

Agenda

Ethical Standards and Member Development Committee

Tuesday, 5 March 2024 at 6.00 pm
in Committee Room 1, Sandwell Council House, Oldbury

- | | | |
|----------|--|----------------|
| 1 | Apologies for Absence | 7 - 8 |
| | To receive any apologies for absence (if any). | |
| 2 | Declarations of Interest | 9 - 10 |
| | Members to declare any interests in matters to be discussed at the meeting. | |
| 3 | Minutes | 11 - 16 |
| | To confirm the minutes of the meeting held on 24 January 2024. | |
| 4 | Additional Items of Business | |
| | To determine whether there are any additional items of business to be considered as a matter of urgency. | |
| 5 | Annual Report of the Ethical Standards and Member Development Committee 2023/24 | 17 - 38 |
| | To consider the 2023/24 Annual Report of the Ethical Standards and Member Development Committee. | |



6 **Review of the Committee on Standards in Public Life Best Practice Recommendations** 39 - 50

To receive the review of the Committee on Standards in Public Life Best Practice Recommendations.

7 **Member Development Update** 51 - 56

To consider and comment upon the elected member learning and development activity that has been delivered since the previous committee report on 7 November 2023.

8 **Complaints and Allegations Update** 57 - 62

Standing item to consider the update on complaints.

9 **Gifts and Hospitality Register** 63 - 66

Standing item to consider the gifts and hospitality register.

10 **National Cases** 67 - 74

Standing item to consider national cases relating to conduct issues.

Shokat Lal

Chief Executive

Sandwell Council House
Freeth Street
Oldbury
West Midlands

Distribution

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

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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

**Wednesday 24 January 2024 at 5.30pm
in Committee Room 2, Sandwell Council House, Oldbury**

Present: Councillor Allcock (Chair)
Councillors Kaur (Vice-Chair), J Giles, Hemingway, Muflihi
and Rahman.
Mr Richard Phillips (Independent Person).

Officers: Mike Jones (Director of Legal and Assurance – Monitoring
Officer), Vanessa Mahersmith (Legal Services Manager),
Sulaiman Ismail (Solicitor), Trisha Newton (Deputy Business
and Member Services Manager), Anthony Lloyd (Democratic
Services Officer) and Connor Robinson (Democratic
Services Officer).

1/24 **Apologies for Absence**

An apology of absence was received from Councillor
Crompton.

2/24 **Declarations of Interest**

No declarations of interest were made.

3/24 **Minutes**

Resolved that the minutes of the meeting held on 8
November 2023 were agreed as a correct record.

4/24 **Additional Items of Business**

There were no additional items of business to consider.

5/24 **Review of the Member's Code of Conduct and Arrangements for Dealing with Complaints under the Member's Code of Conduct**

The Ethical Standards and Member Development Committee was responsible for oversight of the Council's ethical governance framework and arrangements for dealing with complaints received under the Code of the Conduct.

The Council's existing code of conduct had been in effect since 2021. Following an annual review, no major amendments had been made to the Code of Conduct. Several minor technical changes had been made and were noted by members as follows:-

- Update to reflect designation of new Monitoring Officer and Deputy Monitoring Officer;
- paragraph 5.1 - update for the sake of clarity that where there was any ambiguity in relation to the stage one legal threshold, that the stage two initial assessment should also be completed;
- terminology – references to Standards Committee had been changed to the 'Ethical Standards and Member Development Committee' which was the correct title of the Committee;
- paragraph 7 – reference to recording an interview via MS Teams had been included;
- the insertion of the word 'normally' when referencing timescales had been undertaken which was consistent with the approach throughout the document; this also allowed flexibility.

Resolved that the Ethical Standards and Member Development Committee approves the updated arrangements for dealing with complaints under the Member's Code of Conduct

6/24

Member's Disclosure & Barring Service (DBS) Checks Update

The Committee received an update on Member's disclosure and Barring Service checks. Members were minded that the Committee retained oversight of the Council's ethical governance framework, which included oversight of the implementation of the Disclosure and Barring Service (DBS) Protocol for Members.

In response to questions from members, the following clarifications were provided:-

- discussions between the DBS and Government were on-going with efforts being made to cement mandatory DBS checks into legislation;
- In light of a potential General Election, members were reminded that Parliamentary business may make it difficult for the consideration of mandatory DBS checks to be a priority for the Government;
- fresh submission forms would need to be submitted when applying for a different standard of DBS check;
- the Council's processing capacity had increased and, as a result, officers would endeavour to complete the DBS checks of new members within three months of being elected;
- disciplinary measures were out of the scope of the Council and was instead a matter for the individual political groups;
- the member development programme would evolve and expand to incorporate training on safeguarding children and vulnerable adults;
- additional checks and assurances that were separate from the DBS process were in place;
- if a DBS check returned concerning results, it would be a decision of the Monitoring Officer in collaboration with Party Whips and Leaders on next steps;
- political groups were advised to make sure that communications were in place with potential candidates on any DBS requirements.

7/24 Annual Review – Register of Members' Interests

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

The Director Legal and Assurance and Monitoring Officer highlighted that it was a statutory obligation for members to fill out a register of interests. Members were also minded that they could now update their own register of interests via the Council's Committee Management System, Modern.gov. Evidence reflected that these processes were being utilised.

The Committee received information on how particular interests could be redacted. This could be applied for on a six-monthly basis.

8/24 Gifts and Hospitality Register

The Committee noted the Gifts and Hospitality Register.

9/24 National Cases

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

Members were reminded that covert recording, especially without consent, was in breach of the Members Code of Conduct.

10/24 Complaints Update

Members received the latest update on complaints.

The Committee was informed that the number of complaints stood at two live cases under consideration.

11/24 **Work Programme**

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

Resolved that both the member development and portal update, and a report on networking opportunities be brought to the next scheduled meeting of the Committee.

The meeting ended at 6.34pm.

