

STANDARDS COMMITTEE

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

**Date: Thursday, 11 December
2014**

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 11th September, 2014 (herewith) (Pages 1 - 4)
5. Update from the Monitoring Officer on the Handling of Complaints (report herewith) (Pages 5 - 7)
6. Standards Committee Hearing Procedure (report herewith) (Pages 8 - 10)
7. Date and Time of Next Meeting - Thursday, 12th March, 2015 at 2.00 p.m.

**STANDARDS COMMITTEE
11th September, 2014**

Present:- Councillor Sims (in the Chair); Councillors Middleton, Pitchley and Sansome; Parish Councillors D. Bates, D. Rowley and J. R. Swann and independent members Mr. I. Daines, Ms. A. Dowdall, Mr. P. Edler and Ms. J. Porter.

Also in attendance – independent persons Mr. P. Beavers and Mr. D. Roper-Newman.

Apologies for absence were received from Councillors Godfrey and Gosling and from independent member Ms. C. Saltis.

B8 NEW MEMBERS OF THE STANDARDS COMMITTEE

Everyone welcomed Ms. A. Dowdall to her first meeting of the Standards Committee.

B9 MINUTES OF THE PREVIOUS MEETING HELD ON 12TH JUNE, 2014

Resolved:- That the minutes of the previous meeting of the Standards Committee held on 12th June, 2014 be approved as a correct record for signature by the Chairman.

B10 UPDATE FROM THE MONITORING OFFICER ON THE HANDLING OF COMPLAINTS OF BREACHES OF THE CODE OF CONDUCT

Consideration was given to a report, presented by the Monitoring Officer, which provided updates in respect of complaints received recently about the conduct of certain Borough and Parish/Town Councillors. The summary of these complaints are shown below:-

(i) a complaint with regard to a member of Anston Parish Council, that the member's conduct had been disdainful and threatening.

Following consultation with the independent person, Mr. P. Beavers, the matter has been referred to formal resolution, with the other issues arising from Anston Parish Council.

(ii) a complaint that a member of Anston Parish Council has disclosed confidential information, in breach of the requirements of the Code of Conduct.

This complaint has been forwarded to the member concerned, who has been asked to provide written comments. Following the receipt of those comments, the Monitoring Officer will consider whether the matter should be referred by a sub-committee of the Standards Committee for a formal investigation.

(iii) a complaint concerning a Borough Councillor, of misconduct in public office.

The Monitoring Officer asked for further information from the complainant, during July, 2014 and no further details have been received. The Monitoring Officer proposes that this matter should now be closed and the complainant informed accordingly.

(iv) a complaint that a member of Anston Parish Council had incorrectly taken the Chair at the meeting.

Following correspondence with the complainant, the Monitoring Officer was satisfied that this complaint did not fall within the remit of the Code of Conduct as a potential breach of the Code of Conduct.

(v) a complaint that an Anston Parish Councillor had behaved in a way to bring the office of councillor into disrepute, had failed to declare an interest and had improperly conferred an advantage on a friend.

This matter has been referred to the Councillor concerned for written comments, following which the Monitoring Officer will form a view as to whether this matter should be considered by a sub-committee of the Standards Committee as to consider a formal investigation is required.

(vi) a complaint that a member of Anston Parish Council was involved in offensive and potentially defamatory conduct.

This matter has been referred to the Councillor involved for written comments, prior to the Monitoring Officer determining whether this should be referred to a sub-committee of the Standards Committee to consider whether a formal investigation is required.

In addition, reference was made to the forthcoming sub-committee hearing in respect of the conduct of another Councillor. It was noted that a report on this hearing will be submitted to the next meeting of the Standards Committee.

Discussion took place on the estimated costs of investigating complaints.

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

(2) That the Standards Committee notes the steps that have been taken to resolve the complaints.

(3) That future reports of the Monitoring Officer, relating to complaints about the conduct of Borough and Parish/Town Councillors, shall state the amounts of the costs involved in investigating such complaints.

