

Agenda

Ethical Standards and Member Development Committee

Tuesday, 4 July 2023 at 5.30 pm
At Committee Room 1 - Sandwell Council House, Oldbury

This agenda gives notice of items to be considered in private as required by Regulations 5 (4) and (5) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

1 Apologies for Absence

To receive any apologies for absence.

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

To receive any declarations of interest from members relating to any item on the agenda, in accordance with the provisions of the Code of Conduct and/or S106 of the Local Government Finance Act 1992.

3 Minutes

7 - 18

To confirm the minutes of the meeting held on 7 March 2023 as a correct record.

4 Urgent Item of Business

To determine whether there are any additional



Shokat Lal
Chief Executive
Sandwell Council House
Freeth Street
Oldbury
West Midlands

Distribution

Councillor Allcock (Chair)
Councillors Crompton, J Giles, Hemingway, Kaur, Muflihi, Rahman and
Trumpeter

Contact: democratic_services@sandwell.gov.uk

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Minutes of Ethical Standards and Member Development Committee

**Tuesday 7 March 2023 at 3:00pm
at Sandwell Council House, Oldbury**

Present: Councillor Allcock (Chair)
Councillors Crompton and W Gill.

Officers: Surjit Tour (Director of Law and Governance – Monitoring Officer), Elaine Newsome (Service Manger – Democracy), Vanessa Mahersmith (Governance and Business Support Principal Lead & Solicitor), Rebecca Jenkins (Senior Lead – Service Improvement), Trisha Newton (Deputy Democratic Services Manager) and John Swann (Democratic Services Officer).

1/23 **Apologies for Absence**

Apologies were received from Councillors E M Giles and Lewis and Mr Richard Phillips (Independent Person).

2/23 **Declarations of Interest**

No declarations of interest were made.

3/23 **Minutes**

The minutes of the meeting held on 1 November 2022 were confirmed as a correct record.

4/23 **Additional Items of Business**

There were no additional items of business to consider.

5/23 **DBS Checks for Elected Members**

Further to Minute No. 41/22 (1 November 2022), the Committee considered the Protocol for DBS Checks for Elected Members.

The Protocol set out that Basic DBS Checks would be required by all members with enhanced checks for those members in selected roles.

It was proposed that DBS checks would be undertaken every 12 months or where a member was appointed to one of the roles identified as requiring an enhanced check.

With regard to capturing further information around contact members had with children and vulnerable adults, a review would be undertaken in six months' time and officers would investigate ways to capture the data.

Resolved to recommend to Council that the DBS Check Protocol for Elected Members, as set out in Appendix A, which includes:-

- (i) annual Basic DBS Checks to be undertaken for all elected members not identified in the roles set out in (2) below;
- (ii) annual Enhanced DBS Checks to 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.

be approved with effect from the commencement of the 2023 municipal year.

6/23 **Member – Officer Relationship Insight**

As part of the Council’s Improvement Plan, work had been taking place focusing on the health of the officer/member relationship.

External reviews by Grant Thornton and the LGA had found that the relationship between members and officers had become much improved.

A regular survey to members and officers was planned to ensure changes were embedded and the improvement of the relationship continued.

7/23 **Committee on Standards in Public Life**

The Committee received the Committee on Standards in Public Life ‘Leading in Practice’ report, published in January 2023.

The Committee also reviewed the Best Practice recommendations as set out by the Committee on Standards in Public Life and noted the Council’s current position.

8/23 **Annual Report of the Ethical Standards and Member Development Committee 2022/23**

The Committee was required to produce an annual report detailing the activities undertaken throughout the municipal year. The annual report would be referred to Full Council for consideration at its next meeting on 28 March 2023.

On behalf of the Committee, the Chair wished to place on record the Committee's thanks to John Tew who had resigned as Independent Person.

Resolved that the Annual Report of the Ethical Standards and Member Development Committee 2022/23 be submitted to the next meeting of Full Council.

9/23 **Annual Review of the Members' Code of Conduct and Arrangements for dealing with Complaints under the Code of Conduct**

The Committee considered the Annual review of the Members' Code of Conduct and Arrangements for dealing with Complaints under the Code of Conduct.

A desktop review had been completed and no amendments had been identified.

A thorough review of the Members' Code of Conduct and Arrangements for dealing with Complaints under the Code of Conduct was planned for 2024.

10/23 **Annual Review of Members' Registers of Interest**

The Committee considered the annual review of the Register of Members' Interests.

11/23 **Member Development Update**

The Member Development Programme offered learning and development to support Members' effectiveness and confidence in their roles. A new and revised programme had been implemented in 2022 that reflected the issues identified across external reviews and associated improvement plan whilst aiming to build on the programme developed over the previous four years.

With regard to member attendance figures, the Committee requested the regular updates on attendance were brought back to the Committee to review.

There were a number of factors influencing the development of the member programme for 2023/24. Due to the evolving position and associated timescales, it was proposed that following consideration by the Working Group, the final Member Development Programme would be approved by the Chair of the Committee. This would allow for preparations to commence in advance of the election and in readiness for the start of the new municipal year.

As part of the Council's improvement plan, a review of the My Councillor Portal would be undertaken as part of the wider customer journey activity. Members would be integral to the review and would be invited to take part in a number of focus group activities to explore their experience of the portal and its future usage.

Resolved:-

- (1) that the detail of elected member learning and development activity that has been delivered since the beginning of the municipal year be noted;
- (2) that the approach for refreshing the Member Training Programme for 2023 be approved;

- (3) that the Chair of the Ethical Standards and Member Development Committee be authorised to agree the Member Development Programme following consideration by the Working Group;
- (4) that in consultation with the Chair, the Monitoring Officer be authorised to set performance indicator targets in relation to Member training;
- (5) that the approach in relation to the review of the Member Portal be approved.

12/23 **Gifts and Hospitality Register**

The Committee considered the Gifts and Hospitality Register.

13/23 **National Cases**

The Committee received and discussed details of national cases, as part of its learning and development.

