

STANDARDS COMMITTEE

Venue: Town Hall,
Moorgate Street,
Rotherham. S60 2TH

Date: Thursday, 13th December,
2012

Time: 2.00 p.m.

A G E N D A

1. Apologies for Absence.
2. To determine if the following matters are to be considered under the categories suggested, in accordance with the Local Government Act 1972.
3. To determine any item which the Chairman is of the opinion should be considered as a matter of urgency.
4. Minutes of the previous meeting held on 27th September, 2012 (herewith) (Pages 1 - 3)
5. Monitoring Officer Update (Pages 4 - 5)
6. The Localism Act 2011 and the Code of Conduct (Pages 6 - 7)
7. Briefing from the Chief Executive
8. Date and Time of Next Meeting - Thursday, 14th March, 2013 at 2.00 p.m.

STANDARDS COMMITTEE
27th September, 2012

Present:- Councillors Beck, Gosling, Middleton, Pitchley, P. A. Russell, Sims and Tweed and also Mrs. A. Bingham, Mr. I. Daines, Mr. P. Edler, Dr. G. Musson and Ms. J. Porter.

Also in attendance was Mr. P. Beavers, Interim Independent Person.

An apology for absence was received from Councillor Gilding.

B4 APPOINTMENT OF CHAIRMAN

Resolved:- That Councillor Gosling be appointed Chairman of the Standards Committee for the remainder of the Municipal Year 2012/2013.

(Councillor Gosling in the Chair)

B5 APPOINTMENT OF VICE-CHAIRMAN

Resolved:- That Councillor Sims be appointed Vice-Chairman of the Standards Committee for the remainder of the Municipal Year 2012/2013.

B6 THE LOCALISM ACT 2011 AND THE STANDARDS REGIME - CURRENT POSITION

Consideration was given to a report presented by Jacqueline Collins, Director of Legal and Democratic Services, which detailed the approvals previously made by Cabinet and the Council to the preparation of a revised Code of Conduct, the establishment of a new Standards Committee and the allowances to be paid and other arrangements to support the standards regime introduced by the Localism Act, 2011.

The report also went on to outline the arrangements that have been adopted by the Council to ensure the maintenance of high ethical standards.

Further information was provided on the revised Code of Conduct which largely reflected the previous Code with revisions to meet the requirements of the Act in terms of Disclosable Pecuniary Interests.

Reference was also made to the membership of the new Standards Committee and its composition of eight Elected Members, three Parish Council representatives and five Independent Members (who are non-voting members). It was also noted that all the Parish and Town Councils had been contacted to see if they wished to participate in the Council's Standards Committee and to date sixteen Parish Councils have indicated that they wish to participate in the Council's Standards Committee. The Yorkshire Local Council's Association was to run the election to select the three representatives to sit upon the Committee.

Under the Localism Act there was also now a statutory appointee whose role it was to support the maintenance of high standards of ethical behaviour. A recruitment exercise in July was not successful and a further exercise was now

being undertaken. In the meantime the Independent Person for Doncaster Borough Council (Mr. P. Beavers) had been approached and indicated his willingness to act as the Independent Person for the Council should any urgent matters arise. The Council approved this arrangement, pending the formal appointment of an Independent Person.

The closing date for the recruitment process was 28th September, 2012 and plans were in hand for the interviewing process.

It was also suggested that the next meeting received reports on the procedure to consider allegations, whether amendments were required to the Terms of Reference of the Committee and on the outcome of the election of Parish Council representatives.

A number of comments were made on the revised Code of Conduct, which had been submitted for information relating to:-

- Whether or not the word "Metropolitan" should appear in the name of "Rotherham Borough Council".
- Description of the Independent Members and whether they were "co-opted" as "Independent Members".
- Declaration of a personal interest by Elected Members and the duration of the obligation to declare when in receipt of a gift.
- Declaration of a personal interest by Elected Members and when and when not obliged to declare an interest.

It was suggested by the Committee that clarification be sought on the obligations to declare and timescales involved to ensure all declarations were open and transparent and to avoid any misconceived perception by members of the public.

Resolved:- (1) That the report be received and the contents noted.

(2) That the composition of the Interview Panel and dates for the interviews/appointment of the Independent Person be approved.

(3) That reports on the procedure to consider allegations, any amendments to the Terms of Reference of the Committee and the outcome of the election of Parish Council representatives be submitted to the next meeting in December, 2012.

(4) That clarification be provided to the next meeting on the obligations of an Elected Member in declaring personal interests.

B7

TRAINING/INDUCTION

Consideration was given to a request by Jacqueline Collins, Director of Legal and Democratic Services, which was to ascertain the wishes of the newly established Standards Committee with regards to induction/training requirements and whether they were in favour of Martin Kimber, Chief Executive, being invited to the next meeting to take forward the new arrangements.

Copies of a briefing note to Elected Members and "A Guide for Councillors on the Openness and Transparency on Personal Interests" by the Department for Communities and Local Government were circulated to those present, which sought to provide basic practical information about personal interests now that the new standards arrangements had been introduced by the Localism Act, 2011.

It was noted that a training session for Elected Members would take place on Thursday, 18th October, 2012 at 6.00 p.m. in the Town Hall and a further session arranged for Parish Councillors and Clerks during November, 2012. Details of the dates and times would be circulated should the Members of the Committee choose to attend.

Resolved:- (1) That the contents of the briefing note and guide circulated at the meeting be noted and received.

(2) That an invitation be extended to the Chief Executive to attend the next meeting of the Standards Committee to be held during December, 2012.

(3) That details of the training events be circulated to all members of the Standards Committee in due course.

B8 DATE AND TIME OF NEXT MEETING

Resolved:- That the next scheduled meeting take place on Thursday, 13th December, 2012 at 2.00 p.m.

Rotherham Borough Council - Report to Members and Independent Members

1.	Meeting:	Standards Committee
2.	Date:	13th December 2012
3.	Title:	Update from the Monitoring Officer
4.	Directorate:	Resources

5. Summary

To update the Committee with regard to referrals under the Code of Conduct; dispensations that have been granted; the ballot of the Town and the Parish Councils to select representatives to the Committee and the recruitment of the Independent Person.

6. Recommendations

That the Committee notes the report.

7. Proposals and Details

Update upon Referrals under the Code of Conduct

The Monitoring Officer is required by Council to report to the Committee upon cases where the informal resolution of complaints without investigation has been sought.

Currently there are five matters being considered at a preliminary stage, in consultation with the Independent Person. One matter has not been proceeded with under the Council's procedure as it did not involve the Councillor acting in a public capacity.

Dispensations

In accordance with the Localism Act, the Code of Conduct and the powers delegated to the Monitoring Officer, the following dispensation has been granted to all those Town and Parish Councils that have delegated their functions in relation to Standards matters to the Council:-

“to take part in the discussions, vote and remain in the meeting room when setting council tax or a precept under the Local Government Finance Act 1992 or any other enactment.”

It is proposed to provide a similar dispensation to Borough Councillors.

Ballot of Parish Councils

The Yorkshire Local Councils Association is conducting the ballot of Parish Councils, with a view to three representatives being appointed to the Standards Committee. The ballot will be conducted throughout December.

Recruitment of Independent Person

The interviews for this position are to be held on the morning of the Committee meeting and a verbal update will be provided at the meeting.

8. Risks and Uncertainties

As contained in the report.

9. Policy and Performance Agenda Implications

None

11. Background Papers and Consultation

None

Contact Name: Jacqueline Collins, Director of Legal and Democratic Services, telephone 01709 255768 or email Jacqueline.collins@rotherham.gov.uk

Rotherham Borough Council - Report to Members and Independent Members

1. Meeting:	Standards Committee
2. Date:	13th December 2012
3. Title:	The Localism Act 2011 and the Code of Conduct
4. Directorate:	Resources

5. Summary

The Standards Committee at its last meeting proposed changes to the Code of Conduct, which are discussed in the report.

6. Recommendations

That the Committee considers and, if appropriate, approves amendments to the Code of Conduct.

7. Proposals and Details

At its meeting on 27th September the Committee considered the new Code of Conduct, which had been drafted to meet the requirements of the Localism Act 2011.

Under the current Code the arrangements for the registration of interests, the disclosure of interests at meetings and participating in the discussion when a Member has either a personal interest or a disclosable pecuniary interest are:-

	Personal Interest	Disclosable Pecuniary Interest
Registration	Yes	Yes
Disclosure at meeting	Only if not already notified to Monitoring Officer (1)	Yes (1)
Participation in discussion / vote	Yes	No (unless granted a dispensation)

(1) N.B. If the interest is sensitive the Member need only disclose its existence and not its nature.

Following discussions at the previous meeting it was proposed that the Code be amended to provide that, where a Member has a personal interest in any business of the Council, in addition to disclosing that interest upon the Register of Interests form, it should be necessary to declare that interest at the meeting. The proposal was discussed at the Parish Council Network on 22nd November and was considered to enhance the transparency of the process and provide increased clarity both for Members and others.

In addition to this amendment the Committee should consider whether, in addition to declaring a personal interest, a Member should be allowed to remain in the meeting and participate in the discussion or should withdraw.

8. Risks and Uncertainties

As contained in the report.

9. Policy and Performance Agenda Implications

None

11. Background Papers and Consultation

None

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