

# Annual Report of the Ethical Standards and Member Development Committee 2021-2022



# Chair's Foreword

I am pleased to present the Annual Report of the Ethical Standards and Member Development Committee for 2021-22.

I became Chair of the Committee in October 2021 and welcomed the new challenge. The role is completely different to those I have undertaken previously.

I would like to take this opportunity to reflect on all of the hard work undertaken by the previous Chairs of the Committee. In particular, the member engagement sessions around the review of the Code, Arrangements and all the member policies in this area was a hugely successful piece of work leading to more stringent and workable policies which are clearly demonstrating positive outcomes and improvement.

In particular, I would also like to refer to the new MyCouncillor Portal, a very successful tool which is continuously being improved upon to assist members in their roles.

Similarly, I am looking forward to working on enhancing the member development programme and induction training in the coming months.

Alongside all the positive work, there has been some sadness following the tragic event involving Sir David Amess MP, triggering an urgent review of our own processes. I can give assurance that further work is being undertaken to ensure the safety of elected members when undertaking their duties.

I would also like to take this opportunity to emphasise to all members the importance of attending the standards training that is offered every year. These sessions are essential to your understanding of the Code of Conduct and are also a useful discussion forum for members about ethical issues.



Finally, I would like to thank members of the Ethical Standards and Member Development Committee and the Independent Persons for their attendance and contributions during the past year and also the Monitoring Officer and his officers who have provided support throughout the year.



**Councillor Keith Allcock**  
**Chair of the Ethical Standards**  
**and Member Development Committee**



# Committee Activity Overview

## 1.1 Work Programme Spotlight

Following on from the comprehensive review of the Members' Code of Conduct and Arrangements for Dealing with Standards Allegations undertaken last year, the Committee's work programme has continued to look at those matters identified as part of the review and also its regular programme in relation to member development programme, personal safety of elected members, gifts and hospitality, national cases and the work of the Committee on Standards in Public Life. In particular the business of the Committee included:-

## 1.2 Ministry of Housing, Communities and Local Government – Response to Local Authority remote meetings: call for evidence

On 25 March 2021, the Ministry of Housing, Communities and Local Government opened a call for evidence to seek views on the use of the arrangements which had provided express provision for local authorities to hold meetings remotely or in a hybrid format during the coronavirus pandemic.

The call for evidence sought to understand the experience of local authorities in the whole of the UK regarding remote meetings.

The Committee considered that for smaller committees, virtual meetings had led to improved attendance and engagement. It was also considered that online meetings provided extra convenience to members of the public who could watch the livestream or an online recording of the meeting.

The Committee recognised that physical meetings were still necessary, especially for larger committees and full council meetings.

The Committee noted the wider benefits associated with remote meetings such as reduced travel costs and CO<sub>2</sub> emissions and greater participation by members and public alike.



The Director – Law and Governance and Monitoring Officer prepared a response behalf of Sandwell based on the views of the Committee.

### 1.3 Gifts and Hospitality

The Monitoring Officer maintains a public register of members' interests and also a record of any gift or hospitality received. The revised Gifts and Hospitality guidance was approved by Full Council on 23 March 2021. The value of gifts and hospitality required to be declared by members was reduced to £50.00 (previously set at £100.00).

Following the Committee on Standards in Public Life Best Practice recommendations (attached), gifts and hospitality has been added as a standing item for each meeting of the Ethical Standards and Member Development Committee, allowing the Committee to review new entries to the Council's register for elected members' gifts and hospitality declarations.

Guidance is available to all Members on how to treat offers of gifts and hospitality and the process for declaring such offers. This guidance forms part of the Council's Constitution.

### 1.4 Complaints Updates

An updated on the activity of the Council's Monitoring Officer in relation to complaints received under the Councillor Code of Conduct is submitted to each meeting of the Ethical Standards and Member Development Committee.

Analysis below setting out statistics for a three-year period highlights the volume of cases dealt with compared to the most current period showing a more manageable caseload.

