

# Agenda

## Ethical Standards and Member Development Committee

Friday, 11 June 2021 at 2.30 pm  
At Council Chamber, Sandwell Council House, Oldbury

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 **Declarations of Interest**

Members to declare any interests in matters to be discussed at the meeting.

3 **Minutes**

To confirm the minutes of the meeting held on 12 March 2021.

4 **Urgent 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 | <b>Appointment to the Ethical Standards Sub Committees and Ethical Standards Working Group</b>                                | 5 - 12  |
|   | To appoint members to the Standards Sub Committees and Ethical Standards Working Group.                                       |         |
| 6 | <b>Work Programme for 2021-22</b>   | 13 - 18 |
|   | To receive an update on outstanding matters and approve the work programme for the municipal year.                            |         |
| 7 | <b>Ministry of Housing, Communities and Local Government - Response to Local Authority remote meetings: call for evidence</b> | 19 - 26 |
|   | To consider the Council's draft response to the Ministry of Housing, Communities and Local Government consultation.           |         |
| 8 | <b>Gifts and Hospitality</b>  | 27 - 30 |
|   | Standing item to consider the gifts and hospitality register.   |         |
| 9 | <b>Complaints Update</b>  | 31 - 40 |
|   | Standing item to consider the update on complaints.   |         |

**D Stevens**

**Chief Executive**

Sandwell Council House  
 Freeth Street  
 Oldbury  
 West Midlands

**Distribution**

Councillor Carmichael (Chair)  
 Councillors Kausar, Akther, Chambers, Dhallu, Hussain, Jones, C Padda  
 Mr Phillips and Mr Tew (Independent Persons)

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

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# Report to Ethical Standards and Member Development Committee

11 June 2021

<b>Subject:</b>	Appointment to Ethical Standards Sub-Committees and Ethical Standards Working Group
<b>Director:</b>	Surjit Tour - Director of Law and Governance and Monitoring Officer
<b>Contact Officer:</b>	Surjit Tour

## 1 Recommendations

That the Ethical Standards and Member Development Committee:

- 2.1 Appoints to two Ethical Standards Sub-Committees for the 2021/22 municipal year, with flexibility between membership to cater for availability and workload, with delegated powers to carry out the functions set out in the following terms of reference, and with the membership set out below:

### Terms of reference of the Ethical Standards Sub Committee

- To consider investigation reports referred to it by the Monitoring Officer.
- To conduct hearings (including the imposition of sanctions).



## Membership







SUB-COMMITTEE 1		SUB-COMMITTEE 2	
Member	Substitute	Member	Substitute
Carmichael	Substitute members taken from remainder of committee	Carmichael	Substitute members taken from remainder of committee
Dhallu		Kausar	
Akhter		O Jones	
Z Hussain		C S Padda	
Chambers		Chambers	
+ Independent Person		+ Independent Person	

2.2 Approves the Terms of Reference for the Ethical Standards Working Group and appoints members (Chair and Vice Chair + 3 members).

## 2 Reasons for Recommendations

2.1 The Localism Act 2011 requires authorities to adopt arrangements for dealing with complaints about breaches of the Member Code of Conduct. The Council's arrangements for dealing with complaints provide for a Sub-Committee of the Ethical Standards and Member Development Committee to consider investigation reports referred to it by the Monitoring Officer and to conduct hearings (including the imposition of sanctions).

## 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 The Council at its annual meeting held on 25 May 2021 agreed the membership of the Ethical Standards and Member Development Committee. The Committee now needs to make appointments to the Ethical Standards Sub Committees and Working Groups.
- 4.2 It is proposed to merge the two Working Groups previously established by the Committee (Standards Working Group and Member Development Working Group) and combine them into one Ethical Standards Working Group. The proposed Terms of Reference is attached at Appendix 1. The Committee is requested to appoint to the Group, to consist of the Chair and Vice Chair plus three other members of the Committee (+ the two independent persons). The proposed Terms of Reference for the group is attached at Appendix 1.
- 4.3 The working group is not a decision-making body but will enable matters and issues to be discussed and explored, and reports being prepared for the consideration of the Committee in due course.

