metropolitan Borough Council.

**The Monitoring Officer**

Law and Governance  
Sandwell Metropolitan Borough Council  
Oldbury Council House  
Freeth Street  
Oldbury  
B69 3DE



## Investigation Plan For Dealing with Standards Allegations Under the Localism Act 2011

**Case No:**

<b>Date received by monitoring officer:</b>	
<b>Date referred to investigator:</b>	

<b>Subject member:</b>		<b>Complainant:</b>	
<b>Authority:</b>		<b>Investigator:</b>	

**Target for monitoring officer's receipt of draft report**

<b>Date due:</b>	
<b>Explanation:</b>	

**Target for issue of draft report**

<b>Date due:</b>	
<b>Explanation:</b>	

**Target for issue of final report**

<b>Date due:</b>	
<b>Explanation:</b>	

## Case analysis

<b>Behaviour alleged</b>	
<b>Relevant Code paragraphs</b>	
<b>Issues for determination</b>	
<b>Evidence required</b>	
<b>Evidence obtained</b>	

## Possible witnesses

<b>Name of Witness</b>	
<b>Issue they may address</b>	
<b>Date of interview</b>	

### Possible witnesses

<b>Name of Witness</b>	
<b>Issue they may address</b>	
<b>Date of interview</b>	

### Possible witnesses

<b>Name of Witness</b>	
<b>Issue they may address</b>	
<b>Date of interview</b>	

**Other Matters**

**Identify any thoughts/lines of inquiry not outlined in the table and also highlight any problems in the referral process.**

**Completed by:**

**Date:**

## APPENDIX 3

### Statement of .....

Interview Date:		Place of Interview:	
People Present:			

This statement consisting of ... page is true to the best of my knowledge and belief.

I understand that I may be required to give evidence should a hearing be held. I also understand that this statement may be used in all procedures related to this matter and other connected matters. I am aware that a copy of this statement may be disclosed to others as part of these and related proceedings.

I am the above named person and understand that I have been asked to provide this statement in relation to allegations made against ....

**I have been asked about the allegation that .....**

Signed.....

Dated .....

## Interview Plan For Dealing with Standards Allegations Under the Localism Act 2011

**Case No:**

<b>Interviewee:</b>	
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<b>Subject member:</b>		<b>Interviewer:</b>	
<b>Authority:</b>		<b>Date:</b>	

<b>Nature of complaint</b>

<b>Purpose of interview</b>

**Facts already established** (which relate to purpose of interview)

**Facts to be established** (which relate to purpose of interview)

**Record of disclosure to witness before interview**

**Planned disclosure to witness during interview**

Areas to be covered in interview	Key questions



## Investigation Plan Review Sheet For Dealing with Standards Allegations Under the Localism Act 2011

**Case No:**

<b>Date:</b>	
<b>Investigator:</b>	

<b>Subject member:</b>		<b>Complainant:</b>	
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### Reason for Review

<input type="checkbox"/>	New allegation
<input type="checkbox"/>	Additional witnesses / evidence required
<input type="checkbox"/>	Periodic Review

### Details relating to above

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### Review of Targets

<b>Revised draft report target:</b>	
<b>Revised date of final report target:</b>	

**Reasons for revisions**

**Completed by:**

**Date:**

## **Decision Notice of The Monitoring Officer for Dealing with Standards Allegations Under the Localism Act 2011 to Cease an Investigation**

**Reference:**

**Complainants:**

**Subject Member:**

**Person Conducting the Assessment:**

**Date of Assessment:**

### **Complaint**

On [insert date], the Monitoring Officer considered a complaint from [insert name of complainant] concerning the alleged conduct of [insert name of councillor], a member of [insert authority name]. A general summary of the complaint is set out below.

### **Complaint summary**

[Summarise complaint in numbered paragraphs]

### **Original Decision**

Having consulted and taken into account the views of the Independent Person, the Monitoring Officer decided to refer the complaint for investigation on the [insert date].

### **Investigation Summary**

The investigation began on the [insert date]. To date, the investigation has revealed that [insert brief description of what has happened in the investigation so far].

### **Decision to Cease Investigation**

Having consulted and taken into account the views of the Independent Person, the Monitoring Officer decided to cease the investigation. The reasons for this decision are as follows [insert reasons].

## **Consultation with Independent Person**

[Summarise the Independent Person's views in numbered paragraphs]

## **Notification of decision**

This decision notice is sent to the:

- Complainant
- Member against whom the complaint was made
- Investigator

## **Appeal**

There is no right of appeal against the Monitoring Officer's decision.

**Signed:**

**Date:**

**Print name:**

Monitoring Officer of Sandwell Metropolitan Borough Council.

## **The Monitoring Officer**

Governance Services  
Sandwell Metropolitan Borough Council  
Oldbury Council House  
Freeth Street  
Oldbury  
B69 3DE

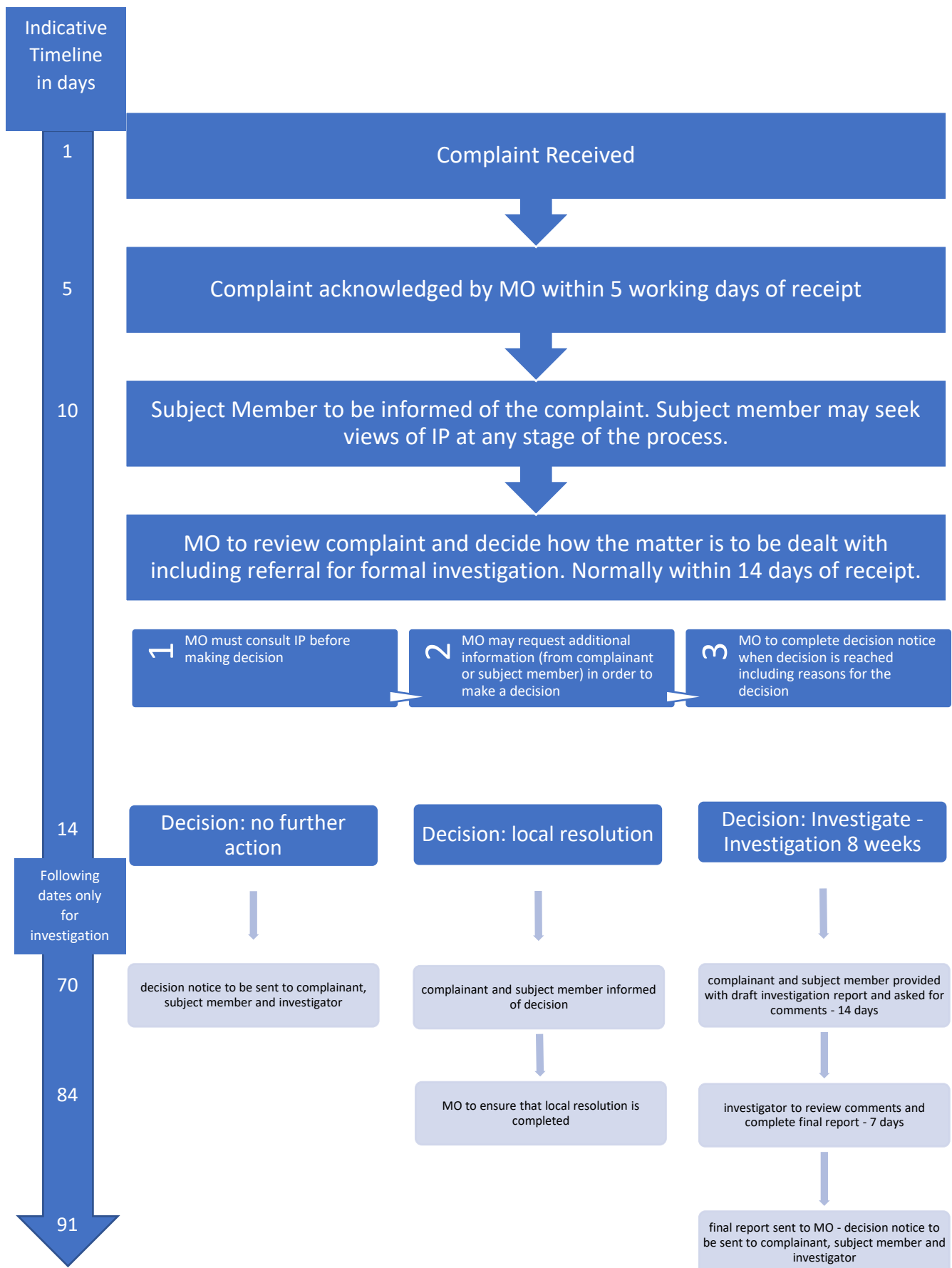
## APPENDIX 7

### Comments Assessment Matrix For Dealing with Standards Allegations Under the Localism Act 2011

**Case No:**

<b>Date:</b>			
<b>Investigator:</b>			
<b>Subject member:</b>			<b>Complainant:</b>
<b>Comments Made by:</b>			
<b>Date Received:</b>			

Comment Received	Response	Amendment Necessary?

*This flowchart should be read in conjunction with the Council's Arrangements for dealing with member standards complaints. The timeline provided here is subject to change depending on the circumstances of the particular complaint.*

# **SOCIAL MEDIA AND ELECTRONIC COMMUNICATIONS POLICY FOR ELECTED MEMBERS**

## **1. Introduction**

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Social media and other electronic communications such as e-mail, WhatsApp, Facebook, Twitter, LinkedIn, YouTube, blogs, enable members to readily engage with citizens, partners and stakeholders. It enables people to get involved in local decision making, encourages better engagement and feedback, and helps the authority to improve the services it provides.

For the purposes of this policy, the term 'social media' covers sites and applications including but not restricted to Facebook, Twitter, LinkedIn, Flickr, YouTube, Zoom, WhatsApp, tiktok, blogs, discussion forums, wikis and any similar sites which may emerge after the creation of this policy.