14/23 **Complaints Update**

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

15/23 **Work Programme**

The Committee reflected upon the work programme for 2022/23.

Meeting ended at 4.34pm

Contact: democratic_services@sandwell.gov.uk

DBS Checks Protocol for Elected Members

Introduction

Section 27 of the Localism Act 2011 requires local authorities to promote and maintain high standards of conduct by members and co-opted members of the authority. There is no statutory requirement for councillors to undergo basic DBS checks.

There are 4 levels of DBS checks:

1. Basic Check

A Basic DBS Check is for any purpose, including employment.

A basic check will contain details of convictions and conditional cautions considered to be 'unspent' under the terms of the Rehabilitation of Offenders Act 1974.

The Rehabilitation of Offenders Act 1974 aims to give those with convictions or cautions the chance - in certain circumstances - to wipe the slate clean and start afresh.

Under the Act, eligible convictions or cautions become 'spent' after a specified period of time known as the 'rehabilitation period', the length of which varies depending on how the individual was dealt with.

2. Standard Check

A Standard DBS check is suitable for certain roles, such as a security guard. The certificate will contain details of both spent and unspent convictions, cautions, reprimands and warnings that are held on the Police National Computer, which are not subject to filtering.

An individual cannot apply for a standard check by themselves. There must be a recruiting organisation who needs the applicant to get the check. This is then sent to DBS through a Registered Body.

3. Enhanced Check

An Enhanced DBS check is suitable for people working with children or adults in certain circumstances such as those in receipt of healthcare or personal care. An Enhanced DBS check is also suitable for a small number of other roles such as taxi licence applications or people working in the Gambling Commission.

The certificate will contain the same details as a standard certificate and, if the role is eligible, an employer can request that one or both of the DBS Barred Lists are checked.

The certificate may also contain non-conviction information supplied by relevant police forces, if it is deemed relevant and ought to be contained in the certificate.

An individual cannot apply for an Enhanced DBS check by themselves. There must be a recruiting organisation who needs the applicant to get the check. This is then sent to DBS through a Registered Body.

4. Enhanced with Barred List(s) Check

An Enhanced with Barred Lists DBS check is also suitable for people working with children or adults in certain circumstances such as those in receipt of healthcare or personal care.

An Enhanced with Barred Lists certificate will contain the same information as an Enhanced DBS certificate, but will also include a check of one or both Barred Lists.

Eligibility for Standard, Enhanced, and Enhanced with Barred Lists DBS checks is prescribed in legislation and can only be requested where the requester is legally allowed to do so. They can only be applied for by a 'Registered Body' such as an employer.

Basic Checks

Following member consultation, it has been agreed that all members shall undergo basic DBS checks.

Each member is responsible for making the application and must do so within 3 months of being elected and thereafter every 12 months whilst they remain an Elected Member.

DBS requires Elected Members to submit the DBS application personally. However, officers from the Council's Law and Governance Directorate will support and co-ordinate the application and processing of Basic DBS checks with Elected Members.

Members must produce an original or certified copy of the DBS check to Vanessa Maher-Smith in Law & Governance (vanessa_mahersmith@sandwell.gov.uk). A record will be kept of Members who have complied with this requirement. Copies of the DBS check will not be kept by the Council.

Enhanced DBS Checks

There are certain roles an Elected Member may take on in addition to their role as a ward Councillor. Some of those roles involve more regular and frequent contact with vulnerable adults and children. Whilst there is no statutory requirement for DBS checks in relation to these roles, they may meet the eligibility criteria for an Enhanced DBS check. To determine whether an Enhanced DBS check is required, the Council follows the Government's DBS Eligibility Guidance, which can be found via the following link:

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

The eligibility criteria for an Enhanced DBS check is dependent upon whether the Elected Member will be working with adults or children, how frequent that interaction is and whether it is unsupervised or with no other person present.

Working with Adults

Under the Police Act 1997 (Criminal Records) Regulations 2002, a person is eligible for an Enhanced DBS check if they are:

- (i) a member of a local authority and discharges any social services functions of a local authority which relate wholly or mainly to adults who receive a health or social care service
- (ii) a member of an executive of a local authority which discharges any such functions;
- (iii) a member of a committee of an executive of a local authority which discharges any such functions; or
- (iv) a member of an area committee, or any other committee, of a local authority which discharges any such functions.

Working with Children

Under the Police Act 1997 (Criminal Records) Regulations 2002, a person is eligible for an Enhanced DBS check if the organisation is:

- i) considering the applicant's suitability to engage in any activity which is a regulated activity relating to children

Regulated activity is made up of:

- i) what activity a person carries out and how often the person does it, for example

Activity	Period condition	Supervision	Age of child
Teaching, training or instruction, care or supervision of children	More than 3 days in a 30 day period OR overnight between 2am & 6am with the opportunity for face to face contact with children	Must be considered	Under 18 – but not if the activity is in relation to the child's paid or unpaid employment AND they are 16/17.
Moderating a web service wholly or mainly for children	More than 3 days in a 30 day period ONLY	Not required	Under 18
Advice or guidance wholly or mainly to children	More than 3 days in a 30 day period OR overnight between 2am & 6am with the opportunity for face to face contact with children	Not required	Under 18 – but not if the activity is in relation to the child's paid or unpaid employment AND they are 16/17.
Driving a vehicle for children	More than 3 days in a 30 day period ONLY	Not required	Under 18
Health care or personal care	Once is enough	Not required	Under 18
Registering to be a foster carer or private foster carer	None	Not required	Under 18
Registering to be a childminder or child care provider, including voluntary registration	None	Not required	In line with regulations

or

- ii) where the role takes place and how often the person will work there

The specified establishments are:

- An educational institution exclusively or mainly for the provision or full-time education of children
- A pupil referral unit
- A provider of nursery education
- A detention centre for children
- A children's home or a home provided under the Children Act 1989
- A children's centre
- Relevant childcare premises

Ancillary roles in these specified establishments must meet all four of the following criteria to be in regulated activity with children:

- They work there on more than 3 days in a 30 day period or overnight between 2am and 6am with the opportunity for face to face contact with the children and
- They have the opportunity, because of their job, to have contact with the children in the establishment and
- They work there for the purpose of the establishment and
- It is not temporary or occasional work, and
- It is not a supervised volunteer role

The following members will be asked to consent to Enhanced DBS checks, subject to them meeting the DBS eligibility criteria/guidance:

- 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, and
- Any other Member who may regularly come into contact with children or vulnerable adults as part of their Council role.

