

Minutes of Ethical Standards and Member Development Committee

**Tuesday 22 February 2022 at 2.30pm
in the Council Chamber, Sandwell Council House, Oldbury**

Present: Councillor Allcock (Chair)
Councillors Dhallu, Z Hussain and C S Padda.

Observer: Mr John Tew (Independent Person).

Also present: Surjit Tour (Director of Law and Governance – Monitoring Officer), Elaine Newsome (Service Manager - Democracy), Phil Challoner (Civic and Member Services Manager), Andrew Langford (Senior Lead Officer Digital Transformation), Trisha Newton (Senior Democratic Services Officer) and Connor Robinson (Democratic Services Officer).

1/22 **Apologies for Absence**

Apologies for absence were received from Councillors Akhter, Kausar and Mr Richard Phillips (Independent Person).

2/22 **Declarations of Interest**

No declarations of interest were made.

3/22 **Minutes**

The minutes of the meeting held on 9 November 2021 were agreed as a correct record and signed by the Chair.



4/22 **Additional Item of Business**

There were no additional items of business to consider.

5/22 **My Councillor Portal Update**

The Committee received an update on the My Councillor Portal.

Member usage of the portal had continued to increase in line with the roll-out. The member enquiry mechanism continued 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. On average around 50 councillors per month were using the portal.

The portal would undergo continuous improvement and updates would be submitted to the Committee.

Following comments and questions from members of the Committee it was confirmed:-

- there were a host of reports available that would allow the system to monitor and identify performance rates. Service areas could be looked into and the quality of responses could be monitored;
- the speed and quality of responses to enquires made through the Portal had been raised with directors and senior managers.

The Committee also noted that Sandwell had entered the Municipal Journal awards for the design, implementation and performance of the portal in the category of Digital Transformation.

6/22 **DBS Checks for Elected Members**

The Committee considered DBS checks for elected members in certain roles.



The Council was 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 had been 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 were three levels of checks, a basic DBS check, a Standard DBS Check (for certain defined roles) and an enhanced DBS Check.

Prior to 2012, Local Authorities routinely carried out Criminal Record Bureau (CRB) checks on elected members. However, the Protection of Freedoms Act 2012 created the Disclosure and Barring Service and a new system of checks. This included a more restrictive set of criteria to determine when checks could be carried out and on whom. Since 2012, the issue of DBS checking for Councillors has become a policy matter for individual Councils.

The matter was reported to the Ethical Standards Working Group at its meeting on 5 October 2021, with a full report due to be submitted to the Committee. In the meantime, there had been a motion submitted to Full Council at its meeting on 7 December 2021 proposing that all elected members should be vetted. There was considerable debate in the Chamber and the approved motion welcomed the decision of the Council's standards committee to include the consideration of enhanced DBS checks for elected members in their work programme.

Standard and Enhanced DBS checks could only be undertaken if the specific role, or the specific activities carried out within the role, were included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975 (access to standard DBS certificates), and were also covered by the Police Act 1997 or Police Act 1997 (Criminal Records) regulations (access to enhanced DBS certificates). These laws only provided eligibility for DBS checks, they did not make them a requirement.

Decisions on when and whether to undertake a DBS check were for the relevant employer or regulator to make. If the Council were considering asking a person to apply for either a standard or



enhanced DBS check, as the employer, the Council was legally responsible for making sure the job role was eligible. The job roles of Councillors did not meet the requirements for a standards DBS check.

There was currently no legal basis on which the Council could require or seek Enhanced DBS Checks for all Elected Members.

In response to questions, it was confirmed:-

- the Council could not be involved in any DBS checks prior to Election, this was a Group matter;
- basic DBS checks contained limited information, however, enhanced checks would include all offences. Enhanced checks could not be undertaken as a matter of routine, only for specific roles;
- there was no legal requirement for elected members to undertake a DBS check.

The Committee approved the introduction of DBS Checks for specific member roles, which would be subject to Council approval. Prior to submission to Full Council for consideration, a DBS Protocol would be prepared (in consultation with the Ethical Standards Working Group) and a further report would be submitted to the next meeting of the Committee.

Resolved:-

- (1) that the DBS policy and procedure for elected members and co-opted members be considered by the Ethical Standards Working Group and a further report be submitted to the next meeting of Committee in order to make recommendations to Full Council for the following members being asked to consent to Enhanced DBS Checks:-

- The Leader
- Deputy Leader
- Cabinet Members for Children and Adults
- All Members of Children's Services and Education Scrutiny Board and Health and Adults Social Care Scrutiny Board



- Members of the Corporate Parenting Board
- Members of the Health and Wellbeing Board, and
- Any other Member who may regularly come into contact with children or vulnerable adults as part of their Council role.

7/22

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

The Committee considered the review of Members' Code of Conduct and Arrangements for Dealing with Complaints under the Code.

Last year the Council had adopted the Local Government Association's (LGA) Model Code of Conduct and updated its Arrangements for Dealing with Complaints under the Code of Conduct.

It had been agreed that the Code of Conduct and Arrangements would be reviewed on an annual basis alternating between a desktop review and an annual review.

The desktop review had taken place and minor amendments were proposed to the Members' Code of Conduct, as suggested by the LGA. There were no amendments required to the Arrangements.

Recommended to Council:-

- (1) that the revisions to the Members' Code of Conduct be approved;
- (2) that, subject to (1) above, the Director of Law and Governance be authorised to make the necessary changes to the Council's Constitution.



8/22

Annual Review - Register of Members' Interests

The Committee considered the annual review of the Register of Members' Interests.

The Director of Law and Governance confirmed that the Council's present arrangements complied with statutory provisions.

As part of the rollout of the Council's committee management system, Mod.gov, it was proposed that a self-serve option would be available for members to update their own registers of interest.

9/22

Gifts and Hospitality Register

The Committee considered the Gifts and Hospitality Register and declaration of interests made by Members.

Following the Best Practice recommendations made by the Committee on Standards in Public Life, the Gifts and Hospitality Register was a standing agenda item for meetings of the Committee.

No new entry to the Gifts and Hospitality Register had been made since the last meeting of the Committee.

10/22

National Cases

The Committee received and discussed details of national cases, as part of its learning and development.

11/22

Complaints Update

The Committee received details of complaints received in relation to member conduct and the progress on the complaints.



12/22 **Work Programme**

The Committee noted the Ethical Standards and Member Development Work Programme for the remaining 2021/22 municipal year.

Meeting ended at 3.26pm

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