

# Agenda

## Ethical Standards and Member Development Committee

**Wednesday 24 January 2024 at 5.30 pm**  
**in Committee Room 1, Sandwell Council, Oldbury**

- |          |  |                |
|----------|--|----------------|
| <b>1</b> | <b>Apologies for Absence</b>   | <b>7 - 8</b>   |
|          | To receive any apologies for absence.  |                |
| <b>2</b> | <b>Members to declare any interests in matters to be discussed at the meeting</b>                        | <b>9 - 10</b>  |
|          | Members to declare any interests in matters to be discussed at the meeting.                              |                |
| <b>3</b> | <b>Minutes</b>   | <b>11 - 14</b> |
|          | To confirm the minutes of the meeting held on 8 November 2023 as a correct record.                       |                |
| <b>4</b> | <b>Urgent Additional Items of Business</b>   |                |
|          | To determine whether there are any additional items of business to be considered as a matter of urgency. |                |



5	<b>Review of the Member's Code of Conduct and Arrangements for Dealing with Complaints under the Member's Code of Conduct</b>	15 - 72
	To consider the Review of the Member's Code of Conduct and Arrangements for Dealing with Complaints under the Member's Code of Conduct.	
6	<b>Member's Disclosure &amp; Barring Service Checks Update</b>	73 - 76
	To consider the Member's Disclosure & Barring Service Checks Update.	
7	<b>Annual Review - Register of Members' Interests</b>	77 - 80
	To consider the Annual Review of Members' Registers of Interest.	
8	<b>Gifts and Hospitality Register</b>	81 - 86
	Standing item to consider the gifts and hospitality register.	
9	<b>National Cases</b>	87 - 90
	Standing item to consider National Cases relating to conduct issues.	
10	<b>Complaints and Allegations Update</b>	91 - 94
	Standing item to consider the update on complaints.	
11	<b>Work Programme</b>	95 - 100
	To consider the work programme for the Committee.	

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

**Distribution**

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

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## Ethical Standards and Member Development Committee

### Apologies for Absence

To receive any apologies for absence from the members of the Committee.



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## Ethical Standards and Member Development Committee

### Declarations of Interest

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



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## Minutes of Ethical Standards and Member Development Committee

**Tuesday 7 November 2023 at 6:23pm  
in Committee Room 2, Sandwell Council House, Oldbury**

**Present:** Councillor Allcock (Chair)  
Councillors Crompton, J Giles, Hemingway, Muflihi, Rahman  
and Trumpeter.

**Officers:** Surjit Tour (Director of Law and Governance – Monitoring  
Officer), Vanessa Mahersmith (Legal Services Manager),  
Sulaiman Ismail (Solicitor), Trisha Newton (Deputy Manager  
- Democratic Services), and Johane Gandiwa (Committee  
and Constitutional Services Lead Officer).

**25/23      Apologies for Absence**

Apologies for absence were received from Councillor Kaur.

**26/23      Declarations of Interest**

No declarations of interest were made.

**27/23      Minutes**

The minutes of the meeting held on 4 July 2023 were  
agreed as a correct record.

**28/23      Additional Items of Business**

There were no additional items of business to consider.

29/23 **Member Development Update**

The Committee received an update on the Member Development Programme (MDP).

The MDP continued to build on the new and revised programme that was implemented in 2022 and was frequently reviewed to ensure it continued to meet the identified and emerging needs of elected members and the wider organisation.

A skills audit had been created, which was key to measuring performance of members, in addition to supporting their learning needs for future roles. This would be implemented in the MDP for 2024/25, ensuring individual learning pathways are tailored to best support members. The PDP process was being reviewed and an update would be provided at a future meeting.

The Committee recommended that incumbent chairs should do a 5-minute video outlining what their committees/boards entailed so that this information could be shared with members when nominating to committees for the next municipal year.

30/23 **Committee on Standards in Public Life Annual Report: July 2022 – June 2023**

The Committee received the 2022-23 Annual Report of the Committee on Standards in Public Life.

The Committee noted the contents of the report for information, particularly that of relevance to Local Government.

31/23 **Review of Independent Persons dealing with Standards Matters**

The Committee received the latest position with regard to recruitment of Independent Persons for dealing with standards matters.

The Committee on Standards in Public Life recommended there should be at least two Independent Persons for dealing with standards matters and that their views must be sought and taken into account by the Council before it made a decision on an allegation against an elected member that it had decided to investigate.

Full Council had previously given approval to the appointment of three Independent Persons for dealing with standards. There were currently two vacancies. A recent recruitment exercise resulted in one completed application form being received. The application was put on hold pending review and had since been withdrawn.

