

Ethical Standards and Member Development Committee

Annual Report 2024-2025



Chair's Foreword

I am pleased to present the Annual Report of the Ethical Standards and Member Development Committee for 2024-25.

It has been another productive year with positive progress being made in continuing the development of ethical standards and member development across the Council.

The report highlights just some of the work the Committee has undertaken throughout the year to ensure that standards remain high and we continue our progress towards achieving the Council's Improvement Journey.

I would also like to take this opportunity to thank all members for attending and participating in the training that has been offered this year. We are producing a new Membership Development Plan shortly and we will continue to take advantage of the different training options available to us.

I would like to thank members of the Ethical Standards and Member Development Committee for their support and contributions during the past year. Additionally, I would also like to thank our Council officers for their work and support.

Councillor Bob Piper
Chair of the Ethical Standards
and Member Development Committee

1. 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, 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 Member Development Programme

The Member Development Programme (MDP) aims to offer learning and development in support of Member effectiveness and confidence in their roles. The MDP remains a live document that aims to meet any evolving development need and regular updates will continue to be presented to the committee for the foreseeable future.

Throughout 2024-2025, the Ethical Standards Working Group met on several occasions to provide feedback on the Member Development Programme which included the Council's approach to member training, advice and guidance to members and the strategy for supporting the Member Development Programme.

1.3 Member Consultation

A member survey was available for completion by elected members between 24 December and 16 January 2025. In addition, two Microsoft Teams sessions were held to encourage feedback and suggestions on the member development programme, one to ones have taken place with the Leader of the Council and the Leader of the Opposition, along with Cabinet Members. In total, 35 members have engaged in the consultation process.

Feedback from members has revealed valuable insights into their current engagement levels. Suggested improvement areas and how changes can be incorporated into the programme were received.

1.4 Councillor Development Charter

The Councillor Development Charter is part of the LGA's co-ordinated approach to sector-led improvement across local government. It is an important tool that provides councils with a robust framework, flexible to meet local needs, to ensure effective leadership, equipping members with the support they need and to provide resilience in times of challenge.

Once the Member Development Strategy and the associated improvements to the member development programme and arrangements are embedded, it is proposed to review the effectiveness of the changes through feedback and assess the offer against the criteria set out in the LGA's Councillor Development Charter.

1.5 Member Toolkit

The Member toolkit is a digital toolkit designed to better equip members for their roles and to provide easy access to a suite of resources. Information is available to assist Councillors to: support their constituents, be aware of their responsibility as committee members, view FAQs and access advice and guidance from external agencies such as the Local Government Association.

The Toolkit is scheduled to be launched in April 2025. Following its launch, regular feedback will be maintained with members to ensure it's a useful tool to enable more effective use of member time.

1.6 Attendance Figures

The learning and development events are offered over a variety of mediums including in-person and virtual sessions to ensure that members can access training via their preferred route. The use of external facilitators is incorporated where possible and has received positive feedback on many occasions.

Significant feedback had been received from members regarding non-attendance with many members stating reasons for absence which included time constraints and the feeling that they already hold relevant knowledge in the subject matter. As a result, a two-

year training scheduled would be introduced to provide members with a clear roadmap of training opportunities.

1.7 Personal Development Plans and Training Needs Analysis

The Personal Development Plan (PDP) discussion is a confidential process and will be undertaken by officers as well as within respective Groups with peer members. It will identify the individual Member's development needs and inform the annual review of the Member Development Programme and a personal development programme for the Member concerned.

1.8 Member's Disclosure and Barring Service Checks Protocol Review

The DBS protocol and accompanying processes had been in place since its approval at Full Council on 28 March 2023, it was important that the implementation and compliance of the protocol was reviewed to ensure that it was meeting objectives.

The Council was limited in its powers and could not legally mandate Councillors to comply with carrying out a DBS check. Instead, it would need to be the role of the individual political groups that comprised the Council to implement internal party policies to address the matter.

Additionally, it was noted that undertaking DBS checks on an annual basis was labour intensive for officers due to the significant timescales involved with the DBS process. As a result, members were minded that a better approach would be to carry out DBS checks every three years instead. Although this was a deviation from the initial protocol, the Council already operated on a three-year basis for officers.