## 5 Alternative Options

- 5.1 The Committee is required to appoint members to the sub-committees to ensure relevant standards complaints are effectively addressed.
- 5.2 The Committee is not required to have a working group, however it is considered good practice to periodically review matters such as the Code of Conduct and Arrangements for dealing with complaints and a working group provides a helpful way to undertake such a review. A working group also enables broader discussion and debate to take place on how the Council can promote and maintain higher standards of conduct.



## 6 Implications

<b>Resources:</b>	There are no resource implications arising directly from this report.
<b>Legal and Governance:</b>	Section 28(6) of the Localism Act 2011 provides that a relevant authority must have in place arrangements under which allegations that a member or co-opted member of the authority has failed to comply with the authority's code of conduct can be investigated, and arrangements under which decisions on allegations can be made. There is no statutory requirement as to the nature of these arrangements.
<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 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

Appendix 1 – Proposed Terms of Reference – Ethical Standards Working Group

## 8. Background Papers

None.





# ETHICAL STANDARDS WORKING GROUP

## Terms of Reference

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### Scope

To review the Council's Ethical Framework, namely:

- Council's Members' Code of Conduct;
- Arrangements for Members' Register and declarations of Interest; and
- Arrangements for Dealing with Standards Allegations under the Localism Act 2011.
- DBS Checks for Members
- Gifts and Hospitality
- Social Media matters affecting members
- Member Development Programme
- Review of Recruitment of Independent Persons

To gather insight, consult and/or gather such data and information from sources as deemed necessary and appropriate to undertake an effective review of the Ethical Framework.

To consider and make recommendations on how the council can discharge its duty to promote high standards of conduct as required under the Localism Act 2011.

To consider and assist the Chairperson of the Committee to formally respond to the Local Authority Ethical Standards: Stakeholder Consultation.

To support the development, implementation and delivery of a revised Elected Member Development Programme.

To support the accreditation process in relation to the West Midlands Member Development Charter.

## **Membership**

Chairperson and Vice-Chairperson of the Standards and Member Development Committee plus three other Members of the Standards and Member Development Committee.

Independent Members shall be entitled to attend meetings of the Working Group in an advisory capacity.

The Working Group may invite other members or third parties to working Group meetings as it considers appropriate and necessary to undertake the review.

## **Quorate and Meetings**

At least three Members of the Working Group.

Meetings shall be held as required.

## **Chairperson of the Working Group**

The Chairperson of the Working Group shall be the Chairperson of the Committee or in his absence the Committee's Deputy Chairperson.

## **Decision-making**

To submit recommendations to the Ethical Standards and Member Development Committee on revisions to the Council's Ethical Framework.

## **Voting**

By majority vote with the Chairperson (or Deputy as applicable) having a casting vote.

## **Access to Information Rules**

The Working Group is not a constitutional meeting of the council or a sub-committee of the Standards and Member Development Committee and as such is not subject to the Access to Information Rules.

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# Report to Ethical Standards and Member Development Committee

11 June 2021

<b>Subject:</b>	Work Programme for the 2021/22 Municipal Year
<b>Director:</b>	Surjit Tour - Director of Law and Governance and Monitoring Officer
<b>Contact Officer:</b>	Trisha Newton Trisha_newton@sandwell.gov.uk

## 1 Recommendations







That the Committee approves the work programme for 2021/22 which will be kept under review during the year by the Monitoring Officer and the Ethical Standards and Member Development Committee.

## 2 Reasons for Recommendations

- 2.1 A draft work programme for 2021/2022 is attached at Appendix 1 for the Committee's consideration. The programme covers the areas that are within the remit of the Ethical Standards and Member Development Committee under its current terms of reference.
- 1.2 In addition Sub-Committees of the Standards Committee will deal with any case work.



### 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. A planned work programme will help the Ethical Standards and Member Development Committee in promoting high ethical standards.
		
		

### 4 Context and Key Issues

Following the comprehensive work undertaken by the Committee during the 2020-21 municipal year, involving the review of the Member Code of Conduct, Arrangements for Dealing with Complaints under the Code and related policies, the following matters were outstanding and have been built into the programme for this municipal year:-

#### 4.1 Duty to Promote

In connection with social media and the duty to promote, a further report will be submitted to the Committee in relation to promotion of good news and work of elected members/the Council (such as the Herald, on-line member pages, etc.).

A report will be submitted to the Ethical Standards Working Group to consider with the matter being brought back to Committee in December 2021.

#### 4.2 Review of the recruitment process for Independent Persons for Dealing with Standards Matters

At its meeting on 28<sup>th</sup> September 2018, the Ethical Standards and Member Development Committee gave approval to a joint recruitment exercise being undertaken with Walsall Council in relation to the appointment of Independent Persons for dealing with standards matters.

Walsall MBC's Standards Committee gave approval to the joint recruitment exercise at its meeting in July 2019 and also gave approval to remuneration of independent persons (plus expenses).



The Standards Working Group met on 24 September 2019 to consider the proposal to provide remuneration to independent persons for dealing with standards matters and considered that a more detailed analysis would be required in order to make an informed decision and requested that officers bring back a further report.

At its meeting on 4 October 2019, the Ethical Standards and Member Development Committee gave approval to the Director of Law and Governance and Monitoring Officer to proceed with recruitment in the interim period, whilst the options for remuneration/joint recruitment are being further investigated (Minute No. 32/19 refers).

During the recent member engagement sessions, members were keen to ensure diversity and the recruitment process will also be reviewed to encourage applications from more diverse backgrounds.

A report will be submitted to the Ethical Standards Working Group to consider with the matter being brought back to Committee in September 2021.

#### 4.3 **DBS Checks for Elected Members**

Following on from the work undertaken during the member engagement sessions, a further report will be submitted to the Ethical Standards Working Group in relation to DBS Check for Elected Members with the matter being brought back to Committee in September 2021.

#### 4.4 **Review of the Composition of the Committee**

Following the member engagement sessions, it was proposed that a view of the composition of the Ethical Standards and Member Development Committee and operation be undertaken and a further report to Committee.

A report will be submitted to the Standards Working Group to consider and report back as necessary.



#### 4.5 Annual Review of Code of Conduct/Arrangements for Dealing with Complaints under the Code

Feedback from the engagement sessions/working group indicated a preference for an annual review – one year desk top/one year full review.

The Working Group will commence its review of the ethical framework by the end of the calendar year with a view to report back to Committee in March proposing recommendations to Council, if required.

### 5 Alternative Options

5.1 There are no alternative options. The matters outlined in the work programme fall within the remit of the Ethical Standards and Member Development Committee.

### 6 Implications

<b>Resources:</b>	There are no resources arising directly from this report.
<b>Legal and Governance:</b>	Whilst there is no longer a statutory requirement to establish a Standards Committee, there is a need to promote high ethical standards so the Council has agreed to continue with an Ethical Standards and Member Development Committee as part of its arrangements to deal with standards.
<b>Risk:</b>	There are no risks arising directly from this report.
<b>Equality:</b>	
<b>Health and Wellbeing:</b>	
<b>Social Value</b>	

### 7. Appendices

Draft work programme for the 2021-22 municipal year

### 8. Background Papers

None





## **Ethical Standards and Member Development Committee Work Programme 2021/22**

**11 June 2021**

- Appointment to Sub Committees/Standards Working Group
- Outstanding Matters
- Review of Independent Persons – Recruitment Process/Remuneration
- Response to Consultation – Ministry of Housing, Communities and Local Government – Response to Local Authority remote meetings: call for evidence
- Complaints Update (Standing Item)
- Gifts and Hospitality (Standing Item)
- National Cases for information (Standing Item)
- Work Programme 2020/21

**24 September 2021**

- Member Development Programme Update
- Member Portal update/governance
- Committee on Standards in Public Life – Annual Report
- Recruitment of Independent Persons for Dealing with Standards Matters
- DBS Checks for Elected Members
- Complaints Update
- Gifts and Hospitality
- National Cases for information

**3 December 2021**

- Review – Personal Safety for Elected Members
- Member Development Programme Update
- Register of Members' Interests – Annual Review
- Dispensations
- Duty to Promote
- Commencement of Review/Effectiveness of Member Code of Conduct/Arrangements
- Lobbying
- Review of Social Media Policy/Training
- Complaints Update
- Gifts and Hospitality
- National cases for information