Contact: democratic_services@sandwell.gov.uk

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Report to Ethical Standards and Member Development Committee

5 March 2024

Subject:	Annual Report of the Ethical Standards and Member Development Committee 2023/24
Director:	Mike Jones - Director Legal and Assurance and Monitoring Officer Mike_jones1@sandwell.gov.uk
Contact Officer:	Anthony Lloyd – Democratic Services Officer Ant_lloyd@sandwell.gov.uk Connor Robinson – Democratic Services Officer connor1_robinson@sandwell.gov.uk







1 Recommendations

- 1.1 That the draft Annual Report of the Ethical Standards and Member Development Committee 2023/2024 be approved and presented to Full Council.

2 Reasons for Recommendations

- 2.1 The Council established an Ethical Standards and Member Development Committee to promote and maintain high standards of conduct and ethical governance by Elected and Co-opted Members of the Council.
- 2.2 The Committee is required to submit an annual report to Council detailing the work undertaken throughout the year.

3 How does this deliver objectives of the Corporate Plan?

		Through its work in promoting high standards of conduct, the Committee makes a positive contribution to the Council's governance and decision-making arrangements of the authority
		
		

4 Context and Key Issues

4.1 The Ethical Standards and Member Development Committee's terms of reference requires the committee to produce an annual report detailing the activities undertaken throughout the municipal year.

5 Implications

Resources:	There are no resource implications arising from this report.
Legal and Governance:	<p>The Authority has a statutory duty under the Localism Act 2011 to promote and maintain high standards of conduct by Members. The Authority is also obliged to have in place a Code of Conduct, a procedure for investigating complaints against Members and ensure that any complaints made are investigated in accordance with that procedure.</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</p>

	Relevant Authorities (Disclosure of Pecuniary Interests) Regulations 2012.
Risk:	There are no direct risk implications arising from this report.
Equality:	There are no direct equality implications arising from this report.
Health and Wellbeing:	There are no direct implications for health and wellbeing from this report.
Social Value	This report contains no social value implications.
Climate Change:	There are no direct climate change implications as a result of this report.
Corporate Parenting:	There are no direct corporate parenting implications as a result of this report.

6. Appendices

Appendix 1 - Annual Report of the Ethical Standards and Member Development Committee 2023/24

7. Background Papers

No background papers.

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Annual Report of the Ethical Standards and Member Development Committee 2023-2024



Chair's Foreword

I am pleased to present the Annual Report of the Ethical Standards and Member Development Committee for 2023-24.

It has been another productive year with positive progress being made in continuing the development of ethical standards and member development across the Council. The report highlights just some of the work the Committee has undertaken throughout the year to ensure that standards remain high and that steps are made towards achieving the Council's Improvement Journey goals.

I would also like to take this opportunity to emphasise to all members the importance of attending the standards training that is offered every year. These sessions are essential to your understanding of the Code of Conduct and are also a useful discussion forum for members about ethical issues.

I would like to thank members of the Ethical Standards and Member Development Committee and the Independent Person for their attendance and contributions during the past year. Additionally, I would also like to thank our Council officers for their work and support.

Finally, I would like to give my thanks to our previous Monitoring Officer, Surjit Tour, who left the Local Authority in 2023. Surjit had provided an outstanding service to the Council in his role as Monitoring Officer.



Councillor Keith Allcock
Chair of the Ethical Standards
and Member Development Committee



Committee Activity Overview

1.1 Work Programme Spotlight

Following on from the comprehensive review of the Members' Code of Conduct and Arrangements for Dealing with Standards Allegations, the Committee's work programme has continued to look at those matters identified as part of the review and also its regular programme in relation to member development programme, personal safety of elected members, gifts and hospitality, national cases and the work of the Committee on Standards in Public Life. In particular the business of the Committee included:-

1.2 Committee on Standards in public Life Annual Report

In July 2023, the Committee on Standards in Public Life ("CSPL") published its annual report for 2022-23.

The CSPL are an advisory non-departmental public body sponsored by the Cabinet Office, which advises the Prime Minister on arrangements for upholding ethical standards across the whole of public life in England. The Committee does that by undertaking independent reviews and producing evidence-based reports.

This annual report was noted and considered by the Ethical Standards and Member Development Committee at its meeting on 7 November 2023. The annual report contained several references to previous cases that provided useful information on best practices for members.

1.3 Review of Independent Persons dealing with Standards Matters

The Localism Act 2011 requires that the Council must put in place arrangements for the appointment of at least one Independent Person whose views must be sought and taken into account by the Council before it makes a decision on an allegation against an elected member that it has decided to investigate.



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

In November 2023, the Committee reviewed and considered allowances paid by other authorities in recognition of the responsibilities of role. This approach was permissible under s.28 of the Localism Act 2011 - 'a person appointed under the provision required by subsection (7) does not cease to be independent as a result of being paid any amounts by way of allowances or expenses in connection with performing the duties of the appointment'.

As a result, the Committee requested that the Independent Remuneration Panel review and comment on the matter before reporting back to a future meeting of the Committee.

1.4 Register of Members' Interests and Modern.gov

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.

During 2023, the Committee witnessed the rollout of Modern.gov's committee management system self-serve function. This option had been developed and implemented to allow members to directly access and update their registers. Training had been provided throughout the roll-out process and additional training is available on request.

The Committee were pleased that up-take had been positive and evidence clearly showed that the system was being used as intended. The function also enables the public to view details of each individual member's interests.



1.5 Member's Disclosure and Barring Service Checks

On 28th March 2023, the Council approved the protocol for DBS checks for members. Subject to them meeting the DBS eligibility criteria, enhanced DBS checks are now required 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;
- 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; and
- Basic DBS checks for all other members.

The position as of 15th January 2024 is as follows:

Basic checks

Stage	Number
Completed and checked by the relevant Officer	25
Completed – current being processed by DBS	0
Online Form Completed – awaiting ID check	6
Online form not yet completed	10
Total	41



Enhanced DBS – Adults Workforce (15)

Stage	Number
Completed and checked by the relevant Officer	10
Online Form Completed – awaiting return from DBS	0
Online Form Completed – awaiting ID check	1
Online form not yet completed	4
Total	15

Enhanced DBS – Childrens Workforce (15)

Stage	Number
Completed and checked by the relevant Officer	2
Online Form Completed – awaiting return from DBS	2
Online Form Completed – awaiting ID check	0
Online form not yet completed	11
Total	15

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.



