

Agenda

Ethical Standards and Member Development Committee

Tuesday, 1 November 2022 at 3.00 pm
In Committee Room One, Sandwell Council House, Oldbury

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 - 12

To confirm the minutes of the meeting held on 21 June 2022 as a correct record.

4 Urgent Items of Business

To determine whether there are any additional items of business to be considered at the meeting as a matter of urgency.

5 DBS Checks for Elected Members

13 - 26

To consider options for DBS Checks for Elected Members.



6	Member Development Update	27 - 52
	To receive an update on the Member Development Programme.	
7	Committee on Standards in Public Life - Annual Report	53 - 78
	To consider the Annual Report of the Committee on Standards in Public Life.	
8	Gifts and Hospitality Register	79 - 82
	Standing item to consider the gifts and hospitality register.	
9	National Cases	83 - 88
	To consider National Cases relating to conduct issues.	
10	Complaints Update	89 - 94
	Standing item to consider the update on complaints.	
11	Work Programme	95 - 100
	To consider the work programme for the Committee for the forthcoming municipal year.	

Kim Bromley-Derry CBE DL
Managing Director Commissioner
Sandwell Council House
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Oldbury
West Midlands

Distribution

Councillor Allcock (Chair)
Councillors Crompton, E M Giles, G Gill, W Gill, Jalil, Lewis and Rahman

Contact: democratic_services@sandwell.gov.uk

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Minutes of Ethical Standards and Member Development Committee

**Tuesday 21 June at 3:00pm
in Committee Room 1, Sandwell Council House, Oldbury**

Present: Councillor Allcock (Chair)
Councillor Crompton, E M Giles, W Gill, Lewis and Rahman.
Mr John Tew and Mr Richard Phillips (Independent Persons).

Officers: Surjit Tour (Director of Law and Governance – Monitoring Officer), Maria Price (Service Manager-Legal Services), Vanessa Mahersmith (Governance and Business Support Principal Lead & Solicitor) and Trisha Newton (Senior Democratic Services Officer).

27/22 Apologies for Absence

Apologies were received from Councillor G Gill.

28/22 Declarations of Interest

No declarations of interest were made.

29/22 Minutes

The minutes of the meeting held on 22 March 2022 were agreed as a correct record.

30/22 Additional Items of Business

There were no additional items of business to consider.

31/22

Appointment to Ethical Standards Sub Committees and Ethical Standards 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).

The Committee also considered appointments to the Ethical Standards Working Group, alongside the Chair and Vice Chair, for the municipal year 2022/23.

Resolved:-

- (1) that the membership of the two Ethical Standards Sub-Committees for the 2022/23 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, be approved as 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).

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
Crompton		G Gill	
Lewis		E M Giles	
Jalil		Rahman	
W Gill (or sub)		W Gill (or sub)	
+ Independent Person		+ Independent Person	

- (2) that the Chair and Vice Chair, Councillors E M Giles, W Gill and Rahman be appointed to the Ethical Standards Working Group.

32/22 **Government Response to Committee on Standards in Public Life’s Ethical Standards Review**

In January 2019 the Committee on Standards in Public Life (“CSPL”) published its review report into ethical standards. In the report the CSPL made 26 recommendations (24 of which were directed at Government), which included various amendments to legislation as well as a number of examples of best practice that Local Authorities could implement without the legislative changes.

The Committee noted the response of the Government to the recommendations made by the Committee on Standards in Public Life.

33/22 **Local Government (Disqualification) Act 2022**

The Local Government (Disqualification Act 2022) came into force on 28th June 2022.

The Act amended the current legislation to extend the disqualification criteria for Local Authority members (Councillors, Mayors of Combined Authorities, the Mayor of London and London Assembly Members).

Its provisions included disqualifying a person, depending on the status of the relevant order or notification, from being elected or being a member of a local authority or the mayor for the area of a combined authority in England, if they were subject to the notification requirements of Part 2 of the Sexual Offences Act 2003 or a sexual harm prevention order, sexual risk order or related relevant orders.

In relation to criminal activity (not related to election practices) the current disqualification criteria for Councillors, directly elected Mayors and London Assembly Members was that they were disqualified from standing for election or holding public office if they had been convicted of any offence and had received a sentence of imprisonment (suspended or not) for a period of not less than three months without the option of a fine.

As a result of new offences and new sentencing guidelines, some sexual offences did not result in a custodial sentence. Therefore, councillors convicted of offences, which previously would have resulted in disqualification, were now able to retain their role if elected or run for election even if recently convicted.

The Act now ensured that those who have unintentionally fallen out of scope were now included.

The Act ensured that those who hold public office are held to the highest standards of integrity and conduct in public life and supports the Nolan Principles.

The Committee noted the details of the Act.

34/22 **Gifts and Hospitality Register**

No new entries had been made to the Gifts and Hospitality Register.

35/22 **Complaints Update**

The Committee received an update in relation to complaints received under the Member Code of Conduct arrangements.

36/22 **Work Programme**

The Committee considered the draft work programme for 2022/23.

The Committee requested that the report on DBS checks be brought forward to the September meeting and this matter would be swapped with the Network Opportunities with Neighbouring Authorities item in the programme.

Resolved that the work programme for 2022/23 be approved and kept under review during the year.

Meeting ended at 3.35pm

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Report to Ethical Standards and Member Development Committee

1 November 2022

Subject:	DBS Checks for Elected Members
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 the Committee consider the recommendations made by the Ethical Standards Working Group in respect of DBS Checks for Elected Members:-

- (1) that Basic DBS Checks be undertaken for all elected members not identified in the roles set out in (2) below;
- (2) that Enhanced DBS Checks be undertaken for those elected members in the roles set out below:-
 - The Leader
 - Deputy Leader
 - Cabinet Members for Children and Adults
 - All Members of Children’s Services and Education Scrutiny Board and Health and Adults Social Care Scrutiny Board
 - Members of the Corporate Parenting Board
 - Members of the Health and Wellbeing Board
 - Any other Member who may regularly come into contact with children or vulnerable adults as part of their Council role;



- (3) that DBS Checks be undertaken on an annual basis with the cost included as part of the members' basic allowance/SRA – this would be subject to Independent Remuneration Panel recommendations to revise the Members' Allowance Scheme;
- (4) that a further report be submitted to the Working Group/March Committee with recommendations to Council for implementation of the DBS Checks for Elected Members Protocol in the new Municipal Year.

2 Reasons for Recommendations

2.1 The Council is under a statutory duty to promote and maintain high standards of conduct, as set out in the Localism Act 2011. The introduction of DBS checks for members was raised as part of the consideration of this duty at the Member Engagement sessions held in December 2020.







One of the recommendations was that further consideration be given to the benefits of DBS checks and whether they should be introduced at this Council.

Further to Minute No. 18/22 (22 March 2022), recommendations were submitted to Council on 12 April 2022. Following deliberation, the matter was referred back to the Ethical Standards and Development Committee in order that further consideration could be given to DBS Checks for all elected members.

The Ethical Standards Working Group considered the matter on 19 October 2022 and has made the recommendations outlined above.



3 How does this deliver objectives of the Corporate Plan?

		Maintaining high standards in public office 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 December 2020, a series of Member Engagement sessions took place. Feedback from the sessions was considered at Committee on 12 March 2021. One of the issues highlighted at the sessions was whether Members should be asked to consent to DBS checks.
- 4.2 Prior to 2012, Local Authorities routinely carried out Criminal Record Bureau (CRB) checks on Elected members. However, the Protection of Freedoms Act 2012 created the Disclosure and Barring Service and a new system of checks. This included a more restrictive set of criteria to determine when checks could be carried out and on whom. Since 2012, the issue of DBS checking for Councillors has become a policy matter for individual Councils.
- 4.3 The matter was reported to the Ethical Standards Working Group at its meeting on 5 October 2021, with a full report due to be submitted to the Committee. A motion was submitted to Full Council at its meeting on 7 December 2021 proposing that all elected members should be vetted. There was considerable debate in the Chamber and the approved motion welcomed the decision of the Council's standards committee to include the consideration of enhanced DBS checks for elected members in their work programme.
- 4.4 At its meeting on 22 February 2022, the Ethical Standards and Member Development Committee gave approval to recommend to Council that members in the roles set out be subject to annual DBS checks. The matter was referred to the Ethical Standards Working Group to prepare a DBS protocol which was approved by Committee in March 2022.



Considerable discussion took place at Council at its meeting on 12 April 2022 and the matter was referred back to the Ethical Standards and Member Development Committee to review the proposal, specifically around limiting enhanced DBS checks to specific member roles.

A questionnaire has been circulated to all elected members seeking clarification on their roles and contact with vulnerable persons and children and the outcome of responses is attached at Appendix A.

The Ethical Standards Working Group met on 19 October 2022 to consider the responses and proposed that:-

- (1) Basic DBS Checks be proposed for all elected members, with the exception of those identified in the roles set out in (2).
- (2) Enhanced DBS Checks be undertaken for those elected members in the roles set out below:-
 - The Leader
 - Deputy Leader
 - Cabinet Members for Children and Adults
 - All Members of Children’s Services and Education Scrutiny Board and Health and Adults Social Care Scrutiny Board
 - Members of the Corporate Parenting Board
 - Members of the Health and Wellbeing Board
 - Any other Member who may regularly come into contact with children or vulnerable adults as part of their Council role.
- (3) DBS Checks be undertaken on an annual basis with the cost included as part of the members’ basic allowance/SRA – this would be subject to Independent Remuneration Panel recommendations to revise the Members’ Allowance Scheme.

Following Committee approval, a meeting of the Independent Remuneration Panel would be called to consider revisions to the Members’ Allowance Scheme.



A further report be submitted to the Working Group/March meeting of Committee with recommendations to Council for implementation of the DBS for Elected Members Protocol in the new Municipal Year.

Level of DBS Check

- 4.5 Standard and Enhanced DBS checks can only be undertaken if the specific role, or the specific activities carried out within the role, are included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975 (access to standard DBS certificates), and are also covered by the Police Act 1997 or Police Act 1997 (Criminal Records) regulations (access to enhanced DBS certificates). These laws only provide eligibility for DBS checks, they do not make them a requirement.
- 4.6 Decisions on when and whether to undertake a DBS check are for the relevant employer or regulator to make. If the Council are considering asking a person to apply for either a standard or enhanced DBS check, as the employer, the Council are legally responsible for making sure the job role is eligible. The job roles of Councillors do not meet the requirements for a standards DBS check.
- 4.7 There is currently no legal basis on which the Council can currently require or seek Enhanced DBS Checks for all Elected Members. The role does not constitute a 'named position' eligible for checks, and Ward Councillors do not carry out 'regulated activity' as defined by the Freedom of Information Act 2012.
- 4.8 The Council is of course aware that some Elected Members may have had DBS checks, albeit in another capacity, for example if they are School Governor etc. Elected Members who do not carry out any of the specific educational and/or social service functions but who attend community events, take surgeries or visit local residents in their own home where they have access to the general public, including children, do not meet the legislative criteria, as outlined above. However, a Basic Check could still be requested.
- 4.9 The legislative framework allows discretion on the issue of Basic checks. As such all elected members could agree to undergo a Basic DBS check. Basic checks show "Unspent Convictions & Cautions" from the Police National Computer (PNC) only, (*those that are considered to be unspent under the terms of the Rehabilitation of Offenders Act*



(ROA) 1974). These checks do not show spent convictions, cautions, warnings, reprimands, other relevant police information, or children or adults barred list and are therefore often considered of more limited value.

Basic checks, whilst limited would allow the Council to see if the criminal offence threshold, as set out in Section 80 of the Local Government Act 1972, has been met and this would be particularly significant if an elected member failed to disclose a conviction leading to a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine.