Electronic communications includes the use of e-mail, private messaging on sites (in a councillor capacity) and forums such as WhatsApp.

This policy should be read in conjunction with the social media guidance for elected members, which is attached at appendix 1.

## **2. Aims of this policy**

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The Council acknowledges social media as a useful tool and supports members in the use of social media channels to communicate with the public, partners and stakeholders.

This policy is aimed at ensuring social media is used effectively and to ensure its use does not expose elected members or the Council to security risks, legal or reputational damage or breach of the GDPR (data protection Act 2018).



There are often risks associated with the use of social media, some have been identified below:

- Disclosure of confidential information
- Damage to the reputation of the Council
- Social engineering attacks (often conducted by individuals fraudulently claiming to be a business or client)
- Disclosing commercially sensitive information
- Civil or Criminal action relating to breaches of legislation
- Breach of safeguarding for vulnerable adults or children)
- Unwanted conduct from individuals misusing social media (often referred to as trolls)
- Virus or other malware (malicious software) infection from infected sites

In light of the risks, this policy aims to regulate the use of social media and provide guidance to members on how to successfully engage with social media.

### **3. Members' responsibilities**

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In their use of social media, members should ensure:

- They do not breach the Code of Conduct for Members.
- Council information remains secure and is not compromised through the use of social media.
- The Council's reputation is not damaged or adversely affected or left open to action under criminal (for example, harassment) or civil law (for example, libel).
- That they are aware of safeguarding issues and report any concerns immediately.
- That members fully understand the risk associated with using social media
- That social media is used in line with this policy

When using social media members should note that in the event of a complaint, the first consideration will be whether the member has been acting in his or her official capacity. Social media should not contain content that holds the member out to be acting in his/her official capacity or give that impression unless this is intended, or the site is specifically meant to be used in an official capacity. Depending on the circumstances such communication might be regarded as conducting the business of the office of a member. Examples may include:

- Communication with individual constituents regarding council matters
- Communications with constituents at large about local issues in your ward or matters of local political interest.
- Making reference to the Council in tweets, blogs, Facebook etc with your council accounts or private accounts where the audience believe you are doing so as a councillor identifying issues discussed by the Council or matters which are within your knowledge due to your position as a councillor.
- Referring to identifiable persons in the Council.
- The link between the Councillor's office and the conduct should have a degree of formality

The above list is not exhaustive and care should be taken in this area.

#### **4. Advice for members using social media**

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Members should be aware that they are personally responsible for any content they publish on any form of social media.

The Council reserves the right to request the removal of any content that is deemed to be in breach of this policy.

Social media sites are in the public domain and comments/content remains available on the internet as a permanent record unless specifically removed. It is important to ensure that members are confident of the nature of the information they publish. Once published, content is almost impossible to control, it can be shared on other sites, and may be manipulated without their consent, used in different contexts, or further distributed.

## **Members SHOULD:**

- When sharing information with constituents such as through a local Facebook or WhatsApp group ensure that only factual information is shared on the group
- Set up admin rights on local groups and only allow the posting of comments once the admin have reviewed them to ensure that inappropriate/offensive or confidential information is not inadvertently shared on local groups which you manage.
- Make use of privacy settings for personal accounts - particularly if they do not want their social media to be accessed by the press or public. Read the terms of service of any social media site accessed and make sure they understand their confidentiality/privacy settings. Facebook, for example, has a Data Use Policy that includes privacy settings on how information is shared and used.
- State, if appropriate, that their views are their own personal views and may not represent the views of the Council.
- Keep safeguarding in mind. Social media sites are often misused by offenders. Safeguarding is everyone's business – if members have any concerns about other site users, members have a responsibility to report these immediately to the Monitoring Officer, the LADO and or the Police depending upon the circumstances of the matter.
- Observe copyright laws. Using images or text from a copyrighted source (e.g. extracts from publications or photos) without permission is likely to breach copyright. Avoid publishing anything members are unsure about or seek permission from the copyright holder in advance.
- If you load any images of yourself or council pictures on local sites agree these with the press office and have a rider on the site which states "These images are owned by the council (you as an individual) and the council ("I") do not agree to the publication/ sharing/ retweeting of these images without our consent".

- Report any threats, abuse or harassment via their use of social media to their political group leader, the Monitoring Officer, Members' Services and/or the police. Any incidents should be recorded on an incident log sheet and if harassment is alleged they should be reported on the complaint form at appendix 2.

**(hyperlinks to both forms – need logging on the system)**

- If any information is shared with third parties that should not have been shared this may be considered as a data breach and should be reported to the Council's DPO.
- [https://intranet.sandwell.gov.uk/downloads/file/11680/data\\_breach\\_form](https://intranet.sandwell.gov.uk/downloads/file/11680/data_breach_form)

### **Members should NOT:**

- Disclose others' personal details such as home addresses and telephone numbers – even inadvertently. Members should ensure that they handle any personal or sensitive information in line with the Council's Data Protection Policy.
- Publish or report or share with third parties meetings or information which are private or internal council business (where no members of the public are present or where the information is of a confidential nature) or contain confidential information or matters which are exempt.
- Use the Council's logo on a personal social media account.
- Send or post inappropriate, abusive, bullying, racist or defamatory messages to members of the public, other councillors, any partnering organisations or officers either in or outside the work environment.

## **5. Principles when using social media**

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Members should follow the following five guiding principles for any social media activities:

- **Be respectful** – set the tone for online conversations by being polite, open and respectful. Use familiar language, be cordial, honest and professional at all times. Make sure that you respect people's confidentiality – do not disclose non-public information or the personal information of others.
- **Be credible and consistent** – be accurate, fair, thorough and transparent. Encourage constructive criticism and deliberation. Make sure that what you say online is consistent with your other communications.
- **Be honest about who you are** – it is important that any accounts or profiles that you set up are clearly and easily identifiable. Be clear about your own personal role, in particular a clear distinction should be drawn between use of an account in your personal capacity and use in your capacity as a councillor. Note that merely stating you are acting in your private capacity may not be sufficient.
- **Be responsive** – make an effort to share what you know. Offer insights where appropriate and put people in touch with someone who can help if you cannot. Respond to questions and comments in a timely manner.
- **Think twice** – think carefully about all your social media posts. Once published it will be too late to change your mind. Following these rules and seek further guidance if you need it.

## **6. Further information**

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If members have any queries about this policy, please contact the Monitoring Officer or, in their absence, the Deputy Monitoring Officer. Incidents should be recorded on an incident log sheet and when formalising a complaint collated into the complaint form at Appendix 2. Upon receipt of a complaint the Monitoring Officer will consider the complaint, provide advice and guidance and update the Member of the potential options available including an investigation where appropriate.

Hyperlink to forms once loaded  
[http//](http://)

## **Social Media and Electric Communications Guidance for Councillors**

### **1. Introduction**

- 1.1 The Council welcomes and wishes to encourage Councillors' use of new technology, including social media. It is not a requirement for Councillors to have a Facebook or Twitter account or use other forms of social media. If Councillors are already using or planning to use social media in connection with their work as a councillor, they should ensure that they are familiar with the guidance set out below and that their use of social media does not use Council resources for party political purposes or put the organisation's information and security systems at risk.
- 1.2 Most people are familiar with doing things online and residents will increasingly expect the Council to provide its services online, with the same level of interactivity that they find everywhere else. However, there are challenges that may discourage Councillors and the Council from using social media. For example, inappropriate use (which may occur inadvertently) can cause significant damage to a Councillor's (or the Council's) reputation and can lead to legal claims. In addition, technology is changing fast. This can mean that it is hard to keep up and maintain useful interaction with residents.
- 1.3 There are also some pitfalls to be aware of, and this Guidance is produced to help Councillors avoid these. This Guidance does not tell Councillors what social media is, or which blogs or networks might be used effectively. It assumes that Councillors are aware of those. It deals with the pitfalls that specifically apply to the role of local Councillors.

## 2. Legal Considerations

- 2.1 Three of the important Nolan Principles applying to those in public life are “Openness”, “Accountability” and “Leadership”. That means Councillors should be as open as possible about the actions and decisions they take, submit to an appropriate level of public scrutiny, and lead by example. Social media can be a vital tool for public debate and its use by Councillors is encouraged.
- 2.2 In the same way as anyone else publishing material, Councillors will need to be aware of the laws that apply to published material. Some of the main ones are these:
- a. **Defamation:** if you publish an untrue statement about a person that is damaging to their reputation you may be liable to pay damages;
  - b. **Copyright:** publishing information that is not yours, without permission, may also result in an award of damages against you;
  - c. **Harassment:** it is an offence to repeatedly pursue a campaign against a person that is likely to cause alarm, harassment or distress;
  - d. **Data protection:** do not publish personal data of other people, including photographs, without their express permission to do so;
  - e. **Incitement:** it is an offence to incite any criminal act;
  - f. **Discrimination and ‘protected characteristics’:** it is an offence to discriminate against anyone based on protected characteristics (as defined in the Equality Act 2010);
  - g. **Malicious and obscene communications:** it is an offence to send malicious or obscene communications



- 2.3 Likewise, inappropriate and offensive material should not be published. This includes revealing confidential or commercially sensitive information belonging to the Council, personal or confidential information about an individual, publishing something that could reasonably be considered insulting or threatening and something that promotes illegal activity or is intended to deceive.
- 2.4 Additional considerations apply to Councillors.

#### Bias and pre-determination

- Members sitting on regulatory committees such as planning or licensing should be aware that they are allowed to have a view but must not have gone so far as to have predetermined their position on a matter. Any views aired on social media could be used as evidence of making a decision in advance of hearing all relevant information. The Council's decision is then open to challenge and could be invalidated, and the 'disrepute' provisions of the Code of Conduct for Members could be engaged.

