

Minutes of Ethical Standards and Member Development Committee

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

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

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

27/22 Apologies for Absence

Apologies were received from Councillor G Gill.

28/22 Declarations of Interest

No declarations of interest were made.

29/22 Minutes

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

30/22 Additional Items of Business

There were no additional items of business to consider.

Appointment to Ethical Standards Sub Committees and Ethical Standards Working Group

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

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

Resolved:-

- (1) that the membership of the two Ethical Standards Sub-Committees for the 2022/23 municipal year, with flexibility between membership to cater for availability and workload, with delegated powers to carry out the functions set out in the following terms of reference, be approved as set out below:-

Terms of reference of the Ethical Standards Sub Committee

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

SUB-COMMITTEE 1		SUB-COMMITTEE 2	
Member	Substitute	Member	Substitute
Allcock	Substitute members taken from remainder of committee	Allcock	Substitute members taken from remainder of committee
Crompton		G Gill	
Lewis		E M Giles	
Jalil		Rahman	
W Gill (or sub)		W Gill (or sub)	
+ Independent Person		+ Independent Person	

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

32/22

Government Response to Committee on Standards in Public Life's Ethical Standards Review

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

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

33/22

Local Government (Disqualification) Act 2022

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

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

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

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

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

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

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

The Committee noted the details of the Act.

34/22 **Gifts and Hospitality Register**

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

35/22 **Complaints Update**

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

36/22 **Work Programme**

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

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

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

Meeting ended at 3.35pm

Contact: democratic_services@sandwell.gov.uk