Costs

A Basic DBS check is currently £18 each.

Enhanced DBS checks currently cost £38 each.

The cost of the DBS check is to be met by the Council.

Frequency of Check

Members will be expected to complete the application for a Basic DBS online within 3 months of being elected, and every 12 months thereafter. The application can be completed on the following website:

<https://www.gov.uk/request-copy-criminal-record>

Guidance is available here:

<https://www.gov.uk/government/collections/dbs-checking-service-guidance--2>

The Enhanced DBS request will be completed within 14 days of appointment to the relevant position/committee and every 12 months from the date of appointment, until the appointment ceases.

Failure to comply

If Members fail to meet the requirements to complete a DBS check and produce it to the Council, this will be reported to:

- i) The Ethical Standards and Member Development Committee;
- ii) The Group Leader; and
- iii) Full Council (if required)

In the event that a Member fails to comply with the requirement to undergo an Enhanced check, they will be unable to undertake that role.

What Happens if a Check Reveals an Offence?

In the case of a DBS check revealing an offence, the relevant Elected Member shall within 3 working days refer the DBS check to the Monitoring Officer.

The Monitoring Officer, will in consultation with the Chair of the Ethical Standards and Member Development Committee, consider the results of the DBS check and determine whether the matter should be referred to the Group Leader of the relevant Elected Member and/or the Ethical Standards and Member Development Committee for consideration.

The Monitoring Officer and Chair of the Ethical Standards and Member Development Committee shall consider, inter alia,

- (i) the significance and/or severity of the offence,
- (ii) the amount of time that has elapsed since the date of the conviction,
- (iii) whether public confidence in the position held by Elected Member in question could be adversely affected, and if so, to what extent,
- (iv) The potential reputational harm (if any) that could impact upon the Council
- (v) whether the matter should be referred to the Ethical Standards and Member Development Committee for consideration.

It is recognised that the data will include personal data and criminal offence data and the Council will ensure compliance with UK GDPR and Data Protection legislation when processing the information, including the application of Schedule 12A Local Government Act 1972 (as amended).

Other actions- assurance from Political Parties

It is recognised that a DBS check is only valid on the day that it is provided, and circumstance may change at any time. The Council will work with the Political Groups to ensure Elected Members understand that they have an obligation to declare any criminal offences/convictions (other than minor offences such as traffic offences) to the Monitoring Officer as soon as reasonable practicable after conviction (i.e. within 3 working days).

Retention of Information

The Council will maintain a record of Members who have produced their basic DBS checks to the Officer appointed by the Monitoring Officer. This will be retained for a period of 15 months after the date of the last entry.

Enhanced DBS checks will be provided to the Council as the Registered Body. They will be kept for 1 month after receipt of the updated check.

Should a Councillor cease to be a Councillor during the 12 month period, their Enhanced DBS check will be destroyed after 1 month.

Report to Ethical Standards and Member Development Committee

4 July 2023

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

1 Recommendations

That the Ethical Standards and Member Development Committee:

- 2.1 Appoints to two Ethical Standards Sub-Committees for the 2023/24 municipal year, with flexibility between membership to cater for availability and workload, with delegated powers to carry out the functions set out in the following terms of reference, and with the membership set out below:

Terms of reference of the Ethical Standards Sub Committee

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

Membership







SUB-COMMITTEE 1		SUB-COMMITTEE 2	
Member	Substitute	Member	Substitute
Allcock	Substitute members taken from remainder of committee	Allcock	Substitute members taken from remainder of committee
Kaur		Crompton	
J Giles		Hemingway	
Muflihi		Rahman	
Trumpeter (or sub)		Trumpeter (or sub)	
+ Independent Person		+ Independent Person	

- 2.2 Approves the Terms of Reference for the Ethical Standards Working Group and appoints members (Chair and Vice Chair plus three other members).

2 Reasons for Recommendations

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

3 How does this deliver objectives of the Corporate Plan?

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

4 Context and Key Issues

- 4.1 The Council at its annual meeting held on 23 May 2023 agreed the membership of the Ethical Standards and Member Development Committee. The Committee now needs to make appointments to the Ethical Standards Sub Committees and Working Group.
- 4.2 The Committee is requested to appoint to the Working Group, consisting of the Chair and Vice Chair plus three other members of the Committee (plus the two independent persons). The Terms of Reference for the group is attached at Appendix 1.
- 4.3 The working group is not a decision-making body but will enable matters and issues to be discussed and explored, and reports being prepared for the consideration of the Committee in due course.

5 Alternative Options

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

6 Implications

Resources:	There are no resource implications arising directly from this report.
Legal and Governance:	Section 28(6) of the Localism Act 2011 provides that a relevant authority must have in place arrangements under which allegations that a member or co-opted member of the authority has failed to comply with the authority's code of conduct can be investigated, and arrangements under which decisions on allegations can be made. There is no statutory requirement as to the nature of these arrangements.
Risk:	There are no direct risk implications arising from this report.
Equality:	There are no direct equality implications arising from this report.
Health and Wellbeing:	There are no direct health and wellbeing implications arising from this report.
Social Value	There are no direct social value implications arising from this report.

7. Appendices

Appendix 1 – Terms of Reference – Ethical Standards Working Group

8. Background Papers

None.

ETHICAL STANDARDS WORKING GROUP

Terms of Reference

Scope

To review the Council's Ethical Framework, namely:

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

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

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

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

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

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

Membership

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

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

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

Quorate and Meetings

At least three Members of the Working Group.

Meetings shall be held as required.

Chairperson of the Working Group

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

Decision-making

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

Voting

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

Access to Information Rules

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

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Report to Ethical Standards and Member Development Committee

4th July 2023

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.

