

Minutes of the Standards Committee held in Conference Room 2, Walsall Council House

Monday 30 September 2024 at 6.00pm

Committee Members present:

Councillor R. Martin (Chair)
Councillor R. Burley (Vice Chair)
Councillor M.A. Bird (Substitution)
Councillor H. Bashir
Councillor I. Hussain
Councillor R. K. Mehmi
Councillor K. Sears

Independent Persons:

D. Mardner
A. Green

Officers Present:

T. Cox – Director of Governance
H. Dudson – Assurance Manager
L. Cook – Democratic Services Officer
J. Thompson – Democratic Services Officer

38. Apologies

Apologies were received from Councillors Andrew, Larden, and Samra.

39. Substitutions

Councillor Bird substituted for Councillor Andrew.

Formal conformation was received that Councillor Follows had replaced Councillor Rasab as a Member of the Standards Committee for the remainder of the Municipal Year 2024/25.

40. Declarations of Interest

There were no declarations of interest.

41. Local Government (Access to Information) Act 1985 (as amended)

There were no items to be considered in private session.

42. **Minutes**

A copy of the Minutes of the meeting held on the 15 July, 2024 was submitted [annexed].

Resolved

That the minutes of the meetings held 15 July, 2024, copies having being circulated in advance, be approved as the correct record.

43. **Local Government and Social Care Ombudsman Annual Report**

The Assurance Manager presented a report regarding the information received from the Local Government and Social Care Ombudsman (LGSCO) in relation to the number and range of complaints that were referred to the Council during the financial year 2023/24.

[see annexed]

It was highlighted that there had been a small reduction in complaints relating to Walsall Council when compared with previous years. However, there had been an increase in the percentage of complaints upheld by the LGSCO, which mirrored a national trend. The Assurance Manager advised that the figures detailed in the report regarding the number of complaints received and determined would not match, as some complaints were determined in a different financial year to when it was received.

The Assurance Manager further advised that new to the 2023/24 report were figures for uphold rates per 100,000 residents.

Members considered the report, which was followed by a period of questioning. Questions included the reasons for a delay in responding to the LGSCO regarding the high number of Special Educational Needs and Disabilities (SEND) and Education, Health and Care (EHC) complaints and whether this was due to staff working from home and communication issues. The Assurance Manager advised that there had been a change in the deadline to provide information to the LGSCO. The delay was due to limited resource and not related to working offsite. However, this was being reviewed to ensure that checks were being made.

Members sought clarification on how complaints from the LGSCO were handled independently of the service areas and what action the LGSCO could take. The Assurance Manager explained that link officers work separately to Directorates ensuring that they remain independent in the complaints process. The LGSCO could make recommendations such as payments to complainants, guidance on best practice. In addition, the LGSCO have the power to request information and issue public interest reports.

Members deliberated as to whether Standards Committee was the most appropriate forum to receive the annual report suggesting that the Cabinet or Audit Committee could be suitable. The Director of Governance advised that the matter required further investigation and would be considered as part of the wider Governance report to Annual Council.

Discussion ensued as to whether it be useful for the Committee to receive information from the LGSCO regarding complaints of a specific nature such as culture and behaviour, should the annual report be considered by an alternate committee. The Director of Governance advised that it may be appropriate for the Committee to consider segments of the LGSCO report, where there had been a failure to follow the Nolan principles in public life.

Resolved

That:

- 1. The report be noted.**
- 2. The Director of Governance considers which committee should receive the Local Government and Social Care Ombudsman Annual Report in future, as part of the wider Governance report to Annual Council.**

44. Member DBS Check Update

The Director of Governance presented an update report on the status of criminal record check update by Members.

[see annexed].

An update regarding the published report was provided. Members were advised that 53 Members had a valid basic or enhanced criminal record check with 7 Members without a valid check.

In responding to a question, the Director of Governance advised the Committee that criminal record checks were carried out every 4 years. Members were asked to confirm, by way of an annual declaration, whether there had been any changes to their criminal record since their last check. The Director of Governance advised that he endeavoured to increase the completion rate of the annual declaration forms by Members, as it was highlighted that the number was low.