#### Equality and discrimination

- The Council is a public authority required to comply with the Equalities Act 2010. As noted above it is an offence to discriminate against anyone based on their protected characteristics. The Council must also have 'due regard' to the Public Sector Equality Duty (which consists of eliminating unlawful discrimination, advancing equality of opportunity and fostering good relations) and that applies to Councillors when appearing to act in their official capacity.

#### Electioneering

- Council resources, including any the use of social media on Council mobile devices or IT equipment, should not be used for political/campaign purposes. Particular care should also be taken when using social media during the pre- election period. The Electoral Commission has further guidance including on the requirements to provide a return of expenditure on election advertising which includes web advertising.

## Human Rights

- Article 8 of the European Convention provides that public authorities should not interfere with the right of individuals to a private and family life without lawful authority to do so, and where it is necessary, proportionate, and in pursuit of one of the aims set out in Article 8(2). (These are national security, public safety, economic well-being, health or morals, prevention of crime or disorder, or protecting others' rights).

## Code of Conduct

- Councillors may use social media in both an official and personal capacity but they must be aware that the public may perceive them as acting in either capacity when that is not their intention. Any social media account which could be potentially linked to a councillor would need to meet the standards of the code of conduct.

### **3. Responsibilities of Councillors**

- 3.1 Councillors will need to monitor and, where appropriate, censor or remove the contributions made by others to their sites. Allowing defamatory or offensive statements to remain on a site can become the Councillor's own legal problem as the 'publisher' of the material and could also give rise to Code issues where allowing comments to remain could be seen as condoning or endorsing them.
- 3.2 Similarly, 'liking', 'sharing' or 're-tweeting' posts could be seen as an endorsement of them and legally this can be a separate instance of publication, by the Councillor, to which all the legal and Code considerations would apply.
- 3.3 Beyond that it is generally best to allow disagreement rather than to seek to censor it. However, there is no need to respond to everything and unhelpful online arguments should be avoided. Be professional, respectful and polite, even (or especially) when corresponding with those who do not return the courtesy.
- 3.4 Careful use of language is required. Sarcasm, irony and ambiguous comments should be avoided.

- 3.5 Promptly admit to mistakes.
- 3.6 Avoid using social media when you are tired, angry, upset or your judgment may be impaired as something permanently published can't be easily taken back
- 3.7 Think carefully about who to 'follow' or 'befriend' online. Online 'friendships' with council officers should be avoided as they may compromise the appearance of impartial advice. It is inadvisable to 'follow' anyone without a good reason – some constituents may find it uncomfortable (and see the Human Rights comments above). Many Councillors wait to be 'followed' before returning the compliment.
- 3.8 Always ensure the security of your devices to prevent unauthorised access by third parties who may make inappropriate use of the device.

#### 4. Principles for using Social Media

You should follow these five guiding principles for any social media activities:

- **Be respectful** – set the tone for online conversations by being polite, open and respectful. Use familiar language, be cordial, honest and professional at all times. Make sure that you respect people's confidentiality – do not disclose non-public information or the personal information of others.
- **Be credible and consistent** – be accurate, fair, thorough and transparent. Encourage constructive criticism and deliberation. Make sure that what you say online is consistent with your other communications.
- **Be honest about who you are** – it is important that any accounts or profiles that you set up are clearly and easily identifiable. Be clear about your own personal role, in particular a clear distinction should be drawn between use of an account in your personal capacity and use in your capacity as a councillor. Note that merely stating you are acting in your private capacity may not be sufficient.

- **Be responsive** – make an effort to share what you know. Offer insights where appropriate and put people in touch with someone who can help if you cannot. Respond to questions and comments in a timely manner.
- **Think twice** – think carefully about all your social media posts. Once published it will be too late to change your mind. Following these rules and seek further guidance if you need it.

## **5. Use of Social Media during Committee Meetings**

- 5.1 Use mobile devices sparingly, discreetly and with common sense at meetings, considering the impression they are giving to others. Councillors should be mindful that regulatory committees such as planning or licensing require the Councillor to alert officers to any lobbying material they have received. This would be difficult if it arrives on Twitter and is read by the Councillor during the course of a meeting.
- 5.2 Mobile devices enable councillors to manage their busy lives when time is at a premium. There may be occasions when texting or e-mailing between Councillors during meetings on matters relevant to the debate at hand may be valuable (on the same basis as circulating paper notes) However it is important for Councillors not to give the impression that insufficient attention is being given to the discussion at the meeting. That could lead to the relevant decision coming under challenge if Councillors are perceived to have made a decision without having properly listened to the debate. It could also result in Code complaints of a failure to treat others with respect or of bringing the Council into disrepute.

## **6. Inappropriate use of Social Media by Others**

- 6.1 Anyone receiving threats, abuse or harassment via their use of social media should report it to the police and the Monitoring Officer. Member are asked to complete an incident log sheet for each incident and then to collate all of these into the complaint form at appendix 2.

- 6.2 Other inappropriate content can be reported to the social media site directly to ask for it to be removed. You may wish to save a screenshot in the circumstances.

## **7. Further Reading Materials**

- 7.1 Connected Councillors – A guide to using social media to support local leadership. Local Government Association.  
[https://hedonblog.files.wordpress.com/2010/04/connected\\_councillors.pdf](https://hedonblog.files.wordpress.com/2010/04/connected_councillors.pdf)
- 7.2 The Local Government Association's webpage on social media  
<https://www.local.gov.uk/our-support/guidance-and-resources/comms-hub-communications-support/digital-communications/social-1>

## **8. Complaints**

- 8.1 These guidelines do not form part of the Code of Conduct for Members but there may be instances where councillors' use of social media amounts to a breach of the Member's Code of Conduct and the Monitoring Officer may take these guidelines into account when considering whether such a breach has taken place.

## **9. Contact details**

For further information please contact:

Surjit Tour, Monitoring Officer on 0121 569 3172  
Email: [Surjit\\_Tour@Sandwell.gov.uk](mailto:Surjit_Tour@Sandwell.gov.uk)

Maria Price, Deputy Monitoring Officer and DPO on 0121 569 3175.  
Email: [Maria\\_Price@Sandwell.gov.uk](mailto:Maria_Price@Sandwell.gov.uk)

Linda Walker, Deputy Monitoring Officer  
Email: [Linda\\_Walker@Sandwell.gov.uk](mailto:Linda_Walker@Sandwell.gov.uk)

# Social Media Incident Report Form

**Reporting incidents of abusive/harassing behaviour**  
**You should report and incidents of harassing behaviour directly to the police.**

Unfortunately, there are rare circumstances where individuals abuse social media. We recognise that this can have an unpleasant and profound effect on you and your emotional wellbeing. The Council can support and assist you and in certain circumstances can take action on your behalf to manage such behaviours. In order to assist you we require you to provide some information.

Please refer to the Social media and policy guidance for members. This form should not be used to report incidents/allegations of breach of the social media policy by other elected members. In such circumstances the members code of conduct/arrangements should be referred to.

## Your details

1. Please provide us with your name and contact details.

<b>Title:</b>	
<b>First name:</b>	
<b>Last name:</b>	
<b>Address:</b>	
<b>Contact telephone:</b>	
<b>Email address:</b>	
<b>Signature:</b>	
<b>Date of complaint:</b>	

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

The following people will see this Form:

- The Monitoring Officer of the authority and appropriate officers supporting the Monitoring Officer.

**2.** Please provide us with the name of the Individuals(s) you believe have harassed/abused you on social media:

Title	First name	Last name

**3.** Please explain in this section (or on separate sheets) exactly what has occurred, when it occurred, why you feel it is harassing and or abusive and what action you have taken to ask the individual(s) to stop the behaviour. In order to progress this matter you will need to provide screen shots of all of the messages/tweets/ re-tweets and or blogs. You should also supply dates, documentary evidence and details of any witnesses that you believe would substantiate the allegations.

Please include the following,

- If you asked for the conduct to stop and when
- Details of any reports you have made to the Police about this allegation and when
- All correspondence that you have had with this individual (s)
- Details of if you reported to the incident to a host site, when and what action was taken such as taking posts down.
- You should be specific, wherever possible, about exactly what you are alleging and what it was they said or did to insult you.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- Details of any incidents that have occurred of a harassing/abusive nature in addition to those on social media
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.

- You should provide any relevant background information or other relevant documentary evidence to support your allegation(s).
- If your allegation(s) relate to behaviour or conduct that occurred some time ago clearly explain why your complaint was not made earlier.

**Please provide us with the details of your complaint.**

Please provide the relevant screen captures at the back of this form



**Only complete this next section if you are requesting that your identity is kept confidential**

4. Please indicate the remedy or remedies you are looking for or hoping to achieve. i.e. taking offensive posts down, apology, other action

5. Please indicate whether you have raised your complaint directly with the individual(s) concerned and if so what response you received.

(Continue on separate sheet(s), as necessary)

### **Additional Information**

6. Your concerns need to be submitted in writing along with supporting evidence in order of the Monitoring Office to properly consider the options available to you and the council. Please use this Form to submit your complaint.
7. In line with the requirements of the Disability Discrimination Act 2000, we can make reasonable adjustments to assist you if you have a disability that prevents you raising your concerns. We can also help if English is not your first language.
8. If you need any support in completing this form, please contact the Monitoring Officer as soon as possible.

**PLEASE RETURN YOUR COMPLETED FORM TO:**

**Surjit Tour**

Director of Law and Governance  
& Monitoring Officer

Sandwell Metropolitan Borough Council  
Law and Governance  
Sandwell Council House  
PO Box 2374  
Oldbury  
West Midlands  
B69 3DE

T: 0121 569 3264

E: [surjit\\_tour@sandwell.gov.uk](mailto:surjit_tour@sandwell.gov.uk)

W: [www.sandwell.gov.uk](http://www.sandwell.gov.uk)

# **PROTOCOL FOR MEMBERS ON GIFTS AND HOSPITALITY**

## **1. Introduction**

This Protocol applies to members of the Authority and co-opted members (voting and non-voting).