<b>Member Complaints</b>	
<b>Calendar Year</b>	<b>Number of Cases</b>
2019	6
2020	20
2021	12
2022	4



## 1.5 Review of Personal Safety of Elected Members

The Committee had considered personal safety of elected members in October 2019 with a further review to be undertaken in 12 months' time. The review had, however, been delayed due to the pandemic.

There was an ongoing programme of personal safety training for elected members.

Councillors had received revised guidance notes on general personal safety in the wake of the recent incident involving an MP (i.e. lone-working, undertaking surgeries and walking to their vehicles).

A further review of personal safety for elected members will be undertaken by the Ethical Standards Working Group to ensure all options had been considered and addressed.

## 1.6 Member Development Programme

The Elected Member Development Programme has been designed and led by members since phase one began in 2018.

At its inception, a Local Government Association Peer Review team were briefed on the progress relating to the Member Development Programme. Their feedback was outstanding, describing the progress relating to the MDP as 'phenomenal', adding that the programme was an 'exemplar' in relation to the approach taken and delivery to date. Officers from the LGA have kept in regular contact since to observe progress and help on request.

Since phase one of the Member Development Programme commenced in October 2018, over 130 sessions have been delivered. An inevitable switch to virtual learning in light of the pandemic has not affected the quality and effectiveness of the training delivered. Phase two of the programme has taken on board feedback from Member Personal Development Plan (PDP) meetings and emphasis on key issues affecting the borough have been introduced. These include Climate Change, Universal Credit, Understanding Extremism, Midland Metro briefings, hate crime and much more. Take up continues to be encouraging.





These phases have served member development well over the past 3 years, but it is time to refresh the member development programme from the new Municipal Year. Currently, a Member Development Strategy is being drafted that will take on board feedback from the Governance and LGA peer reviews. A new member development programme will include essential, important, specialist and bespoke learning that is underpinned by robust support arrangements and development plans where applicable. PDP's will continue to act as a key review mechanism at timely intervals of the monitoring process.

## 1.7 Review of Independent Persons for Dealing with Standards Matters

There are currently two Independent Persons in place. Mr Tew's term of office had been extended by Full Council in January 2022 for a further four year period. Mr Phillips' term of office is until March 2024. There is currently one vacancy.

Following a recent recruitment exercise, a further review is being carried out by the Ethical Standards Working Group as to options available.

The Protocol for Independent Persons appointed under the Localism Act 2011 has been reviewed and will be included in the suite of documents submitted to Council following the annual review of the Members' Code of Conduct, Arrangements for Dealing with Complaints under the Code and Social Media Policy.

## 1.8 MyCouncillor Portal

The MyCouncillor portal was introduced in March 2021 as a platform hosting a range of tools and information to support elected members in their roles. Governance arrangements and a phased approach were agreed with high member participation in focus groups and workshops.

Member usage of the portal has continued to increase in line with the roll-out. The member enquiry mechanism continues to prove popular, between 65 councillors a total of 5,850 enquiries have been routed through the portal's 'Raise a new Case' (4,446 enquiries) and Report it (1,404 enquiries) functions up to 18 January 2022. On average around 50 councillors per month are using the portal. The average rating of the system, as scored by Councillors remains high at 4.8 out of 5.



The portal is more than a casework management system and signposts members to important information such as crime maps, planning applications, ASB incidents, FAQ's, press releases and coronavirus updates that can be utilised at surgeries or as part of their day to day roles.

To ensure that the platform continues to evolve in line with member needs, feedback has been actively sought via training sessions, member briefings, 1-1's and e-mail exchanges.

Based on 75 items of feedback the following changes, new functions and improvements have been developed which went live in January 2022. Members were encouraged to adopt these changes as they added improvements to make the system more intuitive, as well as provide added functionality.

An updated version of the Councillor User Guide was circulated to all members to adopt these improvements.

