

STANDARDS COMMITTEE

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

Date: Thursday, 12 September
2013

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 13th June, 2013 (herewith) (Pages 1 - 4)
5. Update from the Monitoring Officer (report herewith) (Pages 5 - 7)
6. Exclusion of the Press and Public.
The following item is likely to be considered in the absence of the press and public as being exempt under Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended March 2006) (information relates to an individual).
7. Update on Investigation into Incident on 30th April, 2013 (report herewith) (Pages 8 - 9)
8. Date and Time of Next Meeting - Thursday, 12th December, 2013 at 2.00 p.m.

**STANDARDS COMMITTEE
13th June, 2013**

Present:- Councillor Gosling (in the Chair); Councillors P. A. Russell and Sims, along with Parish Councillors Bates, Rowley and Swann and also Ms. J. Porter.

Apologies for absence were received from Councillors Gilding, Middleton, Pitchley and Tweed and Mrs. A. Bingham, Mr. P. Edler, Mr. I. Daines and Dr. G. Musson.

Also in attendance were Mr. B. Cutts (member of the public) Mr. D. Roper-Newman, Independent Person and Mr. B. Beevers, Interim Independent Person.

B1 MINUTES OF THE PREVIOUS MEETING HELD ON 14TH MARCH, 2013

Resolved:- That the minutes of the previous meeting of the Standards Committee held on 14th March, 2013 be approved as a correct record.

It was also noted that Dr. G. Musson had formally submitted her resignation from the Committee. The Committee passed on their thanks and appreciation for all her work and support.

B2 UPDATE FROM THE MONITORING OFFICER REGARDING THE REFERRAL OF MATTERS UNDER THE CODE OF CONDUCT

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

- (a) A complaint that a Borough Councillor had inaccurately completed the Register of Interests form and in doing so had intended to deceive – the Councillor subsequently submitted a revised Register of Interests form and the Monitoring Officer had concluded that there had been no intention to deceive.
- (b) A complaint in respect of poor chairmanship of a Parish Council - the Monitoring Officer considered that this did not raise any issue that could constitute a breach of the Code of Conduct and, therefore, no further action was taken.
- (c) A complaint that a defamatory letter had been written by a Parish Councillor - the Monitoring Officer determined that as the letter was written by the Parish Councillor in their private capacity the Code of Conduct was not engaged. The Independent Person, who also considered the documents, reached the same conclusion.
- (d) As reported to the Standards Committee at its last meeting, there have been complaints and counter-complaints regarding the standards of behaviour of Anston Parish Councillors. To date over fifteen allegations have been received. The allegations cover a

range of matters including poor conduct, inappropriate conduct, derogatory comments and discrimination in the application of Standing Orders. The Monitoring Officer has determined that all of those matters should be dealt with informally by local resolution. To date, the Independent Person and Deputy Monitoring Officer have attended a Parish Council meeting. The Independent Person met with one of the Councillors complained about for an informal discussion regarding standards. It was proposed that the Independent Person meet with members of the public in the parish and then have a further meeting with the Parish Councillors. It was envisaged that this would conclude the informal resolution of the complaints.

Resolved:- That the report be received and the steps that have been taken with regard to referrals under the Code of Conduct be noted.

B3 CONFIDENTIAL REPORTING CODE

Consideration was given to a report, presented by Jacqueline Collins, Monitoring Officer, which provided an update on the contents of the current Confidential Reporting Code (the "Whistle Blowing" Policy) and the referrals for the year 2012-13. The Monitoring Officer held responsibility for the Code, a copy of which was appended to the submitted report. The Code was reviewed annually and this process was completed in May 2013.

Referrals made under the procedure were reported nationally under the Audit Commission Fraud Corruption Survey. There were no referrals made to the Monitoring Officer during the year 2012-13.

The Committee noted the intention to enhance the prominence of confidential reporting and anti-fraud measures within the Council, which would be achieved by way of manager briefings. It was noted that the responsibility for reviewing strategy and initiatives rested with the Audit Committee.

Resolved:- That the contents of the Confidential Reporting Code, as now submitted, be noted.

B4 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).

B5 APPOINTMENT OF AN ADDITIONAL INDEPENDENT PERSON

Further to Minute No. 113(2) of the meeting of the Council held on 17th April, 2013, consideration was given to a report, presented by Jacqueline Collins, Monitoring Officer, concerning the establishment of an additional Independent Person post.

The Standards Committee was, therefore, asked to make a recommendation to Council regarding the appointment to this post.

The Panel of Independent Members that conducted the recruitment of the current post of Independent Person recommended a second candidate who they believed showed a balanced, rational and objective way of interpreting problems.

The Committee were aware, however, that the Council had appointed an Interim Independent Person prior to the formal appointment of the Independent Person who had been actively involved in consultation and discussions upon a number of standards issues.