The initial roll-out of DBS checks experienced delays due to administrative and staffing issues. Despite this, officers continued to process applications as quickly as possible. The Council's processing capacity has now increased and, as a result, officers are endeavouring to process the DBS checks of new members with the aim of completing all checks within three months of them being elected.

In March 2023, Council requested that the Leader of the Council, with cross party support, write to the Minister for Safeguarding to close a loophole in the legislation and consider the role of a Local Councillor as automatic qualification for Enhanced Checks as part of the planned Government review. The Committee has continued to monitor the progress of this recommendation.

1.6 Gifts and Hospitality

The Monitoring Officer maintains a public register of members' interests and also a record of any gift or hospitality received. The revised Gifts and Hospitality guidance was approved by Full Council on 23 March 2021. The value of gifts and hospitality required to be declared by members was reduced to £50.00 (previously set at £100.00).

Following the Committee on Standards in Public Life Best Practice recommendations, gifts and hospitality remain as a standing item for each meeting of the Ethical Standards and Member Development Committee, allowing the Committee to review new entries to the Council's register for elected members' gifts and hospitality declarations.

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.

1.7 Complaints Updates

An update on the activity of the Council's Monitoring Officer in relation to complaints continues to be received at each meeting of the Ethical Standards and Member Development Committee under the Councillor Code of Conduct.



Analysis below setting out statistics for a four-year period highlights the volume of cases dealt with compared to the most current period showing a more manageable caseload.

Member Complaints	
Calendar Year	Number of Cases
2020	16
2021	14
2022	10
2023	TBC
2024 (as of March 2023)	TBC

1.8 Member Development Programme

The Member Development Programme (MDP) aims to offer learning and development in support of Member effectiveness and confidence in their roles. The MDP remains a live document that aims to meet any evolving development need and regular updates will continue to be presented to the committee for the foreseeable future.

Alongside the Council’s development offer, this year the Committee continued to support the on-going encouragement to Members to access the offer from partner organisations including the Local Government Association and Centre for Governance and Scrutiny. This includes a range of on-line resources, workbooks, webinars and in-person development activities and programmes that complement the Council’s programme. Where possible, opportunities for shared learning with other local authorities were also explored to ensure best practice is shared and an opportunity to network with peers.

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

The learning and development events are offered over a variety of mediums including in-person and virtual sessions to ensure that members can access training via their preferred route. The use of



external facilitators is incorporated where possible and as received positive feedback on many occasions.

In total, 27 training sessions were hosted through the year. Levels of attendance for learning and development activity is varied and overall average attendance across all member development activities was 18 for the municipal year 2023/24.

For the 2024/25 municipal year, a new method to collect evaluations via an online form will be incorporated to obtain more consistent feedback.

1.9 Review of Personal Safety of Elected Members

The Committee regularly reviews personal safety of elected members, following a number of high profile incidents nationally.

Personal safety training is included in the Member Development Programme and is provided annually to elected members. Further developments for member personal safety will be made over the coming months to ensure that members feel safe to conduct their work.

1.10 Annual Review of the Members' Code of Conduct and Arrangements for Dealing with Complaints under the Code

On 23 March 2021, 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.

The Ethical Standards and Member Development Committee is responsible for oversight of the Council's ethical governance framework and arrangements for dealing with complaints received under the Code of the Conduct.

The Council's existing code of conduct has been in effect since 2021. Following an annual review, no major amendments have been made to the Code of Conduct. Instead, several minor technical changes have been made as follows:-

- Update to reflect designation of new Monitoring Officer and Deputy Monitoring Officer;



- paragraph 5.1 - update for the sake of clarity that where there was any ambiguity in relation to the stage one legal threshold, that the stage two initial assessment should also be completed;
- terminology – references to Standards Committee had been changed to the ‘Ethical Standards and Member Development Committee’ which was the correct title of the Committee;
- paragraph 7 – reference to recording an interview via MS Teams had been included; and
- the insertion of the word ‘normally’ when referencing timescales had been undertaken which was consistent with the approach throughout the document; this also allowed flexibility.

1.11 Members Toolkit

This year, work has commenced to produce a “members toolkit” to enable new and existing Councillors to have access to a variety of documents, tutorials and resources to assist in carrying out their duties.

The “members toolkit” aims to be a One-Stop-Shop for Councillors and allow them to have easy access to a range of information that covers Council, Cabinet, Scrutiny and Committees and Boards. It is anticipated that the information provided will give Councillors an overview and what to expect across each committee. The toolkit will allow members to see the scope of each committee and board and allow members to make an informed choice when putting their name forward to sit on those committees. It will also help members understand what each committee and board does and its relationship with regards to the decision making process.



The Committee

- 2.1 The Localism Act 2011 removed the requirement for a national code of conduct and statutory standards committees and set out a light touch framework for a new ethical regime. The Act places a general obligation on the Council to promote and maintain high standards of member conduct.
- 2.2 Whilst there is no requirement to have a standards committee, standards issues and casework need to be dealt with due to the statutory obligation for a council to promote high ethical standards. The Council decided to retain a standards committee in 2022-23, including the wider remit of member development.
- 2.3 The main functions of the Ethical Standards and Member Development Committee are to:-
- (a) promote and maintain high standards of conduct and ethical governance by members and co-opted members of the Council;
 - (b) assist members and co-opted members of the Council to observe the Council's Code of Conduct;
 - (c) advise the Council on the adoption or revision of a Code of Conduct for members and co-opted members;
 - (d) monitor the operation of the Council's Code of Conduct for members and co-opted members;
 - (e) advise, train or arrange for training for members and co-opted members of the Council on matters relating to the Council's Code of Conduct;
 - (f) develop and offer to all members an annual programme of development activities which provides members with development opportunities that support the Council's corporate priorities, identifying sufficient resources to deliver an effective Member Development Programme.