As a result, the Committee recommended that Council agree to undertake Disclosure and Barring Service (DBS) checks for members on a three-year basis instead of on an annual basis.

The position as of February 2025 is as follows:

Basic checks

21 checks completed and checked by relevant officer (Overall, 26 have been completed and checked by the relevant officer; the additional five need to be upgrade to complete and enhanced checked.

Outstanding online applications to be made for basic checks: 31.

Enhanced DBS – Adults Workforce (15)

Ten checks completed and checked by relevant officer.

Outstanding online applications to be made: 10.

1.9 Personal Committee on Standards in Public Life Annual Report 2023-2024

The Committee on Standards in public life is an independent, advisory non departmental public body sponsored by the Cabinet Office, which advises the Prime Minister on arrangements for upholding ethical standards across the whole of public life in England. The Committee achieved this by undertaking independent reviews and producing evidence-based reports.

On 25 March 2024, the Committee on Standards in Public Life announced a review into accountability within public bodies. In recent years, several examples of major failures within public institutions had been witnessed, where opportunities had been missed to address issues before they escalated. The review aimed to investigate how public bodies could do their best to ensure that issues were uncovered and addressed rapidly. A report by the Committee on Standards in Public Life on this topic was expected to be published in Spring 2025.

1.10 Register of Members' Interests and Modern.gov

The statutory requirements relating to the Register of Members' Interests are set out in Section 29 of the Localism Act 2011. It requires the Monitoring Officer to establish and maintain a Register of Members' Interests which also includes the interests of co-opted members of the Council.

Throughout 2024-2025, the Committee continued to monitor the rollout of Modern.gov's committee management system self-serve function. This option had been developed and implemented to allow members to directly access and update their registers. Additional training had been provided throughout this period and further training is available on request.

The Committee were pleased that up-take had been positive and evidence clearly showed that the system was being used as intended. Future plans include a "reminder" feature to ensure members are reminded to update their register's regularly. The function also enables the public to view details of each individual member's interests.

1.11 Gifts and Hospitality

The Monitoring Officer maintains a public register of members' interests and also a record of any gift or hospitality received with an estimated value of at least £50.00. The Register of Members' Gifts and Hospitality is available for inspection by the public at all reasonable hours.

Declarations of gifts and hospitality by individual members are also recorded on the Council's committee management system, sandwell.moderngov.co.uk, on the Council's web site and can be accessed at any time from the internet.

Following the Committee on Standards in Public Life Best Practice recommendations, gifts and hospitality remain 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, even when a gift is rejected or turned down. This guidance forms part of the Council's Constitution.

1.12 Complaints Updates

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

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

Member Complaints	
Calendar Year	Number of Cases
2020/21	16
2021/22	14
2022/23	10
2023/24	11
2024/25	12

There continued to be a significant reduction in the number of complaints received when compared to previous years. Members regularly sought sensible advice in relation to a variety of matters.

1.13 National Cases

Within its terms of reference, the Ethical Standards and Member Development Committee has a duty to promote high ethical standards amongst Members. As well as complying with legislation and guidance, the Committee demonstrated learning from issues arising from local investigations and case law.

Some notable cases highlighted to the Committee include:

- [Leading councillor breached code of conduct at 'generally inappropriate' town hall meeting and apologises](#)
- ['Uncivil' Cambridgeshire councillors breach code of conduct](#)
- [Councillor 'broke code of conduct' in planning vote](#)

- [Councillor jailed after sustained campaign against head of legal and chief executive](#)

By considering national cases of significance, the Ethical Standards and Member Development Committee is better informed and placed to discharge its duty to promote high ethical standards.

2. 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 2022-23, 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 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 one Independent Person; Mr Richard Phillips, who's contract has recently been extended until 2027
- 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.
- 2.18 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.
- 2.19 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.

- 2.20 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 review has been undertaken and no changes have been recommended.
- 2.21 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

- 2.22 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).
- 2.23 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

- 2.24 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.

- 2.25 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.

3. 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.

March 2025