**4 March 2021**

- Annual Report of the Ethical Standards and Member Development Committee
- Review/Effectiveness of Member Code of Conduct/Arrangements – recommendations to Council (if any)
- Review of CoSiPL Best Practice Recommendations
- Member Development Update
- Complaints Update
- Gifts and Hospitality
- National cases for information

# Report to Ethical Standards and Member Development Committee

11 June 2021

<b>Subject:</b>	Ministry of Housing, Communities and Local Government - Response to Local Authority remote meetings: call for evidence
<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







- 1.1 That the Committee consider the Council’s response in relation to the Ministry of Housing, Communities and Local Government – Response to Local Authority remote meetings: call for evidence.
- 1.2 That the Director of Law and Governance and Monitoring Officer be authorised to submit the response to the MHCLG Call for Evidence.

## 2 Reasons for Recommendations

- 2.1 On 25<sup>th</sup> March 2021, the Ministry of Housing, Communities and Local Government opened a consultation/call for evidence seeking views on the use of the arrangements which had provided express provision for local authorities to hold meetings remotely or in a hybrid format during the coronavirus pandemic.
- 2.2 The call for evidence seeks to understand the experience of local authorities in the whole of the UK regarding remote meetings.
- 2.3 The consultation opened on 25<sup>th</sup> March 2021 for a 12 week period.



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

		The Council's governance and decision-making functions play a crucial part in delivering the priorities within the Sandwell Corporate Plan.
		
		

### 4 Context and Key Issues

4.1 The questions calling for evidence are attached at Appendix 1 for consideration. An update will be provided to the Committee in relation to the proposed response.

### 5 Alternative Options

5.1 There are no alternative options.

### 6 Implications

<b>Resources:</b>	The government would like to gather evidence about the use of the current arrangements for local authorities to meet remotely or in hybrid format, as set out in the <a href="#">Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020</a> under powers granted by section 78 of the Coronavirus Act 2020.
<b>Legal and Governance:</b>	
<b>Risk:</b>	
<b>Equality:</b>	
<b>Health and Wellbeing:</b>	
<b>Social Value</b>	

### 7. Appendices

Appendix 1 – Call for Evidence Questions

### 8. Background Papers

<https://www.gov.uk/government/consultations/local-authority-remote-meetings-call-for-evidence/local-authority-remote-meetings-call-for-evidence#questions>



# Questions

The government would like to gather evidence about the use of the arrangements that make express provision for local authorities to meet remotely or in hybrid format during the coronavirus pandemic, including the arrangements that existed for Scottish Authorities prior to the pandemic.

Q1. Generally speaking, how well do you feel the current remote meetings arrangements work?

- Very Well
- Well
- Neither well nor poorly
- Poorly
- Very Poorly
- Unsure

While the powers in section 78 of the Coronavirus Act were brought in specifically to help local authorities in England, Wales and Northern Ireland deal with the challenges of holding meetings during the coronavirus pandemic, the government would also like to hear from interested parties about the pros and cons of making permanent express provision, in whole or in part, for local authorities in England.

Q2. Generally speaking, do you think local authorities in England should have the express ability to hold at least some meetings remotely on a permanent basis?

- Yes
- No
- Unsure

Beyond having express provision to avoid face-to-face meetings during the coronavirus pandemic, we are aware of feedback from local authorities about additional benefits of being able to hold remote meetings including, but not limited to, the environmental and cost benefits of reduced travel, increased participation from local residents, and the potential to attract more diverse local authority members. We are keen to obtain representative



views on the benefits of remote meetings and would particularly welcome any quantitative evidence to support these views.

Q3. What do you think are some of the benefits of the remote meetings arrangements? Please select all that apply.

- More accessible for local authority members
- Reduction in travel time for councillors
- Meetings more easily accessed by local residents
- Greater transparency for local authority meetings
- Documents (e.g. minutes, agendas, supporting papers) are more accessible to local residents and others online
- Easier to chair meetings in an orderly fashion
- A virtual format promotes greater equality in speaking time during meetings
- I do not think there are any benefits to remote meetings
- Other (please specify)

In their representations to us, many local authorities have referenced the cost savings they have achieved through implementing remote meetings, particularly regarding a reduction in travel expenses and accommodation costs.