As the role was a voluntary position, no annual allowance was paid in respect of this appointment, other than payment of travelling and subsistence expenses at the appropriate rate. A benchmarking exercise had therefore been undertaken to review remuneration packages from similar local authorities.

**Resolved:-**

- (1) that the Monitoring Officer be authorised to undertake a further round of recruitment for additional Independent Persons using a range of media, online, community and professional forums to ensure a diverse and representative pool of applicants is identified;
- (2) that the Committee notes allowance and remuneration arrangements in neighbouring and peer authorities and requests the Independent Remuneration Panel to review and comment on this matter and report back to a future meeting of the Committee.

32/23 **Gifts and Hospitality Register**

The Committee noted the two new entries that had been made to the Gifts and Hospitality Register.

33/23      **National Cases**

The Committee received details of a national case that was presented as part of its learning and development.

34/23      **Complaints Update**

Members received the latest update on complaints.

In response to questions, the Committee was informed that the number of complaints had been significantly reduced, with only six live cases under consideration.

35/23      **Work Programme**

The Committee considered the work programme for the remainder of the 2023/24 municipal year.

In response to questions relating to health and safety, the Committee was advised that a review would be undertaken. A training session on personal safety was scheduled.

It was agreed that a meeting of the working group would be held to discuss the review on personal safety and a report brought back to a future meeting of the Committee.

**Resolved** that a meeting of the Working Group be set up in relation to personal safety for elected members.

36/23      **Monitoring Officer**

The Chair, on behalf of the Committee, placed on record the Committee's appreciation to the service that the Director of Law and Governance, Surjit Tour, had provided to Council and the Committee.

The meeting ended at 7.37pm.

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## Report to Ethical Standards and Member Development Committee

24 January 2024

<b>Subject:</b>	Review of the Member’s Code of Conduct and Arrangements for Dealing with Complaints under the Member’s Code of Conduct
<b>Director:</b>	Assistant Director Legal and Assurance and Monitoring Officer – Mike Jones
<b>Contact Officer:</b>	Mike Jones <a href="mailto:Mike_jones1@sandwell.gov.uk">Mike_jones1@sandwell.gov.uk</a> Vanessa Maher-Smith <a href="mailto:Vanessa_mahersmith@sandwell.gov.uk">Vanessa_mahersmith@sandwell.gov.uk</a>

### 1 Recommendations

1 It is recommended that the Committee –

- 1.1 Note that the Council’s Member Code of Conduct and the Arrangements for dealing with Complaints Under the Member’s Code of Conduct have been reviewed.
- 1.2 Note that there are no proposed amendments to the Council’s Member Code of Conduct.
- 1.3 Approve the updated Arrangements for dealing with Complaints Under the Member’s Code of Conduct.



## 2 Reasons for Recommendations

- 2.1 On 23 March 2021 (Minute No. 41/21 refers), the Council adopted the Local Government Association's (LGA) Model Code of Conduct. It also updated its Arrangements for dealing with Complaints under the Code of Conduct to ensure they were effective.
- 2.2 It was agreed by the Ethical Standards and Member Development Committee that the Code of Conduct and Arrangements would be reviewed on an annual basis, alternating between a desktop review and an annual review.
- 2.3 Both documents have now been reviewed.

### Code of Conduct

- 2.4 In July/August 2023, the LGA conducted a survey to gauge the impact of the Model Code of Conduct. The details are available on their website: <https://www.local.gov.uk/publications/model-councillor-code-conduct-survey-2023>
- 2.5 The relevant key points to note are:

- Eighty-two per cent of respondents said they had adopted the LGA Model Councillor Code of Conduct to at least some extent, with 25 per cent adopting it in full and 40 per cent adopting the code with some additions or minor amendments.
- Among councils which used the Model Councillor Code of Conduct to inform their review, 73 per cent reported it being 'Very useful' and 25 per cent stated it was 'Fairly useful'
- In total across England, 63 per cent of councils have adopted the Model Councillor Code of Conduct either completely or partially and 37 per cent have not.











- 2.6 The council's existing code of conduct has been in effect since 2021. Since that time there had been minor amendments following updates from the LGA and review by the council.
- 2.7 The code of conduct has been reviewed again this year and no amendments are proposed.

### **Arrangements**

- 2.8 Amendments to the Arrangements are proposed in accordance with the attached document ("Appendix 1").
- 2.9 In summary those amendments are:
- Update to reflect designation of new Monitoring Officer and Deputy Monitoring Officer.
  - Paragraph 5.1 – update for the sake of clarity that where there is any ambiguity in relation to the stage one legal threshold, that the stage two initial assessment should also be completed. This query was raised in a matter and therefore it is recommended that this be included to ensure clarity and consistency.
  - Terminology – references to Standards Committee have been changed to the 'Ethical Standards and Member Development Committee' which is the correct title of this Committee.
  - Paragraph 7 – reference to recording an interview via MS Teams has been included as more frequently interviews are taking place remotely.
  - Insertion of the word 'normally' when referencing timescales which is consistent with the approach throughout the document and also allows flexibility where circumstances require.
- 2.10 The council will be undertaking a further review of the constitution over the next 15 months, which will include a full review of the Member's Code of Conduct and Arrangements. As such, this review has been limited to a desktop review in consultation with the Monitoring Officer and Deputy Monitoring Officer pending this full review.