B11

GENERAL UPDATE FROM THE MONITORING OFFICER

Consideration was given to a report, presented by the Monitoring Officer, which provided updates in respect of:-

(i) the wider publicising of the confidential reporting code, including the Council's partner agencies (as referred to at Minute No. B3 of the meeting of the Standards Committee held on 12th June, 2014)

The report stated that a reminder has been sent to all Borough Council staff with regard to the availability of the confidential reporting code. In addition correspondence has been sent to the major partner agencies to remind them of their need to act appropriately with regard to employment matters and asking them to further publicise the confidential reporting code with their employees.

Discussion took place on the implications of this reporting code for the Council's disciplinary procedures.

(ii) the Department for Business Innovation and Skills consultation – during the passage of the Enterprise and Regulatory Reform Bill 2013, the coalition Government had undertaken to review the whistleblowing framework through a call for evidence and to consider any cases for change. A copy of the consultation document on the annual reporting requirement was included as an appendix to the report. The purpose of the consultation is to seek views as to how annual reporting on whistleblowing issues should be implemented.

The Committee's discussion referred to:-

: reporting annually on whistle-blowing procedures

: the consultation document appeared to be ambiguous in its references to Members of Parliament

: the incidence of whistle-blowing

: organisational barriers to whistle-blowing

: the investigation of issues arising from whistle-blowing

: the implications of the Public Interest Disclosure (Prescribed Persons) (Amendment) Order 2014

(iii) Training on the Code of Conduct for Elected Members – an invitation will be extended to all Members of the Standards Committee to attend this training for Borough Councillors, due to take place during October 2014.

(iv) Costs of Investigating Complaints – the estimated costs will be included in future reports and will in future be included as part of the annual report on the investigation of complaints, as submitted to this Committee.

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

(2) That all members of the Committee are invited to submit their comments on the consultation document, to the Monitoring Officer, prior to completion of the questionnaire and its return to the Department for Business Innovation and Skills by the due date of 30 September 2014.

(3) That a copy of this Council's confidential reporting code be provided for all Members of the Standards Committee.

B12 DATE AND TIME OF NEXT MEETING

Resolved:- That the next meeting of the Standards Committee take place on Thursday, 11th December, 2014 at 2.00 p.m.

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

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| 1. | Meeting: | Standards Committee |
| 2. | Date: | 11th December 2014 |
| 3. | Title: | Update from the Monitoring Officer on the Handling of Complaints |
| 4. | Directorate: | Resources |

5. Summary

To update the Committee with regard to the handling of complaints of breaches of the Code of Conduct

6. Recommendations

That the Committee notes the steps that have been taken to resolve the complaints.

7. Proposals and Details

Since the previous Committee meeting the following steps have been taken to consider and respond to allegations that the Code of Conduct for Elected Member has been breached:-

1. A complaint that a member of the public has been assaulted by a Parish Councillor following the conclusion of an Annual Parish Meeting.

A Panel convened on the 20th November to hear the complaint. The case was adjourned following the consideration of a number of procedural issues. Officers are working to reschedule the adjourned hearing as soon as possible.

2. A complaint that a Parish Councillor had disclosed confidential information.

The Parish Councillor has been asked for formal comments with regard to this complaint. The Monitoring Officer will then resolve, with advice from the Independent Person, how this matter should proceed.

3. A complaint that a Borough Councillor had breached the Code of Conduct in a number of ways, including having committed misconduct in public office.

The complainants were asked for further details regarding their complaint and this information has not been received. Accordingly the Monitoring Officer proposes to close this file.

4. A complaint from a member of the public that a Parish Councillor had incorrectly taken the chair at a meeting incorrectly.

Following discussion with the Independent Person, this matter was not proceeded with as the Monitoring Officer took the view that the allegation did not reveal a breach of the Code of Conduct.

5. A complaint that a Parish Councillor had manipulated the start time of a meeting and used the member's position to confer an advantage.

The member concerned has provided written details in response to the allegation. The matter is being considered, with the Independent Person, Phil Beavers, to determine how the matter should proceed.

6. A complaint that a Parish Councillor has behaved offensively.

The Parish Councillor has been asked, for the second time, to provide a written response to enable the Monitoring Officer to consider this matter at a preliminary stage.