- 2.4 The Committee also appoints to two sub-committees which form part of the arrangements for dealing with complaints about breaches of the Member Code of Conduct. These sub-committees may consider investigation reports referred to them by the Monitoring Officer and conduct hearings (including the imposition of sanctions).

These sub-committees operate according to the principles of natural justice and human rights legislation and ensure that both the complainant and the subject member receive a fair hearing.

Membership of the Committee

- 2.5 Inclusion of experience from all areas of the decision-making process gives the Committee a broad base of experience from which to make well-rounded decisions on ethical matters.
- 2.6 The Council's Constitution includes role descriptions for the Chair of the Ethical Standards and Member Development Committee and for its members. The role descriptions emphasise the impartial and non-political nature of the conduct of the Ethical Standards and Member Development Committee.

Independent Persons

- 2.7 Section 28(7) of the Localism Act 2011 requires local authorities to appoint at least one Independent Person to advise the Council before it makes a decision on an allegation. The Independent Person also advises a member facing an allegation who has sought the views of that person. There are restrictions on who can be appointed as the Independent Person, in general the Independent Person cannot be a councillor, officer of Sandwell Council or their relative or close friend.
- 2.8 The Act gives discretion to appoint one or more Independent Persons but provides that the Independent Person must be consulted before any decision is taken on a complaint which has been investigated.
- 2.9 The Council currently has one Independent Person; Mr Richard Phillips, who's contract has recently been extended until 2027
- 2.10 The remit of the Independent Persons has been extended by The Local Authorities (Standing Orders)(England)(Amendment) Regulations 2015



in relation to changes to statutory dismissal procedures for heads of paid service, monitoring officers and chief finance officers. In the case of a proposed disciplinary action against one of the statutory officers, the Council is required to invite Independent Persons who have been appointed for the purposes of the members' conduct regime under section 28(7) of the Localism Act 2011 to form an independent panel.

- 2.11 Independent Persons are invited to attend all meetings of the Ethical Standards and Member Development Committee as observers.

Officer Support to the Committee

- 2.12 The Monitoring Officer is one of the Council's statutory officers, appointed under Section 5(1) of the Local Government and Housing Act, 1989. The Monitoring Officer is responsible for ensuring that the Council and its members act lawfully; do not cause maladministration; and comply with the Code of Conduct for Members. He is the primary source of advice for members on the requirements of the Code of Conduct and also has specific statutory duties such as securing the investigation of complaints of member misconduct.
- 2.13 The Monitoring Officer is also the principal adviser to the Ethical Standards and Member Development Committee and its Sub-Committees and is assisted by the Deputy Monitoring Officer. More information about the role of the Monitoring Officer can be found in Article 12 of the Council's Constitution.

The Ethical Framework

Members' Code of Conduct

- 2.14 The Council's Code of Conduct assists members and co-opted members to meet the provisions of the Localism Act 2011 and is available on the Council's website.
- 2.15 All elected members are issued with a copy of the Code of Conduct and on appointment are required to sign an undertaking to comply with the Code. Members also receive induction training and subsequent refresher training on the provisions of the Code and how to carry out their duties in line with the Code. This training is delivered by the Monitoring Officer/Deputy Monitoring Officer. The Monitoring Officer



also issues guidance to councillors appointed to outside bodies by the Council to assist them in understanding the impact of the Members' Code of Conduct.

- 2.16 Part 2 of the Members' Code of Conduct requires elected and co-opted members to give written notification to the Monitoring Officer of any disclosable pecuniary interests and other registerable interests to be included in the Council's statutory Register of Interests within 28 days of election or appointment, and to update their declarations as appropriate by notifying any amendments or new interests within 28 days of becoming aware of them.
- 2.17 This register of interest is available for public inspection, and individual members' declarations of interest can be inspected at any time on the Council's website through the committee management information system. The Register of Interests and Declarations of Interest are periodically reviewed by the Monitoring Officer and are made available for inspection by the Ethical Standards and Member Development Committee on a regular basis.
- 2.18 Members are also obliged to disclose any interests at meetings where those matters are to be discussed. These declarations are recorded in a register open for public inspection and are also noted on the committee management information system.
- 2.19 The Monitoring officer also maintains a register of sensitive data which is recorded on the elected members declaration but not the public record. The elected member must make a case to the Monitoring Officer to have information placed on the sensitive register.
- 2.20 A review of the Code of Conduct was undertaken following the publication of the LGA Model Code of Conduct. As part of the Best Practice Recommendations of the Committee on Standards in Public Life, an annual review is taken of the Code of Conduct (a desktop review one year and a full review the following year). A review has been undertaken and no changes have been recommended.
- 2.21 The Council has a protocol for members on gifts and hospitality giving additional guidance on the requirement of the Members' Code of Conduct for members to declare gifts and hospitality received. These declarations are recorded in a register which is open for public



inspection and are also recorded in their individual entries on the committee management information system.

The Register of Gifts and Hospitality is periodically reviewed by the Monitoring Officer and an update is provided to each meeting of the Ethical Standards and Member Development Committee, following the Committee on Standards in Public Life Best Practice Recommendations.

Arrangements for Dealing with Standards Allegations







- 2.22 The Localism Act 2011 requires authorities to adopt arrangements for dealing with complaints about breaches of the Member Code of Conduct. The arrangements for dealing with standards allegations have been revised, alongside the review of the Member Code of Conduct (see paragraph 2.1 above).
- 2.23 Details of complaints received in relation to member conduct and the progress and outcome of consideration of these complaints are reported to each Ethical Standard and Member Development Committee.

Allegations of Misconduct by Members

- 2.24 Under the new ethical framework, all complaints of misconduct come direct to the Monitoring Officer. The Monitoring Officer will review every complaint received and take a decision as to whether it merits formal investigation. Where the Monitoring Officer is unable to resolve the complaint informally and feels it merits formal investigation after consultation with the Independent Person(s), he will appoint an Investigating Officer who will prepare a report concluding whether or not there is evidence of a failure to comply with the Code of Conduct.
- 2.25 The Monitoring Officer receives the draft report and determines if the report is sufficient. If the Monitoring Officer concludes that there is evidence of a failure to comply with the Code of Conduct, he will either send the matter for local hearing before a sub-committee or, after consulting the Independent Person, seek local resolution.



How the work of the Committee contributes to the Corporate Plan

		Through its work in promoting high standards of conduct, the Committee makes a positive contribution to the quality of governance of the authority.
		
		The standards of conduct influence public trust in the authority and enables Members to work effectively in the community.

Continuous Development

- 3.1 The Ethical Standards and Member Development Committee is responsible for advising, training or arranging for training for members and co-opted members of the Council on matters relating to the Council's Code of Conduct. The Monitoring Officer, his deputy(s) and a senior legal officer deliver relevant training to all members and co-opted members on behalf of the Committee.
- 3.2 The Committee considers summaries of cases of national interest to ensure that it is up to date with how complaints about member misconduct are being dealt with in other authorities around the country, so that members can bring this knowledge to any cases in Sandwell.
- 3.3 The Committee also considers the Annual Report of the Committee on Standards in Public Life to broaden understanding and current topics.
- 3.4 The Ethical Standards and Member Development Committee continues to develop its own skills and expertise.





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Report to Ethical Standards and Member Development Committee

5 March 2024

Subject:	Review of the Committee on Standards in Public Life Best Practice Recommendations
Director:	Monitoring Officer, Assistant Director Legal and Assurance and– Mike Jones
Contact Officer:	Mike Jones Mike_jones1@sandwell.gov.uk Vanessa Maher-Smith Vanessa_mahersmith@sandwell.gov.uk

1 Recommendations







- 1.1 That the review of how the Council has implemented the Best Practice Recommendations is received and endorsed.

2 Reasons for Recommendations

- 2.1 The report provides an update on how the Council maintains and upholds compliance with Best Practice Recommendations made by the Committee on Standards in Public Life.



3 How does this deliver objectives of the Corporate Plan?

		The Council's ethical governance framework and arrangements support the Council toward achieving its strategic objectives and ambition.
		
		

4 Context and Key Issues

- 4.1 The Committee has oversight of the Council's ethical governance framework and arrangements for dealing with complaints received under the Code of Conduct in relation to elected Members.
- 4.2 The Council is committed to ensuring that the Best Practice Recommendations are implemented and maintained. Attached as Appendix 1 is the reviewed document with updates on actions undertaken to date or proposed.

5 Implications

Resources:	The Council is required to ensure that sufficient resources are provided to the Monitoring Officer in order that they are able to exercise their statutory functions.
Legal and Governance:	The Local Government Act 2000 and Localism Act 2011 make provision for the arrangements for dealing with standards related matters.
Risk:	The Council must have in place, arrangements for dealing with matters relating to the conduct of elected members. These are regularly reviewed in line with



	the best practice recommendations of the Committee for Standards in Public Life.
Equality:	There are no direct equality implications arising from this report.
Health and Wellbeing:	There are no direct health and wellbeing implications arising from this report.
Social Value	There are no direct social value implications arising from this report.
Climate Change	There are no direct climate change implications arising from this report.
Corporate Parents	There are no direct corporate parents implications arising from this report.

6. Appendices

Appendix 1 - Review of Best Practice Recommendations.

7. Background Papers

None.



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Appendix 1
Committee on Standards in Public Life
Local Government Ethical Standards - 15 Best Practice Recommendations
Name of local authority: Sandwell MBC

1. Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Progress: The Council has embarked upon a full review of its Code along with the Arrangements for dealing with Standards Complaints as part of a wider ongoing Governance Review. It is also carrying out a review of the Council's Ethical Framework. Any BPRs that have not been fully met will be addressed as part of this review.

Prohibition on bullying already included in current Code, but not harassment. Intention is to adopt New Model Code which will have definitions of both in the definition section. The authority will include examples of bullying and harassment as an appendix to Code.

Update 28.02.2022: The Council has adopted the new Model Code of Conduct with effect from March 2021, which includes prohibitions on bullying and harassment.

Update 24.02.2023: Nothing further required. The Council's Code of Conduct continues to deal with this issue.

Update 20.02.2024: Nothing further required. The Council's Code of Conduct continues to deal with this issue. The Monitoring Officer continues to monitor compliance with the Code and will introduce additional requirements should these be necessary.

2. Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Progress: Code currently states 'You must at all times facilitate and engage with the council and its committees on probity and ethical matters and submit yourself to the scrutiny necessary to ensure this without any undue delay.' This will be broadened to require councillors to comply with any formal standards investigation when the New Model Code is adopted.

Update 28.02.2022: Paragraph 8 of the new Model Code of Conduct deals with the requirement to engage with any code of conduct investigations.

Prohibiting trivial or malicious allegations is covered by the more general aspects of the code. The Council's updated Arrangements also set out the preliminary

considerations when a complaint is received, which includes at stage 2 whether the complaint is “malicious, trivial, politically motivated or ‘tit-for-tat’”. Councillors will be aware through their training on the code of conduct that such complaints are unlikely to progress.

Update 24.02.2023: Nothing further required. The Council’s Code of Conduct and Arrangements continue to deal with these issues.

Update 20.02.2023: Nothing further required. The Council’s Code of Conduct and Arrangements continue to deal with these issues.

3. Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Progress: An annual report is submitted to Council. The Council is currently reviewing its Code along with the Arrangements for dealing with Standards Complaints. Arrangements for future reviews is part of discussions with the working group working on the current review.

Update 28.02.2022: The Council undertook a large-scale review of the code of conduct and arrangements for dealing with standards complaints throughout October 2020 – March 2021. The Council will conduct an annual review, alternating between a desktop exercise and a consultation-based exercise. The Council conducted its desktop review in February 2022.

