

## STANDARDS COMMITTEE

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

**Date: Thursday, 12 December  
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 12th September, 2013 (herewith) (Pages 1 - 3)
5. Update from the Monitoring Officer on Matters referred under the Code of Conduct for Elected Members (report herewith) (Pages 4 - 7)
6. Update from the Monitoring Officer (report herewith) (Pages 8 - 11)
7. 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).
8. Update on Investigation into Incident on 29th April 2013 (report herewith) (Pages 12 - 14)
9. Date and Time of Next Meeting - Thursday, 13th March, 2014 at 2.00 p.m.

**STANDARDS COMMITTEE  
12th September, 2013**

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

Apologies for absence were received from Councillor Middleton.

**B8 MINUTES OF THE PREVIOUS MEETING**

Resolved:- That the minutes of the previous meeting of the Standards Committee held on 13<sup>th</sup> June, 2013 be approved as a correct record.

It was also noted that Mrs. Angela Bingham had formally submitted her resignation from the Committee. The Committee wished to pass on their thanks and appreciated for all her work and support and asked the Monitoring Officer to write to her on the Committee's behalf.

Arrangements would be made to advertise the two vacancies that currently now existed for two independent co-opted members.

(Councillor Beck left the meeting at this point and did not participate in any debate regarding the remaining agenda items)

**B9 UPDATE FROM THE MONITORING OFFICER**

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

1. The informal resolution of the complaints relating to Anston Parish Councillors continued. The Independent Person, Phil Beavers, had attended a meeting of the public in Anston to gauge their views. This would be followed by the Independent Person and the Monitoring Officer attending meeting of the Parish Council in October. The Independent Person would share his findings with the Parish Council and make recommendations regarding future actions, such as training, to bring the matter to a close.

Phil Beavers, Independent Person, summarised his involvement to date and his position with regards to bringing the matters referred to above to an amicable resolution. Members of the public had signed up to the Nolan Principles and it was hoped that the same approach would be adopted by the Parish Council. An update on progress would be provided in due course.

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 made incorrect allegations regarding a member of the public, on the Elected Member's personal 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 concerned 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.
6. Further to Minute No. B3 of the meeting held on 13<sup>th</sup> June, 2013, the Enterprise and Regulatory Reform Act 2013 had introduced changes to the safeguards offered to employees who made disclosures under the Confidential Reporting Code. The Code must now cover protected disclosures made in the public interest; the requirement that such disclosures must be made in good faith be removed; the position that employee's complaints regarding their own contract of employment should be raised as a grievance was clarified and the Code must ensure that other employees did not mistreat whistle blowers. The Council's Code had, therefore, been amended accordingly.

The Committee considered the detail made as part of the update and the actions taken, but sought clarification from the Monitoring Officer on the discharge of functions relating to the register of interests, use of social media in a personal/professional capacity and the need for training/advice in the completion of the Register of Interests form.

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

## **B10**

### **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).

#### **B11 UPDATE ON INVESTIGATION INTO INCIDENT ON 30TH APRIL, 2013**

Further to Minute No. B6 of the meeting held on 13<sup>th</sup> June, 2013, consideration was given to a report presented by Stuart Fletcher, Deputy Monitoring Officer, which provided an update on the Police actions and the investigation by the Council which was proceeding without affecting the Police investigation and court process.

Clearly once the outcome of the legal proceedings were known this would feed into the Council's investigation and as such be presented back to the Committee for further consideration.

It was, therefore, suggested that a Sub-Committee be convened to consider the matter of whether the Code of Conduct was engaged.

The Committee considered at length the membership of the Sub-Committee, pre-determination and whether or not, in cases where complaints resulted in resource intensity and time, that the question of costs associated with investigations be met from the Parish Council to whom the complaints related.

It was suggested that the issue of costs be included as an agenda item on the next meeting of the Parish Council Network Group and whether this would prompt more Parish Councils to take responsibility for their actions.