For example, one upper tier authority has reported that running meetings remotely has enabled them to save in the order of £6,000 per month through reduced travel expenses. We would be interested to receive more quantitative data about the cost savings that have been achieved, including any estimates of the comparative cost of running a remote meeting versus a face-to-face meeting.

Q4. (For local authorities only) Have you seen a reduction in costs since implementing remote meetings in your authority?

- Yes
- No
- Unsure

Some local authorities have also made reference to the difficulty that some members have had with the remote meeting format, particularly in relation



to the difficulties in managing misconduct, the challenges of working with unfamiliar software, and technological issues caused by a poor internet connection. We are keen to obtain representative views on the disadvantages of remote meetings and would particularly welcome any quantitative evidence to support these views.

Q5. What do you think are some of the disadvantages of the remote meetings arrangements, and do you have any suggestions for how they could be mitigated/overcome? Please select all that apply.

- It is harder for members to talk to one another informally
- Meetings are less accessible for local authority members or local residents who have a poor-quality internet connection
- Meetings are less accessible for local authority members or local residents who are unfamiliar with video conferencing/technology
- There is less opportunity for local residents to speak or ask questions
- Some find it more difficult to read documents online than in a physical format
- Debate is restricted by the remote format
- It is more difficult to provide effective opposition or scrutiny in a remote format
- It is more difficult to chair meetings in an orderly fashion
- Virtual meetings can be more easily dominated by individual speakers
- It might enable democratically elected members to live and perform their duties outside their local area on a permanent basis, therefore detaching them from the communities they serve
- It may create too substantial a division between the way national democracy (e.g. in the House of Commons) and local democracy is conducted
- I do not think there are any disadvantages to remote meetings
- Other (please specify)

The government considers that there are also many advantages of holding meetings face-to-face. For example, physical meetings provide numerous opportunities for local authority members to speak with one another informally and build alliances, as well as to encounter local residents in the flesh and listen to their concerns in person.



Additionally, some members have referenced the vast improvement in the quality of debate when there is a lively atmosphere and they are able to make full use of their oratory skills to persuade and influence others. Some may consider remote meetings stifling and that physical meetings are essential to effective democracy and scrutiny.

Q6. What do you think are some of the main advantages of holding face-to-face meetings, as opposed to remote meetings?

If express provision for remote meetings were made permanent, it might be preferable for the government to constrain the meetings or circumstances in which remote meetings can be held to ensure that effective democracy and scrutiny can still take place.

There are some occasions, for example, where a remote meeting format may be seen as more appropriate, such as for smaller sub-committees, meetings convened at short notice, or for meetings where attendees are drawn from a large geographical area i.e. for some joint committees, combined authorities and large rural authorities. On the other hand, there are occasions where a remote meeting format may be viewed as less appropriate, for example larger meetings involving Full Council or an authority's Annual Meeting.

Q7. If permanent arrangements were to be made for local authorities in England, for which meetings do you think they should have the option to hold remote meetings?

- For all meetings
- For most meetings with a few exceptions (please specify)
- Only for some meetings (please specify)
- I think local should be able to decide for themselves which meetings they should have the option to meet remotely
- I do not think local authorities should have the option to hold remote meetings for any meetings
- Unsure

Q8. If permanent arrangements were to be made for local authorities in England, in which circumstances do you think local authorities should have the option to hold remote meetings?

- In any circumstances





- Only in extenuating circumstances where a meeting cannot be held face-to-face or some members would be unable to attend (e.g. severe weather events, coronavirus restrictions)
- I think local authorities should be able to decide for themselves which circumstances they should have the option to meet remotely
- I do not think local authorities should have the option to hold remote meetings under any circumstances
- Other (please specify)
- Unsure

While local authorities have risen magnificently to the challenge of ensuring vital council business continues by conducting meetings remotely during these unprecedented times, there may be concerns that, if the arrangements were to be made permanent, a situation could arise where remote meetings arrangements were used by a ruling party to avoid effective scrutiny or abuse the power in some other way.

Q9. Would you have any concerns if local authorities in England were given the power to decide for themselves which meetings, and in what circumstances, they have the option to hold remote meetings?

- Yes
- No
- Unsure

Q10. If yes, do you have any suggestions for how your concerns could be mitigated/overcome?

In deciding whether and how remote meetings arrangements may be made permanent for local authorities in England, the government needs to ensure that it has due regard to the Public Sector Equality Duty. In particular, the government would need to avoid unlawfully discriminating (either directly or indirectly) against individuals with a protected characteristic, and also consider whether the arrangements advance equality of opportunity or help to foster good relations between those who share a protected characteristic and those who do not.

Many local authorities have spoken of the potential benefits that remote meetings could have for members or potential members with disabilities or young families. However, there are also those for whom remote meetings



could pose additional difficulties, for example those with hearing or visual impairments or those more likely to struggle with the technology.

We are keen to consider views on these aspects of remote meetings and would particularly welcome any quantitative evidence to support views provided.

Q11. In your view, would making express provision for English local authorities to meet remotely particularly benefit or disadvantage any individuals with protected characteristics e.g. those with disabilities or caring responsibilities?

- Yes
- No
- Unsure



## Report to the Ethical Standards and Member Development Committee

**11 June 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. The revised Gifts and Hospitality guidance was approved by full Council on 23 March 2021. The value of gifts and hospitality required to be declared by members was reduced to £50.00 (previously set at £100). 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.

## 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 £50.00 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 Ethical Standards and Member Development Committee

**11 June 2021**

<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 Member 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 Member 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 Member Code of Conduct. This is the new schedule that approved by the Committee in the last municipal year.

### 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

Complaints Update.

## 8. Background Papers

None.



Case Ref	Complainant	Code Provisions/ Ground for complaint	Date received and progress to date	Deadline Red: Amber: Green:	Outcome	Learning identified
1 MC/010719	Officer	It was alleged that the subject member failed to co-operated fully and candidly with a standards investigation. Potential breaches of the code of conduct paras 1.1,1.2, 1.10, 1.12	Date of complaint -1 July 2019 Matter referred for formal investigation – 16 September 2019 Draft report submitted to subject member for comment – 15 January 2021 <b>Matter stayed due to personal circumstances of the subject member until 21/8/21</b>	Amber	TBC	
2 MC/020719	Officer	It was alleged that the subject member failed to co-operated fully and candidly with a standards investigation. Potential breaches of the code of conduct paras 1.1,1.2, 1.10, 1.12	Complaint date - 2 July 2019 Referred for investigation – 6 May 2020 Final report received 4 May 2021 Decision notice -6 May 2021	Green	No breach of the member code of conduct.	Delays by the subject member led to the investigation taking longer to complete.



Case Ref	Complainant	Code Provisions/ Ground for complaint	Date received and progress to date	Deadline Red: Amber: Green:	Outcome	Learning identified
3 MC/140520	Member of public	It was alleged that the subject member breached the members code of conduct by failing to comply with Covid 19 guidance. Potential breaches of the code of conduct paras 1.1, 1.5, 1.6 and,1.12	Complaint received 14 May 2020  Matter referred for formal investigation- 2020  Draft investigation report – 1 April 2021  Final investigation report – 19 April 2021	Green	No breach found.	Delays by the subject member led to the investigation taking longer to complete.
4 MC/280520	Member of public	It was alleged that the subject member breached the members code of conduct by failing to comply with Covid 19 guidance and caused reputational harm to a third party with comments on social media.  Potential breaches of the code of conduct paras 1.1, 1.5, 1.6 and,1.12	Complaint received – 28 May 2020  Matter referred for formal investigation- 23 June 2020  Draft investigation report – 1 April 2021  Final investigation report – 19 April 2021	Amber	Local Resolution proposed to subject member: <ul style="list-style-type: none"> <li>• Publish breach on the Cllr Profile for 12 months</li> <li>• Social media training</li> <li>• Apology to complainant</li> </ul> <p>Subject member has until 4 June 2021 to confirm acceptance of Local resolution</p>	Delays by the subject member led to the investigation taking longer to complete.