To further develop the portal to meet member's needs, and to ensure that we are working with the latest technology available by the MyCouncillor supplier (Granicus), the look and feel of the 'Dashboard' & MyCasework' list functions in the portal is being updated and will be rolled out when extensive testing has taken place.

Governance arrangements and extensive reporting is in place to inform Senior Officers and Members of key performance statistics that are driving continuous improvement to achieve response times in line with service level agreements established. These will be reviewed at regular intervals.

In February, Sandwell entered the Municipal Journal awards for the design, implementation and performance of the portal in the category of 'Digital Transformation'. The shortlist will be announced at the end of March.





## 1.9 DBS Checks for Elected Members

The Council is under a statutory duty to promote and maintain high standards of conduct, as set out in the Localism Act 2011. The introduction of DBS checks for members was raised as part of the consideration of this duty at the Member Engagement sessions held in December 2020.

One of the recommendations was that further consideration be given to the benefits of DBS checks and whether they should be introduced at this Council. There are 3 levels of checks, a basic DBS check, a Standards DBS Check (for certain defined roles) and an enhanced DBS Check.

The matter was reported to the Ethical Standards Working Group at its meeting on 5 October 2021. There was also a motion submitted to Full Council at its meeting on 7 December 2021 proposing that all elected members should be vetted.

The Committee has considered the matter and recommended that members in specific roles should be asked to consent to enhanced DBS checks and a protocol has been prepared for consideration by Full Council.

## 1.10 Annual Review of the Members' Code of Conduct and Arrangements for Dealing with Complaints under the Code

On 23 March 2021, 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.

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. A desktop review of the Arrangements has been completed and no amendments are recommended at this stage.



However, the LGA has made some amendments to the model Code of Conduct, and the Committee therefore recommended that the same amendments are made to the Council's Code of Conduct.

### **1.11 Review of the Committee on Standards in Public Life Best Practice Recommendations**

As part of its review of ethical standards in local government, the Committee on Standards in Public Life set out a number of Best Practice Recommendations.

Following the Council's response to the recommendations and the review of the Member Code of Conduct and Arrangements last year, a further review of the Best Practice Recommendations has been undertaken to highlight the Council position and progress made (see attached).

### **1.12 Review of Social Media Policy**

The Social Media Policy was approved in March 2021 and an annual review has been undertaken.

The Committee determined that the content is still relevant, as such, no changes are required, other than some minor amendments for clarity.

Social media can be a fantastic tool for members in promoting themselves and the Council when it is used properly. It is necessary to have a Social Media Policy and also provide member training on all aspects of social media so they are equipped to use it to their advantage and avoid some of the pitfalls.

As part of the Member Development Programme, Social Media Training will be offered to all members. Given this is a specialist area, it is considered that this would best be delivered by an external trainer. Options for the training are being investigated.



# The Committee

- 2.1 The Localism Act 2011 removed the requirement for a national code of conduct and statutory standards committees and set out a light touch framework for a new ethical regime. The Act places a general obligation on the Council to promote and maintain high standards of member conduct.
- 2.2 Whilst there is no requirement to have a standards committee, standards issues and casework need to be dealt with due to the statutory obligation for a council to promote high ethical standards. The Council decided to retain a standards committee in 2021-22, including the wider remit of member development.
- 2.3 The main functions of the Ethical Standards and Member Development Committee are to:-
- (a) promote and maintain high standards of conduct and ethical governance by members and co-opted members of the Council;
  - (b) assist members and co-opted members of the Council to observe the Council's Code of Conduct;
  - (c) advise the Council on the adoption or revision of a Code of Conduct for members and co-opted members;
  - (d) monitor the operation of the Council's Code of Conduct for members and co-opted members;
  - (e) advise, train or arrange for training for members and co-opted members of the Council on matters relating to the Council's Code of Conduct;
  - (f) develop and offer to all members an annual programme of development activities which provides members with development opportunities that support the Council's corporate priorities, identifying sufficient resources to deliver an effective Member Development Programme.



