

# 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.

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