### 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.

### 5 Alternative Options

5.1 The Committee could accept some or none of the changes proposed. This would leave Arrangements in their current form. Whilst the changes of personnel would need to be changed, the Committee could agree to leave the Arrangements in the current form pending the full review over the next 15 months. The proposed changes are minimal and the Arrangements are working well, therefore if the Committee wish to make this decision there is unlikely to be any negative impact.

### 6 Implications

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

## 7. Appendices

Appendix 1 - Proposed amendments to the Arrangements for Dealing with Complaints under the Member Code of Conduct.

## 8. Background Papers

None.



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## APPENDIX 1 – PROPOSED AMENDMENTS TO THE ARRANGEMENTS

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

#### 1. Context

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

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

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

#### 2. The Code of Conduct

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

#### 3. Making a complaint

To make a complaint, please write to or email –

~~Surjit Tour~~ Mike Jones

Monitoring Officer

Director of Law and Governance

Sandwell Council House

Oldbury

B69 3DE

[surjit\\_tour@sandwell.gov.uk](mailto:surjit_tour@sandwell.gov.uk) [mike\\_jones1@sandwell.gov.uk](mailto:mike_jones1@sandwell.gov.uk)

Or

~~Maria Price~~ Charmain Oliver

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– wef 25 May 2021

Deputy Monitoring Officer  
Interim Service Manager - Legal  
[maria\\_pricecharmain\\_oliver@sandwell.gov.uk](mailto:maria_pricecharmain_oliver@sandwell.gov.uk)

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

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

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

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

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

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

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

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

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

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## 5. Will your complaint be investigated?

### Preliminary tests

The Monitoring Officer will review every complaint received and take a decision as to whether it merits formal investigation. This decision will normally be taken within 10 working days of receipt of your complaint.

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

### 5.1 Stage One - Legal Threshold:

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

If the complaint fails one or more of the ~~4<sup>st</sup>~~ Stage One Legal Threshold tests, no further action will be taken by the Monitoring Officer and the complaint will be rejected. The Complainant will be notified accordingly with reasons, normally within 10 working days of receipt of the complaint by the Monitoring Officer. There is no right of appeal against the Monitoring Officer’s decision.

In the event of any ambiguity as to whether the Stage One Legal Threshold is met or not, the Monitoring Officer authorises the matter to proceed to -Stage 2Two – Initial Assessment. \_\_\_\_\_

### 5.2 Stage Two – Initial Assessment

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

- (a) The complaint is a ‘repeat complaint’, unless supported by new or further evidence substantiating or indicating that the complaint is exceptionally serious or significant;
- (b) The complaint is anonymous (unless paragraph 4 applies);
- (c) No or insufficient information/evidence to substantiate the complaint has been submitted by the Complainant;
- (d) The complaint is malicious, trivial, politically motivated or ‘tit-for-tat’;
- (e) The Complainant is unreasonably persistent, malicious and/or vexatious;
- (f) The alleged misconduct happened more than 6 months ago;

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- (g) The complaint is relatively minor and dealing with the complaint would have a disproportionate effect on both public money and officers' and Members' time

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and it is more appropriate for the matter to be discussed with the Group Leader and/or Chief Whip in accordance with paragraph ~~xx~~16;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### Local Resolution

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

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that offer, the Monitoring Officer will take account of those views in deciding whether the complaint merits formal investigation.

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

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

## **7. Referral for Investigation**

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

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

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

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

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

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

The Investigating Officer may ask the subject member to attend an interview about the complaint. The interview may be tape recorded [or recorded on Teams if the meeting takes place remotely](#), unless the Investigating Officer considers there to be good reason not to.

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

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

The Investigating Officer will endeavour to complete their investigation within 8 weeks (40 working days). However, **may**, if they consider it to be in the interests of natural justice and fairness, extend the timetable based upon factors such as:

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

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

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

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

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

The complainant and the subject member will be given a period of 10 working days to comment on the draft report. All comments should be directed to the Investigating Officer for consideration.

The Investigating Officer, having received and taken account of any comments made on the draft report and undertaking any further investigation they consider relevant and appropriate. The Investigating Officer will endeavour to send their final report to the Monitoring Officer, [normally](#) within 5 working days.