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?

- 3.1 Targeted Member Development activity aims to support all ambitions and objectives in the Corporate Plan.

	Best start in life for children and young people
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	People live well and age well
	Strong resilient communities
	Quality homes in thriving neighbourhoods
	A strong and inclusive economy
	A connected and accessible Sandwell

4 Context and Key Issues

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 was implemented in 2022 that reflected the issues identified across external reviews and associated improvement plan whilst aiming to build on the programme developed over the previous 4 years. This programme was reviewed at the end of the last municipal year and refreshed to meet the identified and emerging needs of elected members and the wider organisation

Training and Member induction to date

4.2 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 member development activities offered to date.

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. The learning and development events are offered over a variety of medians and the use of external facilitators is incorporated where possible. In addition, Members are encouraged to access national programmes with the aim of networking and benchmarking with colleagues from other local authorities.



4.3 Learning and Development May 2022 to date:

Learning & Development Activity	Date(s)	No. Attendees (* denotes limited spaces)
16/05/23	Ethical Framework - Code of Conduct	26
17/05/23	New Municipal year, a welcome event for all Elected Members	51
07/06/23	Neighbourhood Support Session (North)	16
08/06/23	Neighbourhood Support Session (South)	9 (tbc)
12/06/23	Introduction to Scrutiny	21
14/06/23	Taxi Licensing and General Licensing	19
19/06/23	MyCllr portal	3*
20/06/23	MyCllr portal	5*
*new members only invited		

4.4 Feedback generally is that the programmed events to date have been well received, Members attending development activities have welcomed the in-person sessions as a conduit, particularly for new Councillors, to meet and build effective working relationships with officers.

4.5 Included in the ongoing review of learning, development and support offered to members, personal development plans (PDPs) continue to take place in order that the offer for the 2023/24 programme is tailored toward the identified needs of Councillors. PDPs provide a platform for confidential one to one conversations on member achievements, aspirations and associated support going forward. The PDP's also capture skills, knowledge, experience and learning outside of the Council environment, to avoid duplication of learning and development activity



The approach to Member Development 2023/24

4.6 There are a number of factors that influenced the development of the member programme for 2023/24. These included:

- Member induction: building on the successes of the last programme and bridging any identified gaps. All Councillors elected in 2022 were invited to participate in information gathering sessions that aim to understand their experience of the member induction programme and consolidate the offer going forward. Whilst generally, all Members who participated welcomed the comprehensive nature of the induction programme, they suggested that an early meet and greet event with all officers who provide support on a town footprint, would be beneficial. This was incorporated into the programme
- New member intake and changes in positions of responsibility. As with any annual election, the Council prepares for its intake of newly elected Councillors and also those who may hold first time or new positions of responsibility. Alongside the induction and main development programme, this year will see the introduction of individual learning pathways that identify core development activities and tailored support for members in positions of responsibility
- Consolidating understanding of corporate governance responsibilities: the previous programme set out, across a number of committee based strands, governance development activities. These have now been consolidated into an identifiable single corporate governance strand for all elected members, with additional enhanced activities for those members with specific governance related roles and responsibilities. This
- PDP identified learning and development need: There was limited uptake of member PDP's to date. This has impacted on the ability to undertake a wholly informed assessment of members learning and development needs. The PDP process this year will be revised and commence earlier in the year to offer as much opportunity for members to engage in the process. The PDP documentation will incorporate a skills audit and capture external learning that members may have undertaken in a personal or professional capacity in addition to the Council Officer



4.7 In accordance with the resolution at the last meeting of the Committee the final Member Development Programme (attached at appendix 1) was approved by the Chair of the Committee. The programme however, remains a live document that aims to meet any evolving development need and regular updates will continue to be presented to the committee throughout the year.

4.8 Alongside the Council’s development offer, we also encourage Members to access the offer from partner organisations including the Local Government Association and Centre for Governance and Scrutiny. This includes a range of on-line resources, workbooks, webinars and in-person development activities and programmes that complement the Councils programme. <https://www.local.gov.uk/our-support/councillor-and-officer-development/highlighting-political-leadership>

<https://www.local.gov.uk/our-support/leadership-workforce-and-communications/councillor-development-resources>

<https://www.local.gov.uk/our-support/councillor-and-officer-development/councillor-hub>

<https://www.local.gov.uk/our-support/councillor-and-officer-development/councillor-workbooks>

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:	An effective Member Development Programme will help ensure the council make informed decisions and empower Members in undertaking their various roles.



	<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.

6 Appendices

Member Development Programme (to follow)

7. Background Papers

None



SANDWELL COUNCIL ELECTED

MEMBER DEVELOPMENT PROGRAMME 2023/24



Sandwell
Metropolitan Borough Council

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,

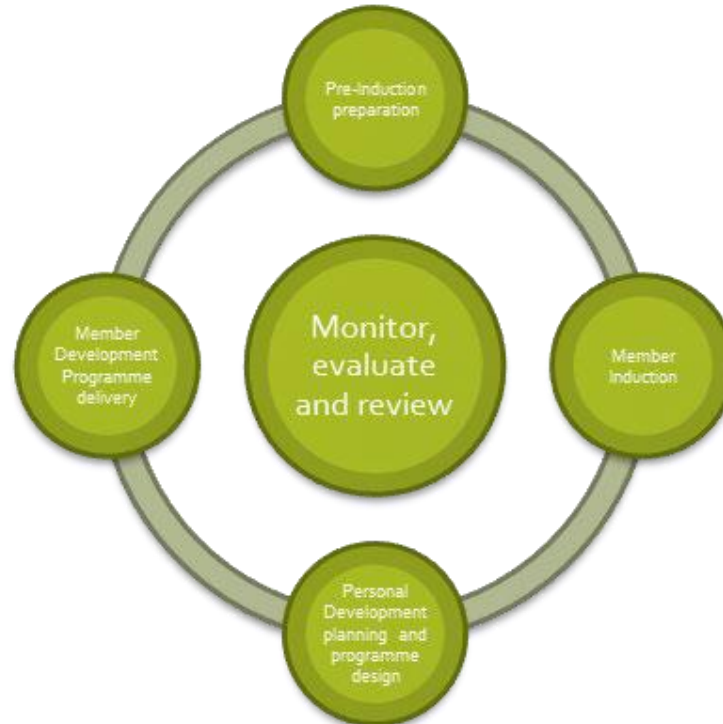
Surjit Tour

Director of Law & Governance

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 Councillor development journey begins prior to election, in preparing those that want to be Councillors, 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 bespoke package of learning and support interventions that aim to enable and empower Members in their growth and development moving forward.