## **2. General Caution**

Treat with extreme caution any offer or gift, favour or hospitality that is made to you personally.

Your personal reputation and that of the Authority can be seriously jeopardised by the inappropriate acceptance by you of a gift or hospitality.

The acceptance of gifts and hospitality is not always unlawful or inappropriate. The decision for you in every case is whether or not it is appropriate to accept any gift or hospitality that might be offered to you, having regard to how it might be perceived.

No hard and fast rules can be laid down to cover every circumstance as to what is appropriate or inappropriate. This guidance is intended to enable you to make your own decision.

## **3. Criminal Law**

It is a criminal offence corruptly to solicit or receive any gift, reward or advantage as an inducement to do or forbear to do anything in respect of any transaction involving the Authority.

The onus would be on you to disprove corruption in relation to a gift from a person holding or seeking to obtain a contract from the Authority.

## **4. Limits of Guidance**

This guidance does not apply to:

- Gifts and hospitality you may receive from family and friends (as birthday or other festival presents) that are not related to your position as a member. You should however question any such gift or hospitality offered from an unusual source.
- The acceptance of facilities or hospitality provided to you by the Authority.
- Gifts given to the Authority that you accept formally on the Authority's behalf and are retained by the Authority and not by you personally.

## **5. Meaning of Gifts and Hospitality**

The expressions 'gifts' and 'hospitality' have wide meanings and no conclusive definition is possible. Gifts and hospitality include:

- The free gift of any goods or services.
- The opportunity to acquire any goods or services at a discount or at terms not available to the general public.
- The opportunity to obtain goods or services not available to the general public.
- The offer of food, drink, accommodation or entertainment or the opportunity to attend any cultural or sporting event (including tickets to events).

Common gifts include pens, diaries, calendars and other business stationery, articles of clothing, books, chocolates, flowers and bouquets. Members should however be cautious when purchasing anything, when additional services, privileges or advantages are offered, which might be related to their position as a member.

## **6. Appropriate Gifts and Hospitality**

There are some circumstances where you may accept gifts and hospitality as being in the normal course of your duties as a member.

- Civic hospitality provided by another public authority.
- Normal and modest refreshment in connection with any meeting in the course of your work as a member (e.g. tea, coffee and other normal beverages and refreshments).
- Tickets for sporting, cultural and entertainment events which are sponsored or promoted by the Authority or bodies to which you have been appointed by the Authority, and the tickets are offered in relation to that sponsorship or promotion.
- Small gifts of token value, ie estimated to be below £50:
  - (a) given by way of trade advertisement to a wide range of people, eg pens, calendars, diaries and key-rings; or
  - (b) given on the occasion of a courtesy visit, eg to a factory or other business premises; or
  - (c) received from a recipient of a Council service, where it would give offence to reject it.
- Drinks or other modest refreshment in the normal course of socialising arising consequentially from Authority business (e.g. inclusion in a round of drinks after a meeting).
- Modest meals provided as a matter of courtesy in the office or meeting place of a person with whom the Authority has a business connection.
- Souvenirs and gifts from other public bodies intended as personal gifts (e.g. arising from twin-town and other civic events).

- Invitations to attend functions where you represent the Council (eg dinners where you are invited to speak, opening ceremonies and trade shows) or to functions when you attend by virtue of your position on the Council.
- Hospitality provided at public events, where a formal invitation has been received at Council offices and the attendance is in a civic capacity.

## **7. Inappropriate Gifts and Hospitality**

- Free or subsidised holidays or travel.
- Personal invitations to the theatre, cabaret, light entertainment or sporting events.
- Personal invitations to socialise with representatives from a company or organisation that has business or other dealings with the Council.
- Offers of any free or subsidised accommodation (ie hotel, flat, villa or holiday home).
- Any offer whatsoever of free services.
- Any other hospitality offered by a company or organisation that has business or other dealings with the Council, which is not linked to its normal course of business with the Council (ie not part of business meetings or offered to officers representing the Council at events).

In exceptional circumstances, it may be permissible to accept travel, accommodation and hospitality from a company or organisation, which has or may have business with the Council, when the assessment and evaluation of bids or tenders necessitates visiting reference sites, provided that this facility is also offered/applied to other tenderers. In such a situation, you must be accompanied by an officer of the Council, whose attendance has been approved by his Director/Service Manager or in appropriate cases the Chief Executive.

## **8. Principles to Apply in Relation to Gifts and Hospitality**

In deciding whether it is appropriate to accept any gift or hospitality you must apply the following principles:

- Do not accept a gift or hospitality as an inducement or reward for anything you do as a member. If you have any suspicion that the motive behind the gift or hospitality is an inducement or reward you must decline it. “Reward” includes remuneration, reimbursement and fee.
- Do not accept a gift or hospitality whose value is excessive in the circumstances.
- Do not accept a gift or hospitality if acceptance might be open to misinterpretation. Such circumstances will include gifts and hospitality:
  - a) From parties involved with the Authority in a competitive tendering or other procurement process except in the limited circumstances referred to in paragraph 7 above.
  - b) From applicants for planning permission and other applications for licences, consents and approvals.
  - c) From applicants for grants, including voluntary bodies and other organisations applying for public funding.
  - d) From applicants for benefits, claims and dispensations.
  - e) From parties in legal proceedings with the Authority.
- Do not accept a gift or hospitality if you believe it will put you under any obligation to the provider as a consequence.
- Do not solicit any gift or hospitality and avoid giving any perception of so doing.

## **9. Gifts Received and Donated to the Mayor's Charities or Appeals**

Some members receiving gifts of value may prefer not to retain these personally but to pass them to the Mayor's Office for use in relation to the Mayor's Charities or Appeals.

Members should indicate this intention to the provider and make this clear on the register of interests.

## **10. Registration of Gifts and Hospitality**

The Code of Conduct for Members and Co-opted Members states that 'You have a personal interest in any business of your authority where it relates to or is likely to affect the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50.00.'

This interest (gifts or hospitality worth £50.00 or over that you receive in connection with your official duties as a member and its source) must be registered in the register of members' interests within 28 days of receiving it. You should register the interest as soon as possible after acceptance of the gift or hospitality. The registration should include the source and nature of the gift or hospitality.

You should also register any such gift or hospitality, which you decide to refuse or decline.

You do not need to register gifts and hospitality which are not related to your role as a member, such as Christmas gifts from your friends and family, or gifts which you do not accept. However, you should always register a gift or hospitality if it could be perceived as something given to you because of your position or if your authority requires you to.

You should ask yourself, would I have been given this if I was not on the Council? If you are in doubt as to the motive behind a gift or hospitality it is recommended that you register it or at least seek advice from the Monitoring Officer.



If you have not registered your gift or hospitality in accordance with the requirements set out in your Code of Conduct then you must declare or disclose the existence and nature of the interest arising from a gift or hospitality at a meeting of the authority at which business is considered to which the interest relates. (i.e. business relating to the interests of the person or body giving the gift or hospitality).

Whilst the registration requirement in the Code is limited to gifts or hospitality over the value of £50.00, members are encouraged to register any significant gift or hospitality they receive below this value. There is no obligation to make a declaration or disclosure in relation to gifts and hospitality on the register which are below £50.00 in value.

The general rule is, if in doubt as to the value of a gift or hospitality, you should register it, as a matter of good practice and in accordance with the principles of openness and accountability in public life.

You may have to estimate how much a gift or hospitality is worth. Also, an accumulation of small gifts you receive from the same source over a short period that add up to £50.00 or over should be registered.

## **11. Reporting of Inappropriate Gifts and Hospitality offered**

It is a criminal offence for a person corruptly to give or offer any gift, reward or advantage as an inducement or reward to you for doing or forbearing to do anything as a member of the Authority.

You must immediately report to the Monitoring Officer any circumstances where an inappropriate gift or hospitality has been offered to you.

You may thereafter be required to assist the Police in providing evidence.

## **12. Gifts to Mayor and Deputy Mayor**

As part of their civic duties the Mayor and/or Deputy Mayor will receive a number of gifts and offers of hospitality.

The provisions of this protocol applicable to all members of the Authority apply equally to the Mayor and Deputy Mayor, insofar as they are not inconsistent with the following provisions.

As a general principle all gifts made to the Mayor and/or Deputy Mayor during the exercise of their civic duties belong to the Council and must be passed to the Mayor's Secretary as soon as possible. However, small token gifts, e.g. estimated to be below £50.00, received by the Mayor/Deputy Mayor in their civic capacity which are personalised, e.g. a cup with their names on it, flowers, etc may be retained by the Mayor/Deputy Mayor.

The Mayor's Secretary keeps a Declaration of Gifts log book. It is the responsibility of the Mayor/ Deputy Mayor to ensure that gifts received are declared to the Mayor's Secretary and recorded in the log book.

Offers of hospitality to the Mayor/ Deputy Mayor in their civic capacity will normally be made through the Mayor's office. In those cases, details of the hospitality received will be recorded and retained by the Mayor's Secretary.

In the event of gifts or hospitality being offered to the Mayor/ Deputy Mayor other than in their civic capacity, ie as members of the Council or as private individuals, the Mayor/ Deputy Mayor must deal with such offers in the same way as any other member of the Council.

### **13. Enforcement**

Allegations of any failure to meet the Protocol must be made in writing to the Monitoring Officer. The Monitoring Officer has responsibility for overseeing compliance with this Protocol.

## **SANDWELL METROPOLITAN BOROUGH COUNCIL**

### **REGISTRATION OF GIFTS AND HOSPITALITY**

Please read the rules and guidance on Gifts and Hospitality before completing this form. The form should be returned to Sandwell Council House, Oldbury, Sandwell, West Midlands, B69 3DE.

Nature of gift/hospitality.

Estimated value of the gift/hospitality.

Name of individual or organisation arranging/ providing gift/hospitality.

Relationship with the individual/organisation.

