

Report to Ethical Standards Sub Committee

16 December 2022

Subject:	Standards Complaint (MC280222)
Director:	Surjit Tour Director of Law and Governance & Monitoring Officer

1 Recommendations







- 1.1 That the Panel considers the complaint and investigation report into the alleged breach of the Members' Code of Conduct by Cllr Steve Melia in accordance with the Council's Arrangements for dealing with complaints against Elected Members.

2 Reasons for Recommendations

- 2.1 The Panel has been convened to deal with a standards matter in accordance with the Council's Arrangements for dealing with complaints against Elected Members.



3 How does this deliver objectives of the Corporate Plan?

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

4 Context and Key Issues

- 4.1 A complaint of Member misconduct was referred to the Monitoring Officer on 28 February 2022. The Monitoring Officer referred the complaint for external investigation.
- 4.2 The complaint relates to the conduct of Councillor Steve Melia.
- 4.3 The allegations related to an incident that took place on 7 December 2021 prior to Full Council involving Cllr Melia and the complainant, Mr Julian Saunders. Cllr Melia was alleged to have assaulted the complainant.
- 4.4 Criminal proceedings were commenced by the Crown Prosecution Service. Cllr Melia pleaded guilty to assaulting the complainant and was sentenced at Dudley Magistrates Court to 12 months conditional discharge and ordered to pay £130 legal costs and £200 compensation.
- 4.5. Pursuant to the provisions of the Localism Act 2011, the Council has put in place “arrangements” under which allegations that a Member or



co-opted Member of the authority has failed to comply with the authority's Code of Conduct (see Appendices No.3).

4.6 Following receipt of the complaint, the Monitoring Officer determined that the matter warranted detailed consideration and referred the matter for investigation as he concluded the matter met the three stages of the assessment that justified an investigation being undertaken.

4.7 The complaint alleged conduct which, if proven, could constitute a breach under the Members' Code of Conduct of the following:

Rule 1.1.1 I treat other councillors and members of the public with respect.

As a councillor:

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor/officer protocol.

Rule 5.1 I do not bring my role or local authority into disrepute



As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/it's functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

- 4.8 An external investigator was initially appointed but due to objections from the complainant another external investigator was required to be found. Miranda Carruthers-Watt, a consultant, appointed through Hoey Ainscough Associates Ltd was appointed on 21 July 2021.
- 4.9 Before the final report was completed, Cllr Melia and the complainant were afforded the opportunity to make comments on the draft investigation report in accordance with the Council's Arrangements for dealing with complaints.
- 4.10 Cllr Melia did not make any comments on the draft report save "that there were mitigating circumstances which brought about the occasion".
- 4.11 The Complainant however raised an issue over the claims made by Cllr Melia with regards to whether an apology was given by Cllr Melia. The investigator was asked to consider this matter. After consideration of this discreet issue, the investigator amended the investigation report to summarise the position advanced by Cllr Melia and the complainant on the issue.



- 4.12 The Monitoring Officer sought clarification from Cllr Melia on the issue of the apology and Cllr Melia provided a written apology that he maintains was sent to the complainant (see Appendices No.4). Cllr Melia was not able to locate the covering email sent to the Complainant in which the aforementioned written apology was an attachment.
- 4.13 As the matter of the apology remains an issue of conflict between the parties, the Monitoring Officer concluded that the issue of whether an apology was given should be a matter for the Standards Panel to determine once it had determined whether or not Cllr Melia was in breach of the Members' Code of Conduct. The Panel will need to consider whether it wishes to hear from Cllr Melia and the Complainant on this specific issue.
- 4.14 The investigation report was finalised and provided to the Monitoring officer on 8 November 2022. The investigator has concluded that Cllr Melia breached both paragraphs 1.1.1 and 5.1 of the Members' Code of Conduct (ante).
- 4.15 The Investigation Report and Supporting Evidence are set out in the Appendices to this report.

Options available to the Sub-Committee

- 5.1. Determine that the Members' Code of Conduct has not been breached.
- 5.2. Determine that the Member's Code of Conduct was breached and consider appropriate sanctions which can include:
- a) 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;
 - b) Instruct the Monitoring Officer to arrange training for the member;



- c) Recommend to Council to remove from all outside appointments to which the member has been appointed or nominated by the authority;
- d) Withdraw facilities provided to the member by the Council, such as a computer, website and/or email and Internet access;
- e) 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.
- f) 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.
- g) Instruct the Monitoring Officer to apply the informal resolution process.
- h) Recommend the Council to issue a press release or other form of publicity.
- i) Recommend that the subject member makes an apology at the next full Council meeting.
- j) Take such steps as appropriate, reasonable and proportionate to the particular conduct that amounted to the breach of the code of conduct.

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

6. **Assessment Criteria**

6.1. The Panel may wish to consider the following questions:

- (a) Are you satisfied that the Member was acting in his official capacity?



- (b) Does the evidence support a breach of the Members' Code of Conduct as alleged?

7 Alternative Options

- 7.1 The Monitoring Officer has given consideration to whether this matter should be dealt with by Local Resolution as permitted under the Arrangements. The Monitoring Officer has concluded that in view of the circumstances giving rise to the complaint, it is appropriate for the matter to be considered by the Standards Panel.

8. Appendices

1. Report of an investigation into a complaint made by Mr Julian Saunders about the conduct of Councillor Stephen Roy Melia of Sandwell Council.
2. Members' Code of Conduct.
3. Arrangements for dealing with standards allegations under the Localism Act 2011.
4. Written apology Councillor Melia dated 9 December 2021.
5. Email from the Complainant dated 28 November 2022
6. Sandwell Council CCTV clips:
7. You tube video <https://www.youtube.com/watch?v=G2jipZzdwrC>
8. Newspaper and Media Reports
<https://www.expressandstar.com/news/politics/elections-2022/2022/05/06/councillor-who-admitted-beating-charge-re-selected-in-sandwell/>
<https://www.birminghammail.co.uk/black-country/councillor-guilty-assault-speaks-first-23626282>



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<https://www.halesowennews.co.uk/news/19914370.councillor-given-conditional-discharge-damaging-bloggers-phone/>

<https://www.expressandstar.com/news/local-hubs/sandwell/2022/02/11/sandwell-councillor-may-hang-on-to-seat-despite-assaulting-blogger/>

<https://www.localgovernmentlawyer.co.uk/employment/395-employment-news/47683-senior-council-officer-fails-in-harassment-claim-against-local-blogger>

<https://www.lawgazette.co.uk/law/retired-solicitor-sees-off-harassment-claim-over-puerile-blog/5109277.article>

8. Background Papers

N/a