Update 24.02.2023: The Council has undertaken a desktop review in February 2023 and not identified any changes to the Code or Arrangements. It is committed to undertaking a full review in 2024, which will include consultation with key stakeholders.

Update 20.02.2023: A desktop review was conducted in January 2024 and relevant amendments made. The Council is conducting a full review of the constitution in 2024, which will include the code of conduct and arrangements. Key stakeholders will be consulted as part of this process.

4. An authority’s code should be readily accessible to both councillors and the public, in a prominent position on a council’s website and available in council premises.

Progress: Currently accessible to all. The Council is however looking to update the website to include an Ethical Framework page to make the documents more prominent as part of its continuous improvement drive.

Update 28.02.2022: The code of conduct is available on the Council’s website through modern.gov. It is accessible through clicking the relevant tabs, or by using the search facility, but it could be made more prominent on the Council’s homepage. This is something that needs to be improved.

Update 24.02.2023: The Code of Conduct and Arrangements are available on Modern.gov. and a link is available on the Council's website.

Update 20.02.2024: Nothing further required – all actions completed and subject ongoing monitoring.

5. Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Progress: This is already included as standing item for Ethical Standards Committee which meets quarterly. Each member's register is published on the Council's Committee Management Information System (CMIS) and is easily accessible. We are looking at options with regard to publication of full register.

Update 28.02.2022: Standing item on Ethical Standards Committee which meets quarterly. The gifts and hospitality register is not currently published on the website.

Update 24.02.2023: This remains a standing item on the Council's Ethical Standards Committee which meets quarterly.

Update 20.02.2024: Nothing further required – all actions completed and subject ongoing monitoring.

6. Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Progress: The public interest test is currently considered in all allegations and this is clearly referenced in the decision notices. Once the Model Code is finalised, the Council will address this issue as part of the ongoing review of the ethical framework and include the publication of the public interest test.

Update 28.02.2022: The public interest test is included at Stage 3 of the Council's Arrangements for dealing with standards complaints.

Update 24.02.2023: This continues to be included in the Council's Arrangements.

Update 20.02.2024: Nothing further required.

7. Local authorities should have access to at least two Independent Persons.

Progress: Already achieved. We are looking at the possibility of engaging a third Independent Person and exploring regional resilience through a collaborative approach with other West Midland Councils. Also, we are investigating whether there is any merit in introducing a remuneration package.

Update 28.02.2022: As above this has already been achieved.

Update 24.02.2023: The Council has 2 Independent Persons, although one is due to retire shortly. A recruitment exercise will take place to recruit at least one other Independent Person.

Update 20.02.2024: The Council currently has one Independent Person and is in the process of recruiting for at least one other. The Council in common with other local authorities has experienced challenges recruiting to these roles. The Council will explore wider options should the latest recruitment round prove unsuccessful, for example exploring the joint appointment of Independent Person's between neighbouring authorities.

8. An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Progress: Requirement of Localism Act – already in place. Explicitly referenced in the Arrangements for dealing with Standards Complaints.

Update 28.02.2022: As above, this is already achieved.

Update 24.02.2023: This is part of the Council's Arrangements.

Update 20.02.2024: Nothing further required.

9. Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Progress: Already achieved – agenda/minutes and decision are published and considered by Standards Sub Committee.

Update 28.02.2022: As above, already achieved.

Update 24.02.2023: Updates on complaints under the Code of Conduct is a standing item on the Council's Ethical Standards Committee which meets quarterly. This information is provided and published as part of that.

Update 20.02.2024: Nothing further required.

10. A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Progress: Webpage includes this information which is easily accessible. With regard to timescales, once instructed the investigator should be able to give a time estimate to ensure it is reasonable/realistic.

Update 28.02.2022: This is set out in the Council's updated Arrangements for dealing with Standards Complaints. This includes a copy of the complaint form, with clear guidance on how to complete it, together with a flow chart setting out the process and timescales involved.

Update 24.02.2023: This continues to be met through the Council's Arrangements, which are available to the public via the Council's website.

Update 20.02.2024: Nothing further required. The Council's webpages are subject to continuous review to ensure clear accessibility is maintained.

11. Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.

Progress: N/A

12. Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Progress: N/A

13. A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Progress: Arrangements include the ability for the Deputy Monitoring Officer to be utilised and the possibility of using the MO from another authority or other external person (independent investigator) to address any conflicts of interest and capacity

issues to ensure complaints are managed effectively and consistently and in a timely fashion.

Update 28.02.2022: As above, this has been achieved. The process where a conflict arises is set out in the updated Arrangements for dealing with Standards Complaints.

Update 24.02.2023: This continues to be set out in the Arrangements

Update 20.02.2024: Nothing further required. The Arrangements are subject to continuous review to ensure best practice continues to be applied.

14. Councils should report on separate bodies they have set up or which they own as part of their annual governance statement, and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual reports in an accessible place.

Progress: Wherever appropriate and practicable to do so, subject to other legal arrangements or agreements that oversee the operational arrangements of that body and other primary legislation governing operations, the council does provide performance and other information on such bodies such as to its Audit Committee, Scrutiny Boards. However, different companies/bodies have separate accountability arrangements depending on nature of company. The Council will consider this issue further as part of the ongoing review of the ethical framework.

Update 28.02.2022: XXX

Update 24.02.2023: The Council continues to ensure this is in place in where appropriate.

Update 20.02.2024: Nothing further required.

15. Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

Progress: Monitoring Officer will be addressing this issue as part of the ongoing review of the Ethical Framework. The MO will be proposing that there be regular meetings with the Group Leader/Whip/Chair/Vice Chair. These arrangements will be formalise arrangements as part of the Arrangements for dealing with Standards Complaints refresh.

Update 28.02.2022: This has been included as part of the Council's updated Arrangements for dealing with Standards Complaints. Paragraph 12: Review Meetings states there will be quarterly meetings between CEO, MO, Group Leader(s) and Group Whips.

Update 24.02.2023: This is ongoing in compliance with the Council's Arrangements.

Update 20.02.2024: Nothing further required.