Is the individual/ organisation dealing with you or the Council in relation to any legal, statutory or enforcement matters, such as planning applications? If so, please give details.

Is the individual/ organisation seeking grants/benefits/ dispensations from the Council? If so, please give details,

Is the individual/organisation providing goods/services to the Council or hoping to do so in future? If so, please give details.

Was the gift/hospitality accepted or refused?

When was the gift/hospitality received/refused?

Name of Member

Signature of Member

Date

### **Protocol for Meetings between Senior Officers and Chief Whips**

#### **Introduction**

The Committee on Standards in Public Life, in addition to publishing its report on local authority ethical standards, published a list of Best Practice Recommendations. Best Practice Recommendation 15 states that senior officers should meet regularly with political group leaders and group whips to discuss standards issues. One of the outcomes of the Member Engagement Sessions was that a Protocol for these meetings should be drafted.

The purpose of this Protocol is to guide Officers and Members of the Council when meeting to discuss Standards Issues. The Council has adopted a Protocol for Member/Employee Relations and it is expected that the respective parties conduct themselves in accordance with this Protocol when attending these meetings, as well as adhering to their own Codes of Conduct.

#### **Meetings**

##### **Attendees**

Chair: Monitoring Officer

Chief Whip(s)

Leader(s) of Political Groups

Chair of the Ethical Standards and Member Development Committee

Deputy Monitoring Officer(s)

Chief Executive of the Council

Section 151 Officer

##### **Frequency**

Meetings will take place on a quarterly basis, or more frequently if required by the Monitoring Officer and/or the Chief Whip(s), Leader(s) of Political Groups.

##### **Agenda**

An agenda will be agreed between the Monitoring Officer and the Chair of the Ethical Standards Committee. The agenda will be circulated three working days before the meeting, together with any relevant documentation. Meetings will be confidential.

### **Terms of Reference**

The purpose of the meetings is to discuss common issues that have arisen as a result of standards matters and strategies to deal with these. This will assist the political parties in the resolution of matters and locally and deal with common issues that affect members generally. **These meetings will not discuss individual matters or the statutory functions of the Monitoring Officer and the way that he manages the arrangements.** Area for discussion may include:

- Common or reoccurring Code of Conduct complaint themes
- Identifying trends
- Discussions about particular difficulties encountered with progressing complaints
- Statistical data
- Exploring outcomes available for complaints
- Promoting the Duty to Promote and Maintain High Standards

### **Confidentiality**

All discussions at these meetings will remain confidential and the parties agree that they will not be shared with any third parties.

# Sample Template

## Date

<b>Subject:</b>	Complaints and Allegations Update
<b>Director:</b>	Director of Law and Governance and Monitoring Officer – Surjit Tour
<b>Contact Officer:</b>	Surjit Tour Surjit_Tour@sandwell.gov.uk







## 1 Recommendations

- 1.1 That the update position on complaints received under the Councillor code of conduct be received.

## 2 Reasons for Recommendations

- 2.1 The report provides an update on the activity of the Council's Monitoring Officer in relation to complaints received under the Councillor Code of Conduct arrangements.

### 3 How does this deliver objectives of the Corporate Plan?

		The Council's ethical governance framework and arrangements support the Council toward achieving its strategic objectives and ambition.
		
		

### 4 Context and Key Issues

- 4.1 The Committee has oversight of the Council's ethical governance framework and arrangements for dealing with complaints received under the Code of Conduct in relation to elected Members.
- 4.2 The table at Appendix A provides an update position on complaints received under the code of conduct. Items 1-X detail activity that has been progressed since previously reported to the last meeting of the committee on XXX date. Items Y-Z are complaints that have been received since the last meeting of the committee.

### 5 Alternative Options

- 5.1 None – the report is provided for information.

## 6 Implications

<b>Resources:</b>	The Council is required to ensure that sufficient resources are provided to the Monitoring Officer in order that they are able to exercise their statutory functions.
<b>Legal and Governance:</b>	The Local Government Act 2000 and Localism Act 2011 make provision for the arrangements for dealing with standards related matters.
<b>Risk:</b>	The Council must have in place, arrangements for dealing with matters relating to the conduct of elected members. These are regularly reviewed in line with the best practice recommendations of the Committee for Standards in Public Life
<b>Equality:</b>	There are no direct equality implications arising from this report.
<b>Health and Wellbeing:</b>	There are no direct health and wellbeing implications arising from this report.
<b>Social Value</b>	There are no direct social value implications arising from this report.

## 7. Appendices

None.

## 8. Background Papers

None.



Appendix A

Case Ref	Complainant	Code Provisions/ Ground for complaint	Date received and progress to date	Outcome	Learning identified	RAG rating Red: Amber: Green:
MC/1	Resident  Councillor  Council  Officer	(insert relevant section of the code)	Date received  [Progress detail]  Anticipated key dates	Ongoing  Informal resolution  Matter referred for investigation  No further action	Wider Training  Raise with Group Leader/Chief Whip	
MC/2						
MC/3						

# Report to the Ethical Standards and Member Development Committee

**12 March 2021**

<b>Subject:</b>	Annual Report of the Ethical Standards and Member Development Committee
<b>Director:</b>	Director of Law and Governance and Monitoring Officer - Surjit Tour
<b>Contact Officer:</b>	Surjit Tour Director of Law and Governance and Monitoring Officer <a href="mailto:surjit_tour@sandwell.gov.uk">surjit_tour@sandwell.gov.uk</a>







## **1 Recommendations**

- 1.1 That the Ethical Standards and Member Development Committee considers the draft Annual Report of the Ethical Standards and Member Development Committee, covering the two year period 2019 to 2021. The draft Annual Report is attached at Appendix 1.

## **2 Reasons for Recommendations**

- 2.1 Members will have the opportunity to review the draft Annual Report and ask questions/discuss the information presented before it is referred to Full Council for consideration on the 23 March 2021.

### 3 How does this deliver objectives of the Corporate Plan?

		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
		
		

### 4 Context and Key Issues

- 4.1 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 23 March 2021.

### 5 Alternative Options

- 5.1 The purpose of the report is for the Ethical Standards and Member Development Committee to consider the draft Annual Report for the Ethical Standards and Member Development Committee 2019-2021. As such, there are no alternative options.

### 6 Implications

<b>Resources:</b>	There are no resource implications arising from this report.
<b>Legal and Governance:</b>	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.
<b>Risk:</b>	There are no direct risk implications arising from this report.
<b>Equality:</b>	There are no direct equality implications arising from this report.
<b>Health and Wellbeing:</b>	There are no direct implications for health and wellbeing from this report.
<b>Social Value</b>	This report contains no social value implications.

## 7. Appendices

Appendix 1 - Draft Annual Report of the Ethical Standards and Member Development Committee 2019-2021.

## 8. Background Papers

No background papers.



Sandwell

Metropolitan Borough Council

# **Annual Report of the Ethical Standards and Member Development Committee 2019-20 & 2020-21**

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

I am pleased to present the combined Annual Report of the Ethical Standards and Member Development Committee for the periods 2019-2020 and 2020-21.

During 2019-20, the Committee continued to review the approach to member development and the revised Member Development Programme assisting 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 also undertook 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. This programme will continue to evolve over the coming year and will incorporate an exciting new 'My Councillor' portal, requested by members to assist with casework management, general enquiries and signposting to the latest information at Ward level.

Unfortunately, in April 2020, the Chair of the Committee, Councillor Geoff Lewis, passed away and I would like to take this opportunity to acknowledge all of the time and effort Geoff committed to his role.

This municipal year the focus has been on the review of the Member Code of Conduct and Arrangements for Dealing with Complaints under the Code. Following the consultation undertaken by the Committee on Standards in Public Life, along with the new Model Code of Conduct produced by the LGA, a series of member engagement sessions have taken place to inform the review of the Code.

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. Once the new Member Code of Conduct is adopted, training will be provided to all members.

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



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

## 1. Business

- 1.1 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.
- 1.2 During 2020/21, the Ethical Standards and Member Development Committee met on five occasions and considered the following matters:
- Review of the Member Code of Conduct and Arrangements for Dealing with Complaints under the Code;
  - LGA Member Code of Conduct Review;
  - Committee on Standards in Public Life Best Practice Recommendations;
  - Allegations Updates;
  - Appointment of Ethical Standards Sub-Committees for 2020/21;
  - Updates on the work of the Standards Working Group;
  - Annual Review – Members’ Register of Interests;
  - Annual Review - Members’ Gift and Hospitality;
  - Committee on Standards in Public Life Annual Report 2019/20;
  - Member Development Programme updates;
  - Implementation of My Councillor Member Portal;
  - National Cases.

## **2. Commentary on the Work of the Committee**

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

In January 2019, the Committee on Standards in Public Life published a series of findings and recommendations following the consultation undertaken in respect of the ethical governance framework 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 producing a new model code in September 2019 as part of a broader programme of work around civility in public life which aimed 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 influenced the direction of the Council’s review of its governance arrangements including revisions to the Council’s Code of Conduct for elected members which have been developed following publication of the revised model code.

The Ethical Standards and Member Development Committee has led on this and other developments relating to the conduct of elected members.

Following receipt of the LGA Model Code of Conduct in early December, a series of engagement sessions were held to which all elected members were invited to seek their views on:-

- the Council’s Member Code of Conduct/LGA Model Code of Conduct;
- social media;
- members’ interests;
- the Council’s Arrangements for Dealing with Complaints under the Code;
- the Duty to Promote and Maintain High Standards of Conduct.

The insight gained from the engagement exercise, and accompanying survey, was reviewed by the Standards Working Group to inform the changes required to the Code of Conduct and the Arrangements for Dealing with Complaints under the Code.



By way of consultation, the feedback and recommendations arising from the engagement exercise were presented as part of a further engagement session offered to all elected members in early February.