Resolved:- (1) That the approach taken of the assault allegation being considered within the court process be noted.

(2) That Councillor Sims, Parish Councillors D. Bates and D. Rowley form the membership of the Sub-Committee to be convened to consider the preliminary issue regarding the "status" of the alleged perpetrator at the meeting.

(3) That the Parish Council Network Group be asked to consider the issue of costs for investigations for Parish Councils at their next meeting.

#### **B12 DATE AND TIME OF NEXT MEETING**

Resolved:- That the next meeting of the Standards Committee take place on Thursday, 12<sup>th</sup> December, 2013 at 2.00 p.m.

**ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS**

<b>1.</b>	<b>Meeting:</b>	<b>Standards Committee</b>
<b>2.</b>	<b>Date:</b>	<b>12<sup>th</sup> December 2013</b>
<b>3.</b>	<b>Title:</b>	<b>Update from the Monitoring Officer on Matters referred under the Code of Conduct for Elected Members.</b>
<b>4.</b>	<b>Directorate:</b>	<b>Resources</b>

**5. Summary**

To update the committee with regard to complaints that have been referred to the Monitoring Officer since the Committee last met.

**6. Recommendations**

That the Committee notes the steps that have been taken with regard to referrals under the Code of Conduct.

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## 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.

(i) Anston Parish Council

Phil Beavers, Independent Person and the Monitoring Officer, attended a meeting of the Parish Council on 21<sup>st</sup> October 2013 to discuss the current position with regard to the large number of complaints and the proposed way forward. At the meeting the Parish Councillors re-newed their commitment to abide by the seven principles of public life (the Nolan principles) and to working actively to raise the standards of behaviour of elected members. Phil Beavers is to provide a further training session in December with the Parish Councillors.

The public joined the meeting and Phil Beavers explained the proposals for resolving the current difficulties. Phil Beavers proposed and the public and Councillors agreed to a voluntary moratorium on the submission of fresh complaints whilst the current training is on-going. Whilst complaints may still be submitted if they are considered to be of a similar nature to the complaints currently being resolved by way of informal resolution, the Monitoring Officer hold them on file. Phil Beavers is hopeful that following the training the Parish Council will be able to draw a line under the current situation and to conduct themselves in a manner appropriate to elected representatives.

The Committee should note that in September a further four complaints were received. These were referred to the Independent Person and are also to be dealt with by way of informal resolution.

In addition a complaint containing eleven allegations was received against a Parish Councillor, including bringing the Parish Council into disrepute, compromising impartiality, preventing access to information, gaining advantage for political purposes, breaching the equality duties and bullying.

The Monitoring Officer determined that the allegations were both politically motivated and tit-for-tat and therefore, in accordance with the Council's assessment criteria, the complaints did not proceed.

David Roper-Newman, Independent Person, also formed this view. At the the request of the complainant, David Roper-Newman and the Monitoring Officer, met with him and his legal representative to explain how this conclusion was reached

(ii) A complaint that a Borough Councillor acted in a threatening way and suggested that he could arrange for a parking ticket to be issued to a member of the public.

Upon consideration it was concluded by the Monitoring Officer that the Councillor was not acting in his public capacity and therefore the Code of Conduct was not engaged. Phil Beavers, Independent Person, formed the same view.

- (iii) A complaint that a Borough Councillor failed to pursue a matter on behalf of the complainant.

The Monitoring Officer concluded that the Councillor had not breached any of the requirements of the Code of Conduct. Phil Beavers, Independent Person, considered the information and, independently, came to the same conclusion

- (iv) Various complaints regarding the completeness of the Register of Interests forms of the Borough Councillors.

As a result of the complaint one member added the description "none" to the section of the register relating to the interests of his spouse.

The Monitoring Officer was satisfied that there was no breach of the Code of Conduct involved.

- (v) A query regarding whether the attendance at an external event required registration as hospitality by the Mayor.

The Monitoring Officer confirmed that as the event was accepted by the Mayor on behalf of the Borough and not in his private capacity, it did not require registration.