Our newly 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 5 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.



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 each year and the repeated prior to the end of this Municipal Year. Your PDP will aim to capture key skills and knowledge or learning and development that has been undertaken externally to the Council, for example, in employment or further/higher education



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?

Page 4

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.



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

Date	Programmed Event	Objective(s)	Members to be invited	Compulsory Essential Bespoke Desirable	Lead Officers
9 May 2023	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	Newly and re-elected members (and families)	Essential – for Councillors elected in May 2023	CEO/Monitoring Officer/Democracy
11-20 May 2023 By appointment	Member ICT and Portal	These sessions address the use of corporate IT devices, information governance and using the member portal for progressing casework	New members	Compulsory for new members	Member Services/ICT
11 May 2023	Decision Making process and Understanding My Role as a Councillor	This session will give you an overview of decision making in Sandwell, provide information on your role as a councillor at a meeting and how you can access your committee papers	New member	Compulsory for new members	Democratic Services

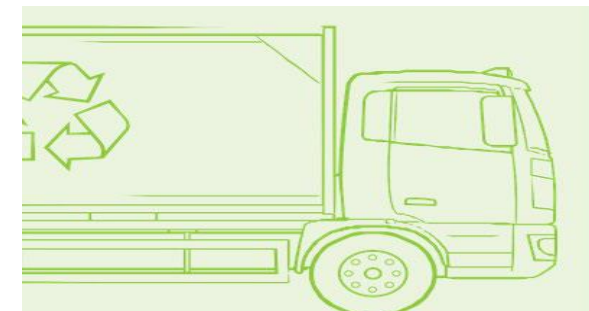


17 May 2023	The New Municipal Year	To outline: Council priorities Working together: The role and responsibilities of Councillors and Officers; Directorates and Service provision An overview of decision making Support for members	All members	Essential	Leadership Team/Democracy/Member Services
7 & 8 June 2023 (From 6pm)	Neighbourhood Support	Meet the teams who directly support elected members in their communities. To provide an overview of the services they offer out in Sandwell Communities.	All Members	Essential for new members, Desirable for all members	Neighbourhood Teams

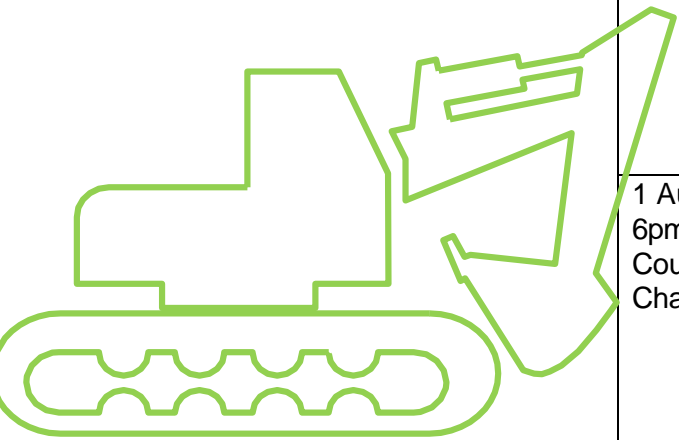


<p>12 June 2023 (10am to 4pm)</p>	<p>The Role of Scrutiny and scrutiny work programming</p>	<p>For members appointed to Scrutiny Boards, this session will provide a comprehensive overview of the role and powers of Scrutiny and how they add value to the work of the organisation. As the Scrutiny Boards are responsible for developing their own programme of activity, the afternoon session will enable Members and Officers to have initial conversations on priority areas for inclusion in Board work programmes.</p>	<p>Scrutiny Board Members</p>	<p>Desirable for new members</p>	<p>Statutory Scrutiny officer</p>
<p>14 June 2023 10.30am – Taxis 1pm – General licensing.</p>	<p>An introduction to Licensing</p>	<p>The opportunity to attend a general introduction to General Licensing & Taxi Licensing which can feature in councillor casework</p>	<p>New Members</p>	<p>Desirable for new members</p>	<p>Licensing Manager/LGA Peer</p>

19 June 2023 Session 1 20 June 2023 Session 2	My Councillor Portal	An overview of the Member casework and enquiry management system	All Members	Essential for new members	Digital Transformation Lead Officer
20 June 2023 5.30pm – 7.30pm (virtual Zoom event)	Welcome to Newly Elected Members (LGA National Events)	This is a virtual networking opportunity for new councillors across the country to link in with colleagues	New Members	Desirable for new members	LGA
27 June 2023 6pm-8pm	An introduction to Planning	The opportunity to attend a general introduction to the planning process which can feature in councillor casework	All Members	Desirable for new members Essential for planning committee members	Head of Planning John Baker/Alison Bishop
4 July 2023 6pm-8pm (Virtual event)	An introduction to Licensing	The opportunity to attend a general introduction to Taxi Licensing which can feature in councillor casework	All Members	Desirable for new members	Licensing Manager/LGA Peer



