

**STANDARDS COMMITTEE
14th March, 2013**

Present:- Councillor Gosling (in the Chair); Councillors Beck, Gilding, Middleton, Pitchley, P. A. Russell and Sims and also Parish Councillors Bates and Rowley and also Mrs. A. Bingham, Mr. I. Daines and Ms. J. Porter.

Apologies for absence were received from Councillor Tweed, Parish Councillor R. Swann and Mr. P. Edler.

B14 MINUTES OF THE PREVIOUS MEETING HELD ON 13TH DECEMBER, 2012

Resolved:- That the minutes of the meeting of the Committee held on 13th December, 2012 be approved as a correct record.

B15 UPDATE FROM THE MONITORING OFFICER - BALLOT OF PARISH COUNCILS, DISPENSATIONS AND THE REPORT OF THE COMMITTEE ON STANDARDS IN PUBLIC LIFE, STANDARDS MATTER

Consideration was given to the update presented by Jacqueline Collins, Monitoring Officer, which provided details on:-

- Ballot of Parish Councils and the appointment of three representatives to the Standards Committee.
- Dispensations and the powers delegated by the Council to grant dispensations from the Code of Conduct in certain circumstances. In accordance with that delegated power dispensations had been granted to all Members of Rotherham Borough Council to participate in the discussion and vote in respect of housing rents and facilities charges, district heating charges and setting of the Council Tax on the 28th January, 2013 for a period of four years and also to Parish Councillors Daines and Hays of Thorpe Salvin Parish Council to participate and vote on matters relating to wind turbines at Clay Pit Lane for a period of two years.
- Standards Committee authority to grant dispensations and the requests that had been submitted by:-
 - Councillor G. Jarvis from Anston Parish Council - to allow him to remain in any Parish Council meetings to discuss matters relating to allotments, but not to vote.
 - Councillor M Richardson, Vice Chairman of Maltby Town Council – to allow him to remain in any Parish Council meetings to discuss matters relating to bowling, but not to vote.

- Standards Matter – the report of the Committee on Standards in Public Life, which was a review of best practice in promoting good behaviour in public life.

The Committee considered in detail the applications for dispensations and whilst mindful that discussions involving the matters referred to were of interest to the Parish Councillors, were content that as both gentlemen were not wishing to participate in the vote, their contribution to the discussions could be of some value.

Reference was also made to the report on “Standards in Public Life” and the need to maintain high standards in the interests of society as a whole and the need to pay greater attention than before to standards of behaviour in internal systems.

Information was also shared relating to an Ethical Standards Survey that used to be presented to the Committee. Further investigation would take place to ascertain the existence of such a survey, especially as Lord Justice Leveson’s report also raised the importance of standards regulators being both demonstrably independent and armed with robust sanctions.

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

(2) That Parish Councillors David Rowley, Dennis Bates and Richard Swann be welcomed to the Committee as co-opted, voting members, serving for a period of four years.

(3) That dispensations be granted for the applications as submitted for Parish Councillors Jarvis and Richardson for a period of four years.

(4) That the “Standards in Public Life” document be monitored and the status of the Ethical Standards Survey be established.

B16

AMENDMENTS TO THE CODE OF CONDUCT

Further to Minute No. B11 of the meeting of this Committee held on 13th December, 2012, consideration was given to a report presented by Jacqueline Collins, Monitoring Officer, which proposed changes to the Code of Conduct in respect of personal interests.

The Committee asked that an amendment to the Code should be introduced to ensure that Members should disclose personal interests at meetings where business affecting those interests was discussed. Previously it was only necessary to disclose those personal interests which had not already been notified to the Monitoring Officer.

Where a personal interest was “of such significance that it warranted withdrawal” a Member should consider not participating in the discussion and withdrawing from the meeting. A copy of the changes was circulated with the report.

In these circumstances consideration was given to the Chairman of a meeting taking the final decision regarding the withdrawal of the Member. However, as the failure to withdraw from a meeting in these circumstances may result in a breach of the Code of Conduct, the final decision regarding withdrawal must rest with the Member concerned. The responsibility for taking that decision could not appropriately be shared with the Chairman or anybody else.

The Committee noted that these amendments were only relevant in respect of the Council's Code. The National Association of Local Council's Code, which had been adopted by seven Town and Parish Councils in the Borough, had different requirements with regard to the declaration of disclosable pecuniary interests and other interests. The issue of whether there should be a common Code of Conduct in operation throughout the Borough would be considered at a future meeting.

Resolved:- That the proposed amendments to the Code of Conduct be approved.

B17 EXCLUSION OF THE PRESS AND PUBLIC

Resolved:- That, under Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part I of Schedule 12A to the Local Government Act (as amended March, 2006) (information relates to an individual).

B18 UPDATE FROM THE MONITORING OFFICER REGARDING THE REFERRAL OF MATTERS UNDER THE CODE OF CONDUCT

Consideration was given to a report presented by Jacqueline Collins, Monitoring Officer, which provided an update in respect of five matters that had been referred to the Monitoring Officer under the Code of Conduct.

The five matters were outlined in detail and the recommendations by the Monitoring Officer taken into account.

Discussion ensued on the matters, as set out in the report, and it was suggested that for future reports the comments of the Independent Person be incorporated where they had been consulted.

The recommendations of the Monitoring Officer were accepted, but it was suggested that consideration be given to a training session for Elected Members, with an invitation being extended to Parish Councillors, on sensitivities around social media networks.

Resolved:- That the report be received and the actions taken with regards to referrals under the Code of Conduct be noted.

(Parish Councillor D. Bates left the room whilst matters relating to Complaint 5 were discussed on the basis that he was also a member of the same Parish Council)

B19 LOCALISM ACT 2011 AND THE STANDARDS REGIME - APPOINTMENT OF INDEPENDENT PERSON

Consideration was given to a report presented by Jacqueline Collins, Monitoring Officer, which set out details of the recruitment process undertaken to appoint an Independent Person and the options for appointment.

As the Council has only authorised the appointment of one Independent Person to offer support and guidance on ethical issues, authority would need to be sought should the Committee wish to recommend the appointment of more than one Independent Person.

Discussion ensued on the calibre of the candidates, the recommendation on who should be appointed and the possibility of appointing an additional Independent Person of a similar status to the first, which could provide Rotherham with the experience and expertise to deal with any issues that may arise.

Recommended:- (1) That David Roper-Newman be appointed as Independent Person, for a period of four years.

(2) That consideration be given to the appointment of an additional Independent Person, giving the Council two in total to deal with any issues that may arise.

B20 DATE AND TIME OF NEXT MEETING

Resolved:- That a further meeting be held on Thursday, 13th June, 2013, commencing at 2.00 p.m.