Discussion ensued on the calibre of the two proposed candidates and the merits of such an appointment.

Recommended:- That Mr. P. Beevers be appointed as a second Independent Person for the borough of Rotherham, for a period of four years.

B6 ALLEGATIONS OF BREACHES OF THE CODE OF CONDUCT

Consideration was given to a report, presented by Stuart Fletcher, Deputy Monitoring Officer, which detailed the allegations of misconduct by a Parish Councillor which, if proved, would constitute a serious breach of the Code of Conduct for Elected Members.

A Panel, formed from independent members of the Standards Committee, gave preliminary consideration on the 24th May, 2013, to the allegations and recommended that the Standards Committee should direct that an investigation be undertaken.

The Committee considered whether, taking into account the contents of the report and the recommendation of the Panel formed from independent members, an investigation should be conducted into allegations of breaches of the Code of Conduct at and following the annual Parish Meeting at the Parish Council. The Committee also considered who should meet the costs of such an investigation.

Discussion ensued and it was confirmed that a Police investigation into the alleged assault was pending. Consideration was also given how best to proceed should an investigation by the Council be approved. Questions were raised about the meeting and whether the Parish Councillor was there in his official or unofficial capacity.

As these matters could not be determined without an investigation and bearing in mind the seriousness of the allegations, the Committee considered whether the actions should be investigated further.

The Committee were mindful of the costs relating to investigating the allegations and were of the view that the Parish Council concerned should have some financial accountability for the investigation.

A report considering the costs implications of investigations undertaken in respect of Parish Council matters would be brought to the next meeting.

Resolved:- That, having determined the details of the case against the Local Assessment Criteria, an investigation into the allegations be approved.

B7 DATE AND TIME OF NEXT MEETING

Resolved:- That a further meeting of the Standards Committee be held on Thursday, 12th September, 2013 at 2.00 p.m.

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Standards Committee
2.	Date:	12th September, 2013
3.	Title:	Update from the Monitoring Officer
4.	Directorate:	Resources

5. Summary

To update the Committee on matters that have been referred to the Monitoring Officer under the Code of Conduct and a revision to the Confidential Reporting Code.

6. Recommendations

That the Committee notes the steps that have been taken.

7. Proposals and Details

The Monitoring Officer has the responsibility to seek resolution of allegations of breaches of the Code of Conduct without formal investigation wherever practicable and for determining whether a complaint should be referred to a panel of independent members of the Standards Committee for further consideration. This is an update on the exercise of that function.

1. The informal resolution of the complaints relating to Anston Parish Councillors continues. The Independent Person, Phil Beavers, has attended a meeting of the public in Anston to gauge their views. This will be followed by the Independent Person and the Monitoring Officer attending meeting of the Parish Council in October. The Independent Person will share his findings with the Parish Council and make recommendations regarding future actions, such as training, to bring the matter to a close.
2. Two related complaints that a Borough Councillor had posted offensive remarks on Twitter. It was concluded that the Elected Member was tweeting in his private capacity and therefore the Code of Conduct was not engaged. David Roper-Newman, Independent Person, was consulted and reached the same conclusion.
3. A complaint that a Borough Councillor make incorrect allegations regarding a member of the public, on the elected member's Twitter account. It was concluded that the posting of the information by the Councillor was done in his private capacity and therefore the Code of Conduct was not engaged. David Roper-Newman, Independent Person was consulted and formed the same view.
4. Four queries with regard to the Register of interest of Elected Members. Following consultation with the relevant Members the forms were updated and the issue resolved. There was no evidence of a deliberate attempt by the Elected Members to deceive or withhold information.
5. A complaint regarding the content of a comment made by a Borough Councillor on the Rotherham Politics website. It was concluded that the comment had been made in the Councillor's private and not public capacity. Therefore, the Code of Conduct was not engaged. David Roper-Newman, Independent Person, was consulted upon the complaint and formed the same view.

Confidential Reporting Code.

Members will recall that the updating of this code (the "Whistle Blowing Policy") was reported to the last meeting. Since then the Enterprise and Regulatory Reform Act 2013 has introduced changes to the safeguards offered to employees who make such disclosures. Briefly the policy must now cover protected disclosures made in the public interest; the requirement that such disclosures must be made in good faith is removed; the position that employee's complaints regarding their own contract of

employment should be raised as a grievance is clarified and the policy must ensure that other employees do not mistreat whistle blowers.

The Council's Code has been amended accordingly.

8. Finance

None.

9. Risks and Uncertainties

The proper consideration of complaints under the Code of Conduct will enhance the standing of all councils and elected members with the Borough.

10. Background Papers and Consultation

Files held by the Monitoring Officer

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