The recommendations of the Standards Working Group, based on feedback through consultation with all elected members, were reported to the Ethical Standards and Member Development Committee in order that the recommendations for the revised Member Code of Conduct, Arrangements for Dealing with Complaints under the Code and Social Media Policy could be considered by full Council at its meeting in March 2021. The revisions to the Member Code of Conduct, Arrangements for Dealing with Complaints under the Code and Social Media Policy, once adopted, will be accompanied by full training for all members, including scenario-based learning and be built into the ongoing Member Development Programme.

## **Member Development Programme**

- 2.1 The Elected Member Development Programme has been designed and led by members.

At its inception, a Local Government Association Peer Review team were briefed on the progress relating to the Member Development Programme. Their feedback was outstanding, describing the progress relating to the MDP as 'phenomenal', adding that the programme was an 'exemplar' in relation to the approach taken and delivery to date. Officers from the LGA have kept in regular contact since to observe progress and help on request.

Regular bulletins have been circulated to elected members containing key information on forthcoming training, as well as updates related to the upcoming 'My Councillor' portal.

Since phase one of the Member Development Programme commenced in October 2018, close to 100 sessions have been delivered. In recent months, the programme has been adapted in light of the pandemic to offer a range of on-line and virtual learning/awareness raising modules. Take up has been encouraging.

Member feedback following sessions held to date has remained very positive. Members have also given constructive comments as to how some sessions can improve.

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.

Following a design stage, the new 'My Councillor' portal has recently gone through a robust pilot involving 14 elected members and is close to a full launch scheduled to commence mid-March 2021. This personalised member portal, integrated currently with CMIS, will meet the key requirements listed above with features including an in-built casework management system which allows Councillors to log, track and escalate requests reported on behalf of constituents plus access to information, useful links and tools relevant to their ward. It will also include robust reporting and analytics to support improved performance management. This is an exciting, essential element of the Member Development Programme and addresses all aspects associated with creating a sustainable digital solution for all elected members. Extensive training and guidance will be included to meet individual and collective needs.

A newly agreed peer process for conducting Personal Development commenced during January 2020. This process has helped inform phase two of the Member Development Programme, however, the impact of the pandemic has affected some aspects albeit that adjustments have been made to incorporate on-line and virtual learning. Induction requirements for newly elected members were identified and are being addressed ahead of the May 2021 elections.

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

The Director of Law and Governance and Monitoring Officer was requested to oversee a review relating to the personal safety of elected members in pursuance of their role.

The review formed part of the Member Development Programme and drew on 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.

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 that had been produced both regionally and nationally.

To assist the review, a short survey was circulated to elected members in January 2019 which sought to validate information relating to surgery addresses, asked for any incidents or issues that had occurred in the past six months as well as any improvements that would make elected members feel safer and more effective during their surgeries.

Discussions had also taken place with elected members who had experienced issues that were directly attributed to personal safety concerns.

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.

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. Refresher courses, to include newly elected members, plus advice and guidance notes will continue to be offered or distributed during 2021.

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.

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

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.

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 addressed matters arising from the report, along with the Best Practice Recommendations, as part of the review of the Arrangements for Dealing with Standards Allegations.

## **3 The Ethical Standards and Member Development Committee**

- 3.1 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.
- 3.2 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.
- 3.3 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.

3.4 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.

## **4. Membership**

- 4.1 Inclusion of experience from all areas of the decision-making process gives the Committee a broad base of experience from which to make well-rounded decisions on ethical matters.
- 4.2 The Council's Constitution includes role descriptions for the Chair of the Ethical Standards and Member Development 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)**

- 4.3 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 of Sandwell Council or their relative or close friend.

The Act gives discretion to appoint one or more Independent Persons, but

provides that the Independent Person must be consulted before any decision is taken on a complaint which has been investigated.

The Council currently has two Independent Persons; Mr J Tew and Mr R Phillips. A further recruitment exercise will be undertaken to seek a further Independent Person.

The remit of the 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.

Independent Persons are invited to attend all meetings of the Ethical Standards and Member Development Committee as observers.

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

- 4.4 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(s). More information about the role of the Monitoring Officer can be found in Article 12 of the Council's Constitution.

## **5. The Ethical Framework**

## **Members' Code of Conduct**

- 5.1 The Council's Code of Conduct assists members and co-opted members to meet the provisions of the Localism Act 2011 and is available on the Council's website.

All elected members are issued with a copy of the Code of Conduct and on appointment 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(s). 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.

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.

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.

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.

The Monitoring officer also maintains a register of sensitive data which is recorded on the elected members declaration but not the public record. The elected member must make a case to the Monitoring Officer to have information placed on the sensitive register.

A review of the Code of Conduct has been undertaken following the

publication of the LGA Model Code of Conduct (see paragraph 2.1 above)

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. 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 an update is provided to each meeting of the Ethical Standards and Member Development Committee, following the Committee on Standards in Public Life Recommendations.

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

- 5.2 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 have been revised, alongside the review of the Member Code of Conduct (see paragraph 2.1 above).

Details of complaints received in relation to member conduct and the progress and outcome of consideration of these complaints are reported to each Ethical Standard and Member Development Committee.

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

- 5.3 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.

The Monitoring Officer receives the draft report and determines if the report is sufficient. 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**



- 5.4 The Ethical Standards and Member Development 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(s) and a senior legal officer deliver relevant training to all members and co-opted members on behalf of the Committee.
- 5.5 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.
- 5.6 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 A comprehensive review of the Member Code of Conduct, Arrangements for Dealing with Complaints under the Code and Social Media Policy. A series of member engagement sessions were held in December and February and the recommendations for the revised Member Code of Conduct and Arrangements for Dealing with Complaints under the Code and associated member policies, have been submitted to Council for approval.
- 6.2 The Committee ensured that all members have updated their interests in accordance with the revised Code of Conduct and register of interests.
- 6.3 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.
- 6.4 The pilot of the 'My Councillor' portal has taken place and the portal will be launched this year.
- 6.5 A review relating to the personal safety of elected members in pursuance of their role has been undertaken and training provided.
- 6.6 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.

# Report to the Ethical Standards and Member Development Committee

**12 March 2021**

<b>Subject:</b>	Update on the progress, advised launch and rollout of the new MyCouncillor Member Portal
<b>Director:</b>	Director of Law and Governance and Monitoring Officer – Surjit Tour
<b>Contact Officer:</b>	Civic and Member Services Manager, Phil Challoner <a href="mailto:phil_challoner@sandwell.gov.uk">phil_challoner@sandwell.gov.uk</a>







## **1 Recommendations**

- 1.1 That the Committee agree the MyCouncillor Portal can be launched via a rollout, and to agree governance and reporting arrangements outlined in this report.

## **2 Reasons for Recommendations**

- 2.1 For the Ethical Standards and Member Development Committee to agree a first release of, and phased rollout of, the new 'My Councillor' portal. To also agree the governance and reporting arrangements that are outlined in this report.

## 2 How does this deliver objectives of the Corporate Plan?

		Elected Members who have the requisite skills, knowledge and understanding of the new My Councillor portal will subsequently have a significant impact upon their role, resulting in positive implications for Corporate Plan delivery objectives.
		
		

## 4 Context and Key Issues

- 4.1 Following a demonstration at a cabinet workshop in December 2019, Directors and Cabinet Members approved a portal platform and new way of working.

It should be noted that the design was originally based on 26 key requirements members had requested from a portal at the outset of the Member Development Programme (MDP) in early 2019.

### Key Benefits of the MyCouncillor Portal for Elected Members

- 4.2 There are a number of reasons why the new portal will demonstrably assist members if utilised fully. These include:
- It is a personalised portal for members, integrated currently with CMIS and links direct to their profile, which provides relevant information to that member e.g. a full range and comprehensive calendar of meetings and a list of personal committee membership
  - It has a fully auditable in-built casework management system that
    - Directs enquiries to the correct council officer based on their categorisation and facilitates communication with their caseworker to request and receive updates
    - Provides councillors with visibility of the progress of casework provides automated emails to prompt of key progress updates

- Automates the prompting of senior management when casework breaches Service Level Agreement timescales and allows Members to escalate casework responses that are deemed unsatisfactory for further investigation by a senior manager
- It allows councillors to report more simple, transactional casework on behalf of constituents using MySandwell services, providing both them and their constituents automated email updates on the progress and completion of reported issues
- It provides insights to councillors about their own casework to help them to understand casework trends and demands
- It allows elected members to access information and tools that are relevant to their ward and key to helping perform their roles as local representatives more effectively and efficiently. Examples include local ASB incidents, crime maps, roadworks and planning applications
- A section is accessible containing useful links to numerous Council directorates and their service areas
- It can provide detailed reporting and analytics to support improved performance management in how council services respond to casework as well as the required insights to accurately respond to external enquiries e.g. FOI requests

#### Planning, Design and the Portal Pilot

- 4.3 One of the key priorities emerging from the Personal Development Plan (PDP) analysis for Member Development Programme phase two was the focus on learning, understanding, confidence and support requirements for members to fully utilise the new 'MyCouncillor' portal when launched. A series of portal demonstrations took place with members during 2019 and prior to the pandemic which had informed the design stage ahead of a pilot. Progress was temporarily delayed as officers were redeployed to assist with the Council's response to the pandemic. In September 2020, 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.

Officers from the Council's Digital Transformation Team worked closely with Civic and Member Services to produce appropriate training guides and videos which were available for pilot members to access throughout the pilot that commenced on Monday 5 October 2020 and was concluded later than originally scheduled on Friday 27 November 2020.