- 4.10 An enhanced check provides full details of a criminal record. This includes cautions, warnings, reprimands, spent and unspent convictions. It can also search the children and vulnerable adults 'barred list' to see if the applicant is prohibited from working with these groups. An individual can not request one themselves only the employer/organisation can request one.
- 4.11 With regard to Enhanced checks, for specific roles with more regular contact with children and vulnerable people, there is no statutory requirement on Councillors to undergo these checks. The eligibility criteria for an enhanced check is defined separately for contact with adults and Children. For children 3 criteria must be met, 1. the Establishment your in should be a specialist environments that involves working alongside children (e.g. schools, academies, colleges, residential children's care homes etc), 2. The activity should be a regulated one i.e working with children and 3. The activity is either 4 or more times within a 30-day period, or once or more times a week. Examples of regulated activities for Adults are provided in the table below:



Regulated Activity	Definition
Healthcare	Provided by any healthcare professional or under the direction or supervision of one
Personal care	Washing, dressing, eating, drinking and toileting
Social work	In relation to adults, who are clients or potential clients, includes assessing or reviewing the need for health or social care services and providing ongoing support to clients
Assistance with household affairs	Anyone who provides day to day assistance to an adult because of their age, illness or disability, where it includes managing the person's money, paying the person's bills, or shopping on their behalf
Assistance with the conduct of affairs	Power of attorney/deputies appointed under the Mental Capacity Act
Conveying an Adult	For health, personal or social care requirements due to age, illness or disability. This includes hospital porters, patient transport services, driver's assistants, Ambulance Technicians and Emergency Care Assistants. Please note transporting/conveying is not necessarily in a vehicle and could be in a wheelchair/stretchers

4.12 It is unlikely that the identified roles such as Leader will meet the criteria to be eligible for an enhanced DBS Check but each role would require individual analysis on the circumstances.

4.13 There is a DBS Update Service available and officers are gathering further information about the service, which is available for Enhanced DBS Checks.

Costs of DBS checks

4.13 There is a cost involved in carrying out DBS checks. This is £18 for basic checks and £38 for enhanced checks. There is currently no allocated Council Budget.



- 4.14 Enhanced checks - based on the previously suggested list of members, the annual cost for Enhanced DBS Checks would be approximately £1216 (this could fluctuate depending on membership of bodies/multiple roles). Should there be any changes to appointments during the municipal year, additional DBS checks would need to be undertaken (£38 per enhanced check).
- 4.15 Basic checks – based on 72 members, the annual cost of basic checks for all elected members is £1296 or approximately £1936 for a combination of basic/enhanced (as above).

4.16 Options for payment

Option 1 – payment through allowances for basic and SRA allowance for enhanced

Option 2 – payment for basis allowances from Council budget and SRA allowance for enhanced

Option 3 – payment for all DBS checks for elected members from Council budget

The Ethical Standards Working Group considered that the payment should be met through allowances and the Members' Allowance Scheme should be adjusted accordingly.

5 Alternative Options

- 5.1 There is no legal obligation to obtain DBS checks for elected members the status quo could be maintained.
- 5.2 Standard and Enhanced DBS checks can only be undertaken if the specific role, or the specific activities carried out within the role, are included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975 (access to standard DBS certificates), and are also covered by the Police Act 1997 or Police Act 1997 (Criminal Records) regulations (access to enhanced DBS certificates).



5.3 Enhanced checks could be completed only for those specific posts which meet the eligibility criteria. It is likely that very few of any of the selected posts will meet the eligibility criteria.

6 Benchmarking

Colchester Borough Council

6.1 At the request of their Governance and Audit Committee, Colchester Borough Council were asked to consider whether the Council should implement Disclosure and Barring Service checks for Elected Members. Their investigation into the matter included obtaining information on the approach of neighbouring, second tier local authorities, towards DBS checks (*both in October 2017 and February 2018*), to which they report, all eight responses confirmed that no checks (*including Basic Level checks*) are carried out by neighbouring authorities.

Harlow Council

6.2 A similar exercise was undertaken by Harlow in 2019, they report that the following Council's; *Dacorum, Maldon, Castlepoint, East Herts, Colchester, Brentwood, Basildon, Welling & Hatfield, Chelmsford, Braintree, Stevenage, Uttlesford and Epping Forest*, responded to confirm that they do not carry out DBS checks on Councillors. Following their research, Harlow is not proposing to start carrying out DBS checks on Elected Members.

Knowsley Council

6.3 In Knowsley, all councillors who carry out prescribed functions are DBS checked. In 2019 they were subject to a comprehensive check by DBS in relation the administration and appropriateness of DBS checks within the organisation. It was concluded that DBS checks undertaken were appropriate and no safeguarding risks were identified.

Resources:	There is a cost for carrying out the checks. Basic checks cost £18 and enhanced checks cost £38. Options are included section 4.13 of the report. Should it be determined that the Council should fund the checks a budget will be required to fund them.
Legal and Governance:	The Council would work within the terms of the Government's DBS Eligibility Guidance



Risk:	Carrying out the checks would help mitigate risks in relation to Member convictions
Equality:	All Members would be treated in the same manner regardless of any protected characteristics.
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

Analysis of responses to DBS questionnaire.

8. Background Papers

<https://www.gov.uk/government/collections/dbs-eligibility-guidance>

<https://www.gov.uk/government/publications/dbs-workforce-guidance>

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/804668/Child_workforce_guide_v10_0_280_52019.pdf

<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/735504/Adult_workforce_guide_v10_0_030_818.pdf

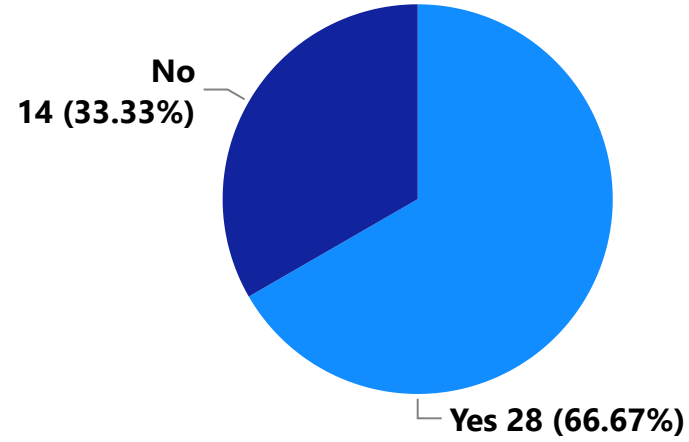
<https://www.gov.uk/government/publications/new-disclosure-and-barring-services>

<https://www.knowsleynews.co.uk/dbs-checks-for-councillors-the-facts/>

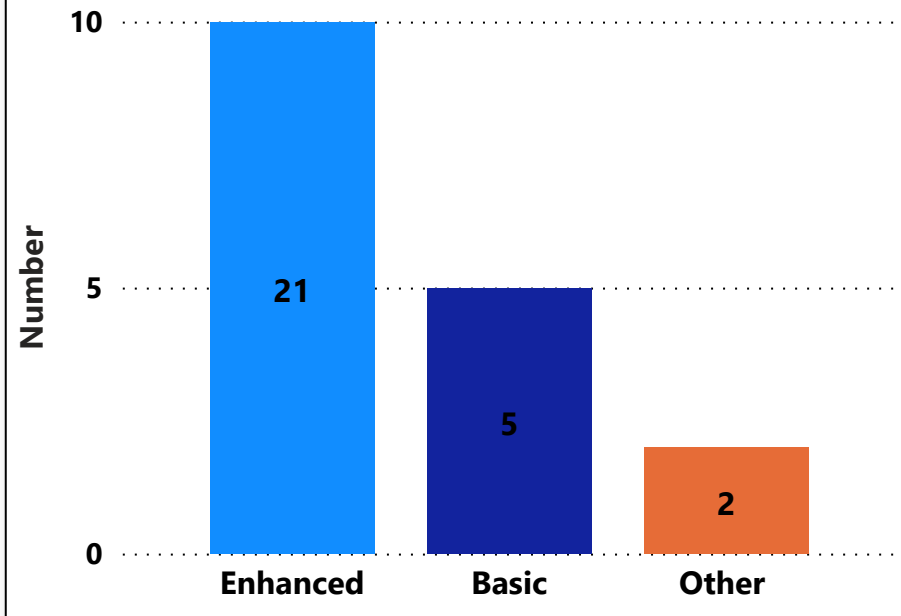
<https://www.gov.uk/government/publications/dbs-code-of-practice>



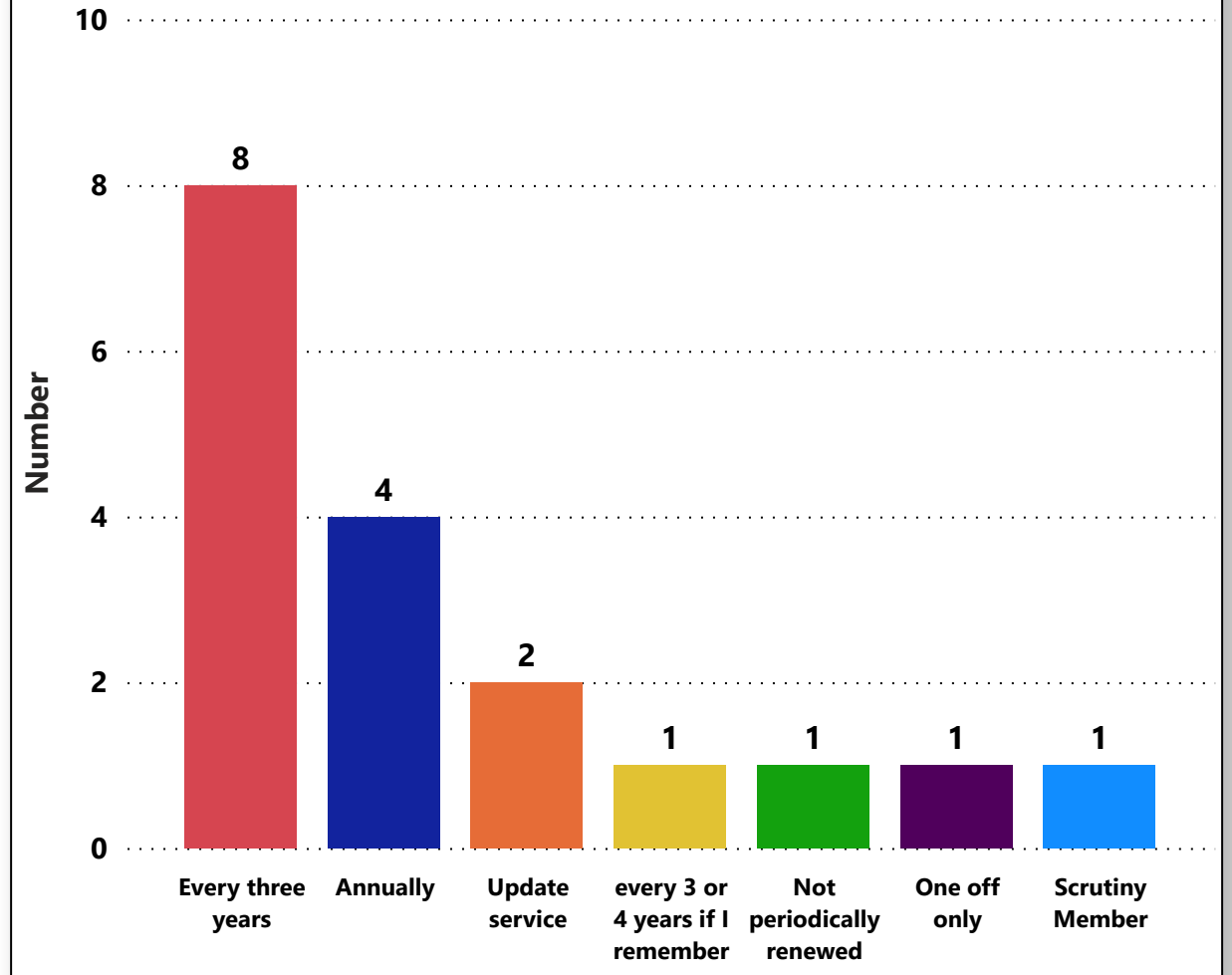
Do you currently have a DBS check in relation to a role outside of the Council ?



What Level of DBS Check is in Place?

