

Report to Ethical Standards and Member Development Committee

22 February 2022

Subject:	Review of Member's Code of Conduct and Arrangements for dealing with Complaints under the Code
Director:	Surjit Tour - Director of Law and Governance and Monitoring Officer
Contact Officer:	Vanessa Maher-Smith Principal Lead for Governance and Business Support & Solicitor

1 Recommendations

- 1.1 That the Committee note the review of the Member's Code of Conduct and Arrangements for Dealing with Complaints and consider the proposed revisions to the Member's Code of Conduct.
- 1.2 That revisions to the Member's Code of Conduct be recommended to Full Council for approval.
- 1.3 That, subject to 1.2 above, the Director of Law and Governance be authorised to made the necessary changes to the Council's Constitution.







2 Reasons for Recommendations

- 2.1 On 23 March 2021 (Minute No. 41/21 refers), 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.



- 2.2 It was agreed by the Ethical Standards and Member Development Committee that the Code of Conduct and Arrangements would be reviewed on an annual basis, alternating between a desktop review and an annual review.
- 2.3 The LGA has made some amendments to the model Code of Conduct, and it is therefore recommended that the same amendments are made to the Council's Code of Conduct.
- 2.4 A desktop review of the Arrangements has been completed and no amendments are recommended at this stage.
- 2.5 The Ethical Standards Working Group met on 27 January 2022 to consider the desktop review and recommend the proposed revision to Committee for consideration.

3 How does this deliver objectives of the Corporate Plan?

		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.
		
		

4 Context and Key Issues

- 4.1 In 2019, the Local Government Association (LGA) developed a Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of Local government to continue to aspire to high standards of leadership and performance.
- 4.2 During the 2020/21 municipal year the Council's Ethical Standards and Member Development Committee undertook a comprehensive review of the Council's ethical framework and following consultation with elected members recommended the adoption of the LGA's Model Code of Conduct to Full Council. Full Council approved the code and the revised arrangements on 23rd March 2021 (minute no. 41/21 refers).



4.3 On 21st September 2021, the LGA circulated an amended Code of Conduct for consideration. The proposed amendments have been considered alongside the Council’s Code of Conduct and are set out in Appendix 1.

4.4 The changes are as follows:

Page/Paragraph Reference	Proposed Amendment	Purpose/Implications
Page 7, Paragraph 7.2	Should read ‘Local Authority’ not just ‘local’	Offers clarity as the sentence does not make sense reading just ‘local’.
Page 12, Paragraph 8 c.	Should be amended to read: "a financial interest or wellbeing of a body included under Other Registrable Interests as set out in Table 2 "	This offers further clarity on disclosure of non-registrable interests.
Page 12, Paragraph 9	‘your’ should be amended to ‘the’	This makes it clear that it includes financial interests that are not just the members, but could be a relative or close associate.



Page/Paragraph Reference	Proposed Amendment	Purpose/Implications
Page 12, Paragraph 10	para 10 to be amended to read: "Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it"	This amendment offers further clarity and simplifies the issue.
Page 13 – Table 1	Remove “Any unpaid directorship”	This should not be in the criminal chart as it was not incorporated into legislation
Page 15 – Table 2	paragraph to be amended to read: You must register as an Other Registerable Interest : a) any unpaid directorships	Amended to include the “unpaid directorships” removed from Table 1.



Page/Paragraph Reference	Proposed Amendment	Purpose/Implications
	<p>b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority</p> <p>c) any body</p> <p>(i) exercising functions of a public nature</p> <p>(ii) directed to charitable purposes or</p> <p>(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)</p> <p>of which you are a member or in a position of general control or management</p>	

- 4.4 In accordance with Best Practice 3 of the Code of Conduct, the Council has undertaken a review of the Code of Conduct.
- 4.5 In line with the review, it is recommended that the amendments should be made as proposed and the matter be submitted to the Committee and Full Council seeking approval to the amendments.



- 4.6 The current Arrangements have been in operation for almost 12 months, during which time there has been 12 complaints. Of those 12, 10 have been resolved at the preliminary stages, 1 has been referred for an investigation and 1 is pending a Decision Notice.
- 4.7 There have not been any issues reported in relation to the Arrangements and they appear to be working well. There are therefore no amendments required at this stage. A full review will take place in early 2023.

5 Implications

Resources:	There are no resource implications arising from this report
Legal and Governance:	The changes make the Code of Conduct more clear. There are also changes that are necessary to ensure it is consistent with statutory provisions, such as the changes to 'unpaid directorships'.
Risk:	There are no risks to implementation of the changes. The Council would be more at risk by not making the changes, given that it has adopted the Model Code of Conduct previously.
Equality:	There are no equality issues arising from this report.
Health and Wellbeing:	There is no impact on health or wellbeing arising from this report.
Social Value	There are no implications for social value arising directly from this report.

6 Appendices

Appendix 1 – Code of Conduct Review

7. Background Papers

Current Code of Conduct and Arrangements

<https://sandwellintranet.moderngov.co.uk/ecSDDisplay.aspx?NAME=SD402&ID=402&sch=doc>