The rationale for the pilot 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 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. For example, 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 2020, to 4 out of 5 stars as at 16 November 2020 which reflects the improvements in functionality accomplished during the pilot phase

Examples of changes that were developed during the pilot, in response to issues raised by users were:

- Direct link to the MyCouncillor Portal added to the desktop for those with corporate devices
- Pilot Members have the ability to change their default web browser to Google Chrome – a more modern internet browsing experience and optimise all of the available functions
- Added Missed bin collections, Grit bins and Blocked Drains to the 'Report-It' section of the portal, allowing councillors to report more simple transactional services on a constituent's behalf via MySandwell
- Added new service categories in 'Raise a new Case' so councillors can direct enquiries to Welfare Rights & Environment services (i.e. pest control)
- Identified and addressed gaps in ways to report issues relating to overgrown trees
- Changes to the ASB overview provided by councillors of issues in their wards
- Numerous bug fixes and improvements to processes, email content and process wording to improve the user experience

Examples of enhancements to the portal carried out post pilot include:

- Improved casework insights in new dedicated area of the portal
- Improved functionality to help services manage the impact of annual leave on councillor responses
- Improvements to email contact and prompts for both officers and councillors
- Improvements to monitoring and management of safeguarding issues where they are raised by councillors
- Inclusion of functionality to enable casework submitted to external organisations outside of the portal, to be recorded and monitored and reported on along with council casework
- Improvements to how back offices respond to multi-team enquiries

Enhancements to the portal that are still under development and will form part of a later release include:

- Improvements to the MyCasework area, filter functions and accessibility options across different devices
- Other small bug fixes that require development of the MyCouncillor Portal platform itself, rather than the processes within it

Outside of scheduled training sessions, user guides, videos, practice platforms, a digital skills analysis plus guidance, approximately 12 hours of 1-1 support has been provided to pilot members during planned 'surgeries' to assist with the portal use, talk through feedback and assistance to help understand the platform and its potential for them.

#### Pilot Evaluation and Timeline

- 4.4 Upon completion of the pilot, officers from the Digital Transformation Team and Civic and Member Services have analysed all feedback to consolidate key strengths and correct the vast majority of outstanding functionality issues that could not be addressed during the pilot.

This analysis includes an assessment on the level of training, advice and guidance that was required for the 14 pilot group members and the ability to respond to enquiries during that period. This has influenced rollout plans to ensure officers have the time and resource to offer quality support to members when they are initially getting used to the portal functionality.

Taking this into account and depending on timescales required to amend or add any additional functionality, it is advised to undertake a phased rollout.



Depending on timescales required to amend or add any additional functionality, it is envisaged this phased roll out could begin mid-late March, following approval at this committee, commencing with the original pilot group to re-test functionality etc. followed by tranches (see the recommended breakdown for approval below):

- Tranche One – Original pilot group (14)
- Tranche Two - Deputy Leader, Cabinet Chairs of Scrutiny, Town Chairs and Vice Chairs of Scrutiny (16)
- Tranche Three – Deputy Town Chairs, Chair of Licensing, Chair of Audit, Cabinet Advisors, Fire Authority Rep and Committee Vice Chairs (14)
- Tranche Four - All other elected members (23)
- Tranche Five – Newly Elected Members post May 2021 elections

This will be preceded by extensive training that will be tailored to the skill set of individual members.

Indicative timeline to cover the period from the end of the pilot to phased launch

4.5 The following timeline details concluded milestones and recommendations for future roll out timings. These could be subject to change if affected by the forthcoming election timetable and current pandemic.

- Pilot concluded 27 November 2020
- Lessons Learnt established, requested enhancements agreed, scoped & scheduled for development early January 2021
- Development and testing of enhancements in TEST MyCouncillor Portal & development into LIVE during February 2021
- Phased pre-portal launch training to commence for tranches one & two mid/end March 2021
- Original pilot group (tranche one) reconvened to test enhancements from mid-March 2021
- Phased portal launch commences with Tranches one & two before end March 2021

- Further training and roll-out to commence from April 2021 but will be dependent on the ongoing impact of the current pandemic plus purdah and the election schedule up to and including 6 May 2021. This could delay rollout for tranches 3 – 5 until May/June 2021

### Governance of the Portal

- 4.6 One of the key elements of the One of the key elements of the MyCouncillor portal is the handling and reporting of casework, including escalation of enquiries where applicable.
- 4.7 Recent FOI enquiries relating to member's casework have established the need for all elected members to fully utilise a consistent method that is transparent and robust. It is, therefore, imperative that all members fully engage with the portal as the sole method of recording and managing their casework.
- 4.8 This needs to be reflected in reporting and governance arrangements to ensure the portal is used consistently, equitably and members do not try to circumvent the processes that will be in place with service areas at the time of rollout and a full launch.

### Proposed Governance Reporting and Escalation

- 4.9 Officers from the Council's Digital Transformation Team have worked closely with Civic and Member Services to develop appropriate training guides and governance arrangements to ensure the portal is used correctly, efficiently and effectively with appropriate reporting available for review at regular intervals. Civic and Member Services will manage these governance arrangements both during, and following, completion of the full launch.

It is envisaged progress updates, including statistical and analysis reports relating to the portal's usage, will be submitted to the Cabinet Member for Resources and Core Services, Leaders' Meetings and the Ethical Standards and Member Development Committee at regular intervals throughout the year.

## Member Governance

- 4.10 Outside of this reporting process, it is proposed a protocol is agreed to escalate issues relating to consistent misuse or circumvention of the portal which could place unnecessary demands and stress on service areas i.e.
- Service Areas signpost elected members to the MyCouncillor portal, in all instances, should direct attempts be made to contact them re: casework enquiries etc. via other means e.g. e-mails, phone calls, office visits
  - If Service Areas continue to receive direct contact relating to casework, they will contact Civic and Member Services to liaise with elected members and establish reasons for attempted circumvention, with a view to rectifying any portal functionality or training related issues that may have resulted in temporary system/process circumvention(s)
  - If elected members continue to contact service areas directly, rather than use the portal, with its in-built escalation process, persistent circumvention will be escalated to the Service Manager for Democracy
  - The Service Manager for Democracy will liaise with the Deputy Leader, Cabinet Member for Resources and Core Services or party whip if required to report persistent circumvention(s) and seek an appropriate resolution
  - As part of the portal's overall extensive reporting capability, detailed circumvention data will be compiled by Civic and Member Services to be submitted to a Leader's meeting at regular intervals, as well as to this committee

## Officer Governance

- 4.11 Governance arrangements at an officer level are established in line with current Service Level Agreements to complete casework enquiries within agreed timeframes. This is set at up to 10 working days to respond to non-urgent casework enquiries.

- 4.12 It should be noted that Members have the facility, via the new portal, to escalate casework enquiries. This will hopefully reduce the vast majority of examples where service levels for response to casework is deemed unsatisfactory and/or targets not met. It is envisaged progress updates, including statistical and analysis reports relating to the portal's usage, will be submitted to the Leadership Team at agreed regular intervals and on request to Directorate Management Teams.

#### Final reflections to note

- 4.13 It should be acknowledged a new portal of this kind, which incorporates casework management, is unlikely to satisfy the full expectations of all elected members. Such expectations will need to be managed through ongoing dialogue, understanding and patience to ensure a fair, equitable process between service areas and all elected members. It is, therefore, recommended that the MyCouncillor portal is rolled out as detailed in 3.4 and 3.5 to avoid delay and embrace this new way of working.
- 4.14 Future updates to the portal, scheduled for later this year, will include planned upgrades via the external provider Granicus, as well as internal enhancements and additional signposting to toolkits, advice, guidance and training

## **5 Alternative Options**

- 5.1 Alternative options were considered but did not meet the 26 key requirements outlined by members for a fit for purpose portal. 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 Implications

<b>Resources:</b>	The portal will involve a range of internal support provision working with external platform supplier Granicus to ensure effective ongoing enhancement and learning. The costs associated with the My Councillor portal, will be met from existing approved budgets.
<b>Legal and Governance:</b>	<p>An effective MyCouncillor portal will help ensure the council makes informed decisions and empower Members in undertaking their various roles.</p> <p>Members in relation to regulatory matters/functions are required to undertake specific kinds of learning and development activities, particularly relating to planning and licensing functions, ethical standards and the code of conduct and safeguarding.</p> <p>Supporting Members in their development, training and support needs strengthens the council's overall governance arrangements.</p>
<b>Risk:</b>	There are no such implications arising.
<b>Equality:</b>	The MDP will address any Equality Act implications and issues arising. Support arrangements for Members identifying any specific needs will be developed accordingly.
<b>Health and Wellbeing:</b>	There are no such implications arising.
<b>Social Value</b>	There are no such implications arising.

## 7. Appendices

None

## 8. Background Papers

None

## Report to the Ethical Standards and Member Development Committee

**12 March 2021**

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







### **1 Recommendations**

- 1.1 That the Ethical Standards and Member Development Committee considers the Gifts and Hospitality Register and declaration of interests made by Members.

### **2 Reasons for Recommendations**

- 2.1 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.

## 2 How does this deliver objectives of the Corporate Plan?

		Maintenance of the Members' Register of Interests contributes to public confidence in local democracy and is an essential part of good corporate governance.
		
		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.

## 4 Context and Key Issues

- 4.1 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.
- 4.2 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.
- 4.3 The Registers are periodically reviewed by the Director of Law and Governance and Monitoring Officer.
- 4.4 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.
- 4.5 The Gifts and Hospitality register, guidance and arrangements/ processes for publication has been reviewed as part of the forthcoming review of the Code of Conduct.

## 5 Alternative Options

- 5.1 The purpose of the report is for the Ethical Standards and Member Development Committee to consider the Gifts and Hospitality Register and the declarations of interests made by Members. As such, there are no alternative options.