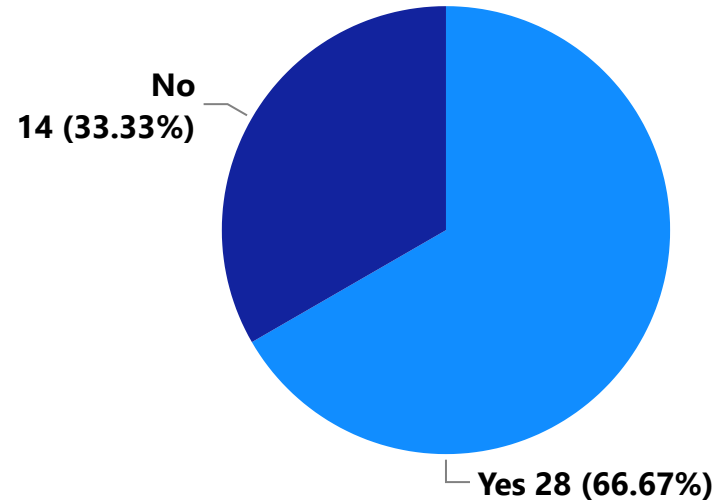


How Often is it Completed?

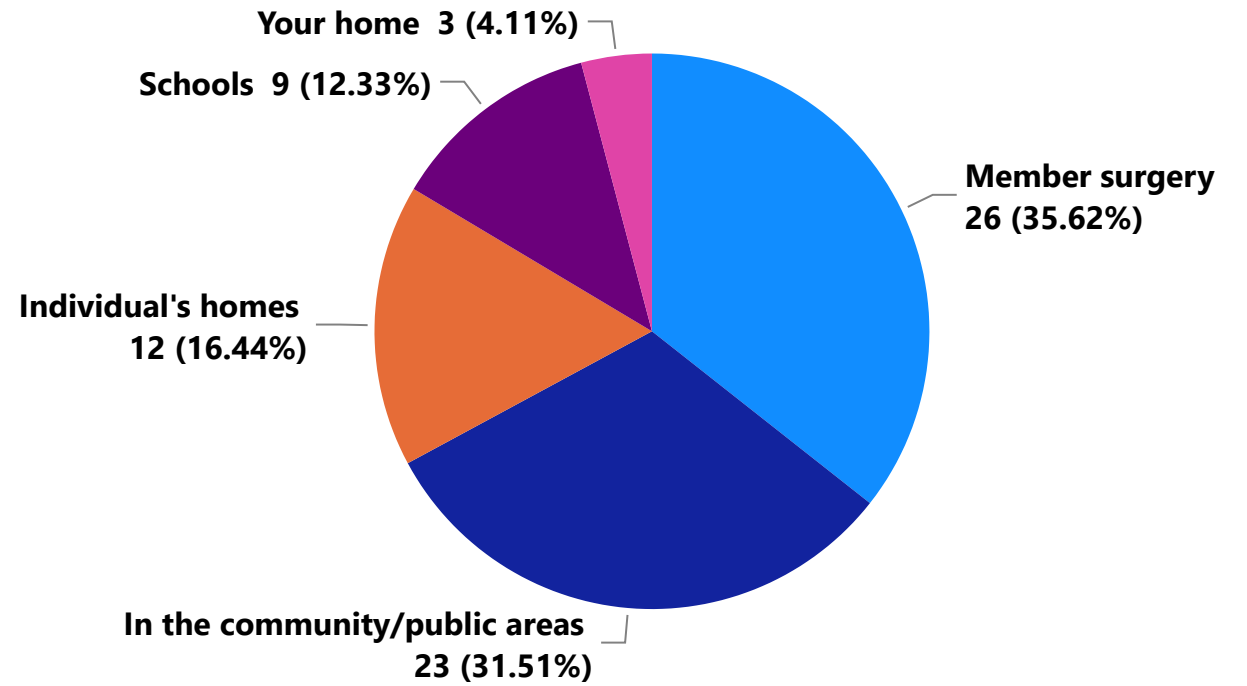


In Your Role with the Council Do You Come into Contact With Children or Vulnerable Adults?

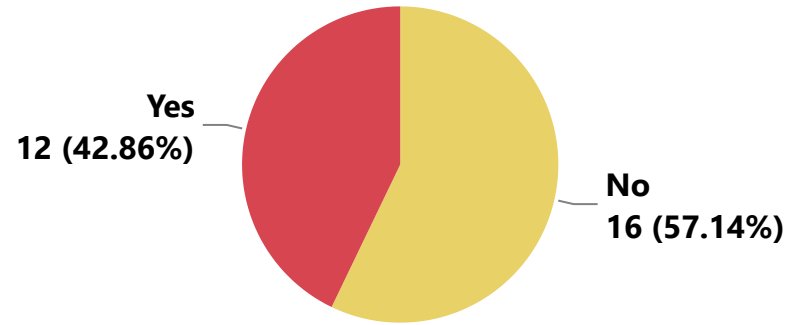
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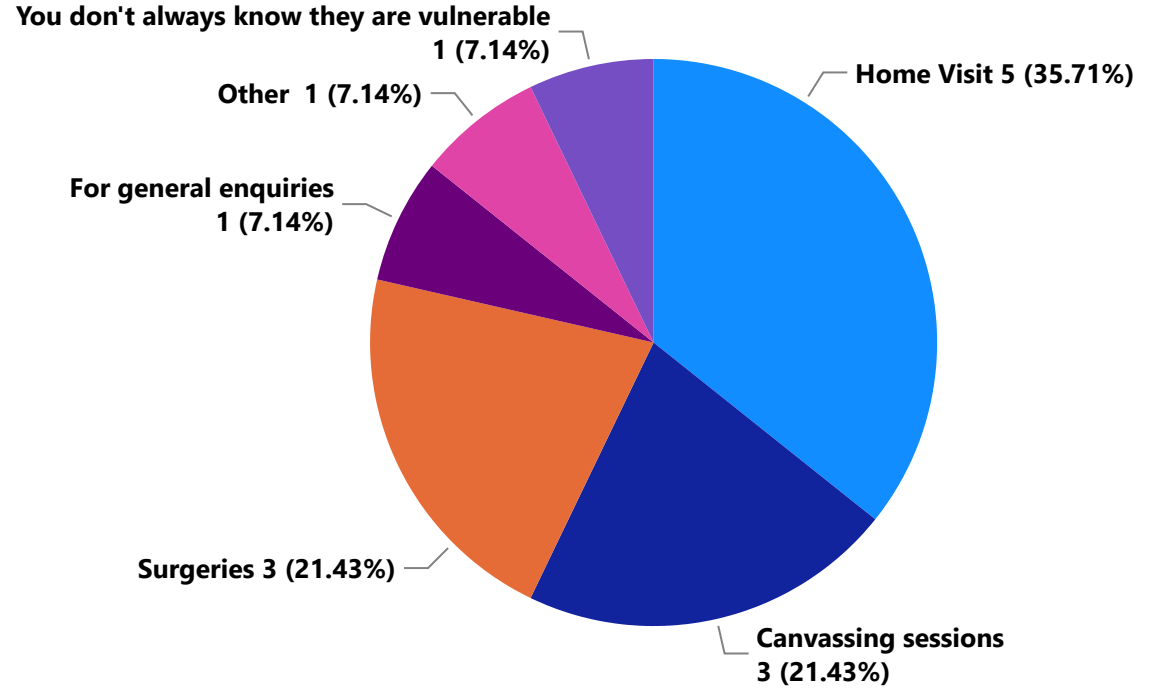
Where Does this Contact Take Place?



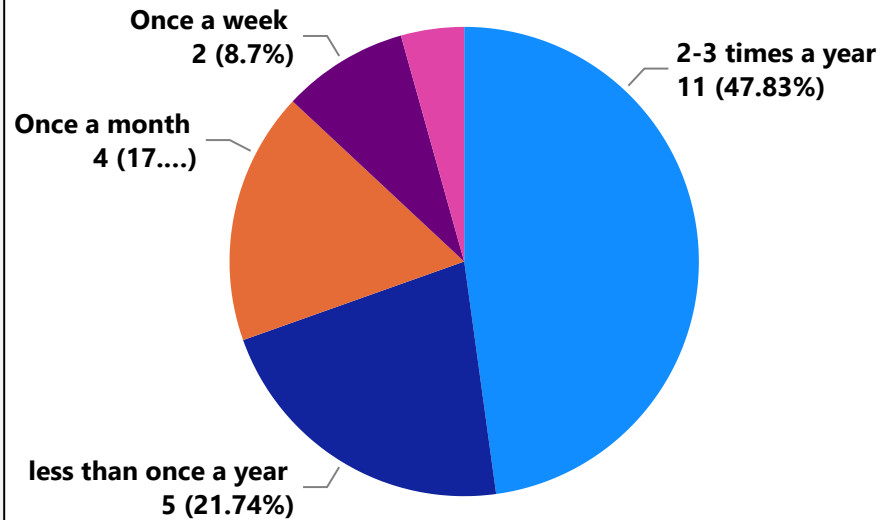
Is this Contact with Children or Vulnerable Adults on your own?



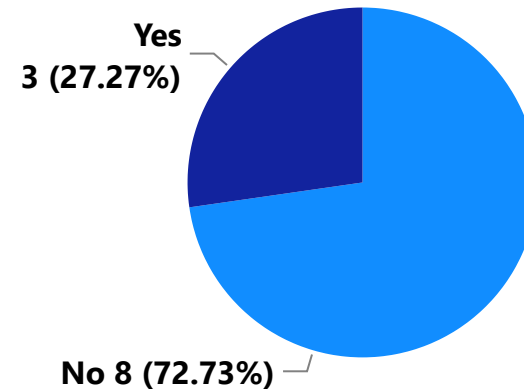
Why is this Contact on Your Own?



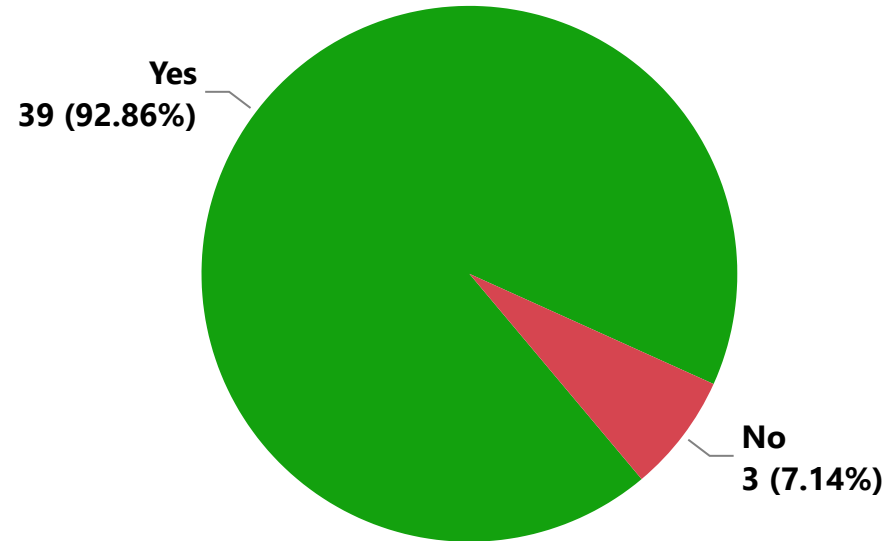
How Often Do you Come into Contact with the Same Child or Vulnerable Adult?