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Report to Ethical Standards and Member Development Committee

5 March 2024

Subject:	Member Development Update
Director:	Assistant Chief Executive, James McLaughlin
Contact Officer:	Lead Officer for Mayoralty and Member Development - Ruth Darby ruth_darby@sandwell.gov.uk







1 Recommendations

- 1.1 That the detail of elected member learning and development activity that has been delivered since the previous Committee report on 7 November 2023 be noted.

2 Reasons for Recommendations

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

3 How does this deliver objectives of the Corporate Plan?

 	<p>Targeted Member Development activity aims to support all ambitions and objectives in the Corporate Plan.</p>
 	
 	



4 Context and Key Issues

4.1 The Member Development Programme (MDP) aims to offer learning and development in support of Member effectiveness and confidence in their roles. The MDP is frequently reviewed to ensure it continues to meet the identified and emerging needs of elected members and the wider organisation.

Training and Member induction to date

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

Learning and Development from May 2023 to date:

4.3 A total of 27 training sessions have been held since May 2023. Although this number is lower than the number of sessions provided (31), this is based on the statistics recorded as indicators.

Average attendance is 18 per session.

Lowest attendance recorded – 5 – Prevent Awareness

Highest attendance recorded – 26 – Ethical Framework Code of Conduct.

The ‘meet and greet’ marketplace session, held in May 2023, was an informative session to enable Councillors to meet staff and learn more about services offered by the Council, had 51 attendees. LGA representatives were also in attendance.



Learning and Development session from 7 November 2023 (last committee) to date:

Date(s)	Learning & Development Activity	No. Attendees
14/11/23	Strategic Question Skills	21
16/11/23	GDPR	7
20/11/23	GDPR	17
13/12/23	Strategic Question Skills	15
09/01/23	CIPFA	20
31/01/23	Safeguarding	11
Sessions scheduled for February/March 2024		
28/02/24	Officer/Member relations	
29/02/24	Suicide Prevention Awareness Session	
05/03/24	Dementia Friends Session	
06/03/24	Personal Safety	
18/03/24	Suicide Prevention Awareness	

- 4.4 Feedback to date indicates that programmed events have been well received. Newly elected/newer members have welcomed the opportunity of in-person interaction and to meet and build effective working relationships with officers.
- 4.5 The completion and return of evaluation forms continues to be challenging and the new system of emailing the evaluation form to all attendees has been introduced. Feedback/evaluations received differs for each session, therefore, a further improved method of collecting feedback evaluations is being incorporated allowing for a more efficient way to record responses in a better way.



- 4.6 A continued review of member PDPs is currently being undertaken for the 2024/25 programme and an update will be provided.
- 4.7 The MDP remains a live document that aims to meet any evolving development need and regular updates will continue to be presented to the Committee throughout the year. Alongside the Council's development offer, we also encourage Members to access the offer from partner organisations including the Local Government Association and Centre for Governance and Scrutiny. This includes a range of on-line resources, workbooks, webinars and in-person development activities and programmes that complement the Council's programme. Where possible, opportunities for shared learning with other local authorities will also be explored to ensure best practice is shared and an opportunity to network with peers.

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

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

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

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

The approach to Member Development Programme 2024/25

- 4.9 Whilst the Member Development Programme of 2023/24 is still current, with training sessions continuing to be arranged, the process for next year's programme has already commenced, having recognised this year, some changes that need to be made.

Due to a recent change in senior management, further discussions of how to better engage with Councillors are being currently being considered in addition to those reported previously.



5 Implications

Resources:	Training that forms the member development programme will involve a range of providers and support being utilised to ensure effective development and learning. The costs of such support will be met from existing approved budgets.
Legal and Governance:	<p>An effective Member Development Programme will help ensure the council make informed decisions and empower Members in undertaking their various roles.</p> <p>Members in relation to regulatory matters/functions are required to undertake specific kinds of training such as planning, licensing, standards, safeguarding.</p> <p>Supporting Members in their development, training and support needs strengthens the council's governance arrangements.</p>
Risk:	Where engagement in learning and development is limited, there are risks associated with Members being insufficiently supported, particularly when undertaking statutory roles.
Equality:	The revised Member Development Programme will address any Equality Act implications and issues arising.
Health and Wellbeing:	None in relation to this report
Social Value:	The Member Development Programme has recently been reviewed and revised to ensure Elected Members have the requisite skills, support and knowledge necessary to undertake their various roles.
Climate Change:	Targeted training on the Council's responsibilities for climate change and the environment will need to be incorporated into the member development programme.



Corporate Parenting:	Training on members corporate parenting responsibilities is delivered annually to ensure they are aware and are better able to conduct their role effectively.
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6. Appendices

None

7. Background Papers

Member Development Programme



Report to Ethical Standards and Member Development Committee

5 March 2024

Subject:	Complaints and Allegations Update
Director:	Assistant Director Legal and Assurance and Monitoring Officer – Mike Jones
Contact Officer:	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?

		The Council’s ethical governance framework and arrangements support the Council toward achieving its strategic objectives and ambition.
		
		



4 Context and Key Issues

- 4.1 The Committee has oversight of the Council's ethical governance framework and arrangements for dealing with complaints received under the Code of Conduct in relation to elected Members.
- 4.2 The table at Appendix A provides an update position on complaints received under the code of conduct.