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

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

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

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

9.1 Local Resolution

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

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

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

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The breach of the Member Code of Conduct and the resolution imposed will be publicised on the member's profile on the Council's website for a period to

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be determined by the Monitoring Officer, which is to be no less than the time required for compliance with any sanction. If a member fails to comply with a sanction in the timescale set, the information will remain on the profile until compliance is achieved.

## 9.2 Local Hearing

If the Monitoring Officer considers that local resolution is not appropriate, or the member concerned is not prepared to undertake the suggested resolution, then the Monitoring Officer will report the Investigating Officer's report to a Sub-Committee of the ~~Standards Committee~~Ethical Standards and Member Development Committee which will conduct a local hearing before deciding whether the member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the member. The local hearing will normally take place within six weeks (30 working days) of the decision to proceed to a local hearing being made.

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

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

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

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

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

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

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

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The Ethical Standards and Member Development Committee may –

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

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

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

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

As soon as reasonably practicable thereafter, and normally within 5 working days, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Sub-Committee, and send a copy to you, to the member and make that

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decision

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notice available for public inspection and report the decision to the next convenient meeting of the Council.

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

## **12. Who are the ~~Standards Committee~~Ethical Standards and Member Development Committee?**

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

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

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

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

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

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

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13.2.5 A parent, sibling or child of a person within paragraphs  
13.2.1 or 13.2.2;

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13.2.6 A spouse or civil partner of a person within paragraphs 13.2.3, 13.2.4 or 13.2.5; or

13.2.7 Living with a person within paragraphs 13.2.3, 13.2.4 or 13.2.5 as husband and wife or as if they were civil partners.

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

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

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

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

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

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

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

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

### **15.1 Subject Access Requests**

The Data Protection Act ~~1998~~ 2018 and UK GDPR entitles individuals (both members of the public and employees) to access personal data held about them by Sandwell Metropolitan Borough Council. These requests are referred to as Subject Access Requests.

There are certain circumstances where the Council can legitimately withhold personal information, if one of the exemptions within the Data Protection Act applies. Information which has been obtained during an investigation under these arrangements is likely to be exempt, under the Act, as it is likely that

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disclosure would prejudice the prevention and detection of crime and/or prejudice certain regulatory functions. Therefore, if a Subject Access Request is made during an investigation, relating to information relevant to the investigation, it is unlikely that it will be granted. The final decision will be made by the Monitoring Officer in consultation with the [Information Management Unit of the Council](#). [Council's Governance Team and if necessary, the Data Protection Officer.](#)

## 15.2 Freedom of Information Requests

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

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

## 16. Review Meetings

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

## 17. Revision of these arrangements

The Council may by resolution agree to amend these arrangements, and has delegated to the Chair of the [Ethical Standards and Member Development](#) Committee in consultation with the Monitoring Officer and/or Independent Person as appropriate the right to depart from these arrangements in exceptional circumstances (as far as they relate to the business of a Sub Committee of the [Ethical Standards and Member Development](#) Committee for the administration of the fair hearing of a matter) where they consider that it is expedient to do so in order to secure the

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effective and fair consideration of any matter.

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

## 18. Appeals

There is no right of appeal against a decision of a Sub Committee of the ~~Standards Committee~~ Ethical Standards and Member Development Committee.

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

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## Glossary of Key Terms

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

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Data Protection Legislation-UK GDPR

The UK General Data Protection Regulation  
(Regulation (EU) 2016/679)

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# COMPLAINT FORM

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

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

### Your details

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

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

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

The following people will see this Form:

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

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

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

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

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

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

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

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

Title	First name	Last name

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

It is important that you provide all the information you wish to have taken into account by the Monitoring Officer or Deputy Monitoring Officer when they decide whether to take any action on your complaint. For example:

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

Please provide us with the details of your complaint.

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



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

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

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

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

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



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

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

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

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

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

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

### **Additional Information**

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

### **Please return your completed form to:**

**Surjit ~~Tour~~ Mike Jones**

Monitoring Officer  
Sandwell Council  
Sandwell Council House  
Oldbury  
B69 3DE

[surjit\\_tour@sandwell.gov.uk](mailto:surjit_tour@sandwell.gov.uk) [mike\\_jones1@sandwell.gov.uk](mailto:mike_jones1@sandwell.gov.uk)

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

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

**1. White**

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

**2. Mixed**

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

**3. Asian or Asian British**

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

**4. Black or Black British**

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

**5. Other ethnic group**

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

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

## 1 Context

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

## 2 Steps of the investigation Initial Decision

The Monitoring Officer will review every complaint received and take a decision as to whether it merits formal investigation. This decision will normally be taken within 10 working days of receipt of the complaint. The Monitoring Officer must consult with the Independent Person before deciding whether a formal investigation should be undertaken.

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

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

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

### Investigation Procedure

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

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

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

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

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

### **Completion of Investigation**

At the end of their investigation, the Investigating Officer will produce a draft report and will send a copy of that draft report, in confidence, to the Monitoring Officer. The Monitoring Officer, if satisfied with the report, will then send the draft report to the complainant and the subject member within 5 working days. At this stage the complainant and the subject member can identify any matter in that draft report which they disagree with or which they consider requires more consideration and will be given a period of 10 working days to comment on the draft report.

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

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

**Reference:**

**Complainants:**

**Subject Member:**

**Person Conducting the Assessment :**

**Date of Assessment:**

### **Complaint**

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

### **Complaint summary**

[Summarise complaint in numbered paragraphs]

### **Consultation with Independent Person**

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

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

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

## Stage Two Initial Assessment

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

### Public Interest Test

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

### Decision

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

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

### If referring for Investigation

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

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

### Parameters of Investigation

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

### If referring for Local Resolution:

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

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

If the subject member fails to comply with the local resolution, the matter will be referred to a sub-committee of the ~~standards committee~~ Ethical Standards and





## **If No further action**

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

## **Notification of decision**

This decision notice is sent to the:

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

## **Appeal**

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

**Signed:**

**Date:**

**Print name:**

Monitoring Officer of Sandwell Metropolitan Borough Council.

**The Monitoring Officer**

Law and Governance

Sandwell Metropolitan Borough Council

Oldbury Council House

Freeth Street

Oldbury

B69 3DE

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

**Case No:**

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

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

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

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

**Target for issue of draft report**

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

**Target for issue of final report**

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

## Case analysis

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

## Possible witnesses

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

**Possible witnesses**

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

**Possible witnesses**

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

**Other Matters**

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

--

**Completed by:**

**Date:**

APPENDIX 3

**Statement of .....**

Interview Date:		Place of Interview:	
People Present:			

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

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

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

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

--

Signed.....

Dated .....

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

**Case No:**

<b>Interviewee:</b>	
---------------------	--

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

<b>Nature of complaint</b>

<b>Purpose of interview</b>

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

--

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

--

**Record of disclosure to witness before interview**

--

**Planned disclosure to witness during interview**

--



<b>Areas to be covered in interview</b>	<b>Key questions</b>

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

**Case No:**

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

<b>Subject member:</b>		<b>Complainant:</b>	
------------------------	--	---------------------	--

**Reason for Review**

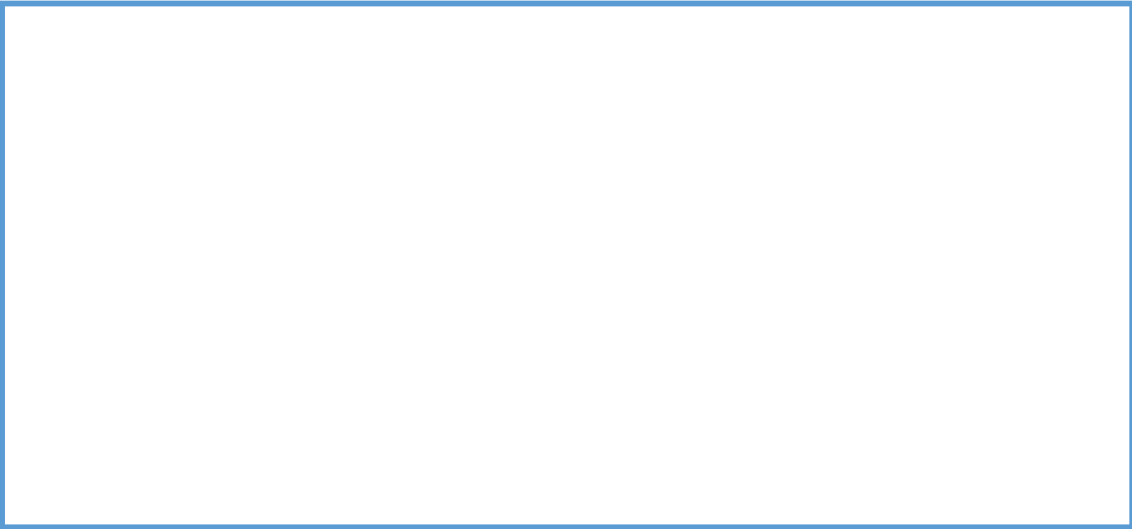
<input type="checkbox"/>	New allegation
<input type="checkbox"/>	Additional witnesses / evidence required
<input type="checkbox"/>	Periodic Review

**Details relating to above**

**Review of Targets**

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

**Reasons for revisions**



**Completed by:**

**Date:**

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

**Reference:**

**Complainants:**

**Subject Member:**

**Person Conducting the Assessment:**

**Date of Assessment:**

### **Complaint**

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

### **Complaint summary**

[Summarise complaint in numbered paragraphs]

### **Original Decision**

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

### **Investigation Summary**

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

### **Decision to Cease Investigation**

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

## **Consultation with Independent Person**

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

## **Notification of decision**

This decision notice is sent to the:

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

## **Appeal**

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

**Signed:**

**Date:**

**Print name:**

Monitoring Officer of Sandwell Metropolitan Borough Council.