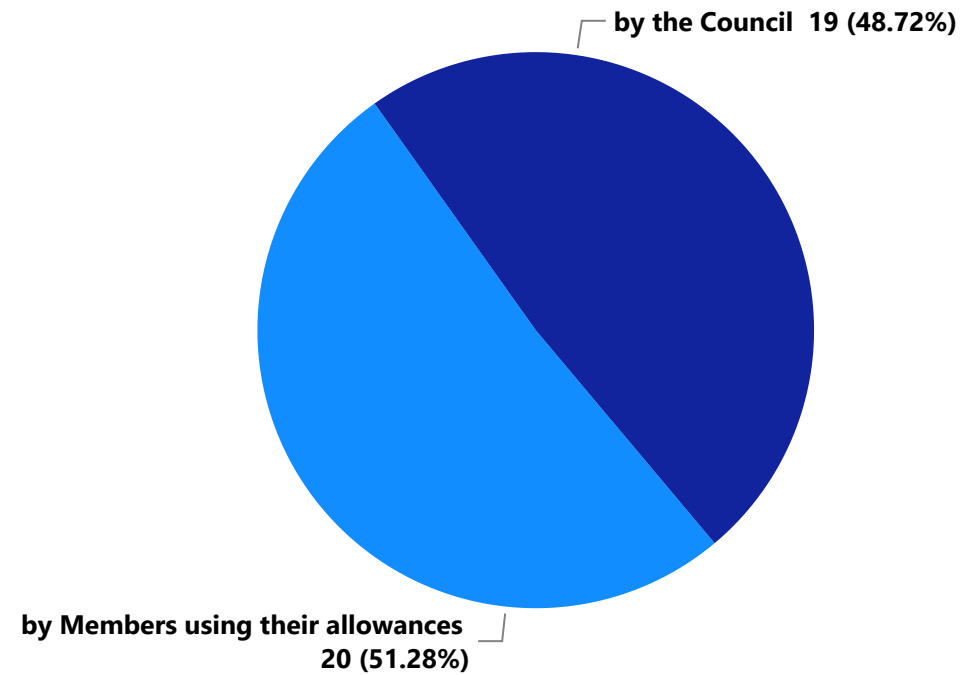
If you meet with a Child or Vulnerable Adult 2 -3 Times a Year Can You Evidence Those Meetings?



Would You Consent to a Voluntary DBS Check?



If a DBS is to be Completed by Elected Members, how should this be Funded?



Report to Ethical Standards and Member Development Committee

1 November 2022

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

1 Recommendations

- 1.1 That the detail of elected member learning and development activity that has been delivered since the beginning of the Municipal Year be noted and Member views on the effectiveness of the initial programme be provided.
- 1.2 That consideration be given to the draft Member Development Programme.

2 Reasons for Recommendations

- 2.1 The Committee is mandated to have oversight of Member Development activity, with the aim of ensuring Councillors are appropriately supported in their roles.



3 How does this deliver objectives of the Corporate Plan?

     	Targeted Member Development activity aims to support all ambitions and objectives in the Corporate Plan.
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4 Context and Key Issues

Taking member development to a new level

- 4.1 The Member Development Programme aims to offer learning and development in support of Member effectiveness and confidence in their roles. A new and revised programme is being finalised that will build on the programme developed over the past 4 years with a view to supporting Members in current and prospective roles and with an emphasis on the learning points identified and incorporated into the Councils improvement plan.
- 4.2 Included in the ongoing review of learning, development and support offered to members, personal development plans (PDPs) are currently taking place. PDPs provide a platform for confidential one to one conversations on member achievements, aspirations and associated support going forward. Collectively, input from the PDP process informs the design and content of the Member Development Programme. An analysis of PDP's will be undertaken and reported back to the next meeting alongside any proposed changes to the programme.

Training and Member induction to date

- 4.3 External reviews at the beginning of 2022 identified a series of recommendations and areas of focus to move the organisation forward. These have influenced the content of the draft member development programme that is attached at appendix 1 to the report. As highlighted above, the programme remains under review until completion of the PDP process. Core themes in the proposed programme include:



- New Member induction
- Corporate governance (highlighted in green in the appendix)
- Committee specific learning interventions
- Support for Members holding positions of responsibility and those aspiring to hold future roles

Whilst a number of programmed events are initially targeted toward newly elected Councillors as part of the induction programme, attendance is widened to include all Members, to facilitate the sharing of knowledge and experience. To input best practice into learning and development events, the use of external facilitators is incorporated where possible, and Members are encouraged to access national programmes with the aim of networking and benchmarking with colleagues from other local authorities.

4.4 Learning and Development May 2022 to date:

Learning & Development Activity	Date(s)	No. Attendees (* denotes restricted attendance)
Service Showcase	18 th May	36
Code of Conduct	19 th /30 th May	52
My Councillor Portal	19 th May	12* (new Councillors)
Introduction to Scrutiny	9 th June	10* (new Councillors)
Scrutiny	13 th June	24
Introduction to Local Government Finance	14 th /21 st June	6
Introduction to Planning	15 th June	18
Licensing (General)	16 th /19 th June	23
Licensing (Taxis)	14 th /30 th June	27
Planning Committee processes	21 st June	5* (Committee members)
Introduction to Audit, Fraud & Risk	23 rd June	29
Health Scrutiny	27 th June	9* (Committee members)
Sandwell learn	7 th /20 th /27 th July	30



Learning & Development Activity	Date(s)	No. Attendees (* denotes restricted attendance)
Anti-Social behaviour	2 nd August	17
Understanding extremism	3 rd August	16
Universal Credit Overview	8 th August	13
Recognising modern slavery	9 th August	18
Committee Chairing Skills	10 th August	17* (limited to 20)
Effective Member & Officer Relationships	6 th and 20 th September	55
Public Speaking “getting the message across effectively”	19 th October	24* (limited to 25)

4.5 Feedback generally is that the programmed events to date have been well received, noting, however that some Councillors have highlighted the volume of development sessions that have taken place to date.

5 Implications

Resources:	Training that forms the member development programme will involve a range of providers and support being utilised to ensure effective development and learning. The costs of such support will be met from existing approved budgets.
Legal and Governance:	<p>An effective Member Development Programme will help ensure the council make informed decisions and empower Members in undertaking their various roles.</p> <p>Members in relation to regulatory matters/functions are required to undertake specific kinds of training such as planning, licensing, standards, safeguarding.</p> <p>Supporting Members in their development, training and support needs strengthens the council’s governance arrangements.</p>



Risk:	Where engagement in learning and development is limited, there are risks associated with Members being insufficiently supported, particularly when undertaking statutory roles
Equality:	The revised Member Development Programme will address any Equality Act implications and issues arising.
Health and Wellbeing:	None in relation to this report
Social Value	The Member Development Programme has recently been reviewed and revised to ensure Elected Members have the requisite skills, support and knowledge necessary to undertake their various roles.
Climate Change	None in relation to this report

6 Appendices

Draft member development programme

7. Background Papers



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SANDWELL COUNCIL ELECTED MEMBER DEVELOPMENT PROGRAMME



2022/23

Councillor Keith Allcock – Chair of the Member Development Working Group

As the Chair of the Member Development Working Group, it gives me great pleasure to endorse this new plan that builds on the success of the past few years.

Member Development remains integral to our roles; In ensuring that we, as elected members can continue to support our communities and effectively deliver against the Council's corporate ambitions, we must be confident in our various roles and our ability to carry out our various responsibilities. Our Member Development Programme supports all Councillors, whether newly elected or longer serving, by providing opportunities to ensure that we have the skills and knowledge to respond to immediate and emerging local government issues.

Committee colleagues and I will continue to have oversight of the programme and encourage all members to engage proactively in their own learning and development in support of positive outcomes for the Borough.

Kind regards,

Cllr Keith Allcock

Chair of the Ethical Standards and Member Development Committee

Surjit Tour – Director – Monitoring Officer

Since 2018, Officers within my Directorate have been working to build a member development programme that holistically supports Sandwell Council's Elected Members.

At every turn, we have sought to ensure this is an inclusive process which all Members have an opportunity to contribute to in order for us to design and deliver a programme that enables you, as Councillors to feel supported in your roles, deliver against the strategic priorities and ambitions.

This document sets out what you can expect from the member development programme. We offer a mix of core knowledge and skills to meet the needs of all councillors, alongside themed bespoke development strands for those who have special responsibilities or aspire to a future role.

Whilst the programme is designed to be delivered over each municipal year, as always, Members are encouraged to engage with officers in the directorate if they identify and new development activity that would support them in their Councillor roles.

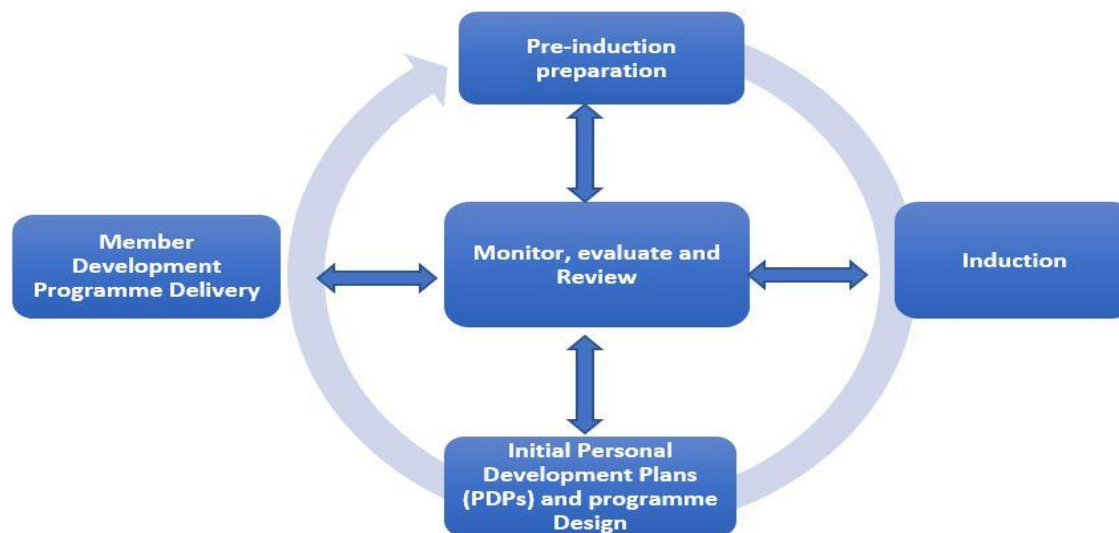
Best wishes,

Surjit Tour

SANDWELL'S APPROACH TO LEARNING AND DEVELOPMENT

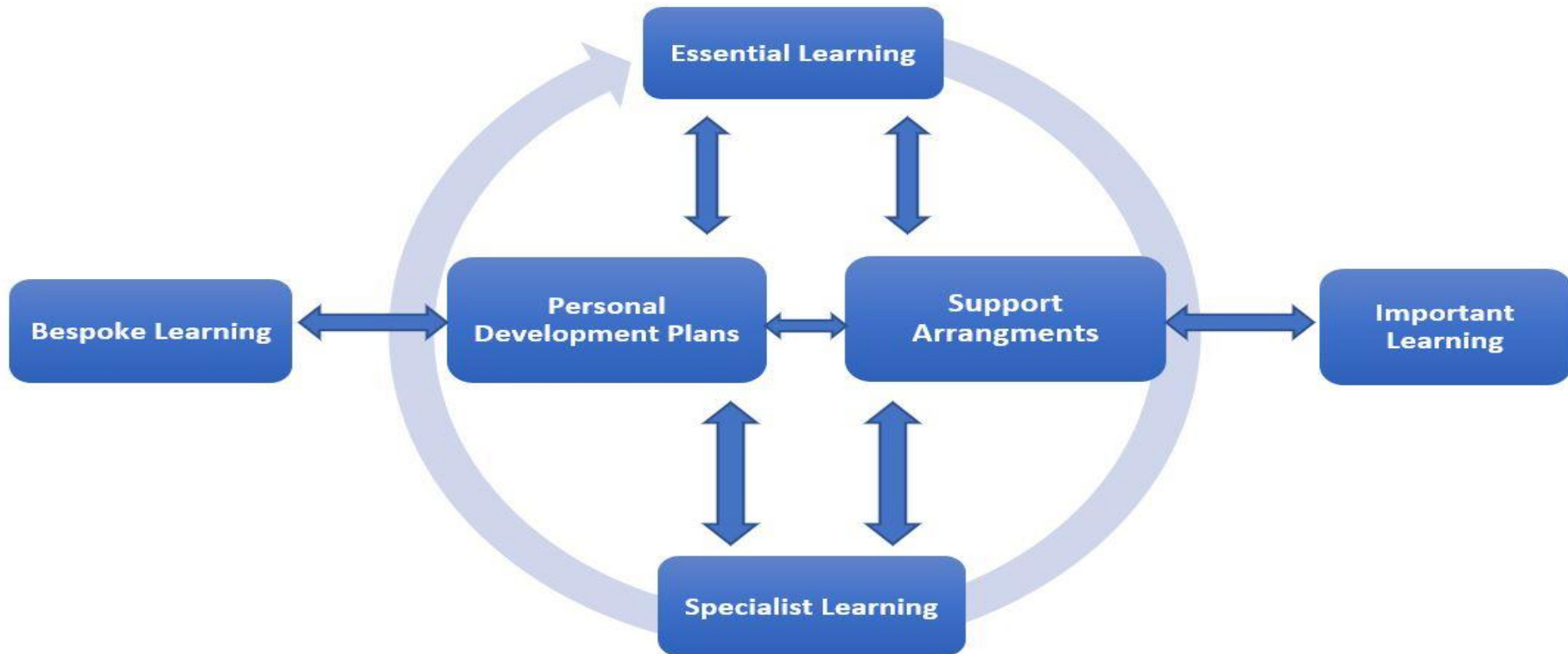
The Member Development programme is designed collaboratively with Members and officers across the Council with the aim of constructing an offer that incorporates the wishes of Members, the immediate needs of the authority and known future issues that impact across the local government landscape, with a view to ensuring that it remains fit for purpose and responsive to our needs.