Resolved

That:

- 1. The information available on DBS checks for Members contained within the report be noted; and**

2. The Committee receives a further update on the uptake of voluntary DBS checks by elected Members in January, 2025.

45. Declarations of Interest

The Director of Governance presented a report in relation to Disclosable Pecuniary Interests, Other Registerable Interests and non-registerable interests.

[see annexed]

He highlighted the statutory requirement to maintain a register of Member's and Co-opted Member's interests.

In presenting the report, he emphasised the importance of re-establishing the Working Group to continue the work in regard to non-registerable interests and specific training to all Members in respect of declaring interests. This was particularly important as failure to register or disclose a disclosable pecuniary interest could result in a criminal conviction. Further, it was important to assure residents that Members make decisions in an open and transparent manner.

A Member asked for clarification on competitive interests where Members sat on decision-making Committees and were considering licensing matters of businesses that were in competition with their own interests. The Director of Governance advised that Members who had a direct interest in a decision would be classed as a Disclosable Pecuniary Interest. However, individual cases must be determined on the relevant facts. This was an area that could be focussed on when training Members.

A Member expressed that in their view, Members involved in decisions on Licensing matters, should not be connected to the Licensing trade or industry, as a competitive interest. The Director of Governance advised that external legal advice had been confirmed that there was no law to prevent it. However, this was something for the Working Group to explore further.

The Director of Governance advised that regular reminders were sent to Members regarding interests and training and support was available. He advised that if Members were uncertain regarding declaration of interests at meetings, they should leave the meeting, contact him directly or speak with Democratic Services for guidance.

Resolved

That:

- 1. The report be noted; and**
- 2. The Committee re-establish the Working Group to review disclosable and non-disclosable interests to consist of Councillors Bashir, Burley, Follows, Martin, Mehmi, and Independent Persons Ms D. Mardner and Mr A. Green.**

46. **Conduct of Councillors in Meetings**

The Director of Governance presented a report in relation the conduct of Councillors in meetings [see annexed].

In presenting the report, the Director of Governance explained the standards expected by members noting that there were various rules within the Council's constitution for addressing behaviour that falls below that expected. He referred to the draft informal protocol appended within the report and advised that he would discuss this with Group Leaders, to ascertain whether they would wish to raise this within their respective groups.

A Member referred to a previous speech they had made at a meeting of Council. Whilst some Members subsequently reported finding the comments offensive, the statements made in their opinion, were true. The member added that complaints in relation to other matters had been examined by an external solicitor, to ensure impartiality.

A Member queried if an informal protocol should apply to other forms of communication such as email. The Director of Governance advised that Members should maintain high standards of conduct in debate and outside of Council meetings. Members discussed a recent email that was circulated to Members, The Director of Governance reminded them that this was being dealt with accordingly by the authority.

The Director of Governance asked Members to consider if an informal protocol would reinforce or distract from the Councillor Code of Conduct or could other solutions be applied such as training sessions. Mr Green added that points raised within the informal protocol were already referenced in the Councillor Code of Conduct, and alluded that it may undermine the Councillor Code of Conduct.

Members expressed an interest in sanctions such as suspending or disqualifying Members who failed to comply with the Councillor Code of Conduct. The Director of Governance stated that a change in primary legislation would be required for such sanctions as the Council had no power of suspension of Members for failures to comply with the Code. He noted that the Committee on Standards in Public Life had previously included such powers in a recommendation to the Government. There were common law sanctions that could be applied such as requesting a Member apologise in writing or at a meeting, restrictions on resources and technology such as IT and to prevent a Member from entering a building.

Mr Green advised the Committee that there were very few complaints about officer and Member conduct in relation to the Code of Conduct, which was testament that the Code of Conduct worked.

Resolved

That:

1. The report be noted; and
2. The Committee requested the Monitoring Officer to discuss the issue of a voluntary protocol in relation to Councillor behaviour in meetings with the Group Leaders and would report back on these discussions at a future meeting of the Committee.

47. **Date of next meeting**

The next meeting of the Committee is scheduled for 27 January, 2025.

There being no further business, the meeting terminated at 7.31 p.m.

Signed:

Date: