

Agenda

Ethical Standards and Member Development Committee

Tuesday, 9 November 2021 at 2.00 pm
in the 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**

7 - 18

To confirm the minutes of the meeting held on 11 June 2021 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	Personal Safety of Elected Members	19 - 22
	To provide an update on the current position and details of the proposed review.	
6	Appointment to Ethical Standards Sub Committees	23 - 26
	To confirm the revised appointments to the two Ethical Standards Sub Committees.	
7	Member Development Programme Update	27 - 32
	To provide an update on the Member Development Programme.	
8	Review of Independent Persons – Recruitment Process and Remuneration	33 - 52
	To consider the recruitment process for an additional Independent Person.	
9	Committee on Standards in Public Life Annual Report 2020-21	53 - 76
	To consider and comment on the Annual Report of the Committee on Standards in Public Life.	
10	Gifts and Hospitality	77 - 82
	Standing item to consider the gifts and hospitality register.	
11	National Cases	83 - 90
	Standing item to consider national cases in relation to Member Code of Conduct.	
12	Complaints Update	91 - 98
	Standing item to consider the update on complaints.	

13 **Work Programme**

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Standing item to note the progress of the work programme and forthcoming items.

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Distribution

Councillor Allcock (Chair)
Councillors Akhter, Chambers, Dhallu, Hussain, Jones, Kausar and C Padda

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Minutes of Ethical Standards and Member Development Committee

Friday 11 June at 2.30pm
Council Chamber, Sandwell Council House

- Present:** Councillor Carmichael (Chair)
Councillor Kausar (Vice-Chair)
Councillors Akhter, Chambers, Dhallu, Z Hussain,
O Jones and C S Padda.
- Observers:** Mr John Tew and Mr Richard Phillips (Independent Persons).
- In attendance:** Councillor Fisher.
- Officers:** Surjit Tour – Director of Law and Governance and Monitoring
Officer and Suky Suthi-Nagra – Democratic Services
Manager.

11/21 **Apologies for Absence**

No apologies for absence were received.

12/21 **Declarations of Interest**

No declarations of interest were made.

13/21 **Minutes**

The minutes of the meeting held on 12 March 2021 were agreed as a correct record and signed by the Chair.



14/21 **Urgent Items of Business**

There were no additional items of business to consider.

15/21 **Appointments to Ethical Standards Sub-Committees and Working Group**

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

It was 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.

It was noted that there were several outstanding issues that awaited consideration by the Working Group including whether DBS checks were to be required for members, consideration of the social media policy and the appointment of independent member exercise.

The Committee considered members to be appointed to the Ethical Standards Working Group, alongside the Chair and Vice Chair, for the municipal year 2021/22 and it was proposed to appoint Councillors Akhter and Z Hussain as new members of the working group.



Agreed:-

- 1) that the Ethical Standards and Member Development Committee 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

<ul style="list-style-type: none"> • To consider investigation reports referred to it by the Monitoring Officer
<ul style="list-style-type: none"> • 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) that the Terms of Reference for the Ethical Standards Working Group, as detailed in the appendix to the report on agenda item 5, be approved;
- 3) that Councillors Akhter and Z Hussain be appointed to the Ethical Standards Working Group for the municipal year 2021/22.



16/21 **Work Programme 2021/22**

The Committee considered the draft work programme for 2021/22.

The programme covered the areas within the remit of the Ethical Standards and Member Development Committee under its current terms of reference.

Sub-Committees of the Standards Committee would deal with any case work.

The Committee noted that the following matters were outstanding from 2020/21 and had been built into the programme for 2021/22 municipal year:

- Duty to Promote
- Review of the recruitment process for Independent Persons for Dealing with Standards Matters
- DBS Checks for Elected Members
- Review of the Composition of the Committee
- Annual Review of Code of Conduct/Arrangements for Dealing with Complaints under the Code.

Agreed that the work programme for 2021/22 be approved and kept under review during the year.



17/21 **Ministry of Housing, Communities and Local Government – Response to Local Authority remote meetings: call for evidence**

The Committee noted that on 25 March 2021, the Ministry of Housing, Communities and Local Government opened a call for evidence to seek 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.

The call for evidence sought to understand the experience of local authorities in the whole of the UK regarding remote meetings.

The consultation opened on 25 March 2021 for a 12-week period. The deadline for local authorities to respond was 17 June 2021.

It was noted that feedback from parents on remote school appeal hearings had been positive as more people could attend the hearings remotely during working hours.

The Committee commented that for smaller committees, virtual meetings had led to improved attendance and engagement as many people felt comfortable when the meetings were conducted remotely. It was felt that online meetings provided extra convenience to members of the public who could watch the livestream or an online recording of the meeting.

The Committee also noted the wider benefits associated with remote meetings such as reduced travel costs and CO₂ emissions and greater participation by members and public alike. Members had also improved their IT literacy by having to participate in remote meetings.

The Committee recognised that physical meetings were still necessary, especially for larger committees and full council meetings.

The Director – Law and Governance and Monitoring Officer sought the views of the Committee so that he could prepare a response on behalf of Sandwell.



Agreed:-

- 1) that the Committee provide comments in relation to the Council's response to the Ministry of Housing, Communities and Local Government – Response to Local Authority remote meetings: call for evidence to the Director of Law and Governance and Monitoring Officer;
- 2) that the Director of Law and Governance and Monitoring Officer, in consultation with the Chair of the Ethical Standards and Member Development Committee, be authorised to submit the response to Ministry of Housing, Communities and Local Government – Response to Local Authority remote meetings: call for evidence by 17 June 2021.

18/21 **Gifts and Hospitality**

The Committee considered the Gifts and Hospitality Register and declaration of interests made by Members.

Guidance was available to all Members on how to treat offers of gifts and hospitality and the process for declaring such offers. This guidance formed part of the Council's Constitution.

The Monitoring Officer maintained 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 £100.00).



The Register of Members' Gifts and Hospitality was available for inspection by the public at all reasonable hours. Declarations of gifts and hospitality by individual members were also recorded on the Committee Management Information System [CMIS] on the Council's web site and could be accessed at any time from the internet.

The Registers were periodically reviewed by the Director of Law and Governance and Monitoring Officer.

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

In response to questions, the following was noted:

- the policy was that any gift and hospitality at or above the value of £50 had to be declared in the register. Members were encouraged to also report any gift or hospitality below this value that related in any way to their role as councillor;
- it was clarified that the requirement for declaration was triggered once an individual instance of gift or hospitality was at or above £50. The register did not operate on accumulation basis (for example there was no requirement to declare three gifts of £20 received over a long period of time and from different sources);
- an accumulation of small gifts received from the same source over a short period that would add up to £50.00 or over should be registered.

19/21

Complaints Update

The Committee was presented with an update on the activity of the Council's Monitoring Officer in relation to complaints received under the Member Code of Conduct arrangements.

It was explained that the report on the item contained an update position on complaints received under the Member Code of Conduct.



This was the new schedule that was approved by the Committee in the last municipal year. The update position was designed to provide assurance around current status of matters under consideration.

The target was for matters to be dealt with promptly and concluded within three months of the beginning of an investigation.

Two complaint cases were outstanding at the time of this meeting. One was being considered to see if it could be resolved through local resolution and the second was delayed due to health circumstances of the subject member.

In response to questions, the following was noted:

- Paragraph 9.2 of Sandwell MBC Members' Code of Conduct placed positive obligation on members to cooperate with any Code of Conduct investigation;
- There would often be legitimate reasons why an investigation into a complaint might be delayed, such as parties seeking legal advice. There was now a list included in the arrangements of legitimate circumstances which could give rise to delays;
- Sandwell MBC adopted the Committee on Standards in Public recommendation to have in place regular meetings between senior officers and political group leaders and chief whips.
- In 2020, the Monitoring Officer (MO) received 20 complaints. 1 complaint had been made to date in 2021;
- It was noted that complexity and seriousness of a given case determined who undertook the investigation or where capacity issues arose. Investigators are therefore appointed from within the council, another MO from a council or an external investigator;
- There was a cost incurred by the Council when hiring an external investigator;



- The Code of Conduct applied when councillors act in the capacity of a member or hold themselves out as such. Investigations into complaints could be undertaken only when the individual under investigation remained a member or representative of the Council and therefore was legally considered a member/representative of the Council;
- Once the individual ceased to be a councillor there would no longer be a legal basis to continue an investigation.

In response to issues around trust and confidence by residents and members in the complaints process, Councillor Z Hussain sought to move a motion to set up a sub committee, comprising of members of the Committee, to consider the appointment of an independent person to review past and current complaints to ensure that due process was followed by the local authority during the conduct of investigations. It was proposed that the terms of reference and specific remit of the sub committee could be agreed once formed.

However, concern was raised by the Chair that there was insufficient detail on the current motion for e.g. what would be the remit of the sub committee and how far back previous cases, that had now been dealt with, would be looked into.

In addition, the Director of Law and Governance and Monitoring Officer raised concerns on the legality of the proposed motion, in its current wording, as reopening any cases now dealt with would give rise to legal issues and further challenge particularly as:-

- the council would need to provide exceptional reasons, with conclusive evidence, for past matters to be reconsidered without legal challenge, not least because parties involved in old cases had been told that their investigations were concluded;
- the proposed motion had not specified how far back in time the review would start. At this point any retrospective starting date of the review would be arbitrary;



- the proposed motion had not specified any criteria or scope for the review of complaints. For e.g. was the motion proposing to look at specific complaints or a block of complaints;
- members were not provided with all the relevant information to make an informed decision at this meeting, and full implications of the proposed motion were not known or understood at this point;
- the Council was liable to legal challenge and reputational harm if a decision was to be made at this point.

It was advised that the proposal could not be put to the vote at this meeting, in its current wording, because there was no prior consideration of the legal implications and risks to the local authority and Members did not possess enough information to make an informed decision at this point on the scope of what was actually being proposed. The motion would need to specify the timeframe, criteria and scope of the review in order to determine its legality and for it to be valid.

The Independent Person (IP), Mr John Tew, advised the Committee that during the two years as an IP, he had sat in a number of committee meetings where the issue of restoring public confidence had been discussed in great depth by former committee members and a number of measures had since been taken to improve the complaints procedure. He subsequently urged all members on the Committee to read the new code.

Councillor O Jones sought to put the motion to the vote however, the Director of Law and Governance and Monitoring Officer raised concerns over the legality and status of the proposed motion. The Monitoring Officer advised that the working group that had been set up (as referred to in Minute No. 15/21 above) to consider the review of the member code of conduct and arrangements and could consider and define the scope and implications of the proposed review further before submitting its findings to an extraordinary meeting of the Committee for decision. In its current form, the Committee could not make an informed decision based on the proposed motion.



However, Cllr Z Hussain requested that the Committee consider the proposed motion at an extraordinary meeting of the Committee.

Agreed that an extraordinary meeting the Committee be arranged before the next scheduled Committee meeting (on 24 September 2021) to clarify the scope of the proposed motion.

Meeting ended at 3.39pm

Contact: democratic_services@sandwell.gov.uk



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Report to Ethical Standards and Member Development Committee

9 November 2021

Subject:	Personal Safety of Elected Members
Director:	Surjit Tour – Director of Law and Governance and Monitoring Officer
Contact Officer:	Surjit Tour

1 Recommendations

- 1.1 That the Committee notes the current position and proposed review in respect of personal safety for elected members.
- 1.2 That the Ethical Standards Working Group commence a review of personal safety for elected members.

2 Reasons for Recommendations

A report relating to a review of personal safety for elected members was considered by the Ethical Standards and Member Development Committee in October 2019 (minute no. 30/19 refers).

A review was due to be undertaken twelve months later, however, this has been delayed due to the pandemic and lockdown.

The review is listed in the Committee work programme, as members are now looking to return to surgeries, and in view of a recent tragic event concerning an MP, it is now considered timely to consider the matter.



3 How does this deliver objectives of the Corporate Plan?

		Elected members need to feel safe and assured when carrying out their roles including the fulfilment of expectations relating to the delivery of the Corporate Plan.
		
		

4 Context and Key Issues

- 4.1 Further to minute no. 30/19, on 4 October 2019, the Committee had been advised that a review had been undertaken relating to the personal safety of elected members in pursuance of their role.

The review had formed part of the Member Development Programme which incorporated training, support and well-being interventions, as requested by elected members.

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.

Senior officers from Civic and Members Services and the Council's Health and Safety Team conducted the review, overseen by the Director of Law and Governance, which encompassed all aspects of personal safety for elected members following the most up to date guidance literature that had been produced both regionally and nationally.

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 also took place with Elected Members who had experienced issues that could be directly attributed to personal safety concerns.



Processes and procedures relating to personal safety had been revised, with advice from West Midlands Police at key stages of the review.

A process for Elected Members to report incidents affecting their personal safety had been developed, including a process for them to report minor incidents via a Partnership Information Report form to the West Midlands Police Force Intelligence Bureau. Isolated incidents could then be recorded by area to assess trends and clusters of activity that may require further investigation.

The review also investigated personal alarms that could be obtained for Elected Members to carry with them and information would be provided to members at training sessions.

Personal safety training sessions have been held during October and November 2021 with panic alarms being made available to elected members.

A personal safety guidance has been prepared for elected members which includes suggestions for councillors on how to make a ward surgery safer and more effective. A checklist is also being produced that can be issued to elected members working in non-council premises, so they are able to determine if the site has sufficient safety measures in place, e.g. receptions, panic buttons and safe means of escape. Assurances are also being sought that premises are suitable to use for surgeries.

The Committee had previously requested that a further review of personal safety be added to the work programme for consideration in 12 months' time, however, this has been delayed due to the pandemic. It is now considered timely to revisit the matter.

The Ethical Standards Working Group met on 5 October 2021 and approved the work programme for the municipal year. The review of personal safety has been included on the work programme for the Working Group and it is recommended that the matter be brought to its next meeting in November 2021 to review the previous and recent actions and make recommendations for any future actions along with timelines. A report will be brought back to the next meeting of the Ethical Standards and Member Development Committee.



5 Implications

Resources:	There are no direct resource implications arising from this report.
Legal and Governance:	In line with the Member Code of Conduct, measures are in place for details to be included on a Sensitive Register if the elected member meets the criteria to restrict personal information due to identifiable risk.
Risk:	All risk factors will be taken into consideration as part of the forthcoming review. Resources are available from the LGA to assist elected members https://local.gov.uk/personal-safety
Equality:	To be considered as part of the forthcoming review.
Health and Wellbeing:	The Member Development Programme incorporates support associated with health and wellbeing.
Social Value	There are no direct social value implications arising from this report.

6 Appendices

None

7. Background Papers

Review of Personal Safety of Elected Members.



Report to Ethical Standards and Member Development Committee

9 November 2021

Subject:	Appointment to Ethical Standards Sub-Committees
Director:	Surjit Tour - Director of Law and Governance and Monitoring Officer
Contact Officer:	Surjit Tour

1 Recommendations

That, following the appointment of a new Chair to the Committee, the Ethical Standards and Member Development Committee:

- 2.1 Revises the appointments to the 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
Allcock	Substitute members taken from remainder of committee	Allcock	Substitute members taken from remainder of committee
Dhallu		Kausar	
Akhter		O Jones	
Z Hussain		C S Padda	
Chambers		Chambers	
+ Independent Person		+ Independent Person	

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. Following the appointment of a new Chair of the Committee, it has become necessary to revise the appointments to the Ethical Standards Sub Committees.



5 Alternative Options

- 5.1 The Committee is required to appoint members to the sub-committees to ensure relevant standards complaints are effectively addressed.

6 Implications

Resources:	There are no resource implications arising directly from this report.
Legal and Governance:	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.
Risk:	There are no direct risk implications arising from this report.
Equality:	There are no direct equality implications arising from this report.
Health and Wellbeing:	There are no direct health and wellbeing implications arising from this report.
Social Value	There are no direct social value implications arising from this report.

7. Appendices

None.

8. Background Papers

None.



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Report to Ethical Standards and Member Development Committee

9 November 2021

Subject:	Member Development and Portal Update
Director:	Surjit Tour, Director - Law and Governance and Monitoring Officer
Contact Officer:	Elaine Newsome, Service Manager – Democracy Elaine_newsome@sandwell.gov.uk

1 Recommendations

- 1.1 That the update report be noted.
- 1.2 That the Ethical Standards Working Group be invited to review and refresh the Council's approach to Member Development.
- 1.3 That an additional committee member is appointed to the Ethical Standards Working Group.

2 Reasons for Recommendations

- 2.1 The report is primarily an update report outlining progress to date on the member portal and member development activity.
- 2.2 The Council's approach to member development is led by Councillors. A 2-phase programme was agreed and implemented following the LGA peer review and the Council is now within the second phase of that programme. A member led review of the programme will inform the Council's future approach.



2.3 The Ethical Standards Working Group consists of the Chair and Vice Chair plus three other committee members. Members were appointed to the Working Group at the meeting held on 11 June 2021 (minute no. 15/21(3)), however, there is still one vacancy. The Committee is therefore invited to appoint a further member to the Working Group (in addition to the Chair, Vice Chair and Councillors Akhter and Z Hussain).

3 How does this deliver objectives of the Corporate Plan?

		<p>An effective and targeted member development programme supports achievement of all corporate plan priorities. The MyCouncillor portal, as a platform for service requests, underpins delivery of corporate objectives.</p>
		
		

4 Context and Key Issues

4.1 MyCouncillor Portal

The MyCouncillor portal was introduced in March 2021 as a platform hosting a range of tools and information to support elected members in their roles. Governance arrangements and a phased implementation plan were agreed by the Committee in March and the implementation concluded in June 2021, following the local elections. As part of the planned roll-out, Members participated in 35 group and individual guided workshops on use and functionality of the portal. 67 Members actively engaged in the sessions. Further targeted sessions have been provided to members on request

Member usage of the portal has increased in line with the roll-out. The member enquiry mechanism is proving popular with a total of 3650 enquiries routed through the casework (2789 enquiries) and report it (861 enquiries) functions up to 3rd October 2021. Average rating of the system, as scored by Councillors is at 4.74 out of 5.



To ensure that the platform continues to evolve in line with Member needs, feedback is actively sought on its functionality and wherever possible, mechanisms will be enhanced in line with member identified preferences. Work is ongoing to incorporate a series of changes, with a view to implementation later in the Municipal Year. As with the initial development phase, a group of Members will be invited to test new or enhanced functionality prior to introduction.

4.2 Elected Member Development Programme

In recognition of the changing environment that Councillors operate within, the Council has in place a programme of learning and development interventions, targeted toward supporting members in their various roles. The member development programme is informed by current and emerging needs identified by members, alongside key corporate priorities.

Following the 2018/19 Local Government Association Peer Review, a 2-phase programme was developed and implemented. This programme is due for completion at the end of the 2021/22 Municipal Year.

The programme for the current year, offers a range of development activity, delivered through a number of avenues, including e-learning modules, MS Teams workshops, bespoke one to one interventions and, following the lifting of national restrictions, in person themed events. The programme comprises of a corporate induction for newly elected members, topic or role specific and committee focused themes.

Set out below are the workshops delivered from the start of the Municipal Year and associated attendance.

Theme of workshop	Attendance
Committee Specific (committee members invited)	
Hackney Carriage and Private Hire Licensing	11
Premises Licensing	10
Audit & Risk	12
Planning	10
Scrutiny	16



Themed workshops (all Councillors invited)	
Ethical Standards	60
Corporate Parenting	34
Climate Change	18
Covid Vaccination	17
Alcohol and Drug Screening	12
Sandwell Adult and Family Learning (SAFL)	19
Role Specific	
Members appointed to outside organisations	9
Commissioned workshops	
Council Procedure Rules (conservative group)	6

Overall, attendance at each of the sessions and feedback on the content, usefulness and delivery of workshops has been positive.

To ensure that appropriate support remains in place for future years, it is proposed that a review of the member development programme is undertaken, led by the working group, as the body with delegated responsibility. The review would look to engage with elected members, providing an assessment of the effectiveness of existing arrangements and developing proposals for consideration in line with best practice, by the Committee prior to the end of the current municipal year.

5 Alternative Options

- 5.1 The Committee could collectively undertake the review of member development activity as part of its work programme.



6 Implications

Resources:	The 2 phase programme has been delivered from within existing budgets. A direction on future years' programme delivery would assist in budget planning activity.
Legal and Governance:	The Member Development programme aims to offer support to Members in fulfilling their many obligations. As such, an element of the programme considers a variety of legal and governance related subject matters.
Risk:	The member development programme aims to support members across the breadth of their roles. A review and refresh of the programme and associated activities will ensure that the Council continues to provide an appropriate development offer.
Equality:	All Members are able to participate in development activity and are actively encouraged to use the MyCouncillor portal. Where individual needs are identified, the Council will tailor its resources to meet specific member requirements
Health and Wellbeing:	Key components of the member development programme focus on health and wellbeing related topics
Social Value	Wherever possible, learning providers are sourced locally

7. Appendices

None

8. Background Papers

None



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Report to Ethical Standards and Member Development Committee

9 November 2021

Subject:	Recruitment of Persons for Dealing with Standards Matters
Director:	Surjit Tour - Director of Law and Governance and Monitoring Officer
Contact Officer:	Surjit Tour Surjit_tour@sandwell.gov.uk

1 Recommendations

- 1.1 That consideration be given to the proposals with regard to the recruitment process for a third Independent Person for dealing with Standards matters and the proposed timeline to the Ethical Standards and Member Development Committee.
- 1.2 That the Committee notes the recommendations of the Working Group in relation to a remuneration package for Independent Persons.
- 1.3 That the Committee recommends to Council that the term of office for Mr John Tew be extended for a further four year period.

2 Reasons for Recommendations

- 2.1 The Ethical Standards Working Group met on 5 October 2021 to consider the recruitment process for a third Independent Person and the matter of remuneration.
- 2.2 The Committee is asked to consider the proposed timeline for recruitment of a third Independent Person, along with the associated process, documentation and interview panel.



3 How does this deliver objectives of the Corporate Plan?

		The role of the Independent Person is advisory and is important in providing assurance to the Council and the public that standards matters are being dealt with effectively, fairly and proportionately.
		
		

4 Context and Key Issues

- 4.1 In accordance with the Localism Act 2011, arrangements must be put in place for the appointment by the Council of at least one Independent Person. The Committee on Standards in Public Life recommended that there should be at least 2 Independent Persons for Standards Matters. Their views must be sought and taken into account by the Council before it makes a decision on an allegation against an elected member that it has decided to investigate. The Independent Person's views may be sought by a member or co-opted member of the Council if that person's behaviour is the subject of an allegation, and may also be sought by the Council in relation to an allegation it has not yet decided to investigate.
- 4.2 In order to be eligible to be an Independent Persons Under S 28 Localism Act 2011 the person must not be an Elected Member, Co-opted Member or officer of Sandwell Council and they must not have been any of the above in the past 5 years prior to the Appointment. The Council has decided to have three Independent Persons.
- 4.3 The Council currently has 2 Independent persons. One was appointed on 31 January 2018 until 31 January 2022 (and has agreed to remain in place for a further four year period, subject to Council approval). A recruitment exercise was carried out in early 2020, which resulted in one suitable candidate being appointed as an Independent Person on 10 March 2020 until 10 March 2024. This left one remaining vacancy.



4.4 It is proposed that the following timetable is followed for the recruitment process.

Placing of advertisement –	Week commencing 22 November 2021 Closing date 14 January 2022
Shortlisting	Week commencing 17 January 2022
Interviews	Week commencing 31 January 2022
Update to Ethical Standards and Member Development Committee	TBC – March 2022
Update to Standards Working Group (if required)	February 2022
Council agenda despatch	21 or 28 February 2022
Full Council	1 or 8 March

4.5 It is proposed that the Interview panel consists of the following 5 members:-

- The Chair of the Ethical Standards and Member Development Committee (the Chair)
- The Vice Chair of Ethical Standards and Member Development Committee (member of panel)
- The Leader of the Council (member of panel)
- The Opposition Leader or Deputy (member of panel)
- The Chair of Equalities Commission (member of panel)

4.6 In December 2020 an extensive member engagement process took place as a result of the New Model Code of Conduct being published. One of the matters highlighted was the lack of diversity in relation to the Independent Persons and Members requested that steps be taken to attract a wider range of candidates when steps were taken to fill the third vacancy.



4.7 On the last occasion, the advert for the position was placed on the Council's website, on WM Jobs, in the Local Newspaper and through the Council's Social Media channels. TMP (advertising agency) were consulted, but struggled with suggesting any specialist job boards. Research has been carried out as to where other authorities advertise and it was found that adverts tend to appear on Council websites and through the use of social media channels. Sandwell's current practices are therefore in line with other authorities. However, in an attempt to find ways of reaching a wider audience, HR have been consulted and they have suggested liaising with local religious leaders, local businesses partners and disability and LGBT networks. We will also liaise with our Comms team and discuss the links that they have with BEAM and other protected characteristics groups to assist with targeting minority groups and stakeholders.

Remuneration

- 4.8 The role of Independent Person is currently a voluntary position and no annual allowance is paid in respect of this appointment. However, travelling and subsistence expenses are paid at the appropriate rate.
- 4.9 Some Authorities pay an allowance to the Independent Person in recognition of the role undertaken. At the present time, the Working Group has recommended that the existing arrangement (that the role receives expenses only) should continue. There is currently no allocated budget to remunerate Independent Persons. In the event that the authority is unable to appoint a third Independent Person, a report will be taken back to the Working Group to consider the matter of remuneration further. Consideration would also need to be given to the fact that there are independent persons assisting in other areas of the Council who are not currently remunerated which could create an inconsistent position between independent roles.



5 Alternative Options

5.1 In accordance with the Localism Act 2011, arrangements must be put in place for the appointment by the Council of at least one Independent Person whose views must be sought and taken into account by the Council before it makes a decision on an allegation against an elected member that it has decided to investigate. The Council could therefore have just one Independent Person, but this is considered unsatisfactory because of the potential for conflicts and absences, together with this not complying with the recommendations of the Committee for Standards in Public Life. Although the Council could function with just two Independent Persons, it is considered preferable to have a third, again because of absences and conflicts.

6 Implications

Resources:	The role of Independent Person is a voluntary position and no annual allowance is paid in respect of this appointment. However, travelling and subsistence expenses are paid at the appropriate rate. The cost of advertising is met from within existing budgets.
Legal and Governance:	Section 27 of the Localism Act 2011 requires authorities to promote and maintain high standards of conduct by their members and co-opted members. The Act requires local authorities to have in place mechanisms to investigate allegations that a member has not complied with their Code of Conduct, and arrangements under which decisions on allegations may be made. Section 28(7) of the Act requires local authorities to appoint at least one Independent Person to advise the Council before it makes a decision on an allegation. The Independent Person also advises a member facing an allegation who has sought the views of that person. There are restrictions on who can be appointed as the Independent Person, mainly, that the Independent Person cannot be a councillor, officer or their relative or close friend. Public notice has to be given of recruitment for the role.



Risk:	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.
Equality:	An equality impact assessment is not required.
Health and Wellbeing:	There are no direct health and wellbeing implications arising from this report.
Social Value	There are no direct social value implications arising from this report.

7. Appendices

Advert

Recruitment pack

8. Background Papers

None.



Appointment of Independent Persons the Ethical Standards and Member Development Committee

We are looking to appoint an Independent Persons to sit on the Council's **Ethical Standards and Member Development Committee** to assist the Council to promote and maintain high standards of conduct amongst its elected members and co-opted members.

The Council is required under the Localism Act 2011 to appoint at least one Independent Person to assist the Council to deal with complaints made against elected members and co-opted members. The Council already has one Independent Person appointed and is looking to appoint an additional two Independent Persons.

The role of the Independent Person is detailed within the Job Description. One of the primary functions of the role is provide views on a complaint against a member before the Council takes a decision on allegations made and whether it ought to be investigated. The Independent Person may also be consulted on other standards matters, including by a councillor who is subject to an allegation; how the council can promote and maintain high standards of conduct and how member training and development can be enhanced for members.

In order to be an Independent Person you must not in the past 5 years prior to the appointment have been an elected member, co-opted member or officer of Sandwell Council.

The Independent Person may also be required to sit on the Chief Officers Terms and Conditions Committee in the event that disciplinary action is required in respect of a chief officer (in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015).

We are encouraging applicants from a diverse background.

Relevant training will be provided for and out of pocket expenses are payable.

For more information and an application pack contact Trisha Newton, via e-mail trisha_newton@sandwell.gov.uk or download it.

The closing date for submission of applications is **12 noon on**

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RECRUITMENT PACK FOR

APPOINTMENT OF

INDEPENDENT PERSON FOR

STANDARDS MATTERS

We are looking to appoint an Independent Person to sit on the Council's **Ethical Standards and Member Development Committee** to assist the Council to promote and maintain high standards of conduct amongst its elected members and co-opted members.

The Council is required under the Localism Act 2011 to appoint at least one Independent Person to assist the Council to deal with complaints made against elected members and co-opted members. The Council already has two Independent Person appointed and is looking to appoint an additional Independent Person(s).

The role of the Independent Person is detailed within the Job Description. One of the primary functions of the role is provide views on a complaint against a member before the Council takes a decision on allegations made and whether it ought to be investigated. The Independent Person may also be consulted on other standards matters, including by a councillor who is subject to an allegation; how the council can promote and maintain high standards of conduct and how member training and development can be enhanced for members.

The Independent Person may also be required to sit on the Chief Officers Terms and Conditions Committee in the event that disciplinary action is required in respect of a chief officer (in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

Relevant training will be provided for and out of pocket expenses are payable.

For further details, including an information pack and eligibility criteria, please visit the Council's website or contact:

Trisha Newton
Democratic Services Unit

Email: trisha_newton@sandwell.gov.uk
Website: www.sandwell.gov.uk

The closing date for applications is 12 noon on The appointment has to be confirmed by the full Council which will take place in March 2022.

APPOINTMENT OF INDEPENDENT PERSON FOR STANDARDS MATTERS

BACKGROUND INFORMATION

Under the provisions of the Act, the Council is responsible for deciding how to deal with member standards issues at a local level, including adopting its own local Code of Conduct for elected members and co-opted members, and determining what arrangements it will adopt to deal with complaints about member conduct.

The Act provides that the Council must appoint at least one Independent Person to assist in discharging these responsibilities. Full details of the role and responsibilities of the Independent Person are included in this Recruitment Pack. The Council has decided to appoint three Independent Persons.

The Council already has two Independent Person and is seeking to make two further appointments.

The Independent Person will be required to be contactable during normal working hours by telephone or by email, and be able to attend meetings of the Ethical Standards and Member Development Committee which meets approximately 4 times per year, Standards Sub-Committee meetings/hearings as and when necessary and other relevant meetings with the Monitoring Officer and/or Members in connection with standards complaints when required. All meetings are usually held during the day and sometimes at relatively short notice.

The Independent Person may also be required to sit on the Chief Officers Terms and Conditions Committee in the event that disciplinary action is required in respect of a chief officer (in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.

The appointment of an Independent Person will be approved by Full Council and the successful candidates also appointed to as Co-Opted Members to the Council's Ethical Standards and Member Development Committee.

SELECTION CRITERIA

SKILLS AND COMPETENCIES

The Independent Person will have:

- A keen interest in standards in public life.
- A wish to serve the local community and uphold local democracy.
- The ability to be objective, independent and impartial.
- Sound decision making skills
- Good leadership qualities, particularly in respect of exercising sound judgement.

The Independent Person will:

- Be a person in whose impartiality and integrity the public can have confidence.
- Experienced in decision making requiring the balancing of competing issues and differing factors.
- Be of good repute.
- Understand and comply with confidentiality requirements.
- Have a demonstrable interest in local issues.
- Have an awareness of the importance of ethical behaviours.
- Be a good communicator.

Desirable additional criteria are:

- working knowledge/experience of local government or other public service and/or of large complex organisations.
- awareness of and sensitivity to the political process.
- knowledge and understanding of judicial/quasi-judicial or complaints processes.

You should demonstrate in your application how you meet the above criteria as this will assist the short-listing process.

Candidates will be assessed via the application form and by interview.

Eligibility for Appointment

A person cannot be appointed as an Independent Person if they are or were within the period of 5 years prior to the application:

- a member, co-opted member (i.e appointed to one of the Council's Committees/Boards) or officer of the Council.
- a member, co-opted member or officer of a parish council in the District Council's area, or a relative or close friend of the above.

Remuneration

This is a voluntary position and no annual allowance is payable in respect of this appointment, however travelling and subsistence expenses will be paid at the rates set out in the Council Members Allowances Scheme which is available on the Council's website.

Special conditions

1. The Independent Persons are required to comply with the Council's Code of Conduct for Members and sign an declaration to this effect and disclose all relevant interests on the Register of Members' Interests, which is a public document.
2. Applicants must disclose whether they hold any contract with the Council.
3. Applicants must disclose whether they are a party to any outstanding complaint or grievance against the Council.
4. Canvassing by the candidate will disqualify your application.

ROLE DESCRIPTION

Responsible to: Full Council and the Ethical Standards and Member Development Committee

Liaison with: Monitoring Officer, Deputy Monitoring Officer, members of the Ethical Standards and Member Development Committee, officers and members of the Council and key stakeholders within the community.

1. To assist the Council in promoting high standards of conduct by elected and co-opted members of the Council and in particular to uphold the Members' Code of Conduct adopted by the Council and the seven principles of public office, namely selflessness, honesty, integrity, objectivity, accountability, openness and leadership.
2. To be consulted by the Council through the Monitoring Officer, Deputy Monitoring Officer, and/or the Ethical Standards and Member Development Committee before it makes a decision on an investigated allegation and to be available to attend local hearings as necessary.
3. To be available for consultation by the Monitoring Officer, Deputy Monitoring Officer, and/or the Ethical Standards and Member Development Committee before a decision is taken as to whether to investigate a complaint or to seek local resolution of the same.
4. To remain impartial and fair at all times.
5. To comply with the duties, obligations and responsibilities arising under the Localism Act 2011, statutory instruments, Secretary of State Guidance and applicable caselaw.
6. To be available for consultation by any elected member or co-opted member who is the subject of a standards complaint.
7. To develop a sound understanding of the ethical framework as it operates within the Council.
8. To participate in training and networking events to develop skills, knowledge and experience.
9. To act as advocate and ambassador for the Council in promoting ethical behaviour.

10. To be available to sit on the Chief Officers Terms and Conditions Committee in the event that disciplinary action is required in respect of a chief officer (in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015).

SANDWELL METROPOLITAN BOROUGH COUNCIL

APPLICATION FOR THE POSITION OF INDEPENDENT PERSON

Individuals who wish to be considered for appointment as Independent Person are requested to provide the following information to support their application. All information provided will be treated in the strictest confidence and will only be used for the purposes of selection. Please feel free to use a separate continuation page if you wish to expand upon your answer to any question outlined below.

1. PERSONAL DETAILS

Name:

Address:

Postcode:

National Insurance Number:

Contact Details:

Telephone Number:

Email Address:

2. QUALIFICATIONS

(Please list in particular any qualifications which you think are relevant to the position of Independent Person)

3. RELEVANT EXPERTISE/SKILLS

(Please outline any knowledge, experience and/or expertise which you believe would be particularly relevant to your role as an Independent Person having regard to the selection criteria and role description)

4. Why do you wish to be considered for appointment as Independent Person and what particular attributes do you believe you would bring to the role?

5. Please provide any additional information you may wish to give in support of your application:

6. References will be taken up for all applicants who are invited for interview

1. Name:
Address:
.....
.....
Telephone No.....

2. Name:
Address.....
.....
.....
.....
Telephone No.

7. Disclosure of Criminal Convictions

Do you have any criminal convictions that are unspent as defined in the Rehabilitation of Offenders Act? Yes / No

If yes, please give details

I wish to apply to be an Independent Person.

In submitting this application, I declare that the information given on this form is correct to the best of my knowledge and belief and I understand that any false statements on this form will justify dismissal from the post of Independent Person and:

- That I am not and have not during the past five years been a Member, Co-opted Member or Officer of Sandwell Council.
- That I am not related to, or a close friend of, any Member, Co-opted Member or Officer of Sandwell Council.
- That I am not actively engaged in local/national party political activity
- That I or any legal entity in which I have an interest or hold a position do not hold any contract with the Council.
- That I am not a party to any outstanding complaint or grievance against Sandwell Council.

Signed

Print Name:

Date

Please return this application form by 12 noon on to:
trisha_newton@sandwell.gov.uk

Please use the space below and overleaf if you wish to expand on any of your answers.

Report to Ethical Standards and Member Development Committee

9 November 2021

Subject:	Committee on Standards in Public Life Annual Report for 2020-2021
Director:	Director of Law and Governance and Monitoring Officer – Surjit Tour
Contact Officer:	Trisha Newton Trisha_Newton@sandwell.gov.uk

1 Recommendations

- 1.1 That the Annual Report of the Committee on Standards in Public Life included in Appendix 1 be considered and commented on.

2 Reasons for Recommendations

- 2.1 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 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.



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 On 15 July 2021, the Committee on Standards in Public Life published its annual report for 2020-21.

5 Alternative Options

5.1 By noting the work of the Committee on Standards in Public Life members will be better informed to discharge their duty to promote high ethical standards.



6 Implications

Resources:	There are no strategic resource implications arising from this report.
Legal and Governance:	By noting the work of the Committee on Standards in Public Life members will be better informed to discharge their duty to promote high ethical standards.
Risk:	There are no direct risk implications arising from this report.
Equality:	There are no direct equality implications arising from this report.
Health and Wellbeing:	There are no direct implications for health and wellbeing from this report.
Social Value	This report contains no social value implications.

7. Appendices

Appendix 1 - The Committee on Standards in Public Life Annual Report 2020-2021.

8. Background Papers

There are no background documents.



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**Committee on
Standards
in Public Life**

**Annual Report
July 2020 – June 2021**

THE SEVEN PRINCIPLES OF PUBLIC LIFE

The Seven Principles of Public Life apply to anyone who works as a public office holder. This includes all those who are elected or appointed to public office, nationally or locally, and all people appointed to work in the public sector. The Principles also apply to all those in the private sector delivering public services.

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 declare 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.

The Seven Principles were established in the Committee's First Report in 1995; the accompanying descriptors were revised following a review in the [Fourteenth Report](#), published in January 2013.

PREVIOUS REPORTS

[2021, Regulating Election Finance](#)

[2020, Artificial Intelligence and Public Standards](#)

[2019, Local Government Ethical Standards](#)

[2018, MPs' Outside Interests](#)

[2018, The Continuing Importance of Ethical Standards for Public Service Providers](#)

[2017, Intimidation in Public Life](#)

[2016, Striking the Balance: Upholding the 7 Principles in Regulation](#)

[2015, Tone from the Top: Leadership, Ethics and Accountability in Policing](#)

[2014, Ethics in Practice: Promoting Ethical Standards in Public Life](#)

[2014, Ethical Standards for Providers of Public Services](#)

[2013, Strengthening Transparency around Lobbying](#)

[2013, Standards Matter: a Review of Best Practice in Promoting Good Behaviour in Public Life](#)

[2011, Political Party Finance: Ending the Big Donor Culture](#)

[2009, MPs' Expenses and Allowances: Supporting Parliament, Safeguarding the Taxpayer](#)

[2007, Review of the Electoral Commission](#)

[2005, Getting the Balance Right: Implementing Standards of Conduct in Public Life](#)

[2003, Defining the Boundaries within the Executive: Ministers, Special Advisers and the Permanent Civil Service](#)

[2002, Standards of Conduct in the House of Commons](#)

[2000, Standards of Conduct in the House of Lords](#)

[2000, Reinforcing Standards: A summary](#)

[1998 The Funding of Political Parties in the United Kingdom](#)

[1997, Review of Standards of Conduct in Executive NDPBs, NHS Trusts and Local Public Spending Bodies](#)

[1997, Standards of Conduct of local government in England, Scotland and Wales](#)

[1996, Local Public Spending Bodies](#)

[1995, MPs, Ministers and Civil Servants, Executive Quangos](#)

COMMITTEE MEMBERSHIP: July 2020 - June 2021

Terms of Appointment



Dr Jane Martin CBE
(1 Jan 2017 – 31 Dec 2021)



Dame Shirley Pearce DBE
(31 Mar 2018 – 30 Mar 2023)



Rt Hon Dame Margaret Beckett DBE MP (Labour)
(31 Oct 2019 – 30 Oct 2022)



Jane Ramsey
(1 Sep 2016 – 28 Oct 2020)



Monisha Shah
(1 Dec 2015 – 30 Jul 2021)



Rt Hon Lord Stunell OBE (Liberal Democrat)
(1 Dec 2019 – 30 Nov 2022)



Rt Hon Jeremy Wright QC MP
(21 Nov 2019 – 20 Nov 2022)



Chair, Lord Evans of Weardale KCB DL
(1 Nov 2018 – 31 Oct 2023)

Independent Chair and 4 independent members, appointed under the governance code for public appointments, for 5 years, non-renewable terms.

3 political representatives, appointed for 3 years, renewable terms.

All appointments made by the Prime Minister.

FOREWORD BY THE CHAIR

I am pleased to present the Committee on Standards in Public Life's Annual Report for 2020/21, my third as Chair of the Committee.

The past year has seen everyone continue to be deeply affected by the continuing pandemic. The pressure on the NHS, the economy and social care have impacted on every aspect of our lives. Many individuals have demonstrated levels of selflessness and leadership that have gone above and beyond. Staff in both the public and private sectors have had to adapt quickly to new ways of working.

The Committee and its small Secretariat has similarly had to adapt, working remotely and thinking about how to do things differently against an increasing workload.

The Committee recognises that the need for immediate action at a time of crisis means that the normal way of doing things might have to be set aside. But there have been some areas of concern where important norms have been disregarded. In my Hugh Kay lecture at the Institute for Business Ethics in November, I set out the case for the 'real life' importance of standards in public life, and why they continue to matter. Demonstrating the principles of public life, and showing a sense of fairness in carrying out its duties, has a critical impact on the ability of government to take the public and business with them and is necessary for building consensus.

The past year we have followed up previous reviews on intimidation in public life and local government ethical standards. I would like to highlight two outcomes in particular. First, on intimidation in public life, we published a joint statement of conduct for political parties, working closely with The Jo Cox Foundation (The JCF). We are especially grateful to Catherine Anderson, then CEO of The JCF, for her tireless work resulting in the successful conclusion of this joint work.

Secondly, the Local Government Association acted promptly to take forward our 2019 recommendation of a model code of conduct for local councils. We wanted to enhance the consistency and quality of local codes, and to support action against bullying and harassment. LGA's new model code provides vital support for local authorities in holding councillors and officers to the high ethical standards expected by the public.

However, we remain concerned that 2 ½ years after its publication, the government has not formally responded to our local government ethical standards report and we would urge them to look at the important recommendations we made as a matter of urgency.

The majority of the Committee's time and work during the period of this Annual Report has been focused on 2 new major reviews. In July, we published a review of the complex subject of election finance, looking at the regulation and enforcement of donations and campaign expenditure by candidates, political parties and non-party campaigners in election campaigns. Weighing up a wide range of evidence and differing views, this report sets out a package of practical recommendations to modernise and streamline the current system.

In September 2020, we started a major review of the standards landscape, looking at strengths, gaps and weaknesses in our complex tapestry of standards regulators - Standards Matter 2. For both reviews, we talked to experts, practitioners, academics and the public about what works well and what needs to be improved.

We have considered the role of the Committee during this time when its profile has been high during the ongoing debate about standards in public life post-Brexit. We have thought about how we can have the most impact and value and contribute to the maintenance of high standards in a timely way. Although it is welcome to see the Nolan principles widely cited in the media, it is clear there is confusion and dissatisfaction about how some aspects of the standards regime is working in practice.

In order to provide timely advice, we [wrote](#) to the Prime Minister in advance of the appointment of a new Independent Adviser on Ministers' Interests. Our recommendations were informed by evidence from a wide range of witnesses to the *Standards Matter 2* review including former Independent Advisers and former Cabinet Secretaries. We welcomed the appointment of Lord Geidt and we were pleased that some of our recommendations relating to the independence of his role were accepted. Although the Prime Minister did not decide to grant the Adviser the ability to initiate their own investigations, we continue to believe that this is necessary to improve confidence in the regulation of the Ministerial Code. We will continue to monitor how the role works in practice under its new terms of reference.

In light of sustained public scrutiny on standards regulation, and a number of parliamentary and government inquiries launched in the first half of 2021, we also published findings from our *Standards Matter 2* review. The Committee found that four areas of standards regulation require significant reform: the Ministerial Code and the Independent Adviser on Ministers' Interests; the government's Business Appointment Rules and ACOBA; transparency around lobbying; and the regulation of public appointments. These findings will inform our final report and recommendations to the Prime Minister which is due towards the end of 2021.

Looking ahead, the Committee will continue to monitor the impact of the pandemic on ethical standards in public life. And our next review, to be launched later this year, will identify best practice in education, culture, and leadership on ethical standards. It will report to the Prime Minister in 2022.

Finally I would like to thank Committee members, our Research Advisory Board Chair, and the Secretariat for their hard work and resilience during this past year. In particular, I would like to thank two independent members - Monisha Shah who finishes her term in July, after kindly agreeing to extend her term of appointment by 8 months; and Jane Ramsey, who resigned from the Committee in October 2020 to take up a new role to lead on a new independent complaints process for internal disciplinary matters in the Labour party.

Monisha contributed markedly to many of our reports during her 5 ½ years on the Committee, always making the Committee think carefully about the role of regulators, the importance of diversity of thought and public perceptions of standards. Jane led the Committee's pivotal report into Intimidation in Public Life in 2017, provided key support on the local government report in 2019, drove the Committee's close watching brief on bullying and harassment issues in Parliament and jointly led our election report before leaving the

Committee in October. Jane and Monisha helped the Committee make the case for high standards in public life during a time of political turmoil and unprecedented crisis and we are indebted to them both.

Lord (Jonathan) Evans of Weardale KCB DL
Chair



The Committee's Remit

The Committee on Standards in Public Life (CSPL, the Committee) advises the Prime Minister on ethical standards across the whole of public life in England. It monitors and reports on issues relating to the standards of conduct of all public office-holders. The Committee is an advisory non-departmental public body sponsored by the Cabinet Office. The Chair and members are appointed by the Prime Minister.

The Committee is a standing committee. It conducts inquiries into areas of current concern about standards in public life; revisits those areas to monitor whether and how well its recommendations have been put into effect; and can look to issues of the future.

The Committee was established in October 1994, by the then Prime Minister, with the following terms of reference:

“To examine current concerns about standards of conduct of all holders of public office, including arrangements relating to financial and commercial activities, and make recommendations as to any changes in present arrangements which might be required to ensure the highest standards of propriety in public life.”

The remit of the Committee excludes investigation of individual allegations of misconduct.

On 12 November 1997, the terms of reference were extended by the then Prime Minister:

“To review issues in relation to the funding of political parties, and to make recommendations as to any changes in present arrangements.”

The terms of reference were clarified following the Triennial Review of the Committee in 2013. The then Minister for the Cabinet Office confirmed that the Committee “should not inquire into matters relating to the devolved legislatures and governments except with the agreement of those bodies”, and that “the Government understands the Committee’s remit to examine ‘standards of conduct of all holders of public office’ as encompassing all those involved in the delivery of public services, not solely those appointed or elected to public office.”

INTRODUCTION

The Committee was established in 1994 with a clear purpose: to examine areas of concern about the standards of conduct of public office holders, to advise the Prime Minister accordingly, and to promote the highest standards of conduct across public life.

The Committee identifies areas of concern in conduct and behaviours and undertakes impartial, balanced and comprehensive reviews with recommendations based on evidence received. Our independence of both government and Parliament is key. We make informed contributions to public debates about ethical standards, including submissions to public consultations; and we proactively identify and respond to emerging ethical risks, and engage with a wide-range of partners on the ethical standards agenda.

The maintenance of high standards in public life is important for the good functioning of society as a whole, it helps maintain public trust in institutions, and is important for democracy. High standards of conduct underpin public confidence in every aspect of public life, from the delivery of health and social care services to education, policing and legislation.

The Committee plays a key role in examining areas of concern and maintaining a watching brief on standards in public life.

We are part of a complex landscape. There is a wide range of different regulatory bodies involved in investigating, promoting and maintaining standards, based on the Nolan Principles - some of those bodies came about as a result of the Committee's recommendations over the past 26 years. We are not a regulator so we have no statutory powers and no remit to investigate individual cases. Instead we use a variety of means to do our work, to gather evidence, to influence, and to make sure our voice is heard. You can hear more about how we carry out our work in [our videos here](#).

It is a broad field so we are committed to working with others to ensure this vision of high ethical standards is met and that the Principles of Public Life are understood and embedded across public life. We have been pleased to hear directly from those also playing important roles in this complex landscape.

Our effectiveness depends on our ability to build powerful arguments using research and evidence which convinces others to take forward our recommendations for change.

In this report, we describe how we have carried out these activities in areas that have been our priorities in the period July 2020 – June 2021.

Factual information about the Committee's remit, membership, data protection, financial information, reports published, speeches and presentations, submissions to external consultations and our Research Advisory Board can be found in Annexes A-I and on our website.

REVIEW OF MAIN AREAS OF WORK JULY 2020 - JUNE 2021

REGULATION OF ELECTION FINANCE

In June 2020, we launched our review of the complex subject of the regulation of election finance. We looked at the regulation and enforcement of donations and campaign expenditure by candidates, political parties and non-party campaigners in election campaigns.

The review was not prompted by a specific concern, but given our longstanding interest in this area, we wanted to consider whether the current framework for regulating campaign finance laws was coherent and proportionate.¹

Proportionate and effective regulation of the money spent to influence the outcome of elections and referendums is vital to the operation of a functioning democracy. We assessed the way donations and campaign expenditure by candidates, political parties and non-party campaigners in election and referendum campaigns are regulated and enforced.

We considered whether the system for regulating campaign spend and donations meets the challenges of 21st century elections. Digital campaigning is revolutionising the way parties and campaigners engage with voters. It has made it harder to track how much is being spent, on what, where and by whom.

Our public consultation and public focus groups asked about first principles – what values and principles should guide regulation of finance during elections? And, guided by those principles and the evidence we took from a range of contributors, we have made a series of practical recommendations that seek to modernise and reform important aspects of the regime.

Our recommendations are intended to balance the needs of those regulated by the system in terms of proportionality and clarity and fairness, with the right of the public to know how money is being spent in trying to influence their vote and the need for effective enforcement when rules are broken. We believe the recommendations deliver significant improvements to the current framework for regulating election finance, creating a system that is fair without being so complex and demanding that it deters people from taking part.

We would like to thank all those who gave evidence to our review. Our review would not have been possible if they had not been willing to share with us their knowledge and experience of, and research into, this highly complex subject.

¹ Our predecessors recommended the setting up of the Electoral Commission in 1998 and reviewed its work in 2007.

STANDARDS LANDSCAPE - STANDARDS MATTER 2

We launched our review of the institutions, processes and structures in place to support high standards of conduct in September 2020.

This followed the publication of [research mapping the various regulatory bodies overseeing ethical standards](#), which was commissioned by the Committee as part of its 25th anniversary commemorations. Having surveyed the landscape - which includes a number of bodies created or reformed in line with CSPL recommendations - the Committee launched *Standards Matter 2* to assess the strengths, weaknesses and gaps in our framework for regulating ethics in public life.

We wanted to review to what extent high standards in public life are currently being upheld; if the Seven Principles of Public Life articulate the right set of ethical expectations of public office holders, and whether our regulatory system to maintain and uphold standards is fit for purpose.

We have taken evidence from a wide range of stakeholders, through a public consultation, public sector survey, stakeholder meetings, online evidence sessions and an academics' roundtable. We are very grateful to those who have given their time and expertise.

We published our [findings](#) in June 2021. The Committee believes four areas of standards regulation require significant reform: the Ministerial Code and the Independent Adviser on Ministers' Interests; ACOBA and the Business Appointment Rules; transparency around lobbying; and the regulation of public appointments. These findings will inform our final report and recommendations to the Prime Minister later this year.

Our final report will also cover some important cross-cutting themes. We are assessing how well standards are upheld in public life, considering the ongoing relevance and suitability of the Seven Principles of Public Life and their current descriptors, and examining options for standardising and simplifying our complex standards landscape.

We will also look at what is working well to support high standards of conduct across public life and will start a new, separate review that will examine best practice so that we can share the best examples of strong ethical cultures from both the public and private sector.

FOLLOW UP TO PREVIOUS REPORTS

Artificial Intelligence And Public Standards, February 2020

The Committee published its [report on AI and Public Standards](#) in February 2020. It made a number of recommendations about the need for effective and informed governance of the use of AI in the public sector.

The review found that the Nolan Principles remain a valid guide for public sector practice and do not need reformulating for AI, but three are particularly relevant – openness, accountability and objectivity. There is a real need for openness, accountability and objectivity around any technology being used to make decisions in the public sector and the public expect transparency and accountability when things go wrong.

We found that far from needing a single regulator, successful AI governance is a question of clear regulation and proper controls for managing and mitigating risk. We said that all regulators should consider and respond to the challenges of AI in the fields for which they have responsibility.

In November 2020, [we wrote to regulators](#) asking them for an update on how they are adapting to the challenges posed by AI.

We welcome the government's recent [response](#) to the report and continue to maintain a watching brief on progress made against the report's recommendations.

Local Government Ethical Standards Report, January 2019

In January 2019, the Committee published a report and recommendations on local government ethical standards, an area of long-standing interest for CSPL.

Our work was a health check of the current framework established by the Localism Act 2011. The 2019 report provided assurance that the arrangements in place in local authorities are promoting and maintaining standards expected by the public and that the majority of local councillors do maintain high ethical standards.

We recommended though that some improvements were required, in particular, the need for maximum independence in local complaints processes and the need for greater sanctions, where appropriate, in the rare cases of significant or repeated breaches of the code of conduct.

One of our key recommendations was that there should be a non-mandatory model code of conduct. We welcome the work done by the Local Government Association over the past year to consult and produce a new [Model Code of Conduct](#). This is vital support for local authorities as they ensure councillors and officers adopt and maintain high ethical standards and we see this as an important step towards encouraging good conduct and safeguarding the public's trust in local government. The importance of an ethical culture in every local

council to maintain public trust and confidence in local democracy should not be underestimated.

At the end of 2020, we followed up progress against our 15 best practice recommendations. The replies we have received can be found [here](#). The responses we have received from local authorities have been positive with most local authorities confirming that they have already implemented or are taking steps to implement our best practice recommendations.

We are of course aware that the Covid-19 pandemic has involved significant additional work for those in local government and we are grateful to those who responded to our request for progress and we will continue to receive responses.

We are disappointed that the government has not yet formally responded to that report more than 2 years after its publication.

Intimidation In Public Life, December 2017

In our 2017 report *Intimidation in Public Life*, we made a number of recommendations for government, social media companies, Parliament, the police, political parties and others to address intimidation in public life. We have monitored developments since then, and we have actively worked with The Jo Cox Foundation on the recommendation of a joint statement on conduct for political parties.

In December 2020, we were pleased to publish this [joint statement](#) that had the support of Labour, Liberal Democrats, the SNP, Plaid Cymru, and the Green Party. This is a high-level statement of principle outlining the minimum standards of behaviour that all members of political parties should aspire to.

We are indebted to Catherine Anderson and her colleagues at The Jo Cox Foundation for working with us to achieve the joint statement. We wish Catherine well in her new role as Executive Director at the London Marathon Charitable Trust.

We were also pleased to see progress in a number of other areas against our recommendations; progress against those recommendations can be found [here](#).

WATCHING BRIEFS

Bullying And Harassment

When allegations of widespread bullying and harassment in Parliament came to light in late 2018, it was clear that fundamental reform was needed to change the culture of both Houses and the way Parliament regulated the conduct of parliamentarians and staff.

The establishment of the Independent Complaints and Grievances Scheme (ICGS) was a significant step forward, based on the important principle that those working in both Houses of Parliament would be subject to an independent and impartial process dedicated to upholding the new Behaviour Code.

Recognising the importance of these reforms to the way standards are upheld in Parliament, CSPL has maintained a close watching brief on the implementation of the ICGS since it was set up in 2018.