Our shared belief is that an effective member development journey begins prior to election, in preparing those that would be newly elected members, and continues on a cyclical basis throughout the remainder of a Councillors life in public service. Our approach enables individuals and groups to design a comprehensive package of learning and support interventions that aim to enable and empower Members in their growth and development moving forward.



Our modelled approach includes robust monitoring, evaluation and review to ensure candidates, newly elected members and established members receive appropriate and targeted learning and support matched to their current and future needs.

The MDP has served its purpose well in recent years to establish learning and support as a key ingredient of Member effectiveness and confidence in their roles. This new and revised programme will work with the key strengths established over the past 4 years and build on the identified interventions that will develop Members who are in positions of special responsibility or are aspiring to be. The following diagram encapsulates the approach which is based on external best practice. Each of these elements work independently and collectively to inform a comprehensive framework of targeted development activity.



It is important to stress that the Member Development Plan is not a one size fits all approach, suited for only one use. This programme has been developed with a holistic approach in mind that will, over the next few years, as it continues to grow and develop, respond to the emerging learning and support needs of Members as and when they arise.

This is an ambitious, forward focused programme based in identified priority need with the flexibility to adapt as necessary in accordance with new or emerging themes. Support from officers remains readily available to all Members at any stage throughout lifecycle of the programme; both in 1-2-1 support but also in the continued development of infrastructure mechanisms, such as the MyCouncillor Portal which will continue to assist them in their role.

WHAT TO EXPECT

We understand that members learn and develop in their roles differently and we have designed our programme to provide a variety of development activity. Our strands are delivered using a combination of interactive workshops, member briefings and e-modules. We are also in the process of building a knowledge repository that Councillors can access, via the MyCouncillor portal, key information, as and when you need it.

In understanding that your role does not follow a traditional 9-5 routine, we look to provide development workshops and briefings in the early evening, however, will accommodate daytime sessions where these are preferred.

For the programme to be effective, we rely on your contributions to sessions, sharing your experiences and understanding for the benefit of your colleagues, alongside qualitative feedback on the effectiveness and usefulness of the programme.

UNDERPINNING THE APPROACH

Development Plans – will be available to Elected Members in roles, or aspiring to be, that hold special responsibilities. These will be developed and scheduled at key stages during the Municipal Year. Plans will be based on the individual role with learning, support, advice and guidance sourced internally and/or externally where appropriate.

Support Arrangements – A holistic solutions-based approach designed by Democracy staff to support Members in every aspect of the Member Development Plan and in their roles.

Personal Development Plans (PDP's) - Integral to the ongoing review, development and continuous improvement of the programme will be a planned, robust PDP meeting, held with officers from the Democracy service area, to consolidate strengths and establish areas for improvement. PDP's are scheduled to take place from July 2022 and the repeated prior to the end of this Municipal Year.

YOUR PERSONAL DEVELOPMENT PLAN

The Member Development Programme (MDP) is designed to offer all Councillors a suite of learning and development activity that aims to be flexible in order to meet individual and collective need and ambitions at whatever point you are at in your Councillor lifetime. Your personal development plan or PDP will inform the content of the wider Member Development Plan, ensuring that appropriate resources are made available in support of your roles and responsibilities.

Where there are common themes or trends across the majority of members, our aim is to incorporate development activity in the MDP to address this, however, we understand that individual councillors may identify unique requirements that we aim to support where possible.

We offer all Councillors the opportunity to discuss their development needs in a one to one confidential discussion, where you'll be invited to reflect on your successes, explore future ambitions and design a programme of learning and development that supports your needs.

LINKING INTO SANDWELL'S CORPORATE PLAN & AMBITIONS

Sandwell has a clear vision for what the borough should look and feel like by 2030: In 2030, Sandwell is a thriving, optimistic and resilient community. It's where we call home and where we're proud to belong – where we choose to bring up our families, where we feel safe and cared for, enjoying good health, rewarding work, feeling connected and valued in our neighbourhoods and

communities, confident in the future, and benefiting fully from revitalised West Midlands. Sandwell's Corporate Plan sets out what the Council will do to deliver Vision 2030 and Sandwell's 10 ambitions over the next five years.

In addition to the Vision and its ambition statements, the Council is guided by the shared values of Trust, Unity and Progress. These values guide Members and Officers of the Council in all the work that they undertake and as representatives of the council.

WHAT'S INCLUDED IN THE MEMBER DEVELOPMENT PROGRAMME?

The role of an elected member is varied and often complex, requiring different skills, knowledge and abilities. At Sandwell, we aim to provide development opportunities with the objective of ensuring that Councillors feel equipped to and confident in fulfilling the expectations of the electorate and contributing to the delivery of the Council's strategic ambitions for the Borough.

Our programme is designed to offer something for each member from the point of their first election and flexes to meet the various roles that you may undertake in the course of service to the community. Our themed development strands aim to support Members to achieve their individual and collective objectives.

Some elements of the programme are critical to member roles and we identify these as compulsory. These may be to ensure that statutory obligations are fulfilled or to provide essential knowledge in relation to the individual remits of committee. Our Identified priority learning is drawn from the feedback provided by members as being key to their roles over the coming 12 months. Our specialist development programmes are designed to provide Councillors with, or aspiring to hold, identified roles and responsibilities, the appropriate support and knowledge to conduct those roles and our bespoke programme is responsive to any emerging themes or corporate need. The programme strands are set out below:

New Member Induction

Programmed Event	Objective(s)	Date	Members to be invited	Compulsory (c) Priority (p) specific (s) Bespoke (b)	Lead Officers
Welcome and Declaration of acceptance of office	To provide a welcome to the Council and for Councillors to sign their declaration of acceptance of office	9 th May 2022	Newly and re-elected members (and families)	C	CEO/Monitoring Officer/Democracy
The New Municipal Year	To outline: Council priorities Working together: The role and responsibilities of Councillors and Officers; Directorates and Service provision An overview of decision making Support for members	18 th May 2022	All members	(p)	Leadership Team/Democracy/Member Services
Member ICT and Portal	These sessions address the use of corporate IT devices, information governance and using the member portal for	19-20 May 2022	New members	(C) for new members	Member Services/ICT

	progressing casework				
Code of Conduct	These workshops will explore the Code of Conduct for elected members and the expectations placed on councillors in their roles	19 th & 22 nd May 2022	All members	(C) for all members	Monitoring Officer/Service Manager Democracy
Personal Safety	This event aims to provide members with key information on safety considerations	September 2022	All members	(P)	
Time Management	To outline strategies and practices to help Councillors balance the demands on their time	TBC	All members	(P)	
LGA Welcome to Newly Elected Members		20 th June 2022	Newly elected members		LGA

Core Learning for all Councillors

Programmed Event	Objective(s)	Date	Members to be invited	Compulsory (c) Priority (p) specific (s) Bespoke (b)	Lead Officers
Understanding local government finance	To provide an overview of financial structures any systems within the Council	14 th & 21 st May	All members	(c) ARAC, Cabinet (P) all members	Director of Finance
Code of Conduct	These workshops will explore the Code of Conduct for elected members and the expectations placed on councillors in their roles	19 th & 22 nd May 2022	All members	(C) for all members	Monitoring Officer/Service Manager Democracy
Social media	Exploring the relationship between Councillors and Social media, unpacking practical and ethical considerations; the benefits of social media as a communication tool and making best	30 th November/1 st December 2022	All Members	(P) All members	Service Manager Communications/ Monitoring officer

	use of social media platforms.				
Decision making and Council Procedure Rules	This session will offer an overview of the Council's decision making framework and walk members through the conduct and constitutional provisions of Council meetings	12 th July 2022	All members	(P)	Service Manager Democracy/ Monitoring Officer
Corporate Parenting	To outline Councillor responsibilities in relation to the corporate parenting duty	30 th November/ 14 th December 2022 9 th November 2022	All Members Cabinet Members	(C)	Director of Children's Services
Safeguarding	To unpack what safeguarding means from a Local Authority lens, including corporate responsibilities and what to do if you have a safeguarding concern	TBC	All members	(P)	Director of Adult Services
Effective public speaking and presenting with impact	This workshop will offer Councillors the opportunity to explore how to	19 th October 2022	All Members	(P)	David McGrath

	communicate effectively in a public setting and getting your message across				
Working together – the Member/Officer relationship	These workshops will explore the Member/Officer working relationships	6 th and 20 th September 2022	All Members	(P)	Monitoring Officer
Equality and Diversity	Understanding the Equality Act, Equality Duty	e-learning module + workshop		(P)	EDI Manager
Your role on outside bodies	This workshop aims to provide members with an overview of their roles and responsibilities where they are appointed by the Council to outside bodies	28 th November 2022	Members appointed to outside bodies	(P)	Bethan Evans
Code of Corporate Governance	This session aims to provide Members with an overview of the Governance Framework and member roles and responsibilities	22 nd November 2022	All Members	(P)	Cipfa

Optional workshops (August learning and development weeks)

Programmed Event	Objective(s)	Date	Members to be invited	Compulsory (c) Priority (p) specific (s) Bespoke (b)	Lead Officers
The climate change agenda	Topic specific	TBC	All members	(s)	Carbon Literacy
Drug & Alcohol awareness	Topic specific	TBC	All members	(s)	Cranstoun Sandwell
Anti-social behaviour	Topic specific	2 nd August 2022	All members	(s)	Andrew Clarke
Mental Health & wellbeing	Topic specific	TBC	All members	(s)	TBC
Universal Credit	Topic specific	8 th August 2022	All members	(s)	Samantha Creary
Prevent	Topic specific	Sandwell learn e-module	All members	(s)	TBC
Modern Slavery	Topic specific	9 th August 2022	All members	(s)	Wendy Simms/Piotr Pula
Hate Crime & 24 hour reporting centres briefing	Topic specific	TBC	All members	(s)	Denise Hooper and Rameez Akhtar
Mental health First Aid	Topic specific	TBC	All members	(s)	TBC
Understanding Extremism	Topic specific	3 rd August	All members	(s)	Dave Allport/Sarfraz Khan
Managing conflict and difficult discussions	To provide members with key tips and techniques	2 nd November 2022 (2 sessions)	All Members	(B)	David McGrath Link Services

	to manage challenging situations				
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Committee specific

Planning Committee

Programmed Event	Objective(s)	Date	Members to be invited	Compulsory (c) Priority (p) specific (s) Bespoke (b)	Lead Officers
Introduction to Planning	To provide an overview of the Council's planning function and understanding key planning considerations as they relate to potential community issues and casework	15 th June 2022	All members	(P)	Service Manager - Planning
Planning Committee	Understanding the role of the planning Committee and key issues likely to be considered over the Municipal year	21 st June 2022	Planning Committee Members	(S)	Service Manager - Planning