<p>5 July 2023 6pm-8pm (Virtual event)</p>	<p>An introduction to Licensing</p>	<p>The opportunity to attend a general introduction to general Licensing which can feature in councillor casework</p>	<p>All Members</p>	<p>Desirable for new members</p>	<p>Licensing Manager/LGA Peer</p>
<p>6 July 2023 6pm- 8pm Council Chamber</p>	<p>Introduction to Local Government Finance</p>	<p>To provide an overview of financial structures any systems within the Council</p>	<p>All Members</p>	<p>Essential for all members</p>	<p>Director of Finance/LGA peer Simone Hines Rebecca Maher</p>
<p>19th July 2023 6pm-7:30 pm (Virtual event)</p>	<p>An introduction to Audit</p>	<p>The opportunity to see how Audit and Risk management ensures the integrity of the financial reporting and audit process and to oversee the maintenance of sound internal control and risk management systems.</p>	<p>All Members</p>	<p>Desirable for new members</p>	<p>Audit Manager Risk Manager External Auditor/LGA peer</p>
<p>1 August 2023 6pm-7.30pm Council Chamber</p>	<p>Public Speaking Skills</p>	<p>This 1.5 hour lively and practical event is aimed at new councillors who would like to learn the art of public speaking in webcast meetings environment (meetings and full Council)</p>	<p>All Members (Members who have attending a previous 'Public Speaking Skills' course need not attend unless they would like to refresh their knowledge)</p>	<p>Essential</p>	<p>David McGrath – link UK</p>



DATE TO BE CONFIRMED – 20 or 27 September 6pm-8pm	King's Honours & Awards	Information on the (personal) awards and how to submit a nomination.	All members	Bespoke	West Midlands Lieutenancy
26 September	Personal Safety	This event aims to provide members with key information on safety considerations	All members	Desirable for new members	LGA
TBC	Time Management	To outline strategies and practices to help Councillors balance the demands on their time	All members	Desirable	Commissioned LGA



Corporate Governance

Date	Programmed Event	Objective(s)	Members to be invited	Compulsory Essential Bespoke Desirable	Lead Officers
16 May 2023	Code of Conduct	These workshops will explore the Code of Conduct for elected members and the expectations placed on councillors in their roles	All members	Compulsory for all members every 2 years	Monitoring Officer/Service Manager Democracy
12 June 2023	Overview and Scrutiny – provisions, powers, toolkit and work programming	Examining scrutiny best practice, tools and techniques, followed by initial development of work programmes	All Scrutiny Members	Essential for scrutiny members	Statutory Scrutiny Officer
TBC	Introduction to Overview & Scrutiny	To provide an introduction to the role, powers and functions of the Council's Scrutiny Boards	All Members	Essential for new members, desirable for all members	Statutory Scrutiny Officer
6 July 2023	Understanding local government finance	To provide an overview of financial structures any systems within the Council	All members	Compulsory ARAC, Cabinet Essential for all members	Director of Finance





12 July 2023 6-8pm	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	All members	Essential for all members	Service Manager Democracy/ Monitoring Officer
August 2023	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	Members/Directors appointed to outside bodies	Essential for members on outside bodies	Bethan Evans

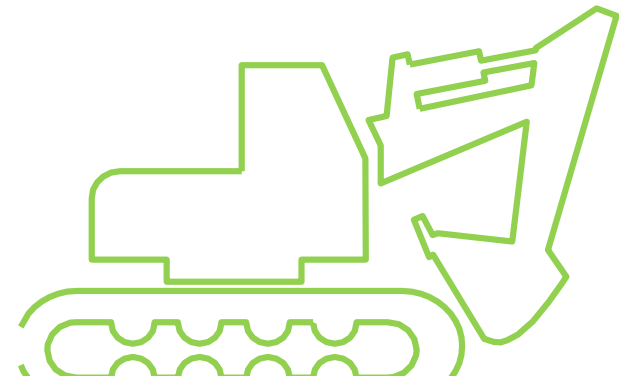


<p>Programme20: Thursday 21 September – Friday 22 September 2023</p> <p>Programme21: Saturday 27 January – Sunday 28 January 2024</p> <p>Programme 22: Thursday 15 February – Thursday 16 February 2024 Virtual</p>	<p>Effective Scrutiny</p>	<p>This LGA module provides the opportunity to focus in depth on the hot topics that are currently most relevant to delegates</p>	<p>New or aspiring scrutiny chairs and task and finish review lead members</p>	<p>Desirable for scrutiny members</p>	<p>LGA</p>
<p>Programme 9: Thursday 18 January – Friday 19 January 2024 Programme10: Saturday 10 February – Sunday 11 February 2024</p> <p>Both events take place at Warwick Conferences, Coventry CV4 7SH.</p>	<p>Audit committees</p>	<p>These sessions examine how Audit committees can be most effective</p>	<p>Audit Committee Chairs/Vice Chairs/Aspiring Chairs</p>		<p>LGA</p>



Continuous Learning for all Councillors (to be finalised with the LGA)

Date	Programmed Event	Objective(s)	Members to be invited	Compulsory Essential Bespoke Desirable	Lead Officers
e-learning module (accessible immediately) + workshop 5 th September 2023	Equality, Diversity and Inclusion	Understanding the Equality Act, Equality Duty	All Members	Essential	EDI Manager
TBC	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 use of social media platforms.	All Members	Essential - All members	LGA
12 th June (Corporate Parenting Week)	Corporate Parenting	To outline Councillor responsibilities in relation to the corporate parenting duty	All Members/Cabinet members	Essential	LGA



	Community Leadership	The key components of effective community leadership	All Members	Essential	LGA
	Safeguarding	To unpack what safeguarding means from a Local Authority lens, including corporate responsibilities and what to do if you have a safeguarding concern	All members	Essential	LGA
1 st August 2023	Effective public speaking and presenting with impact	This workshop will offer Councillors the opportunity to explore how to communicate effectively in a public setting and getting your message across	All Members	Desirable	David McGrath– Link Services
	Peer to Peer Mentoring for Chairs and Vice Chairs				LGA/CfGS