- 2.4 The Committee also appoints to two sub-committees which form part of the arrangements for dealing with complaints about breaches of the Member Code of Conduct. These sub-committees may consider investigation reports referred to them by the Monitoring Officer and conduct hearings (including the imposition of sanctions).

These sub-committees operate according to the principles of natural justice and human rights legislation and ensure that both the complainant and the subject member receive a fair hearing.

### **Membership of the Committee**

- 2.5 Inclusion of experience from all areas of the decision-making process gives the Committee a broad base of experience from which to make well-rounded decisions on ethical matters.
- 2.6 The Council's Constitution includes role descriptions for the Chair of the Ethical Standards and Member Development Committee and for its members. The role descriptions emphasise the impartial and non-political nature of the conduct of the Ethical Standards and Member Development Committee.

### **Independent Persons**

- 2.7 Section 28(7) of the Localism Act 2011 requires local authorities to appoint at least one Independent Person to advise the Council before it makes a decision on an allegation. The Independent Person also advises a member facing an allegation who has sought the views of that person. There are restrictions on who can be appointed as the Independent Person, in general the Independent Person cannot be a councillor, officer of Sandwell Council or their relative or close friend.
- 2.8 The Act gives discretion to appoint one or more Independent Persons but provides that the Independent Person must be consulted before any decision is taken on a complaint which has been investigated.
- 2.9 The Council currently has two Independent Persons; Mr John Tew and Mr Richard Phillips. A recruitment exercise is underway (see para 1.7).



- 2.10 The remit of the Independent Persons has been extended by The Local Authorities (Standing Orders)(England)(Amendment) Regulations 2015 in relation to changes to statutory dismissal procedures for heads of paid service, monitoring officers and chief finance officers. In the case of a proposed disciplinary action against one of the statutory officers, the Council is required to invite Independent Persons who have been appointed for the purposes of the members' conduct regime under section 28(7) of the Localism Act 2011 to form an independent panel.
- 2.11 Independent Persons are invited to attend all meetings of the Ethical Standards and Member Development Committee as observers.

### **Officer Support to the Committee**

- 2.12 The Monitoring Officer is one of the Council's statutory officers, appointed under Section 5(1) of the Local Government and Housing Act, 1989. The Monitoring Officer is responsible for ensuring that the Council and its members act lawfully; do not cause maladministration; and comply with the Code of Conduct for Members. He is the primary source of advice for members on the requirements of the Code of Conduct and also has specific statutory duties such as securing the investigation of complaints of member misconduct.
- 2.13 The Monitoring Officer is also the principal adviser to the Ethical Standards and Member Development Committee and its Sub-Committees and is assisted by the Deputy Monitoring Officer. More information about the role of the Monitoring Officer can be found in Article 12 of the Council's Constitution.

## **The Ethical Framework**

### **Members' Code of Conduct**

- 2.14 The Council's Code of Conduct assists members and co-opted members to meet the provisions of the Localism Act 2011 and is available on the Council's website.



- 2.15 All elected members are issued with a copy of the Code of Conduct and on appointment are required to sign an undertaking to comply with the Code. Members also receive induction training and subsequent refresher training on the provisions of the Code and how to carry out their duties in line with the Code. This training is delivered by the Monitoring Officer/Deputy Monitoring Officer. The Monitoring Officer also issues guidance to councillors appointed to outside bodies by the Council to assist them in understanding the impact of the Members' Code of Conduct.
- 2.16 Part 2 of the Members' Code of Conduct requires elected and co-opted members to give written notification to the Monitoring Officer of any disclosable pecuniary interests and other registerable interests to be included in the Council's statutory Register of Interests within 28 days of election or appointment, and to update their declarations as appropriate by notifying any amendments or new interests within 28 days of becoming aware of them.
- 2.17 This register of interest is available for public inspection, and individual members' declarations of interest can be inspected at any time on the Council's website through the committee management information system. The Register of Interests and Declarations of Interest are periodically reviewed by the Monitoring Officer and are made available for inspection by the Ethical Standards and Member Development Committee on a regular basis.
- 2.17 Members are also obliged to disclose any interests at meetings where those matters are to be discussed. These declarations are recorded in a register open for public inspection and are also noted on the committee management information system.
- 2.18 The Monitoring officer also maintains a register of sensitive data which is recorded on the elected members declaration but not the public record. The elected member must make a case to the Monitoring Officer to have information placed on the sensitive register.