The 18 month review of the ICGS was published earlier this year and we welcome the commitment of both Houses of Parliament to implementing Alison Stanley's recommendations. [Our submission to that review](#) welcomed the work that has been done but noted that there is still some need for improvement. Notably, investigations take too long to complete; the scheme needs greater resources; and support offered to complainants and respondents needs to be better assessed.

We also welcome the House of Commons' endorsement of a revised regime of sanctions for breaches of the Code of Conduct, both in respect to the Independent Complaints and Grievance Scheme (ICGS) and non-ICGS cases; and the revisions to confidentiality arrangements so that the Commissioner for Standards now has leave to publish information about complaints received and matters under investigation. We agree with the Commissioner that this step will encourage greater confidence in the parliamentary standards system.

Impact of Covid-19 on Standards In Public Life

We have monitored the impact on Covid-19 on public standards over the past year, looking at standards issues arising as a result of the pandemic, including any compromise of the Nolan Principles; changes to parliamentary procedure and scrutiny; challenges around democratic accountability; and any impact on public trust.

We of course understand that there may be imperatives driving departure from normal processes, but these cannot become the norm. How decisions are made - in the public interest - is what the Seven Principles of Life are about. These are the values that those serving the public should demonstrate.

We have published a number of Covid blog posts covering the different areas of public life that Covid has affected:

[Robust debate, not intimidation: May elections](#), Lord Evans
[Jackie Weaver – a catalyst for change in local government standards](#), Dr Jane Martin
[Decision making by algorithm must meet Nolan’s tests](#), Lord Evans
[Do exceptional times call for exceptional measures?](#), Monisha Shah
[Principles in practice](#), Professor Mark Philp, Research Advisory Board
[Leadership in times of crisis](#), Dame Shirley Pearce
[National problem, local solutions: openness and accountability at risk](#), Dr Jane Martin
[Understanding the value of selflessness in the coronavirus crisis](#), Dame Shirley Pearce
[Building equality into our coronavirus recovery](#), Monisha Shah
[Upholding objectivity in Covid-19 decision making](#), Professor Mark Philp, Research Advisory Board
[Ethical standards in a time of crisis](#), Professor Mark Philp, Research Advisory Board
[Nolan’s Principles underpin trust](#), Lord Evans

ANNEXES

[ANNEX A: ABOUT THE COMMITTEE](#)

[ANNEX B: MEMBERSHIP OF THE COMMITTEE](#)

[ANNEX C: DATA PROTECTION](#)

[ANNEX D: REPORTS PUBLISHED](#)

[ANNEX E: RESEARCH ADVISORY BOARD](#)

[ANNEX F: COMMITTEE BLOGS](#)

ANNEX G: EXTERNAL EVENTS

October 2020

22 October: Jane Ramsey spoke at LGA Councillors Forum follow-up meeting

23 October: Dame Shirley Pearce spoke at Public Chairs' Forum event on good governance

November 2020

2 November: Dr Jane Martin spoke at the LGA Monitoring Officers Conference

11 November: Lord Evans delivered the [Hugh Kay Lecture](#)

12 November: Lord Evans spoke at the Wilton Park/RUSI event on the future of AI governance in the Public Sector

24 November: Lord Evans and Dr Jane Martin gave evidence to the House of Commons Standards Committee

December 2020

1 December: Lord Evans and Dr Jane Martin gave evidence to the Public Administration and Constitutional Affairs Committee

January 2021

8 January: Professor Mark Philp participated in the Study of Parliament Group on the Regulation of MPs

26 January: Lord Evans spoke at the Non Executive Director Induction Event

March 2021

18 March: Lord Evans spoke at the joint Public Chairs' Forum and Association of Chief Executives event on AI Governance

May 2021

6 May: Dr Jane Martin participated in a roundtable: Women and civility/incivility in politics, organised by the Maison Française d'Oxford and Worcester College, Oxford

June 2021

29 June: Lord Evans spoke at the Non Executive Director (NED) Induction Event

ANNEX H: COMMITTEE SUBMISSIONS TO PUBLIC CONSULTATIONS

November 2020: [Parliamentary Inquiry on Code of Conduct for MPs](#)

November 2020: [Scotland Ethical Standards Commissioner's Review of Ministerial Appointments](#)

November 2020: [Parliamentary Inquiry into APPGs](#)

December 2020: [Independent Complaints and Grievance Scheme 18 month review](#)

January 2021: [Impress Standards Code](#)

January 2021: [Welsh Assembly Code of Conduct](#)

ANNEX I: FINANCIAL INFORMATION

The Chair is paid a remuneration of £36k pa with the expectation that he commits an average of 5-6 days a month, although this time increases significantly during periods of Committee reviews.

Independent members of the Committee on Standards in Public Life may claim £240 for each day they work on Committee business and claim for expenses incurred.

The 3 political members of the Committee do not receive any fees or expenses.

As an advisory non-departmental public body, the Committee on Standards in Public Life receives a delegated budget from the Cabinet Office. Day-to-day responsibility for financial

controls and budgetary mechanisms are delegated to the Secretary of the Committee. Creation of new posts are subject to the Cabinet Office Approvals process.

Members of the Secretariat are permanent civil servants employed by the Cabinet Office. There are 5 full-time members of the Secretariat.

The Committee's media and communications activity is managed by a contracted Press Officer.

The Committee's spend for 1 April 2020 - 31 March 2021 was £414,872.83.

Published by the Committee on Standards in Public Life

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www.gov.uk/government/organisations/the-committee-on-standards-in-public-life

July 2021

Report to the Ethical Standards and Member Development Committee

9 November 2021

Subject:	Gifts and Hospitality Register
Director:	Director of Law and Governance and Monitoring Officer – Surjit Tour
Contact Officer:	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.

3 How does this deliver objectives of the Corporate Plan?

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

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 £50.00. 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 Council's committee management system, sandwell.moderngov.co.uk, 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 has been a new entry to the Gifts and Hospitality Register since the last meeting of the Committee, detailed in Appendix 1 below.

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

Resources:	There are no strategic resource implications arising from this report.
Legal and Governance:	<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.
Risk:	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.
Equality:	There is no requirement for an equality impact assessment.
Health and Wellbeing:	There are no direct health and wellbeing implications from this report.
Social Value	There are no direct social value implications from this report.

7. Appendices

Extract from the Council's Gifts and Hospitality Register for Elected Members.

8. Background Papers

Declarations made by Elected Members are available to view under Councillors' profiles at sandwell.moderngov.co.uk.

Appendix 1

Gifts and Hospitality Registered Since Last Meeting

Name	Date Registered	Details of Gift/Hospitality	Estimated Value	Accepted/Refused
CLlr R Jalil	10 September 2021	Train Tickets to Waltham Forest for Mini Holland Tour on 08/09/21 (as part of Transport Member role).	£154.60	Accepted

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Report to the Ethical Standards and Member Development Committee

9 November 2021

Subject:	National Cases
Director:	Director Law and Governance and Monitoring Officer - Surjit Tour
Contact Officer:	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 cases at Appendix 1 and 2 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.
- 2.2 Members are asked to note that one case is in Wales, therefore, the powers used differ to those available to local authorities in England.



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

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

7. Appendices

Appendix 1 – Extract taken from <https://www.bbc.co.uk/news/uk-england-cumbria-58969783> dated 19 October 2021

Appendix 2 – Extract taken from www.rhyljournal.co.uk – updated 14 June 2021

8. Background Papers

No background papers.



Allerdale councillor jailed for threatening email

A councillor has been jailed for 18 weeks after sending a "grossly offensive" and threatening email.

Peter Little sent the message to Allerdale Council's chief executive, Andrew Seekings, in September in which he threatened him and the Tory MP for Workington Mark Jenkinson.

Little, pleaded guilty at Workington Magistrates' Court to sending an offensive message. Mr Jenkinson said abuse had become "an accepted part of political life". "That has to change," he said.

"It is a very tiny, loud minority that think it's acceptable to make these threats." In the email Little used a sexual swear word to suggest Mr Seekings and Mr Jenkinson would come to harm.

The MP said the independent councillor's actions were "much worse" because the email had been sent to a council official who had not put himself into the political arena. "That's not to justify attacks on elected members in any way but he's a paid officer going about his job and absolutely does not deserve to be subjected to any that," he said.

Politicians have been sharing stories of the abuse they have been experienced in light of the murder of Southend West MP Sir David Amess.

Mr Jenkinson said: "Today's robust action from Cumbria Police, the CPS and Workington's magistrates - and their defence of both individuals and democracy - is welcomed."

Little, had already been given a 12-week suspended prison sentence, plus a restraining order, in August after he admitted two other charges of threatening behaviour. He had been told he could keep his seat on the council because the sentence was shorter than the three months required by law to disqualify him as a councillor, but he was removed from his political group, Allerdale Independents.

He has been sentenced to six weeks in prison for sending the "grossly offensive" email, a spokesperson for Workington Magistrates' Court said. The suspended sentence was activated and will be served consecutively.

Extract taken from <https://www.bbc.co.uk/news/uk-england-cumbria-58969783> dated 19 October 2021



Denbighshire Council cabinet member suspended for two months

A COUNCIL cabinet member responsible for standards in public office has been suspended for two months after a committee found he “bullied or harassed” a woman who argued with one of his constituents.

Cllr Richard Mainon, Denbighshire council’s lead member for corporate services and strategic direction, breached the code of conduct for members on three counts, said the authority’s standards committee on Friday.

His portfolio covers, among other things, standards of behaviour for councillors.