7. A complaint that a Borough councillor inappropriately failed to exercise his discretion at a meeting.

The Monitoring Officer considered that the complaint revealed no breach of the Code of Conduct and the matter has now been closed.

8. A complaint that a Borough Councillor has acted inappropriately with regard to a commercial concern.

This has been referred to the Independent Person, David Roper-Newman, for his consideration. The Independent Person has responded and her Monitoring Officer is making a further enquiry.

9. A complaint from a member of the public that two Parish Councillors had exhibited poor behaviour at a meeting.

Following discussion with Phil Beavers, Independent Person, this has been referred for informal resolution.

10. A complaint that a Parish Councillor has abused a process.

This has been referred to Phil Beavers, Independent person, for consideration

11. A complaint regarding the manner in which filming of a meeting was undertaken by a Parish Councillor.

The Monitoring Officer did not investigate the matter as it did not appear to be a breach of the Code of conduct, but did provide general advice to the Clerk of the Parish Council and the Councillor who had conducted the filming.

8. Finance

None

9. Risks and Uncertainties

None

10. Background Papers and Consultation

Files held by the Monitoring Officer, which may contain exempt information.

Contact Name: *Jacqueline Collins, Director of Legal and Democratic Services,*
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ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

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| 1. | Meeting: | Standards Committee |
| 2. | Date: | 11th December 2014 |
| 3. | Title: | Standards Committee – Hearing Procedure |
| 4. | Directorate: | Resources |

5. Summary

A reporting providing for a hearing procedure to be adopted in respect of Standards Committee Panel Hearings.

6. Recommendations

That the Standards Committee adopt the hearing procedure at Appendix 1.

7. Proposals and Details

The Standards Committee will from time to time be required to adjudicate upon complaints made to the Committee. This will be following an investigation and a report being prepared in respect of the complaint. A panel drawn from members of the Standards Committee will be convened for the consideration of the complaint and the investigatory report.

It is necessary for an appropriate hearing procedure to be available for use at such a hearing. Any such procedure will need to be in accordance with natural justice, allowing the individual being investigated a fair hearing and also allow for the hearing to be dealt with efficiently.

As such a procedure based on the procedure used for appeals before members in respect of disciplinary matters is herewith, and it is proposed that this procedure be adopted for Standards Committee panel hearings.

8. Finance

None

9. Risks and Uncertainties

If an appropriate procedure is not adopted, there is the risk that a complaint could be made that the procedure used has not produced a fair hearing.

Again if an appropriate procedure is not adopted, there will be uncertainty at the hearing as to the way in which the hearing should proceed.

10. Policy and Performance Agenda Implications

The adoption of an appropriate procedure will support the Standards Committee in promoting high standards of conduct.

11. Background Papers and Consultation

None

Contact Name : Stuart Fletcher, Service Manager (Commercial and Governance)
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APPENDIX 1

STANDARDS COMMITTEE – PANEL HEARING

PROCEDURE

1. The Presenting Officer shall put the case in the presence of the person, the subject of this hearing, and his/her representative and may call witnesses.
2. The person, the subject of this hearing, (or their representative) shall have the opportunity to ask questions of the Presenting Officer on the evidence given by them and any witnesses whom they may call.
3. The Panel may ask questions of the Presenting Officer and witnesses.
4. The person, the subject of this hearing, (or their representative) shall put their case in the presence of the Presenting Officer and shall call such witnesses as they wish.
5. The Presenting Officer shall have the opportunity to ask questions of the person, the subject of this hearing, (or their representative) and her/his witnesses.
6. The Committee may ask questions of the person, the subject of this hearing, (or their representative) and her/his witnesses.
7. The Presenting Officer and the person, the subject of this hearing, (or their representative) shall have an opportunity to sum up their case if they so wish.
8. The Presenting Officer, person, the subject of this hearing, their representative and witnesses shall withdraw with the exception of the representative of Legal Services advising the Panel on the process.
9. The Panel will deliberate the case in private and may call for advice as necessary from the representative from Legal Services and any other officer of the Authority whose advice is considered relevant to the case, all of whom shall remain for the duration of the Panel's deliberations. The Panel may recall anyone to clear points of uncertainty on evidence already given.