## **The Monitoring Officer**

Governance Services

Sandwell Metropolitan Borough Council

Oldbury Council House

Freeth Street

Oldbury

B69 3DE

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

**Case No:**

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

<b>Comment Received</b>	<b>Response</b>	<b>Amendment Necessary?</b>


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## Report to Ethical Standards and Member Development Committee

24 January 2024

<b>Subject:</b>	Member's Disclosure & Barring Service (DBS) Checks Update
<b>Director:</b>	Assistant Director Legal and Assurance and Monitoring Officer – Mike Jones
<b>Contact Officer:</b>	Mike Jones <a href="mailto:Mike_jones1@sandwell.gov.uk">Mike_jones1@sandwell.gov.uk</a> Vanessa Maher-Smith <a href="mailto:Vanessa_mahersmith@sandwell.gov.uk">Vanessa_mahersmith@sandwell.gov.uk</a>


### 1 Recommendations

- 1.1 That the updated position on completion of Disclosure & Barring Service (DBS) checks for Members is noted.

### 2 Reasons for Recommendations

- 2.1 The report provides an update on the progress of obtaining DBS checks for members in accordance with the DBS protocol.

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

	<p>The Council's ethical governance framework and arrangements support the Council toward achieving its strategic objectives and ambition.</p>
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## 4 Context and Key Issues

- 4.1 The Committee has oversight of the Council's ethical governance framework, which includes oversight of the implementation of the DBS Protocol for Members.
- 4.2 On 28<sup>th</sup> March 2023, the Council approved the protocol for DBS checks for members, which requires the following:
- Subject to them meeting the DBS eligibility criteria, enhanced DBS checks for the following members:
    - The Leader
    - Deputy Leader
    - Cabinet for Adults and Childrens
    - 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 come into contact with children or vulnerable adults as part of their Council role and meet the frequency of contact set forth in legislation.
  - Basic DBS checks for all other members

The position as of 15<sup>th</sup> January 2024 is as follows:

### Basic checks

Stage	Number
Completed and checked by the relevant Officer	20
Online Form Completed – awaiting ID check	6
Online form not yet completed	15
Total	41



## **Enhanced DBS – Adults Workforce (14)**

<b>Stage</b>	<b>Number</b>
Completed and checked by the relevant Officer	9
Online Form Completed – awaiting return from DBS	1
Online Form Completed – awaiting ID check	2
Online form not yet completed	2
Total	14

## **Enhanced DBS – Childrens Workforce (17)**

In relation to the remaining roles for Enhanced DBS checks, the Council continues to liaise with the DBS to determine whether they will process such requests in view of the recommendations of the Independent Review of the Disclosure and Barring Regime published in February 2023. A response from the DBS is awaited.

### **5 Alternative Options**

5.1 None

### **6 Implications**

<b>Resources:</b>	The Council is required to ensure that sufficient resources are provided to the Monitoring Officer in order that they are able to exercise their statutory functions. Three Officers in the Governance Team are allocated to undertake ID checks to progress the DBS checks for members.
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<b>Legal and Governance:</b>	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. DBS checks of members promotes such high standards.
<b>Risk:</b>	There is a risk that not all members will comply with the protocol and there is no statutory requirement for members to undergo DBS checks.
<b>Equality:</b>	There are no direct equality implications arising from this report.
<b>Health and Wellbeing:</b>	There are no direct health and wellbeing implications arising from this report.
<b>Social Value</b>	There are no direct social value implications arising from this report.
<b>Climate Change</b>	There are no direct climate change implications arising from this report.
<b>Corporate Parenting</b>	There are no direct climate change implications arising from this report.

## 7. Appendices

None

## 8. Background Papers

None



## Report to Ethical Standards and Member Development Committee

24 January 2024

<b>Subject:</b>	Annual Review – Register of Members’ Interests
<b>Director:</b>	Assistant Director Legal and Assurance and Monitoring Officer – Mike Jones
<b>Contact Officer:</b>	Connor Robinson Democratic Services Officer <a href="mailto:Connor1_robinson@sandwell.gov.uk">Connor1_robinson@sandwell.gov.uk</a>

### 1 Recommendations

#### 1.1 That the Board:

1.1.1 Considers the Register of Members’ Interests and declaration of interests made by Members.


1.1.2 Notes the contents of this report and makes any relevant recommendations to the Director of Law and Governance and Monitoring Officer after consideration of the Register of Members’ Interests.

### 2 Reasons for Recommendations

2.1 The statutory requirements relating to the Register of Members’ Interests are set out in Section 29 of the Localism Act 2011. It requires the Monitoring Officer to establish and maintain a Register of Members’ Interests which also includes the interests of co-opted members of the Council.



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

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

- 4.1 The Council's present arrangements comply with the statutory provisions.
- 4.2 The statutory requirements also provide that the Council must ensure that copies of the Register are available at an office of the authority for inspection by members of the public at all reasonable hours.
- 4.3 The Register is available for inspection at the Sandwell Council House upon a request being made to the Monitoring Officer.
- 4.4 The Members' Register of Interests is available for the public to view on the Council's website.
- 4.5 The Council's arrangements enable the public to view details of each individual Member's interests [including co-opted members] on the Council's website via [Modern.gov](https://www.modern.gov).
- 4.6 One to one meetings with the Monitoring Officer and senior legal staff are offered to members.
- 4.7 The Registers are periodically reviewed by the Monitoring Officer.
- 4.8 The work programme provides for an annual review of the Register.
- 4.9 As part of the rollout of the Modern.gov committee management system, a self-serve option had been developed and implemented whereby members are able to directly access and update their registers. The roll out was ongoing and training had been provided. Additional training was available on request.



## 5 Implications

<b>Resources:</b>	There are no strategic resource implications arising from this report.
<b>Legal and Governance:</b>	<p>The Authority has a statutory duty under the Localism Act 2011 to promote and maintain high standards of conduct by Members. The Authority is also obliged to have in place a Code of Conduct.</p> <p>The new standards arrangements are set out in chapter 7 of the Localism Act 2011, and in secondary legislation made under the Act, particularly in The Relevant Authorities (Disclosure of Pecuniary Interests) Regulations 2012.</p> <p>The Localism Act 2011 strengthens requirements on members to register and disclose interests.</p>
<b>Risk:</b>	There are no risks associated with the report.
<b>Equality:</b>	There are no equality implications in the report.
<b>Health and Wellbeing:</b>	There are no health and wellbeing implications arising directly from this report.
<b>Social Value</b>	There are no social value implications arising directly from this report.
<b>Climate Change</b>	There are no direct climate change implications arising from this report.
<b>Corporate Parenting</b>	There are no direct climate change implications arising from this report.

## 6 Appendices

None



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## Report to the Ethical Standards and Member Development Committee

**24 January 2024**

<b>Subject:</b>	Gifts and Hospitality Register
<b>Director:</b>	Assistant Director Legal and Assurance and Monitoring Officer – Mike Jones
<b>Contact Officer:</b>	Connor Robinson Democratic Services Officer <a href="mailto:Connor1_robinson@sandwell.gov.uk">Connor1_robinson@sandwell.gov.uk</a>


### **1 Recommendations**

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

### **2 Reasons for Recommendations**

- 2.1 Following the Best Practice recommendations made by the Committee on Standards in Public Life, the Gifts and Hospitality Register is a standing agenda item for meetings of this Committee.

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

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

## 6 Implications

<b>Resources:</b>	There are no strategic resource implications arising from this report.
<b>Legal and Governance:</b>	<p>The Authority has a statutory duty under the Localism Act 2011 to promote and maintain high standards of conduct by Members. The Authority is also obliged to have in place a Code of Conduct.</p> <p>The new standards arrangements are set out in chapter 7 of the Localism Act 2011, and in secondary legislation made under the Act, particularly in The Relevant Authorities (Disclosure of Pecuniary Interests) Regulations 2012.</p> <p>The Localism Act 2011 strengthens requirements on members to register and disclose interests. 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> <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.</p>

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

## Appendix 1

### Gifts and Hospitality Registered Since Last Meeting:

Cllr Lewis	01 April 2023	Ride Vouchers for Fun Fair	£60	Accepted and given to local families
Cllr William Gill	16 August 2023	Parker Pen	£25	Accepted

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## Report to the Ethical Standards and Member Development Committee

24 January 2024

<b>Subject:</b>	National Cases
<b>Director:</b>	Assistant Director Legal and Assurance and Monitoring Officer – Mike Jones
<b>Contact Officer:</b>	Connor Robinson <a href="mailto:Connor1_robinson@sandwell.gov.uk">Connor1_robinson@sandwell.gov.uk</a> Democratic Services Officer


### 1 Recommendations

- 1.1 That the Ethical Standards and Member Development Committee considers the contents of the report and the cases in 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?

	<p>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.</p>
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## 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 Implications

<b>Resources:</b>	There are no resource implications arising from this report.
<b>Legal and Governance:</b>	By considering national cases of significance the Ethical Standards and Member Development Committee will be better informed and placed to discharge its duty to promote high ethical standards.
<b>Risk:</b>	Awareness of national cases will enhance the Ethical Standards and Member Development Committee's understanding of promoting high ethical standards within its duties.
<b>Equality:</b>	There are no direct equality implications arising from this report.
<b>Health and Wellbeing:</b>	There are no direct implications for health and wellbeing from this report.
<b>Social Value</b>	There are no social value implications arising from this report.
<b>Climate Change:</b>	There are no specific climate change implications arising from this report.
<b>Corporate Parenting:</b>	There are no specific corporate parenting implications arising from this report.

## 6. Appendices

Appendix 1 – Extract taken from <https://wokingham.today/councillor-guilty-of-breach-of-code/> Dated 16 November 2023.





## 7. Background Papers

No background papers.



## Wokingham Today – 16 November 2023

### Councillor guilty of breach of code

A Wokingham Borough councillor has been deemed to have broken its code of conduct.

Following a complaint against Councillor Keith Baker, MBE, member for Coronation ward, an investigation was conducted into allegations which centred on a May 2023 conversation between Councillor Baker and three Woodley Town councillors.

The complainant alleged he had not met the standards relating to “respect,” “unlawful discrimination,” and “disrepute” as set out in the Code of Conduct.

The investigators’ report concluded that of the three allegations, two were not proven but there had been a breach of one clause of Wokingham Borough Council’s Code of Conduct relating to “respect”.

Councillor Baker was asked to make a written apology to the complainant and three witnesses, which he has done, and he will also receive training on aspects of the Code.

In accordance with the Borough Council’s Constitution, the decision notice was published on its website. A copy of the decision notice was also sent to the complainant, the Subject Member, and the Independent Person.

The decision will also be reported at Wokingham Borough Council’s meeting this week.



# Report to Ethical Standards and Member Development Committee

24 January 2024

<b>Subject:</b>	Complaints and Allegations Update
<b>Director:</b>	Assistant Director Legal and Assurance and Monitoring Officer – Mike Jones
<b>Contact Officer:</b>	Mike Jones Mike_jones1@sandwell.gov.uk


## 1 Recommendations

- 1.1 That the updated 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?

	<p>The Council’s ethical governance framework and arrangements support the Council toward achieving its strategic objectives and ambition.</p>
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## 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

<b>Resources:</b>	The Council is required to ensure that sufficient resources are provided to the Monitoring Officer in order that they are able to exercise their statutory functions.
<b>Legal and Governance:</b>	The Local Government Act 2000 and Localism Act 2011 make provision for the arrangements for dealing with standards related matters.
<b>Risk:</b>	The Council must have in place, arrangements for dealing with matters relating to the conduct of elected members. These are regularly reviewed in line with the best practice recommendations of the Committee for Standards in Public Life
<b>Equality:</b>	There are no direct equality implications arising from this report.
<b>Health and Wellbeing:</b>	There are no direct health and wellbeing implications arising from this report.
<b>Social Value</b>	There are no direct social value implications arising from this report.
<b>Climate Change</b>	There are no direct climate change implications arising from this report.
<b>Corporate Parenting</b>	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. MC210823	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, 2.3, 4.1.	Received on 21 <sup>st</sup> August 2023. Initial Assessment completed. Local Resolution agreed.	Green	Local Resolution agreed on 27 October 2023.  Resolution to be implemented.	N/a
2. MC151223	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, 5.1	Received on 15 <sup>th</sup> December 2023. Initial Assessment being completed.	Amber		



## Report to Ethical Standards and Member Development Committee

24 January 2024

<b>Subject:</b>	Work Programme for the 2023/24 Municipal Year
<b>Director:</b>	Assistant Director Legal and Assurance and Monitoring Officer – Mike Jones
<b>Contact Officer:</b>	Connor Robinson Democratic Services Officer <a href="mailto:Connor1_robinson@sandwell.gov.uk">Connor1_robinson@sandwell.gov.uk</a>

### 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.

### 2 Reasons for Recommendations

- 2.1 A revised work programme for 2023/2024 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.

### 5 Implications

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





## 6. Appendices

Latest work programme for the 2023-24 municipal year

## 7. 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)

**7 November 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  
Rescheduled  
24 January 2024**

- Member Development Programme Update
- Networking Opportunities with Neighbouring Authorities.
- Member Portal update
- Duty to Promote High Standards of Conduct
- To receive an update on the review of personal safety for Members.
- 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)