- (vi) A complaint that a Borough Councillor was rude to the complainant at a public event.

Following discussion the Councillor issued an apology.

There are currently two other complaints being considered by the Monitoring Officer and the Independent Persons.

## **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 within the Borough.

**10. Background Papers and Consultation**

Files held by the Monitoring Officer

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**ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS**

<b>1.</b>	<b>Meeting:</b>	<b>Standards Committee</b>
<b>2.</b>	<b>Date:</b>	<b>12<sup>th</sup> December 2013</b>
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<b>4.</b>	<b>Directorate:</b>	<b>Resources</b>

**5. Summary**

To review general issues that have arisen with regard to Standards matters since the previous meeting

**6. Recommendations**

That the Committee note the steps taken and, with regard to the appointment of two new Independent Members, determines the next steps.

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## 7. Proposals and Details

### (i) Independent Members

At the last meeting it was agreed that the vacancies for two independent members of the Committee would be advertised. An advert was placed in the Rotherham Advertiser for two weeks but no applications were received.

The Standards Committee comprises of 8 elected members, 5 independent members and 3 Parish Council Members.

The role of the independent member in the complaints process, is to sit on a panel that undertakes the preliminary consideration of those complaints and makes recommendations to the Standards Committee. The procedure provides that the panel shall comprise of :-

“not less than 3 or more than 5 co in-opted independent members”.

To ensure that the procedure for considering complaints can continue to function the Committee should consider whether there are alternative ways to recruit independent members, or whether to change the number of independent members upon the Standards Committee and panel (this would require approval by the full Council).

### (ii) Openness and Transparency on Personal Interests: A Guide for Councillors

The government issued guidance upon Openness and Transparency on Personal Interests in September, which relates to the requirement for councillors to register their Trade Union interests. The Rotherham Code of Conduct already contains this obligation. Nevertheless the Monitoring Officer wrote to all Borough Councillors and to the Clerks of Town and Parish Councils to provide them with the guidance to remind them of the obligations. Hard copies of the guidance will be available at the meeting.

### (iii) Workshop

David Roper Newman, Independent Person, attended a course upon the role of the independent person, and a copy of his report is attached as appendix A.

## 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 within the Borough.

**10. Background Papers and Consultation**

None

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**ROTHERHAM METROPOLITAN BOROUGH COUNCIL**

**Report to Monitoring Officer of attendance at workshop**

1. As agreed, I attended a workshop on 9 October 2013, at South Ribble Borough Council offices, on 'The Role of the Independent Person, One Year on'.
2. This was one of a series of similar workshops being run nationally by a private company (Hoey Ainscough Ltd), and there were 22 delegates including at least one councillor and a few monitoring officers, mainly from north of England authorities.
3. The day was led by Paul Hoey (formerly of Standards for England), and Jonathan Goolden, a lawyer who has been involved in a number of high-priority investigations and LA standards issues for many years.
4. The morning session comprised a very informative background presentation on local authority standards frameworks, including history up to the present day (supplemented by handouts which are available if needed). The afternoon was taken up with syndicate work on three case studies.
5. A number of questions were posed throughout the case studies, looking at initial assessment of cases, the investigation, and decision-making process. A lot of questions were posed throughout the case studies (probably too many in the time available), but that did serve to generate a lot of good discussion.
6. There was no attempt by the organisers to suggest any 'right or wrong' way in dealing with complaints against elected members. Throughout the presenters emphasised that authorities are able to apply whatever processes are best-suited to that authority (assuming that they act within the law of course). However, after listening to the various discussions and participating in the exercises, I personally felt assured that Rotherham's case handling procedures are consistent with what seems to be best practice, and intended by the relevant sections of the Localism Act.
7. The event did not seek to 'train' Independent Persons to act in any given way but did provide a really helpful perspective on the approach to and discharge of the role. Overall I found this to be a very useful and informative day.

David Roper-Newman  
Independent Person

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