(bitesize) 5G mast – planning considerations	Exploring key considerations in relation to this planning matter	Pre-Committee workshop	Planning Committee Members	(S)	Service Manager - Planning
(bitesize) Wind turbines	Exploring key considerations in relation to this planning matter	Pre-Committee workshop	Planning Committee Members	(S)	Service Manager - Planning
Local planning policy	Exploring key considerations in relation to this planning matter	Pre-Committee workshop	Planning Committee Members	(S)	Service Manager - Planning
Dealing with lobbying and representations	Exploring key considerations in relation to this planning matter	Pre-Committee workshop	Planning Committee Members	(S)	Service Manager - Planning
The green belt	Exploring key considerations in relation to this planning matter	Pre-Committee workshop	Planning Committee Members	(S)	Service Manager - Planning
Departures from development policy	Exploring key considerations in relation to this planning matter	Pre-Committee workshop	Planning Committee Members	(S)	Service Manager - Planning

Licensing Committee

Programmed Event	Objective(s)	Date	Members to be invited	Compulsory (c) Priority (p) specific (s) Bespoke (b)	Lead Officers
Introduction to Licensing	To provide an overview of taxi and general licensing	14, 16, 29, 30 June 2022	All Members	(P)	Licensing Manager
Scrap Licensing (bite-size)	Examining the management of scrap licensing applications and determination	Pre-Committee	Licensing Members	(B)	TBC
The Gambling Act in practice	To deliver the key considerations of Licensing Committee in the context of applications received under the Gambling Act	TBC	Licensing Members	(B)	TBC
Licensing Decision Making at Licensing Committee	How to run a good licensing committee	19-20 th October (Warwick Conference Centre)	Licensing Committee & Sub Committee Chairs and Vice Chairs	(B)	LGA

Scrutiny Boards

Programmed Event	Objective(s)	Date	Members to be invited	Compulsory (c) Priority (p) specific (s) Bespoke (b)	Lead Officers
Introduction to Overview & Scrutiny	To provide an introduction to the role, powers and functions of the Council's Scrutiny Boards	9 th June 2022	New Members	(B)	Statutory Scrutiny Officer
Overview and Scrutiny – provisions, powers, toolkit and work programming	Examining scrutiny best practice, tools and techniques, followed by initial development of work programmes	13 th June 2022	All Scrutiny Members	(B)	Ian Parry CfGS Statutory Scrutiny Officer
Effective questioning	Exploring techniques to facilitate powerful and effective questioning	TBC	All Scrutiny Members	(B)	TBC
Undertaking review activity	This workshop will explore best practice and tools for deep dive scrutiny review activity	TBC	All Scrutiny Members	(B)	TBC
Performance Management	To examine the role of scrutiny in managing council performance	TBC	All Scrutiny Members	(B)	TBC

Effective Scrutiny	This LGA module provides the opportunity to focus in depth on the hot topics that are currently most relevant to delegates	22-23 September or 21 st to 22 nd January 2023 Warwick Conferences, Coventry	New or aspiring scrutiny chairs and task and finish review lead members	(B)	LGA
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Audit & Risk Assurance

Programmed Event	Objective(s)	Date	Members to be invited	Compulsory (c) Priority (p) specific (s) Bespoke (b)	Lead Officers
An introduction to Internal Audit, Counter Fraud and Risk Management	To provide an overview of the Council's Audit, Counter Fraud and Risk Management functions	23 rd June 2022	All Members	(P)	Internal Audit Manager
The corporate governance framework	Exploring the governance framework and Committee role	Pre-Committee 22 nd November	ARAC Members All Members	(S)	Internal Audit Service Manager, Cipfa
Managing risk	The committee's role in the management of risk and the wider context of corporate risk management	Pre-Committee	ARAC Members	(S)	

The role of External Audit	An overview of the role of the external auditors	Pre-Committee	ARAC Members	(S)	Grant Thornton
The annual statement of accounts	Examining and providing assurance on the content of the statement of accounts	Pre-Committee	ARAC Members	(S)	Director of Finance
Audit committees	These sessions examine how Audit committees can be most effective	12-13 January 2023 11-12 February 2023 Warwick Conferences Coventry	Audit Committee Chairs/Vice Chairs/ Aspiring Chairs	(B)	LGA

Ethical Standards & Member Development Committee

Standards Hearings	To provide a comprehensive understanding of the role and remit of the Committee where a standards hearing is required	TBC	Ethical Standards and Member Development Committee	(B)	Monitoring Officer
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Chairs and Vice Chairs/ Aspiring Chairs/Vice Chairs

The role of the Chair	Understanding the role of the Chair, how to chair meetings effectively including a look at activity leading up to meetings, Co-ordinating committee activity,	10 th August 2022	Chairs/Vice Chairs/Aspiring	(B)	David McGrath – Link Services
Presenting with impact		19 th October 2022	All Members	(B)	David McGrath – Link Services
Chairing Hearings/ Proceedings	To explore the role of the Chair in managing quasi-judicial or other formal hearings/ proceedings	TBC	Chairs/Vice Chairs of quasi-judicial bodies	(C)	TBC
Chief Officer Employment Procedures	The role of Members in chief officer employment issues	TBC	Chairs/Vice Chairs/Cabinet Members	(S)	TBC

Report to Ethical Standards and Member Development Committee

1 November 2022

Subject:	Committee on Standards in Public Life Annual Report for 2021- 2022
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 18 July 2022, the Committee on Standards in Public Life published its annual report for 2021- 2022.

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.
Climate Change	There are no direct implications for climate change arising from this report.

7. Appendices

Appendix 1 - The Committee on Standards in Public Life Annual Report 2021- 2022.

8. Background Papers

There are no background documents.



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**Committee on
Standards
in Public Life**

**Annual Report
July 2021 – June 2022**

Honesty | Objectivity | Openness | Selflessness | Integrity | Accountability | Leadership

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.

HONESTY

Holders of public office should be truthful.

OBJECTIVITY

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

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.

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.

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.

LEADERSHIP

Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and 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 [14th Report, Standards Matter](#), published January 2013 and in the [23rd Report, Upholding Standards in Public Life](#), published November 2021.

PREVIOUS REPORTS

[2021, Upholding Standards in Public Life.](#)

[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

Terms of Appointment

The independent Chair and the four independent members are appointed under the government’s Governance Code for Public Appointments for five-year, non-renewable terms. Vacancies are advertised on the public appointments website. The appointments are made by the Prime Minister.

Three political members are nominated for three-year, renewable terms by the respective party leaders and confirmed by the Prime Minister.



Lord (Jonathan) Evans of Weardale KC DL, Chair
1 November 2018 - 31 October 2023



Dame Shirley Pearce DBE
31 March 2018 - 30 March 2023



Ewen Fergusson
1 August 2021 - 31 July 2026



Professor Gillian Peele
1 August 2021 - 31 July 2026



Rt Hon Dame Margaret Beckett DBE MP (Labour)
Reappointed 31 October 2019 - 30 October 2022



Rt Hon Lord (Andrew) Stunell OBE (Liberal Democrat)
Reappointed 1 December 2019 - 30 November 2022



Rt Hon Sir Jeremy Wright QC MP (Conservative)
21 November 2019 - 20 November 2022

There is a vacancy on the Committee for an independent member.

Members for part of the period of this report

Dr Jane Martin CBE

1 January 2017 - 31 December 2021

Monisha Shah

1 December 2015 - 30 July 2021

FOREWORD BY THE CHAIR

I am pleased to present the Committee on Standards in Public Life's Annual Report for 2021/2022, my fourth as its Chair.

The Committee's role – established twenty-eight years ago – is to promote the Nolan Principles of honesty, objectivity, openness, selflessness, integrity, accountability and leadership across public life by advising on the institutions, rules and processes necessary to support high standards of conduct.

These Principles outline the standards that the public expect from those who serve them: they are integral to the unwritten contract between those taking decisions and those subject to them. They are central to sustaining public trust in government, and to the health and good functioning of our democracy. The Principles apply to politicians, civil servants, local government officials, those in the National Health Service, the police, indeed all those in public service as well as those in private companies providing public services. High standards are necessary for efficient and effective decision making and policy delivery in the public sector. They are an enabler rather than a hindrance and they help set the framework within which politics and policy is conducted in our country.

It is regrettable that standards issues should have become increasingly contested and politicised in recent years. This can be deeply harmful both to public perception of standards in public life and to the legitimacy of the political process, and to ensuring that people in the public sector are treated fairly, equitably and are properly held to account for standards failures.

The Committee's work - conducting evidence-based scrutiny of the regulatory framework - has been vital to maintaining commonly agreed standards that keep accountability to the public at the forefront, and helped prevent debates on standards issues being driven by purely partisan concerns.

This year has undeniably seen increased concern about standards of conduct in public life, and, while there is no such thing as a 'golden age' of standards, it is evident that the institutions and processes that support high standards of conduct are under considerable pressure and reforms to strengthen them are required.

We await a full response to our *Upholding Standards in Public Life* report which we published last November. This report made 34 recommendations to strengthen arrangements in central government. Those recommendations were a package of measures to deliver stronger rules, greater independence for standards regulators and a stronger compliance culture in central government.

To be effective, standards structures and processes require timely, ongoing and proactive attention. Retrospectively correcting standards failures is complicated and time consuming, drawing resources from other important work. That is why it is disappointing that reports from this Committee and others that would have delivered demonstrable strengthening of the standards regime have been overlooked. Issues that remain unresolved can have serious

consequences for public trust in politicians, public office holders and institutions, as well as cost to the public purse.

As part of our *Upholding Standards in Public Life* report, we looked at the salience of the Seven Principles today. Evidence showed that they continue to be the right ones, but that there was a need to be more explicit about how people in public life should behave towards each other. We reflected this in a revised descriptor of Leadership: *Holders of public office should exhibit these principles in their own behaviour **and treat others with respect**. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.*

The Committee's current focus is a review of what leadership means in practice. A robust regulatory system for maintaining high standards is crucial, but it is not enough on its own. We are collecting evidence on how a wide range of organisations ensure that high ethical standards are upheld when competing with the pressure from work, time, resources and professional demands.

The Committee recognises that it has been a turbulent period for the country and that the impact of the pandemic, the intense strain on many aspects of people's lives, and the immediacy of response has, in some instances, caused usual procedures to be put aside. But, if we are looking to 'reset', it is time to engage with some of these difficult and long-standing standards issues, to reassure the public that the Nolan Principles remain at the heart of public life in the UK.

I would like formally to welcome Ewen Fergusson and Professor Gillian Peele who joined the Committee in August 2021, and say farewell to Dr Jane Martin CBE, whose term of appointment ended in December 2021. We are especially grateful to Jane for her outstanding work leading our Local Government Ethical Standards report. Jane's deep expertise was a real asset to the review which was so warmly welcomed by the sector, and for which we remain in her debt. I would also like to thank all members of the Committee, the Chair of our Research Advisory Board, and the Secretariat for their adaptability and commitment during this past year.

Finally, I would like personally to thank all those who have contributed to our work - from a range of sectors and members of the public. We can only do our work with the input from a wide variety of voices, and those with first-hand experience and expertise of issues. We are indebted to all those who generously gave us their time and expertise.



Lord (Jonathan) Evans of Weardale KCB DL
Chair

THE COMMITTEE'S REMIT

The purpose of the Committee on Standards in Public Life is to provide evidence-based advice to those in public office on maintaining high standards of conduct.

The Committee is an advisory non-departmental public body sponsored by the Cabinet Office which advises the Prime Minister on arrangements for upholding ethical standards across the whole of public life in England.

We conduct inquiries into areas of current concern about standards in public life; revisit areas to see if and how our recommendations have been put into effect; and we can also look ahead to emerging issues relating to public standards.

The Committee was established as a standing committee 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. We are not a regulator and cannot investigate individual complaints.

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.”

THE COMMITTEE'S ROLE AND HOW IT GOES ABOUT ITS WORK

1. The Committee identifies areas of concern and undertakes impartial, evidence-based, reviews, making recommendations to uphold and drive improvement in standards in public life based on evidence received. Our independence of both government and Parliament is key.
2. We make informed contributions to public debates about ethical standards, including through submissions to public consultations and participating in seminars and discussion events. We proactively identify and respond to emerging ethical risks and engage with a wide range of partners on the ethical standards agenda.
3. We are committed to building a strong evidence-base for our reviews and to working with others to ensure that high ethical standards are met and that the Principles of Public Life are understood and embedded across public life.
4. Our recent reports have been welcomed by the relevant sectors. Our reports on Local Government Ethical Standards, Regulating Election Finance and Upholding Standards in Public Life were commended for understanding the issues under review and offering balanced, considered recommendations in often complex areas.
5. The Committee is not a regulator, we have no statutory powers and no remit to investigate individual cases. Our effectiveness depends on our independence, impartiality, and our ability to make powerful arguments for change - which in turn is based on our ability to conduct in-depth reviews, with a strong evidence base after wide-ranging consultation. We aim to follow-up our reviews with the relevant stakeholders to ensure that our recommendations stand the strongest possible chance of being implemented.
6. 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 which came about as a result of the Committee's recommendations over the past 27 years.
7. You can hear more about how we carry out our work in our videos [here](#).

COMMITTEE MEMBERSHIP

8. The Committee comprises the independent Chair, four independent members and three political members nominated by the Conservative, Labour and Liberal Democrat parties. This mix of independent and political membership has served the Committee well, allowing the Committee to maintain a considered and impartial view whilst also understanding political perspectives.

9. Independent members are appointed for a five-year, non-renewable term through open competition; political members are appointed for a three-year term which can be renewed. Party members are nominated by their party leader. The Chair and all members, independent and political, are appointed by the Prime Minister.
10. The workload of Committee members is high. Independent members are asked to co-lead reviews, attend evidence gathering meetings and hearings, and to consider drafts of consultations and reports.
11. The Committee has carried a vacancy for an independent member since January 2022. The recruitment process is run by the Cabinet Office. We are pleased that the recruitment process is now underway and we look forward to welcoming a new independent member in due course.

GOVERNMENT RESPONSES TO OUR REPORTS

12. Whilst the Committee has no statutory basis, it has been the convention that the government responds in a timely manner to reports published by this Committee, considers each of our recommendations and offers a considered response in a published document.
13. In recent years this has not been the case. Government responses have been slower, and with respect to some of the Committee's reports, the government has not responded at all.¹

Election Finance

14. We have not yet seen a full, considered response by government to our major review into the regulation of election finance published in July 2021.

Local Government Ethical Standards

15. It took the government over three years to respond to our review on local government ethical standards. Our evidence-based report was welcomed by the sector, backing our call to strengthen the arrangements in place to support high ethical standards, whilst respecting the benefits of a localised approach.
16. The government response accepted just a few of our recommendations in principle and rejected most. We believe this is a missed opportunity to update and improve the locally-based standards regime in local government. We would encourage those in local government to take up the government's stated commitment to work with local authorities and representative organisations to ensure the hard work done by

¹ [Ethical Standards for Public Service Providers 2014](#); [Striking the Balance, Upholding the Seven Principles in Regulation 2016](#); [The Continuing Importance of Ethical Standards for Public Service Providers 2018](#).

many working at a local level is not put at risk by a small minority of individuals who do not live up to the high standards expected.

Upholding Standards in Public Life

17. At the time of writing, we are still awaiting the full government response to our *Upholding Standards in Public Life* report, published in November 2021, with our interim findings published in June 2021. A policy statement in response to this report, and that of Nigel Boardman, was promised in the New Year.²
18. The government published a policy statement on the Ministerial Code on 27 May 2022, which whilst making some improvement, did not go far enough. Whilst the new Code now sets out graduated sanctions for breaches of the Code as we recommended, our recommendation was linked to greater independence for the Adviser as part of a mutually dependent package of reforms. The new process for the Independent Adviser initiating reforms, whilst being an improvement in process, does not create the independence we called for. The Prime Minister's consent is still required before the Independent Adviser may start an investigation.
19. At present, following the resignation in June 2022 of Lord Geidt as the Independent Adviser on Ministers' Interests, there is no Independent Adviser on Ministers' Interests in post. The Committee has urged the government to make an appointment to this important and sensitive role, while the government undertakes its review of how this role works.
20. Our view on these changes is clearly set out in the [Chair's blogs](#) published on 1 and 16 June 2022.

OUR MAIN AREAS OF WORK JULY 2021 - JUNE 2022

Regulating Election Finance, July 2021

21. In July 2021, we published a review of the complex subject of the regulation of election finance, [Regulating 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.
22. Given the Committee's longstanding interest in this area, we wanted to consider whether the current framework for regulating campaign finance laws was coherent and proportionate.³ We felt this was an area where we could make a helpful contribution to the debate and we wanted to look at whether the current system continues to deliver.

² <https://questions-statements.parliament.uk/written-statements/detail/2021-12-16/hcws500>

³ Our predecessors recommended the setting up of the Electoral Commission in 1998 and reviewed its work in 2007.

23. In line with our imperative of evidence-based reports, we heard from a broad range of contributors – political parties, third party campaigners, candidates, law enforcement bodies, academics, pro-democracy organisations, and the Electoral Commission. We ran a public consultation, public focus groups and held bilateral meetings. We also hosted roundtables with returning officers, smaller parties and independent candidates, and academics and organisations. As always, we are indebted to all those people who gave their time and expertise so willingly. We are particularly grateful to Piers Coleman, specialist adviser to the review, and Dr Sam Power, Lecturer in Corruption Analysis, University of Sussex, for their support and expert advice throughout.
24. We set out a package of practical recommendations to modernise and improve the system for regulating the money spent to influence the outcome of elections and referendums. Our recommendations would make the regime more effective, transparent and proportionate.
25. They are intended to balance the needs of those regulated by the system 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. Our report focused on encouraging compliance through developing the system of civil sanctions overseen by a strong and independent Electoral Commission.
26. Our report did not make any direct recommendations about the governance and accountability of the Electoral Commission. That was not the purpose of our review since we were concerned principally with the Commission's duties and powers as a regulator of donations and campaign finance laws.
27. However, as a Committee, we are clear that it is vital to our democracy that we have a strong, independent Electoral Commission – one that is insulated from political pressures and at arm's length from the government. We were, and remain, extremely concerned that the government pressed ahead with aspects of the Election Bill that we believed would be detrimental to the work and independence of the Electoral Commission.
28. The Electoral Commission is unique among regulators. It must operate within a highly charged political environment. It must support people to comply with the law through guidance and advice, hold parties and campaigners to account and deliver transparency for voters – and it must do so while maintaining the confidence of the public and the very organisations it has been charged by Parliament with regulating. This is a challenging task in itself – and it has been a particularly turbulent few years for the Commission. While the Commission has some strong critics, the large majority of people we spoke to emphasised the importance and value of the Commission's work.

Upholding Standards in Public Life - Standards Matter 2, November 2021

29. The Committee published its latest report, [Upholding Standards in Public Life](#) on 1 November 2021. This was the final report of the [Standards Matter 2](#) review. (Findings were published in June 2021.)
30. The report included recommendations for reforming four areas of standards regulation in central government: the Ministerial Code and the Independent Adviser; ACOBA and the Business Appointment Rules; transparency around lobbying; and the regulation of public appointments. This was the first time CSPL published extensive recommendations in these areas for nearly ten years.
31. The Committee also called for new primary legislation to establish in statute the independence of standards regulators, and for a new compliance function to be established across government.
32. Lord Evans launched the report with [a speech at the Institute for Government](#) on 4 November 2021. We are awaiting a response from government to our recommendations.
33. As part of the review the Committee surveyed the public's and stakeholders' views on the ongoing suitability and relevance of the Seven Principles of Public Life. The Committee found Nolan's original Seven Principles to be enduring and long standing, but decided to amend the descriptor to the Leadership principle to include a focus on treating others with respect.
34. The review's final report followed a year of evidence gathering, which included engagement with ministers, senior civil servants, standards regulators, academics, trade unions, representative bodies, NGOs and think tanks. The Committee also ran a public consultation and public sector survey, commissioned public polling, and held focus groups. We are grateful to all who contributed.

Leading in Practice

35. In March 2022, we launched our *Leading in Practice* review. This review is a natural follow on to our *Upholding Standards in Public Life* report.
36. While a strong regulatory system is crucial to upholding high ethical standards, it is not enough on its own. Just as important is supporting and encouraging people to behave ethically and creating a culture which supports them to make ethical decisions, particularly in grey areas where there is not a specific rule to follow.
37. This review is looking at how to build and sustain within organisations a climate conducive to ethical behaviour. In particular, we are examining the role of leadership - at all levels - in embedding the Seven Principles of Public Life in the culture and practices of public sector organisations. We are speaking to public sector institutions

as well as looking at good practice in the private and charity sectors to maximise our learning.

38. In the past 4 months, we have taken evidence from a wide range of organisations and from leaders at all levels.

39. We intend to publish our report early in 2023.

PREVIOUS REPORTS: UPDATES

Artificial Intelligence and Public Standards, February 2020

40. 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.

41. 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.

42. 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.

43. In November 2020, [we wrote to regulators](#) asking them for an update on how they are adapting to the challenges posed by AI. We received a range of [responses](#) with some regulators being quite prepared to respond to the regulatory requirements and impact of AI and others noting that the regulation of AI is beyond their scope. Most regulators are in the early stages of thinking about these issues but some regulators are already considering the implications of AI to their regulatory models and governance practices.

44. 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.

45. Since the publication of the Committee's report, some key developments in the UK's AI policy landscape have taken place:

- The government has published updated guidance on using [AI in the public sector](#) and [AI procurement](#). These are more user friendly than previous iterations but it is still unclear how the various sets of principles work together.
- The government published its [National AI Strategy](#) in September 2021. As part of that, the Centre for Data Ethics and Innovation published a "[roadmap to AI assurance](#)" which takes a similar approach to our report in framing AI governance as not dissimilar to traditional risk management.

- The Cabinet Office published an [algorithmic transparency standard](#) which requires public bodies using algorithms to support decision-making to provide information on how and why they are using them. This is a welcome step forward.
- The future functions of the Centre for Data Ethics and Innovation were consulted on as part of the [2020 National Data Strategy](#) but they remain part of DCMS and are not yet on an independent statutory footing, as we recommended they should be.

Local Government Ethical Standards, January 2019

46. In January 2019, the Committee published a report and recommendations on local government ethical standards, an area of long-standing interest for CSPL.
47. We undertook this review to assure ourselves that the current framework, post the 2011 Localism Act, was working and conducive to high standards in public life, rather than in response to any specific allegations of wrongdoing.
48. That review took a year from announcement to publication. We took a range of evidence from local authorities, councillors, officers, Independent Persons, expert and representative groups. We visited a range of councils and received written evidence from members of the public in order to frame our conclusions and recommendations. We received 319 written responses as part of our public consultation; we held 2 roundtable events, 30 individual meetings, and visited 5 local authorities in England from different geographies and tiers.
49. The review clearly showed that local authorities want to retain responsibility for ethical standards, for implementing and applying the Seven Principles of Public Life, but they want to be given the tools and powers to be able to do so effectively, to address the minority of councillors that engage in misconduct.
50. As noted earlier in this report, we are disappointed that the government in its response rejected most of our recommendations, stating that it thought that the best route for change was best practice by local authorities. We hope that the government will work with the sector and move to take up our recommendations in the future.

WATCHING BRIEFS

Review of MPs' Code of Conduct

51. The Standards Committee published its initial report on the review of the MPs' Code of Conduct with proposals for public consultation on 29 November 2021.
52. The Committee contributed with written and oral evidence to this consultation, following up on the Committee's first round of evidence in October 2020.

53. The Committee's second round of written and oral evidence focused on the potential introduction of "reasonable limits" on MPs' outside employment, reforms to the investigations and sanctioning process, and a new proposed ban on MPs acting as paid political consultants and strategists. The Chair [wrote to the Standards Committee](#) on 21 January 2022 and [appeared](#) before the Standards Committee on 25 January 2022.

54. The Standards Committee published its final report and proposed amendments to the Code of Conduct on 25 May 2022.

Bullying and Harassment

55. 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.

56. The establishment of the Independent Complaints and Grievance 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.

57. Recognising the importance of these reforms to the way standards are upheld in Parliament, and the emergence of further worrying cases in 2022, CSPL maintains its close watching brief in this area.

