

Report to Ethical Standards and Member Development Committee

Date 23 March 2022

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| 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.



3 How does this deliver objectives of the Corporate Plan?

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|  |  | The Council's ethical governance framework and arrangements support the Council toward achieving its strategic objectives and ambition. |
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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. Items 1 and 2 details activity that has been progressed since previously reported to the last meeting of the committee on 22 February 2022. Items 3-6 are the complaints that have been received since the last meeting of the committee.

5 Alternative Options

- 5.1 None – the report is provided for information.

6 Implications

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| 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. |



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| 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. |

7. Appendices

None.

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/22/10/21-a | Elected member | <p>This complaint is against 2 elected members.</p> <p>It is alleged that the subject members have breached the code of conduct and their position as Cllrs</p> <p>Potential breaches of the members code of conduct 1.1,1.2, 3.1, 5.1</p> | <p>Complaint received 22/10/21.</p> <p>DMO assessing the complaint</p> <p>Matter referred for investigation 10/12/21</p> <p>Investigation due to be completed 28/2/22</p> <p>Due to availability witness investigation completion delayed. Investigation due to be completed by 18 March 2021</p> | Green | | |
| 2. MC/171221 | Member of the public | <p>It is alleged that the subject member has breached the code of conduct</p> <p>Potential breaches of the members code of conduct 2.3, 5.1 and 6.1</p> | <p>Complaint received 17/12/21</p> <p>Complainant provided further evidence 21/1/21</p> <p>Decision notice completed 2/2/22,</p> | Green | Matter to be closed | |



| Case Ref | Complainant | Code Provisions/ Ground for complaint | Date received and progress to date | Deadline Red: Amber: Green: | Outcome | Learning identified |
|----------------------|----------------------|---|--|--------------------------------------|---------|---------------------|
| | | | no further action, no breach of the code identified. | | | |
| 3. 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 | Matter currently under assessment by the Monitoring Officer | Green | | |
| 4. MC/010322 – 2 (a) | Officer | 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 | Matter currently under assessment by the Deputy Monitoring Officer | Green | | |
| 5. MC/010322 – 2 (b) | Officer | 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 | Matter currently under assessment by the Deputy Monitoring Officer | Green | | |
| 6. MC/020322 | Member of the Public | It is alleged that the subject member has breached the code of conduct | Matter currently under assessment by the Monitoring Officer | Green | | |



| 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 5.1. 9.1 | | | | |