He was found to have brought his “office or authority into disrepute” in his role as a councillor by discussing unsubstantiated allegations about her with the complainant’s work colleagues.

The panel also found he used his position as a county councillor “to confer on or secure for himself, or any other person, an advantage or create or avoid for himself, or any other person, a disadvantage” by intervening in what was a private matter.

Cllr Mainon represents Bodelwyddan ward and was the village’s mayor when the incident happened in December 2018.

He appeared before Denbighshire’s standards committee on the recommendation of the Public Services Ombudman for Wales.

It was alleged he intervened after an argument between a constituent and a member of the public outside a local supermarket on December 8, 2018.

His constituent, who was said to have been suffering from cancer at the time, asked him to make a complaint to the other woman’s employer after she alleged the woman claimed she was a dog warden and would have her pet removed from her.

The constituent later found out the woman worked for a social care regulatory body and informed Cllr Mainon.

He sought her out at her employer’s address, with the intention of getting her to refer herself to her own professional standards unit because of the supermarket altercation.

However, she wasn’t at work when Cllr Mainon called and he didn’t seek her side of the story before revealing to the complainant’s office colleague, line manager and



the organisation's complaints officer what she was alleged to have said during the incident.

They all confirmed Cllr Mainon, who identified himself as a county councillor and mayor of Bodelwyddan, gave the impression he was visiting on official council business, which he accepted.

The complainant was unaware of the allegations repeated by Cllr Mainon to her colleagues until January 2019, when she was interviewed by her bosses.

They ultimately decided it was a private matter which required no further action – and she later complained about Cllr Mainon's behaviour.

He said he intervened partly because his constituent suggested she was going to put a post about the incident on social media and he wanted to avoid a public spat.

He also said she didn't feel able to complain herself because of her medical condition.

He called the investigation process against him "subjective" and said he had no relationship with his constituent other than her being an elector in his ward.

Speaking for the Ombudsman, Katrin Shaw said the complainant felt the incident in the supermarket was "a private matter and should never have been brought to the attention of her employer".

Ms Shaw said: "Cllr Mainon didn't seek to verify the facts with the complainant. He tried to suggest to her employer he had seen CCTV (of the incident) and gave misleading information. [Cllr Mainon] acknowledged he didn't attend her place of work to establish the facts and he accepted making the formal complaint caused her distress."

Ms Shaw added the complainant said his actions had a "huge impact on her" and she had been "very embarrassed".

The complainant was initially "fearful of making a complaint" against Cllr Mainon in case he returned to discuss the issue.

The Ombudsman's office investigated and noted Cllr Mainon's compliance with the inquiry but ultimately said he should face the standards committee for as he had "failed to comply with the following provisions of the Code of Conduct.":

- not to conduct himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute



- not, in his official capacity or otherwise, to use or attempt to use his position improperly to confer on or secure for himself, or any other person, an advantage or create or avoid for himself, or any other person, a disadvantage
- not to use bullying behaviour or harass any person.

Cllr Mainon said in his “other careers” he “sat at a senior level” and considered himself a “problem solver” who would “make a decision and stick to it”.

He added: “I just needed for this constituent to feel she had a voice. I am confused. I’m not here to dispute or argue, I will suffer the consequences.”

The committee agreed with the Ombudsman’s view Cllr Mainon breached the authority’s code of conduct on all three counts.

Ms Shaw for the Ombudsman said the committee “should consider a suspension” of more than one month as it had been a “serious breach of the code” and he had shown a “fairly reckless regard of the consequences” for the complainant.

A spokesman for Denbighshire council said: “The committee found Cllr Mainon had breached the code of conduct and imposed a two-month suspension.

Extract taken from www.rhyljournal.co.uk – updated 14 June 2021.



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Report to Ethical Standards and Member Development Committee

9 November 2021

Subject:	Complaints and Allegations Update
Director:	Director of Law and Governance and Monitoring Officer – Surjit Tour
Contact Officer:	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. Item 1 details activity that has been progressed since previously reported to the last meeting of the committee on 11 June 2021. Items 2-4 are the complaints that have been received since the last meeting of the committee and all are now resolved.

5 Alternative Options

- 5.1 None – the report is provided for information.

6 Implications

Resources:	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.
Legal and Governance:	The Local Government Act 2000 and Localism Act 2011 make provision for the arrangements for dealing with standards related matters.



Risk:	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
Equality:	There are no direct equality implications arising from this report.
Health and Wellbeing:	There are no direct health and wellbeing implications arising from this report.
Social Value	There are no direct social value implications arising from this report.

7. Appendices

None.

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 Matter stayed due to personal circumstances of the subject member Decision notice issued 19/10/21	Green	Matter concluded and resolved through local resolution	
MC/090721	Officer	It is alleged that the Subject member breached the Members code of conduct in use of Social media. Potential breaches of the Code of conduct paras 1.1 and 1.2	Date of complaint -09/7/21 Assessment of complaint by DMO – 23/7/21 Local Resolution proposed and agreed following consultation with the Independent person- 23/7/21	Green	Resolved through Local Resolution. Subject member apologised and agreed to attend training. Matter Closed	



Case Ref	Complainant	Code Provisions/ Ground for complaint	Date received and progress to date	Deadline Red: Amber: Green:	Outcome	Learning identified
MC/230721	Elected Member	It is alleged that the subject member breached the members code of conduct in relation to behaviour towards another elected member. Potential breaches of the members code of conduct 1.1,1.2, 2.1,2.2, 2.3	Date of complaint – 23/07/21 Assessment of complaint by DMO 04/08/21 Local Resolution accepted by parties 04/08/21	Green	Resolved through Local Resolution Matter closed	Matter were raised in this complaint which were party political group matters and not within the remit of the members code of conduct.
MC/090721	Officer	It is alleged that a subject member has breached the Members code of conduct in relation to social media activity Potential breaches of the members code of conduct 1.1,1.2, 3.1, 5.1	Complaint received 09/07/21 Decision notice 23/07/21	Green	Matter closed - resolved through local resolution subject member removed post and apologised	
MC/130821	Member of public	It is alleged that the subject member has used their position as a Cllr Potential breaches of the members code of conduct 1.1, 1.2, 2.1, 2.2, 2.3	Complaint received 13/8/21 Decision notice 03/09/21	Green	Matter closed- no evidence of a breach of the members code of conduct	



Case Ref	Complainant	Code Provisions/ Ground for complaint	Date received and progress to date	Deadline Red: Amber: Green:	Outcome	Learning identified
MC/080921	Officer	It is alleged that a subject member has breached the Members code of conduct in relation to social media activity Potential breaches of the members code of conduct 1.1,1.2, 3.1, 5.1	Complaint received 08/09/21 Decision notice 09/10/21	Green	Matter closed- insufficient evidence of a breach of the members code of conduct	
MC/081021	Member of public	It is alleged that the subject member has breached their position as a Cllr Potential breaches of the members code of conduct 1.1, 1.2, 2.1, 2.2, 2.3, 3.1. 6.1	Complaint received 08/10/21 Currently been considered by the Monitoring Officer. Decision notice due to be issued w/c 1/11/21	Green		
MC/141021	Member of the public	It is alleged that the subject member has breached their position as a Cllr Potential breaches of the members code of conduct 3.1, 4.1, 4.2, 5.1, 6.1, 7.1, 7.2	Complaint received 14/10/21 Currently been considered by the Monitoring Officer Decision notice due to be issued w/c 1/11/21	Green		



Case Ref	Complainant	Code Provisions/ Ground for complaint	Date received and progress to date	Deadline Red: Amber: Green: Green	Outcome	Learning identified
MC/211021	Member of the public	It is alleged that the subject member has breached the code of conduct and misused their position as a Cllr. Potential breaches of the members code of conduct 2.1, 2.2, 2.3, 3.1, 5.1, 6.1	Complaint received 21/10/21. DMO seeking further information from complainant			
MC/22/10/21-a & b	Elected member	This complaint is against 2 elected members. It is alleged that the subject members have breached the code of conduct and their position as Cllrs Potential breaches of the members code of conduct 1.1,1.2, 3.1, 5.1	Complaint received 22/10/21. DMO assessing the complaint			



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Report to Ethical Standards and Member Development Committee

9 November 2021

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

1 Recommendations

That the Committee notes 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 The work programme for 2021/2022 is attached at Appendix 1. The programme covers the areas that are within the remit of the Ethical Standards and Member Development Committee under its current terms of reference and will be submitted to each meeting of the Committee to keep under review.
- 1.2 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, outstanding matters have been built into the programme for this municipal year.

Since the last meeting of the Committee, the Ethical Standards Working Group met to consider recruitment of Independent Persons (a report appears elsewhere on the agenda) and DBS checks for elected members (this matter will be reported to the next meeting).

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

Resources:	There are no resources arising directly from this report.
Legal and Governance:	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.



Risk:	There are no risks arising directly from this report.
Equality:	
Health and Wellbeing:	
Social Value	

7. Appendices

Work programme for the 2021-22 municipal year

8. Background Papers

None



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Ethical Standards and Member Development Committee Work Programme 2021/22

11 June 2021

- Appointment to Sub Committees/Standards Working Group
- Outstanding Matters
- 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 (Standing Item)

9 November 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
- Review – Personal Safety for Elected Members
- Complaints Update
- Gifts and Hospitality
- National Cases for information
- Work Programme

January 2022

- Review – Personal Safety for Elected Members
- Member Development Programme Update
- Register of Members' Interests – Annual Review
- Dispensations
- DBS Checks for Elected Members
- 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
- Work Programme

March 2022

- 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
- Work Programme