Continuous Learning – Corporate Governance

Pre-committee	Standards Hearings	To provide a comprehensive understanding of the role and remit of the Committee where a standards hearing is required	Ethical Standards and Member Development Committee		Monitoring Officer
ASAP after Annual Council	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,	Chairs/Vice Chairs/Aspiring	Essential for committee and board chairs/vice chairs	LGA
ASAP after Annual Council	Chairing Hearings/ Proceedings	To explore the role of the Chair in managing quasi-judicial or other formal hearings/ proceedings	Chairs/Vice Chairs of quasi-judicial bodies	Essential – Chairs/Vice Chairs of regulatory Committees	David McGrath – Link Services
TBC	Chief Officer Employment Procedures	The role of Members in chief officer employment issues	Chairs/Vice Chairs/Cabinet Members	Compulsory	Head of HR
October 2023 (TBC – awaiting dates)	The corporate governance framework	Exploring the governance framework and Committee role	ARAC Members All Members	Essential	Cipfa

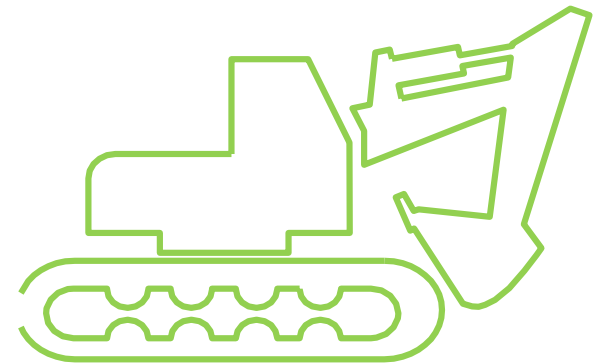
Pre-Committee	Managing risk	The committee's role in the management of risk and the wider context of corporate risk management	ARAC Members	Essential	
Pre-Committee	The role of External Audit	An overview of the role of the external auditors	ARAC Members	Essential	Grant Thornton
Pre-Committee	The annual statement of accounts	Examining and providing assurance on the content of the statement of accounts	ARAC Members	Essential	Director of Finance
TBC	Working together– the Member/Officer relationship	These workshops will explore the Member/Officer working relationships	All Members	Essential for all members	Monitoring Officer LGA
Pre-Committee	Performance Management	To examine the role of scrutiny in managing council performance	All Scrutiny Members	Desirable for scrutiny members	Statutory Scrutiny Officer/LGA

Continuous Learning - Committee specific
Planning Committee

Date	Programmed Event	Objective(s)	Members to be invited	Compulsory Essential Bespoke Desirable	Lead Officers
27 th June 2023	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	All members	Compulsory for planning committee members Desirable for all members	Service Manager - Planning
Pre-Committee workshop	(bitesize) 5G mast – planning considerations	Exploring key considerations in relation to this planning matter	Planning Committee Members	bespoke	Service Manager - Planning
Pre-Committee workshop	(bitesize) Wind turbines	Exploring key considerations in relation to this planning matter	Planning Committee Members	bespoke	Service Manager - Planning
Pre-Committee workshop	Local planning policy	Exploring key considerations in relation to this planning matter	Planning Committee Members	bespoke	Service Manager - Planning
Pre-Committee workshop	Dealing with lobbying and representations	Exploring key considerations in relation to this planning matter	Planning Committee Members	bespoke	Service Manager - Planning



Pre-Committee workshop	The green belt	Exploring key considerations in relation to this planning matter	Planning Committee Members	bespoke	Service Manager - Planning
Pre-Committee workshop	Departures from development policy	Exploring key considerations in relation to this	Planning Committee Members	bespoke	Service Manager - Planning



Licensing Committee

Date	Programmed Event	Objective(s)	Members to be invited	Compulsory Essential Bespoke Desirable	Lead Officers
Pre-Committee	The Gambling Act in practice	To deliver the key considerations of Licensing Committee in the context of applications received under the Gambling Act	Licensing Members	Bespoke	Licensing Manager
TBC	Licensing Decision Making at Licensing Committee	How to run a good licensing committee	Licensing Committee & Sub Committee Chairs and Vice Chairs	Bespoke	LGA

Scrutiny Boards

Date	Programmed Event	Objective(s)	Members to be invited	Compulsory Essential Bespoke Desirable	Lead Officers
TBC	Effective questioning	Exploring techniques to facilitate powerful and effective questioning	All Scrutiny Members	bespoke	Link UK
TBC	Undertaking review activity	This workshop will explore best practice and tools for deep dive scrutiny review activity	All Scrutiny Members	bespoke	TBC

Audit Committee

Date	Programmed Event	Objective(s)	Members to be invited	Compulsory Essential Bespoke Desirable	Lead Officers
Pre-Committee	Local Government Funding Background		All ARAC Members	Essential	Director of Finance
Pre-Committee	Financial Control Framework		All ARAC Members Budget & Corporate Scrutiny Board	Essential	Director of Finance
Pre-Committee	Financial Coding		All ARAC Members	Essential	Director of Finance
Pre-Committee	Budget Monitoring and Preparation		All ARAC Members Budget & Corporate Scrutiny Board	Essential	Director of Finance



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Report to Ethical Standards and Member Development Committee

4 July 2023

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 since the last meeting of the Committee.



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 on a rolling basis so that the Committee can see the progress of complaints and the number of complaints received.

5 Alternative Options

- 5.1 None – the report is provided for information. There is no statutory requirement to provide the information to the Committee, but the council considers it good practice to do so.

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	Decision Notice issued January 2023. Compliance being monitored	Green	Hearing took place in December 2022. Member found to have breached the Code of Conduct in 3 respects. Sanctions imposed.	The learning was localised and specific to the complaint
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.	
4. MC/141222	Member of the Public	Allegation 1 capable of breaching Rules 5.1 and 6.1 IF proven, Allegation 2 is capable of breaching Rule 5.1 and 6.1 IF proven and Allegation 3 is capable of breaching Rule 9.1 IF proven (but the complaint was made after 6 months had expired – the impact of which is addressed in Stage 2 below)	Decision notice of the DMO completed 16 February 2023 – sent out 17 February 2023	Green	Insufficient evidence of a breach of the members code of conduct. Complaint brought over 6months after alleged incidents	
5. MC/190223	Member of the Public	It is alleged that the subject member has breached the code of conduct by failing to declare relevant interest at a meeting.	Decision notice completed 25 May 2023. Local resolution. Training undertaken by Councillor.	Green	Member undertook training with the Monitoring Officer File closed	