Impact of Covid-19 on Standards in Public Life

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

BLOGS PUBLISHED DURING THE PERIOD OF THIS REPORT

[Independent adviser role should be strengthened](#), Lord (Jonathan) Evans, June 2022
[The government should go beyond a "low level of ambition" on the Ministerial Code](#), Lord (Jonathan) Evans, June 2022

[Standards Bodies, Who's Who 3](#), Professor Gillian Peele, April 2022

[Leading in Practice](#), Ewen Fergusson, March 2022

[Standards Bodies, Who's Who 2](#), Dame Shirley Pearce, February 2022

[Standards Commission for Scotland: Honesty and Trust](#), guest blog by Standards Commission for Scotland, January 2022

[Standards Bodies, Who's Who](#), Lord (Jonathan) Evans, November 2021

[Amending the Descriptor to Leadership](#), Dr Jane Martin, November 2021

[High Standards begin at home](#), Lord (Jonathan) Evans, November 2021
[Review of the UK government's Draft Electoral Commission Strategy and Policy Statement](#),
Guest blog by Dr Alistair Clark, October 2021
[Reforming Party Funding Arrangements](#), Lord (Jonathan) Evans, October 2021
[An Opportunity to reform Election Finance](#), Dame Shirley Pearce, July 2021
[Follow the money – time to repair election finance regulation](#), Lord (Jonathan) Evans, July
2021

ANNEXES

[ANNEX A: ABOUT THE COMMITTEE](#)

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

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ANNEX G: EXTERNAL EVENTS

September 2021

7 September: Lord Evans spoke at a Non-Executive Director Induction Event

November 2021

4 November: Lord Evans spoke at the Institute for Government one day Standards Conference launching the Committee's *Upholding Standards in Public Life* report

December 2021

2 December: Lord Evans spoke at the National Association of Local Councils (NALC) Future Communities Conference - online.

January 2022

11 January: Lord Evans gave evidence to PACAC on their inquiry Propriety of governance in light of Greensill

18 January: Lord Evans spoke at a Non-Executive Director Induction Event

25 January: Lord Evans gave evidence to the Commons Standards Committee on their review of the MPs' Code of Conduct

March 2022

3 March: Lord Evans spoke at a seminar hosted by the All-Party Parliamentary Group on anti-corruption and responsible tax, on Public Standards

16 March: Lord Evans spoke at the Cabinet Office and Civil Service Governance Teams Away Day

30 March: Lord Evans spoke at a Public Administration International (PAI) event to political parties from Macedonia

April 2022

26 April: Ewen Fergusson spoke at Non-Executive Director Induction Event

May 2022

13 May: Lord Evans spoke at a Leadership Conference for Local Government Lawyers

25 May: Ewen Fergusson spoke to the Public Relations Consultants Association (PRCA) about our Upholding Standards in Public Life report.

ANNEX H: COMMITTEE SUBMISSIONS TO PUBLIC CONSULTATIONS

October 2021: [Cabinet Office consultation on Public Procurement](#)

January 2022: [House of Commons Standards Committee Review of the MPs' Code of Conduct.](#)

April 2022: [Impress consultation on 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.

There has been a vacancy for an independent member since 1 January 2022.

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 2021 - 31 March 2022 was £471k.

Published by the Committee on Standards in Public Life

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July 2022

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Report to the Ethical Standards and Member Development Committee

1 November 2022

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?

		Maintenance of the Members' Register of Interests contributes to public confidence in local democracy and is an essential part of good corporate governance.
		
		The Members' Register of Gifts and Hospitality is an important instrument of openness and good governance. It provides an accessible record of the gifts and hospitality received by members. Monitoring and review of the Register will help to contribute to better corporate governance which underpins the delivery of high quality services.

4 Context and Key Issues

- 4.1 Guidance is available to all members on how to treat offers of gifts and hospitality and the process for declaring such offers. This guidance forms part of the Council's Constitution.
- 4.2 The Monitoring Officer maintains a public register of members' interests and also a record of any gift or hospitality received with an estimated value of at least £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 no new entry to the Gifts and Hospitality Register since the last meeting of the Committee.

5 Alternative Options

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

6 Implications

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.
Climate Change	There are no direct climate change implications arising from this report.

7. Appendices

None

8. Background Papers

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

Report to the Ethical Standards and Member Development Committee

1 November 2022

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 case at Appendix 1 and consider any issues for the Council.

2 Reasons for Recommendations

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



3 How does this deliver objectives of the Corporate Plan?

		High standards of conduct are an essential part of good corporate governance and this in turn has a direct relationship with the delivery of high quality services.
		
		

4 Context and Key Issues

4.1 Within its terms of reference, the Ethical Standards and Member Development Committee has a duty to promote high ethical standards amongst Members. As well as complying with legislation and guidance, the Committee will need to demonstrate learning from issues arising from local investigations and case law. Furthermore, it is advisable for the Committee to be kept informed of any particularly notable cases which are publicised as they may also add to learning at the local level.

5 Alternative Options

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



6 Implications

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.getsurrey.co.uk/news/surrey-news/guildford-councillors-breached-code-conduct-25136346> Dated 29 September 2022.

8. Background Papers

No background papers.



Guildford councillors breached code of conduct for calling journalist 'pea-brained' and 'grubby'

Two Guildford councillors breached the authority's code of conduct in calling a journalist "pea-brained" and "grubby".

A hearings sub-committee of the borough council on Tuesday (September 27) concluded that one member should apologise for the remarks and another should face formal censure.

In a series of events described by the investigating officer as "unfortunate" and "regrettable" that it could not have been resolved earlier with an apology, the meeting heard about emails and WhatsApp messages sent by Councillors Paul Spooner and Graham Eyre.

The councillors, both Conservative representatives for Ash South and Tongham, were accused of sending emails and messages about the editor of local news website the Guildford Dragon. Its editor, Martin Giles, complained to the council about their comments and the committee heard from the investigating officer that the facts in the case were "straightforward and not particularly in dispute".

The committee found that the councillors had breached the council's code of conduct regarding treating others with respect and in terms of councillors conducting themselves in "a manner which could reasonably be regarded as bringing your office or the council into disrepute". Cllr Spooner said in the meeting he disputed the fact he was acting in his capacity as a councillor, saying these were conversations held in a private forum, and there was a grey area in this respect.

He added: "Mr Giles is a journalist writing about and commenting on political matters so must be expected to receive a certain amount of comment on his reporting by those he reports about. However, the comments made by Cllr Spooner which I have found to result in a failure to comply with the code are



merely personal and abusive (“So you can get stuffed” and “pea-brained editor”) and cannot be categorised as political expression.”

He said the same considerations applied in Cllr Eyre's case when he called Mr Giles a “grubby little boss” in an email to one of the site's reporters, David Reading.

The report stated: " Cllr Spooner had indicated that one of the reasons he was so angry about Mr Giles’s behaviour was because he had chosen to contact Cllr Billington despite knowing he was seriously ill. This may provide a degree of context and mitigation it does not justify Cllr Spooner’s response."

Cllr Spooner made clear in the meeting he would not apologise to Mr Giles or the Guildford Dragon, and on this basis the committee decided he should be subject to formal censure. He will also be sent a formal letter of advisement about his conduct. Cllr Eyre will be sent a formal letter of advisement about his conduct and asked to apologise to Mr Giles.

A borough council spokesperson said before the meeting: "Councillors are routinely reminded of their duties at committee meetings. They are reminded to disclose any interests they may have in respect of matters to be considered.

Extract taken from <https://www.getsurrey.co.uk/news/surrey-news/guildford-councillors-breached-code-conduct-25136346> Dated 29 September 2022.



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Report to Ethical Standards and Member Development Committee

1 November 2022

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.

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.
Climate Change	There are no direct climate change implications arising from this report.

7. Appendices

Complaints Update

8. Background Papers

None.



Case Ref	Complainant	Code Provisions/ Ground for complaint	Date received and progress to date	Deadline Red: Amber: Green:	Outcome	Learning identified
1. MC/ 010322	Member of the public	It is alleged that the subject member has breached the code of conduct Potential breaches of the members code of conduct 1.1, 1.2, 2.2, 2.3, 5.1	Matter referred for investigation. Investigation is currently under maxwellisation process	Green		
2. MC/290722	Member of the public	It is alleged that the subject member has breached the code of conduct Potential breaches of the members code of conduct 1.1,1.2, 2.1, 3.1, 5.1	Insufficient evidence of a breach of the members code of conduct. Member not acting in official capacity File to be closed	Green	Member not acting in official capacity Insufficient evidence of a breach of the members code of conduct following assessment of complaint by DMO.	



Case Ref	Complainant	Code Provisions/ Ground for complaint	Date received and progress to date	Deadline Red: Amber: Green:	Outcome	Learning identified
3. MC/11822	Member of the Public	It is alleged that the subject member has breached the code of conduct by failing to declare relevant interests on the register. Potential breaches of the members code of conduct 1.1,1.2, 2.1, 3.1, 5.1	Decision notice completed 14 October 2022. Member not acting in Official capacity. Insufficient evidence of a breach of the members code of conduct. File to be closed	Green	Member not acting in official capacity Insufficient evidence of a breach of the members code of conduct following assessment of complaint by DMO.	



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Report to Ethical Standards and Member Development Committee

1 November 2022

Subject:	Work Programme for the 2022/23 Municipal Year
Director:	Surjit Tour - Director of Law and Governance and Monitoring Officer
Contact Officer:	Trisha Newton Trisha_newton@sandwell.gov.uk

1 Recommendations





- 1.1 That the Committee reviews the latest work programme and consideration be given to the suggested changes to the work programme as identified.
- 1.2 That approval be given to the Social Media training provider with training sessions proposed in November.

2 Reasons for Recommendations

- 2.1 A revised work programme for 2022/2023 is attached at Appendix 1 for the Committee's consideration. The work programme is kept under review through the year and updated at each meeting.
- 2.2 Sub-Committees of the Ethical 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

The work programme will be reviewed at each meeting.

4.1 Social Media

Training for Social Media for Elected Members has been sourced and, subject to approval, will be provided in November/December 2022. Media Mosaic have been identified as the training provider and a competitive rate has been negotiated for 3 sessions.

4.2 Review of Composition of Committee

It is recommended that this item be deferred to the March meeting so that the review can be part of the work around the committee structure/terms of reference as part of the whole governance review.

4.3 Lobbying

It is proposed that this item is removed from the work programme and included in the member development programme, as a key part of training for licensing and planning committee members.

4.4 Independent Persons Review

At its meeting on 19 October 2022, the Ethical Standards Working Group considered the review of the recruitment of Independent Persons and tasked officers to undertake further research/investigation.



A further report will be submitted to the Working Group setting out recommendations for the Committee at a future meeting. It is recommended this item has been moved to the next meeting of Committee.

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	
Climate Change	

7. Appendices

Latest work programme for the 2022-23 municipal year

8. Background Papers

None



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Ethical Standards and Member Development Committee Work Programme 2022/23

21 June 2022

- Appointment to Sub Committees/Standards Working Group
- Local Government Disqualification Act 2022
- Government Response to Committee on Standards in Public Life Ethical Standards Review
- Complaints Update (Standing Item)
- Gifts and Hospitality (Standing Item)
- Work Programme 2022/23 (Standing Item)

1 November 2022

- DBS Checks
- Member Development Programme
- Member Portal update
- Committee on Standards in Public Life – Annual Report
- Training on Social Media
- Lobbying – **proposed removal (Member Development Plan)**
- Review of Independent Persons – Recruitment Process/Remuneration – **move to December**
- Review of the Composition of Committee and Operation – **proposed move to March 2023**
- Complaints Update
- Gifts and Hospitality
- National Cases for information

6 December 2022

- Networking Opportunities with Neighbouring Authorities
- Review – Personal Safety for Elected Members
- Member Development Programme Update
- Register of Members' Interests – Annual Review
- Review/Effectiveness of Member Code of Conduct and Arrangements for Dealing with Complaints under the Code
- Duty to Promote
- Complaints Update
- Gifts and Hospitality
- National cases for information

7 March 2023

- Annual Report of the Ethical Standards and Member Development Committee
- Review of CoSiPL Best Practice Recommendations
- Member Development Update
- Complaints Update
- Gifts and Hospitality
- National cases for information