

Report to Ethical Standards and Member Development Committee

4 July 2023

Subject:	Complaints and Allegations Update
Director:	Director of Law and Governance and Monitoring Officer – Surjit Tour
Contact Officer:	Surjit Tour Surjit_Tour@sandwell.gov.uk

1 Recommendations







- 1.1 That the update position on complaints received under the Councillor code of conduct be received.

2 Reasons for Recommendations

- 2.1 The report provides an update on the activity of the Council’s Monitoring Officer in relation to complaints received under the Councillor Code of Conduct arrangements since the last meeting of the Committee.



3 How does this deliver objectives of the Corporate Plan?

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

4 Context and Key Issues

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

5 Alternative Options

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

6 Implications

Resources:	The Council is required to ensure that sufficient resources are provided to the Monitoring Officer in order that they are able to exercise their statutory functions.
Legal and Governance:	The Local Government Act 2000 and Localism Act 2011 make provision for the arrangements for dealing with standards related matters.



Risk:	The Council must have in place, arrangements for dealing with matters relating to the conduct of elected members. These are regularly reviewed in line with the best practice recommendations of the Committee for Standards in Public Life
Equality:	There are no direct equality implications arising from this report.
Health and Wellbeing:	There are no direct health and wellbeing implications arising from this report.
Social Value	There are no direct social value implications arising from this report.
Climate Change	There are no direct climate change implications arising from this report.

7. Appendices

Complaints Update

8. Background Papers

None.



Appendix A

Case Ref	Complainant	Code Provisions/ Ground for complaint	Date received and progress to date	Deadline Red: Amber: Green:	Outcome	Learning identified
1. MC/ 010322	Member of the public	It is alleged that the subject member has breached the code of conduct Potential breaches of the members code of conduct 1.1, 1.2, 2.2, 2.3, 5.1	Decision Notice issued January 2023. Compliance being monitored	Green	Hearing took place in December 2022. Member found to have breached the Code of Conduct in 3 respects. Sanctions imposed.	The learning was localised and specific to the complaint
2. MC/290722	Member of the public	It is alleged that the subject member has breached the code of conduct Potential breaches of the members code of conduct 1.1,1.2, 2.1, 3.1, 5.1	Insufficient evidence of a breach of the members code of conduct. Member not acting in official capacity File to be closed	Green	Member not acting in official capacity Insufficient evidence of a breach of the members code of conduct following assessment of complaint by DMO.	



Case Ref	Complainant	Code Provisions/ Ground for complaint	Date received and progress to date	Deadline Red: Amber: Green:	Outcome	Learning identified
3. MC/11822	Member of the Public	It is alleged that the subject member has breached the code of conduct by failing to declare relevant interests on the register. Potential breaches of the members code of conduct 1.1,1.2, 2.1, 3.1, 5.1	Decision notice completed 14 October 2022. Member not acting in Official capacity. Insufficient evidence of a breach of the members code of conduct. File to be closed	Green	Member not acting in official capacity Insufficient evidence of a breach of the members code of conduct following assessment of complaint by DMO.	
4. MC/141222	Member of the Public	Allegation 1 capable of breaching Rules 5.1 and 6.1 IF proven, Allegation 2 is capable of breaching Rule 5.1 and 6.1 IF proven and Allegation 3 is capable of breaching Rule 9.1 IF proven (but the complaint was made after 6 months had expired – the impact of which is addressed in Stage 2 below)	Decision notice of the DMO completed 16 February 2023 – sent out 17 February 2023	Green	Insufficient evidence of a breach of the members code of conduct. Complaint brought over 6months after alleged incidents	
5. MC/190223	Member of the Public	It is alleged that the subject member has breached the code of conduct by failing to declare relevant interest at a meeting.	Decision notice completed 25 May 2023. Local resolution. Training undertaken by Councillor.	Green	Member undertook training with the Monitoring Officer File closed	



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



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