## 6 Implications

<b>Resources:</b>	There are no strategic resource implications arising from this report.
<b>Legal and Governance:</b>	<p>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.</p> <p>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.</p> <p>The Localism Act 2011 strengthens requirements on members to register and disclose interests.</p> <p>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'.</p> <p>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.</p> <p>The Protocol for Members' on Gifts and Hospitality sets out important guidance for Members' on the acceptance of Gifts and Hospitality.</p>



	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.
<b>Risk:</b>	The Committee considers the Gifts and Hospitality register and members' declarations of interests to protect Members from the acceptance of any unlawful or inappropriate gifts, which would affect the reputation of the Member or the Authority.
<b>Equality:</b>	There is no requirement for an equality impact assessment.
<b>Health and Wellbeing:</b>	There are no direct health and wellbeing implications from this report.
<b>Social Value</b>	There are no direct social value implications from this report.

## 7. Appendices

No appendices.

## 8. Background Papers

Declarations made by Elected Members (available to view on [CMIS](#)).

# Report to the Ethical Standards and Member Development Committee

**12 March 2021**

<b>Subject:</b>	National Cases
<b>Director:</b>	Director Law and Governance and Monitoring Officer - Surjit Tour
<b>Contact Officer:</b>	Trisha Newton Trisha_newton@sandwell.gov.uk







## **1 Recommendations**

- 1.1 That the Ethical Standards and Member Development Committee considers the contents of the report and the case at Appendix 1 and consider any issues for the Council.

## **2 Reasons for Recommendations**

- 2.1 Officers will inform the Ethical Standards and Member Development Committee about issues arising from local investigations and case law to add to learning at the local level and enhance understanding of ethical standards.

### 3 How does this deliver objectives of the Corporate Plan?

		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.
		
		

### 4 Context and Key Issues

- 4.1 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.

### 5 Alternative Options

- 5.1 The purpose of the report is for the Ethical Standards and Member Development Committee to promote high ethical standards amongst Members through learning from local investigations and case law. As such, there are no alternative options.

## 6 Implications

<b>Resources:</b>	There are no resource implications arising from this report.
<b>Legal and Governance:</b>	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.
<b>Risk:</b>	Awareness of national cases will enhance the Ethical Standards and Member Development Committee's understanding of promoting high ethical standards within its duties.
<b>Equality:</b>	There are no direct equality implications arising from this report.
<b>Health and Wellbeing:</b>	There are no direct implications for health and wellbeing from this report.
<b>Social Value</b>	This report contains no social value implications.

## 7. Appendices

Appendix 1 – [www.heraldscotland.com](http://www.heraldscotland.com) extract.

## 8. Background Papers

No background papers.

## **Former council leader publicised death before family told**

A former council leader has been found guilty of breaching the code of conduct after sharing confidential information about an authority declaring a coronavirus 'major emergency' and publicising the death of a colleague before their family had been notified.

The former leader of Borders Council, now a member of Orkney Island Council, breached four parts of the code of conduct, a hearing by Standards Commission Scotland has found.

As well as publishing confidential information, he was also found to have breached the code by making public the death of another councillor, despite relatives having "not yet advised not all close family members of the news".

He has been asked to submit written mitigation before a panel decides whether he is to face suspension or any other punishment.

On March 16, 2020, Mr S attended a private briefing for councillors by the authority's senior management team to discuss the council's handling of the Covid-19 pandemic.

But later that day, he "published a post on his Facebook page containing information about the council's response to the pandemic and the briefing", the panel found.

Mr S also took part in another councillors' briefing about the pandemic response on March 23 before later that day publishing a post "outlining the recommendations that had been approved at the meeting".

On March 24, Mr S was emailed by Orkney Council's interim chief executive, highlighting confidentiality requirements and told he was "to refrain from attending member briefings, with immediate effect, until further notice".

The following day, Mr S replied, stating he "had removed references to the council's declaration of a major emergency and possibility of a reduction in bin collections and recycling". He was then told on April 15, 2020, he could resume attending the confidential briefings, as long as he "behaved".

But five days later, Mr S attended a briefing session where news of the death of another councillor the previous day was discussed.

Later that day, he “published a post on his Facebook page in which he stated he was ‘saddened to learn of the death’” of the councillor. Mr S was contacted separately, by the son and daughter, separately who asked him to “retract his post as they had not yet advised not all close family members of the news” and the Facebook post was deleted. The Standards Commission panel acknowledged that while Mr S “may have been trying to be open and transparent”, it was clear that “the briefings were private and that discussions and information provided at them was not to be disclosed”.

It added: “The panel agreed that it was evident that there were legitimate reasons for keeping the information confidential at that time, which included ensuring that officers had sufficient time to prepare and manage communications to ensure that the council’s position and response were represented fully, and that messages were drafted in a way that provided some reassurance and did not cause undue fear or alarm.”

In relation to the Facebook post publicising the death, the panel “was satisfied, on the balance of probabilities, that it had been made clear to all elected members” who took part in the meeting that the information “was private and was not to be shared until confirmation had been received that all close family members were aware of the news”. The panel added that “it should have been apparent from the discussion that the information was not to be disclosed for the time-being”.

The Standards Commission concluded that in sharing the news of the councillor’s death, Mr S “failed to show due regard” for the relatives “feelings or wishes” and “failed to demonstrate courtesy and respect towards the other councillor’s family”.

Writing on his Facebook page, Mr S said that “openness and accountability is a precious commodity in this day and age” adding it is “particularly pertinent at a time of crisis”.

He added: “I will continue to fight for transparency in all walks of public life. The public has the right to be told as much as they can be told without breaking business and personal confidentiality.

“But while some may think this will change the way I do things, I am more than determined than ever that it will not.”

*Extract taken from [www.heraldscotland.com](http://www.heraldscotland.com)– updated 19 January 2021.*

# Report to Ethical Standards and Member Development Committee

**12 March 2021**

<b>Subject:</b>	Complaints Update
<b>Director:</b>	Director of Law and Governance and Monitoring Officer - Surjit Tour
<b>Contact Officer:</b>	Surjit Tour Surjit_Tour@sandwell.gov.uk







## **1 Recommendations**

- 1.1 That the Ethical Standards and Member Development Committee considers the details of complaints received in relation to member conduct and the progress and outcome of consideration of these complaints.

## **2 Reasons for Recommendations**

- 2.1 To update members on member complaints received and the progress and outcome of consideration of these complaints.

### 3 How does this deliver objectives of the Corporate Plan?

		The increased awareness of the work of the Ethical Standards and Member Development Committee will help promote higher standards by enabling better decision-making.
		
		

### 4 Context and Key Issues

- 4.1 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.

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.

### 5 Alternative Options

- 5.1 The purpose of the report is for the Ethical Standards and Member Development Committee to consider the details of complaints received in relation to member conduct and the progress and outcome of consideration of these complaints. As such, there are no alternative options.



## 6 Implications

<b>Resources:</b>	There are no strategic resource implications arising from this report
<b>Legal and Governance:</b>	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.
<b>Risk:</b>	There are no risk implications arising from this report.
<b>Equality:</b>	There are no equality implications arising from this report.
<b>Health and Wellbeing:</b>	There are no direct implications for health and wellbeing from this report.
<b>Social Value</b>	This report contains no social value implications.

## 7. Appendices

Appendix 1 – Complaints update.

## 8. Background Papers

None.

## **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 the appointment of a new independent person.

Anticipated draft report– 28 February 2021 ([revised date 19 March 2021](#))

Consultation on draft report (2 weeks) – 14 March 2021 ([revised date 2 April 2021](#))

Investigator considers feedback – 21 March 2021 ([revised date 6 April 2021](#))

Anticipated final report – 21 March 2021 ([revised date 6 April 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.

A draft report has been produced but due to personal circumstances this matter is currently on hold and to be reviewed 22 May 2021

Draft report received – 13 January 2021

Consultation on draft report (2 weeks) – 29 January 2021(revised to be confirmed)

Investigator considers feedback – 12 February 2021(revised to be confirmed)

Anticipated final report – 12 February 2021(revised to be confirmed)

Further action if required – to be confirmed

## 3. **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.

Draft Report Received – 12 February 2021 (revised 19 March 2021)

Consultation on draft report (2 weeks) – 28 February 2021(revised 2 April 2021)

Investigator considers feedback – 5 March 2021(revised 6 April 2021)

Anticipated final report – 5 March 2021(revised 6 April 2021)

Further action if required – to be determined

#### **4. 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.

Draft Report Received – 12 February 2021 (revised 19 March 2021)  
Consultation on draft report (2 weeks) – 28 February 2021(revised 2 April 2021)

Investigator considers feedback – 5 March 2021(revised 6 April 2021)

Anticipated final report – 5 March 2021(revised 6 April 2021)

Further action if required – to be determined

#### **5. 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.

Draft report received– 15 December 2020

Consultation on draft report received – 15 January 2021

Investigator considers feedback – 29 January 2021 (Revised 12 March 2021)

Anticipated final report – 29 January 2021(revised 12 March 2021)

Further action if required – to be determined

## **6. 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.

Draft report received– 15 December 2020

Consultation on draft report received – 15 January 2021

Investigator considers feedback – 29 January 2021 ([Revised 12 March 2021](#))

Anticipated final report – 29 January 2021([revised 12 March 2021](#))

Further action if required – to be determined

## **7. 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 there position in relation to a land sale in breach of the member 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.

Draft Report Received – 12 February 2021 ([revised 19 March 2021](#))

Consultation on draft report (2 weeks) – 28 February 2021([revised 2 April 2021](#))

Investigator considers feedback – 5 March 2021([revised 6 April 2021](#))

Anticipated final report – 5 March 2021([revised 6 April 2021](#))

Further action if required – to be determined

## **8. 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.

Draft Report Received – 12 February 2021 ([revised 19 March 2021](#))

Consultation on draft report (2 weeks) – 28 February 2021(revised 2 April 2021)

Investigator considers feedback – 5 March 2021(revised 6 April 2021)

Anticipated final report – 5 March 2021(revised 6 April 2021)

Further action if required – to be determined

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

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

Anticipated draft report – 12 March 2021

Consultation on draft report (2 weeks) – 28 March 2021

Investigator considers feedback – 9 April 2021

Anticipated final report – 9 April 2021

Further action if required – to be determined