Case Ref	Complainant	Code Provisions/ Ground for complaint	Date received and progress to date	Deadline Red: Amber: Green:	Outcome	Learning identified
		Potential breaches of the members code of conduct alleged 5.1 and 9.1				
6. MC/190223(2)	Member of the Public	It is alleged that the subject member has breached the code of conduct by providing false/inaccurate information. Potential breaches of the members code of conduct alleged 1.1, 2.1, 2.2, 5.1, 8.2	Decision notice completed 2 June 2023	Green	No further action. File closed	
7. MC/030623	Member of the public	It is alleged that the subject member has breached the code of conduct by not treating the complaint and others with respect. Potential breaches of the members code of conduct alleged 1.1, 2.1, 2.2.	Initial assessment underway. Subject Councillor providing information relevant to the assessment – awaiting the information.	Green	ONGOING	
8. MC/050623	Anonymous	Allegations made which did not relate to the Councillor acting in their capacity	Not a valid complaint Complaint form incomplete, no justification given for anonymity and no public	Green	No further action. File closed	



Case Ref	Complainant	Code Provisions/ Ground for complaint	Date received and progress to date	Deadline Red: Amber: Green:	Outcome	Learning identified
			interest found to consider complaint.			



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Report to the Ethical Standards and Member Development Committee

4 July 2023

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 have been new entries to the Gifts and Hospitality Register since the last meeting of the Committee, detailed in Appendix 1 below.

5 Alternative Options

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

6 Implications

Resources:	There are no strategic resource implications arising from this report.
Legal and Governance:	<p>The Authority has a statutory duty under the Localism Act 2011 to promote and maintain high standards of conduct by Members. The Authority is also obliged to have in place a Code of Conduct.</p> <p>The new standards arrangements are set out in chapter 7 of the Localism Act 2011, and in secondary legislation made under the Act, particularly in The Relevant Authorities (Disclosure of Pecuniary Interests) Regulations 2012.</p> <p>The Localism Act 2011 strengthens requirements on members to register and disclose interests.</p> <p>The Localism Act 2011 (and Regulations made under the Act) did not include any provisions requiring Members' or co-opted Members' to register Gifts and Hospitality, which was formerly the case. However, the Council does still have a duty to promote high standards of conduct by Members' and co-opted Members'.</p> <p>The Members' Code of Conduct describes the interests of any person from whom a member has received a gift or hospitality with an estimated value of at least £50.00 as other registerable interest of the member.</p> <p>The Protocol for Members' on Gifts and Hospitality sets out important guidance for Members' on the acceptance of Gifts and Hospitality.</p>

	Maintaining a Protocol on Gifts and Hospitality also assists the Council to comply with the requirements of the Bribery Act 2010. Under the Bribery Act 2010 all employees and Elected Members' are prohibited from soliciting, arranging or accepting bribes intended for the benefit of the Council, or for their personal benefit, or for the benefit of the employee's family, associates or acquaintances.
Risk:	The Committee considers the Gifts and Hospitality register and members' declarations of interests to protect Members from the acceptance of any unlawful or inappropriate gifts, which would affect the reputation of the Member or the Authority.
Equality:	There is no requirement for an equality impact assessment.
Health and Wellbeing:	There are no direct health and wellbeing implications from this report.
Social Value	There are no direct social value implications from this report.
Climate Change	There are no direct climate change implications arising from this report.

7. Appendices

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

8. Background Papers

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

Appendix 1

Gifts and Hospitality Registered Since Last Meeting:

Cllr Carmichael	24 April 2023	Tickets to Billie Jean King Cup Qualifier	£110.22 plus VAT	Accepted
Cllr Hartwell	28 April 2023	Tickets to Billie Jean King Cup Qualifier	£110.22 plus VAT	Accepted

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Report to Ethical Standards and Member Development Committee

4 July 2023

Subject:	Work Programme for the 2023/24 Municipal Year
Director:	Surjit Tour - Director of Law and Governance and Monitoring Officer
Contact Officer:	Trisha Newton Trisha_newton@sandwell.gov.uk

1 Recommendations



That the Committee approves the work programme for 2023/24 which will be kept under review during the year by the Monitoring Officer and the Ethical Standards and Member Development Committee.

2 Reasons for Recommendations

- 2.1 A draft work programme for 2023/2024 is attached at Appendix 1 for the Committee's consideration. The programme covers the areas that are within the remit of the Ethical Standards and Member Development Committee under its current terms of reference.
- 1.2 In addition Sub-Committees of the Standards Committee will deal with any case work.



3 How does this deliver objectives of the Corporate Plan?

		High standards of conduct are an essential part of good corporate governance and this in turn has a direct relationship with the delivery of high quality services. A planned work programme will help the Ethical Standards and Member Development Committee in promoting high ethical standards.
		
		

4 Context and Key Issues

The work programme will be reviewed at each meeting. All outstanding issues from the last municipal year have been carried through.

5 Alternative Options

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

6 Implications

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

7. Appendices

Draft work programme for the 2023-24 municipal year



8. Background Papers

None



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Ethical Standards and Member Development Committee Work Programme 2023/24

4 July 2023

- Appointment to Sub Committees/Standards Working Group
- Member Development Programme
- Complaints Update (Standing Item)
- Gifts and Hospitality (Standing Item)
- Work Programme 2023/24 (Standing Item)

10 October 2023

- Member Development Programme
- Member Portal update
- Review – Personal Safety for Elected Members
- Networking Opportunities with Neighbouring Authorities
- Duty to Promote High Standards of Conduct
- Committee on Standards in Public Life – Annual Report
- Review of Independent Persons – Recruitment Process/Remuneration
- Complaints Update (Standing Item)
- Gifts and Hospitality (Standing Item)
- National Cases for information (Standing Item)

5 December 2023

- 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
- Complaints Update (Standing Item)
- Gifts and Hospitality (Standing Item)
- National cases for information (Standing Item)

5 March 2024

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

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