Case Ref	Complainant	Code Provisions/ Ground for complaint	Date received and progress to date	Deadline Red: Amber: Green:	Outcome	Learning identified
5 MC/010720	Officer	It was alleged that the subject member breached the members code of conduct by sharing confidential with another Councillor without justification and interfered with an ongoing council process.  Potential breaches of the code of conduct paras 1.1, 1.5, 1.6 and,1.12	Complaint received – 1 July 2020  Matter referred for formal investigation- 14 July 2020  Draft investigation report – 16 December 2020  Final investigation report – 12 March 2021  Decision notice of local resolution 13 April 2021	Green	Local resolution – training accepted	Matter to be concluded in next 21 days.
6 MC/030720	Officer	It was alleged that the subject member breached the members code of conduct by sharing confidential with another Councillor without justification and interfered with an ongoing council process.  Potential breaches of the code of conduct paras 1.1, 1.5, 1.6 and,1.12	Complaint received – 1 July 2020  Matter referred for formal investigation- 14 July 2020  Draft investigation report – 16 December 2020  Final investigation report – 12 March 2021  Decision notice referred for a local hearing -13 April 2021	Green	The Subject Member is no longer an elected member.  The matter cannot be progressed.	Delays by the subject member led to the investigation taking longer to complete.



Case Ref	Complainant	Code Provisions/ Ground for complaint	Date received and progress to date	Deadline Red: Amber: Green:	Outcome	Learning identified
7 MC/270820 -2	Member of Public	It was alleged that the subject member had links with a Third Party which had not been declared. Potential breaches of the Member Code of Conduct – paras 1.1, 1.5, 1.12, and 2.2	Complaint received 27 August 2020  Initial assessment by MO – 23/09/2020  Matter referred for formal investigation- 28/09/2020  Matter discontinued due to complainant not engaging.	Green	Investigation aborted as Complainant would not engage and it not possible or appropriate to proceed.	
8 MC/030920	Councillor	It was alleged that the subject member has a relationship with members of a Third Party and had harassed other councillors to try and benefit the Third Party.  Potential breaches of the Members Code of Conduct paras 1.1, 1.5, 1.7, 1.12, 2.1 and 2.2	Complaint received 3/09/2020.  Initial Assessment by MO – 23 September 2020  Matter referred for investigation – 28 September 2020  Final Report issued – 22 April 2021	Green	No breach found	Delays by the subject member led to the investigation taking longer to complete.



Case Ref	Complainant	Code Provisions/ Ground for complaint	Date received and progress to date	Deadline Red: Amber: Green:	Outcome	Learning identified
9 MC/150920	Officer	It was alleged that the subject Member had been involved in inappropriate behaviour. Potential breaches of the Members Code of Conduct paras 1.2, 1.5, 1.7 and 1.12	Complaint received - 15 September 2020  Initial assessment by MO – 23 September 2020  Matter referred for investigation – 28 September 2020.	Green	Initial assessment found that the Member was not acting in his official capacity.  Matter closed.	
10 MC/180920	Councillor	It was alleged that the subject Member was involved in inappropriate lobbying.  Potential breaches of the Members Code of Conduct paras 1.1, 1.5, 1.7 and 1.12.	Complaint received – 18 September 2020  Initial assessment by MO – 23 September 2020  Matter referred for investigation – 28 September 2020  Final Report issued – 22 April 2021	Green	No breach found.  Matter closed.	Delays by the subject member led to the investigation taking longer to complete.



Case Ref	Complainant	Code Provisions/ Ground for complaint	Date received and progress to date	Deadline Red: Amber: Green:	Outcome	Learning identified
11 MC/011020	Councillor	It was alleged that the subject Member made unfounded comments/accusations in relation to a concluded staffing related matter.  Potential breaches of the Members Code of Conduct paras 1.1, 1.5, 1.7 and 1.12.	Complaint received – 01 October 2020  Initial assessment by MO – 12 November 2020  Matter referred for investigation – 25 November 2020  Final Report issued – 10/05/2021	Green	No breach found.  Matter closed.	
12 MC/140521	Member of public	It is alleged that the Subject member has breached the member code of conduct by interfering with a housing allocation. Potential breaches of the Members Code of Conduct paras 1.1, 1.2, 1.5, 1.6, 1.9 and 1.12.	Complaint received – 14 May 2021  Complaint acknowledged and parties notified – 17 May 2021  Additional information provided and matter referred for consideration 20 May 2021  Additional matter decision – 26 May 2021  Decision notice – 1 June 2021.	Green	Outcome of preliminary enquiries did not justify progressing further.  No further action required following initial assessment.  Matter closed.	



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