- 2.19 A review of the Code of Conduct was undertaken following the publication of the LGA Model Code of Conduct. As part of the Best Practice Recommendations of the Committee on Standards in Public Life, an annual review is taken of the Code of Conduct (a desktop review one year and a full review the following year). A desktop review has been undertaken and no changes have been recommended. However, some changes have been recommended by the LGA and these have been submitted to the Committee/Full Council for approval.
- 2.20 The Council has a protocol for members on gifts and hospitality giving additional guidance on the requirement of the Members' Code of Conduct for members to declare gifts and hospitality received. These declarations are recorded in a register which is open for public inspection and are also recorded in their individual entries on the committee management information system. The Register of Gifts and Hospitality is periodically reviewed by the Monitoring Officer and an update is provided to each meeting of the Ethical Standards and Member Development Committee, following the Committee on Standards in Public Life Best Practice Recommendations.

### **Arrangements for Dealing with Standards Allegations**







- 2.21 The Localism Act 2011 requires authorities to adopt arrangements for dealing with complaints about breaches of the Member Code of Conduct. The arrangements for dealing with standards allegations have been revised, alongside the review of the Member Code of Conduct (see paragraph 2.1 above).
- 2.22 Details of complaints received in relation to member conduct and the progress and outcome of consideration of these complaints are reported to each Ethical Standard and Member Development Committee.



## Allegations of Misconduct by Members

- 2.23 Under the new ethical framework, all complaints of misconduct come direct to the Monitoring Officer. The Monitoring Officer will review every complaint received and take a decision as to whether it merits formal investigation. Where the Monitoring Officer is unable to resolve the complaint informally and feels it merits formal investigation after consultation with the Independent Person(s), he will appoint an Investigating Officer who will prepare a report concluding whether or not there is evidence of a failure to comply with the Code of Conduct.
- 2.24 The Monitoring Officer receives the draft report and determines if the report is sufficient. If the Monitoring Officer concludes that there is evidence of a failure to comply with the Code of Conduct, he will either send the matter for local hearing before a sub-committee or, after consulting the Independent Person, seek local resolution.

## How the work of the Committee contributes to the Corporate Plan

		Through its work in promoting high standards of conduct, the Committee makes a positive contribution to the quality of governance of the authority.
		
		The standards of conduct influence public trust in the authority and enables Members to work effectively in the community.

## Continuous Development

- 3.1 The Ethical Standards and Member Development Committee is responsible for advising, training or arranging for training for members and co-opted members of the Council on matters relating to the Council's Code of Conduct. The Monitoring Officer, his deputy(s) and a senior legal officer deliver relevant training to all members and co-opted members on behalf of the Committee.



- 3.2 The Committee considers summaries of cases of national interest to ensure that it is up to date with how complaints about member misconduct are being dealt with in other authorities around the country, so that members can bring this knowledge to any cases in Sandwell.
- 3.3 The Committee also considers the Annual Report of the Committee on Standards in Public Life to broaden understanding and current topics.
- 3.4 The Ethical Standards and Member Development Committee continues to develop its own skills and expertise.

## Looking Ahead

To help promote high standards and conduct and continuous development of elected members, the Committee will continue to work on the Member Development Programme, developing the MyCouncillor Portal and building on the review of the Members' Code of Conduct, Arrangements for Dealing with Complaints under the Code and the suite of supporting documents.