5 Implications

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

6. Appendices

Appendix A - Complaints Update



7. 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 st 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 th December 2023. Initial Assessment being completed.	Amber		
3. MC310124	Members 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, 5.1	Initial Assessment has been completed. IP has been consulted.	Green		
4. MC310124b	Councillor	Complaint against 2 Councillors. It is alleged that the subject members	Received on 31 st January 2024. Initial Assessment being completed	Amber		



Case Ref	Complainant	Code Provisions/ Ground for complaint	Date received and progress to date	Deadline Red: Amber: Green:	Outcome	Learning identified
		have breached the code of conduct. Potential breaches of the members code of conduct 1.1, 5.1				
5. MC010224	None – MO has initiated on own volition	It is alleged that the subject member has breached the code of conduct. Potential breaches of the members code of conduct 1.2, 4.1, 5.1	Initial Assessment has been completed. IP has been consulted.	Green		
6. MC090224	Members 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, 5.1	Received on 9 th February 2024. Initial Assessment being completed	Amber		



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Report to the Ethical Standards and Member Development Committee

5 March 2024

Subject:	Gifts and Hospitality Register
Director:	Assistant Director Legal and Assurance and Monitoring Officer – Mike Jones
Contact Officer:	Connor Robinson Democratic Services Officer Connor1_robinson@sandwell.gov.uk


1 Recommendations

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

2 Reasons for Recommendations

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

3 How does this deliver objectives of the Corporate Plan?

	<p>Maintenance of the Members' Register of Interests contributes to public confidence in local democracy and is an essential part of good corporate governance.</p> <p>The Members' Register of Gifts and Hospitality is an important instrument of openness and good governance. It provides an accessible record of the gifts and hospitality received by members. Monitoring and review of the Register will help to contribute to better corporate governance which underpins the delivery of high quality services.</p>
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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, on the Council's web site and can be accessed at any time from the internet.
- 4.3 The Registers are periodically reviewed by the Director of Law and Governance and Monitoring Officer.
- 4.4 At the point of publishing the agenda, there have been no new entries to the Gifts and Hospitality Register since the last meeting of the Committee.

5 Implications

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

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

6. Appendices

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

7. Background Papers

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

Report to the Ethical Standards and Member Development Committee

5 March 2024

Subject:	National Cases
Director:	Assistant Director Legal and Assurance and Monitoring Officer – Mike Jones
Contact Officer:	Connor Robinson Connor1_robinson@sandwell.gov.uk 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.

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

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

6. Appendices

Appendix 1 – Extract taken from

<https://www.bournemouthecho.co.uk/news/24045175.dorset-councillor-bill-pipe-breached-code-conduct/> - Dated 12 January 2024.

Appendix 2 – Extract taken from



7. Background Papers

No background papers.



Bournemouth Echo – 12 January 2024

Dorset councillor Bill Pipe 'breached code of conduct'

A DORSET councillor has been admonished for his behaviour towards a senior, female, officer.

Councillor Bill Pipe, who represents Lytchett Matravers and Upton, has been told to send a letter of apology and to undertake diversity and inclusion training.

He will also be offered a mentor to provide ongoing guidance and support.

Cllr Pipe admits mimicking the accent of the officer and said he was astonished that she had been offended and intimidated by what he saw as “merely jovial banter.”

He denied telling a homophobic joke, making a comment about a visible party line and saying he wanted to know where the officer parked so he could ‘nick the parking space. The investigating officer agreed that these allegations could not be substantiated.

A panel of three decided that Cllr Pipe had breached the council’s Code of Conduct and protocols for dealing with officers, bringing the council into disrepute.

Chair Cllr Susan Cocking said the panel had been appalled at the lack of respect shown, which she said, amounted to harassment and bullying.

“This was offensive and not acceptable under any circumstances – no one should be subject to such treatment,” she said.

Cllr Pipe, who had his council pass withdrawn in the summer when the investigation started, and is only allowed in council buildings when accompanied, said after the hearing that he was genuinely remorseful and had not realised his actions would cause offence, having gone on for what he said was eight or nine years, without complaint.

He said he failed to understand why the officer had not raised it with him, the chief executive or her line manager, at the earliest opportunity if she was offended.



“Had I known my doing this would offend, or belittle her, I would have stopped immediately and apologised... had she come to me and said not to do it I wouldn't have carried on,” said Cllr Pipe.

“I thought she was taking it in the spirit it was meant – a happy, jovial way. It's pretty sad it's got to this state.”

He revealed that he is now being treated for depression, but said after the hearing that it was unlikely the finding would alter his decision to stand for council again at the May elections.

The council has no powers to bar any councillor found to breach code of conduct rules from office, apart from for proven criminal activity.

Dorset Council said: "Cllr Pipe remains a councillor. He is entitled to attend council meetings and has access to do so.

"Standards committees have no ability to suspend or dis-bar councillors."



BBC News – 11 February 2024

Councillors off committee after SEND remarks

Three councillors accused of making offensive comments about children with special educational needs are “coming off” a committee, a council leader has said.

Warwickshire county councillors Jeff Morgan, Brian Hammersley and Clare Golby have faced calls to resign following remarks during a meeting of the children and young people scrutiny committee in January.

The comments included the claim that children were “just really badly behaved” and parents were swapping diagnosis tips on social media.

The three councillors have since apologised.

Despite the calls for them to step down, Warwickshire County Council's leader Isobel Seccombe said she would not be removing the whip “at this moment in time”.

She told BBC Politics Midlands that inquiries were being carried out and she was keen to hear “all voices”, confirming that hundreds of complaints have been received.

“I’m also going to add that they [the councillors] are coming off the scrutiny panel and I’m putting a programme in of training, development and education,” she said.

“I’m a believer that the way you try to engage people in your argument is by including them, engaging them, educating them. Excluding them – you would not win hearts and minds.”

She repeated the “heartfelt” apology from the authority and said what happened was not characteristic of her administration.

At a meeting about the rising cost of council support on 25 January, Mr Morgan had questioned whether some children receiving funding were “just really badly behaved.”

Mr Hammersley asked if “something in the water” was increasing special needs cases, with Mrs Golby having questioned whether the increase could be linked to social media sites where families were “swapping tips on how to get their children diagnosed.”



Ellie Costello, co-ordinator for SEND Crisis Warwickshire, said it had been a “desperately sad” time for parents of children with special educational needs or disabilities.

“It’s just been an enormous shock but unfortunately not a surprise. I think parents feel that they have been facing these types of stereotypical views for a long time,” she said to BBC Politics Midlands.

“It’s very difficult to feel heard or to access support, and the narratives that were given that criteria is too low and that it’s too easy to get support is far from it.”

She said removing the whip from the councillors would help to draw a line under the saga.



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